



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

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

Thirty-fourth session

Item 5 of the provisional agenda*

16 January-3 February 2006

**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 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) to submit to the Committee a report on information provided by States to the 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 will be considered at the thirty-fourth session.
2. Other information sought by the Committee refers to activities, programmes and policy decisions undertaken by the 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/2006/I/1.

**REPORT OF THE
INTERNATIONAL LABOUR ORGANIZATION**

**UNDER ARTICLE 22 OF THE
CONVENTION ON THE ELIMINATION OF ALL FORMS OF
DISCRIMINATION AGAINST WOMEN**

Geneva, November 2005

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Part I: Introduction

The provisions of article 11 of the Convention on the Elimination of All Forms of Discrimination against Women are dealt with in a number of ILO Conventions. 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 162 member states;
- Discrimination (Employment and Occupation) Convention, 1958 (No. 111), which has been ratified by 163 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, including Conventions No. 29, 105, 138, 182, 87, 98, 122, 142, 3, 103, 183, 171, 45, 175, 177.

The application of ratified Conventions is supervised in the ILO by the Committee of Experts on the Application of Conventions and Recommendations (CEACR). The information submitted in Part II of the present report summarizes relevant observations and direct requests made by the Committee (see www.ilo.org/public/english/standards/norm/index.htm, APPLIS database). For further details, see CEDAW/C/2005/I/3/Add.3.

Part II

CAMBODIA

Positions with regard to ILO Conventions

I. Cambodia has ratified Conventions Nos. 100 and 111; as well as Conventions Nos. 29, 87, 98, 105, 138, and 122.

II. The pending comments of the ILO Committee of Experts relevant to the provisions of CEDAW relate to:

Convention No. 100: Work of equal value. In its direct request of 2003 analysing Cambodia's first report on the Convention, the Committee primarily raised comments with respect to the provisions in the legislation relating to the notion of equal value and the definition of remuneration. The Committee noted in particular that Article 36(2) of the Constitution provides that Khmer citizens "of either sex receive equal pay for equal work". In addition, the Labour Act of 1997 contains two provisions that appear to give some protection to workers against discrimination in remuneration as between men and women for work of equal value: section 12, which prohibits sex-based discrimination in remuneration, and section 106, which provides for an "equal wage", regardless of sex, for "work of equal conditions, professional skill and output". The Committee asked the Government to confirm that the phrase "work of equal conditions, professional skill and output" in section 106 referred more broadly to all work of equal value. In the event that the quoted phrase has a narrower meaning under the Act, the Committee asked the Government if it is considering amending the Act to bring its coverage into line with the Convention.

Definition of remuneration. The Committee noted that the definition included in the Act excluded from the definition of "wage", health care, legal family allowance, travel expenses and benefits granted exclusively to help the worker do his or her job. Drawing attention to the broad definition of remuneration contained in the Convention, which includes these types of remuneration, the Committee asked the Government how it ensured that discrimination in remuneration as between men and women for work of equal value does not occur for the types of remuneration excluded from the coverage of the Labour Act. The Government was asked to clarify the meaning of "remuneration" in section 12. Noting that section 106 occurs in a section of the Labour Act entitled "Minimum wage", the Committee also asked the Government to confirm that section 106 covered not only the minimum wage but any wages earned by workers.

Scope of application. With regard to categories of workers protected against wage discrimination, the Committee asked the Government to indicate how the Convention applied to civil servants, police personnel and those serving in the army, the military

police and in air and maritime transportation, as these categories of workers are excluded from the coverage of the Labour Act of 1997, and specific legislation regulates their employment. At the same time, the Committee noted that the Act also excluded domestic workers from its coverage.

Wage determination and objective job evaluation. The Committee requested the Government to provide the following additional information:

- (a) the methods in operation for determining rates of remuneration and the manner in which the application of the principle of equal remuneration is promoted and ensured in this respect.
- (b) copies of collective agreements currently in force in the private sector, which include protection for equal remuneration for work of equal value, and an indication of the measures taken by employers' and workers' organizations to achieve equal remuneration for work of equal value through those agreements.
- (c) the measures taken to promote an objective appraisal of jobs on the basis of the work to be performed.
- (d) the make-up and practical activities of the Labour Advisory Committee, in so far as they bear on issues of equal remuneration.
- (e) inspections by the office of labour inspectors and controllers, including relevant statistics on the number of labour inspections conducted, and on violations of the principles of the Convention discovered and remedies applied.

Measures to promote the principle of the Convention. Finally, with respect to the newly created Commission on Human Rights and Receipt of Complaints and of the Office of the Secretary of State for Women's Affairs, the Committee requested information regarding any activities or programmes of either of these bodies that directly relate to issues of equal remuneration for work of equal value, including any public information campaigns and other outreach programmes, as well as information on complaints received by either body from workers regarding equal remuneration.

Convention No. 111: In 2004, the Committee analysed the Committee's first report and raised the following issues in a request directly addressed to the Government.

Legislation prohibiting discrimination and sexual harassment. Recalling its 2002 general observation on sexual harassment, the Committee noted that under section 172 of the Labour Code of 10 January 1997 "all forms of sexual violation (harassment) are strictly forbidden". It requested the Government to provide information on the practical application and enforcement of this provision and any other measures taken to address sexual harassment in the workplace. In addition, the Committee noted that section 12 of the Labour Code provides that no employer shall take the grounds of race, colour, sex, creed, religion, political opinion, national extraction, social origin, or trade union membership or activity into consideration when taking decisions with regard to

recruitment, work assignment, vocational training, advancement, promotion, remuneration, granting social benefits, disciplinary measures or the termination of an employment contract. It also noted that according to section 12, distinctions, rejections or acceptances based on qualifications required for a specific job shall not be considered discrimination. The Committee requested information on how these provisions are applied and enforced by the competent bodies.

Scope of application. Recalling the Convention's very broad scope of application, the Committee further requested the Government to indicate how the Convention was applied to the categories of employees who were excluded from the Labour Code's scope under its section 1 (judges, civil servants, personnel of the police, the army, the military police, employees in air and maritime transportation, as well as domestic workers), and how non-discrimination was guaranteed in access to occupations.

Practical application. Emphasizing the need to take practical and concrete measures to ensure that the constitutional and legislative provisions on equality and non-discrimination are understood, applied and enforced, the Committee requested the Government to provide information on the following points:

- (a) the measures taken to strengthen the capacity of the bodies and authorities charged with supervising the implementation of constitutional and legislative provisions on equality and non-discrimination.
- (b) Statistics on the participation of men and women and members of ethnic minority groups in the various vocational training programmes and on any measures taken to improve the training and skills of women, including rural women, and ethnic minorities;
- (c) statistics on the number of men and women and members of ethnic minority groups participating in private and public employment.

Additional information on Conventions Nos. 100 and 111: The Government has not yet submitted its report on the application of Conventions Nos.100 and 111, which was due in 2005. However, the matter will be discussed by the Committee at its session of November-December 2005.

Convention No. 122: Women's employment. In its direct request of 2004, the Committee noted from the country brief prepared by the ILO Office for the World Employment Report that labour force participation rates for 1999 were 66.3 per cent for men and 65.9 per cent for women, with much higher rates in rural areas. The majority of workers were self-employed or unpaid family workers (predominately women). Unemployment rates for 1999 were 0.5 per cent for men and 0.6 per cent for women, with slightly higher rates in rural areas. Underemployment rates for 1999 were estimated at 8.6 per cent for men and 14.7 per cent for women. The data further indicated that women were concentrated in low and unskilled employment, particularly in the informal sector, and that women comprised only 11 per cent of total paid workers, but 64 per cent of unpaid workers, mainly in agriculture. Employment of women in the garment industry

was reversing this trend to some extent, but the gender gap in education and training indicates that the gap in remuneration is likely to continue.

Convention No. 138: Exclusion of domestic workers. In its direct request of 2004, the Committee noted that by virtue of section 1(e), the Labour Law does not apply to domestics or household servants who are defined as workers who are engaged to take care of the homeowner or of the owner's property in return for remuneration. The Committee also noted the information provided by the Government that section 1(e) of the Labour Law excludes domestics and household servants from its application. The Committee once again requested the Government to supply information on the consultations which have taken place with the employers' and workers' organizations concerned on the exclusion of domestics and household servants under *Article 4, paragraph 1*, of the Convention. It also requested the Government to state the extent to which effect had been given to the Convention in respect of this category of work.

ERITREA

Positions with regard to ILO Conventions

I. Eritrea has ratified Conventions Nos. 100 and 111; as well as Conventions Nos. 29, 87, 98, 105 and 138.

II. The pending comments of the ILO Committee of Experts relevant to the provisions of CEDAW relate to:

Convention No. 100: Definition of remuneration and exclusion of certain allowances. In its direct request of 2004, the Committee noted section 3(15) of the Labour Proclamation No. 118/2001, under which two kinds of payments are not considered to be remuneration as defined by the Proclamation, namely: (a) payments as reimbursement for special expenses incurred by the employee in the course of his or her employment; and (b) compensation for service and other compensation payments received because of termination of a contract of employment. The Committee recalled that the Convention defined remuneration in the broadest possible terms, including any additional emoluments whatsoever arising out of the worker's employment. The Government was requested to indicate the manner in which the principle of equal remuneration for work of equal value is applied to these types of payments.

Work of equal value. The Committee noted that section 41(1) of the Labour Proclamation provides that "an employer shall pay equal starting wages for the same type of work" and that section 65(1) stipulates that "women may not be discriminated against as regards opportunity or treatment in employment and remuneration, on the basis of their sex". The Committee observed that these two provisions, read together, did not fully

reflect the principle of equal remuneration for men and women workers for work of equal value. The Convention did not cover only starting wages for the same type of work, but required equality of remuneration for different types of work which are of equal value. The Committee asked the Government to indicate how the principle of equal remuneration was applied in practice.

Application through collective agreements. The Committee noted that under section 41(2) of the Labour Proclamation wages shall be determined by the contracting parties, but that they may not be less than the minimum wages fixed by a collective agreement in an undertaking. It asked the Government to indicate the extent to which workers in Eritrea are covered by collective agreements and whether these collective agreements incorporate the principle of the Convention. Information was also requested on any practical measures taken to promote the application to all workers of the principle of equal remuneration for work of equal value for workers, in line with *Article 2* of the Convention.

Wage determination and job evaluation. Further information was requested from the Government regarding the wages scales applicable to civil servants, the national machinery for the setting of wages, such as wage boards or minimum wage bodies, and on measures taken both in the public and private sectors, through collective bargaining or otherwise, to promote objective job appraisals on the basis of the work to be performed.

Cooperation with the workers' and employers' organizations. The Committee requested the Government to provide information on the functioning of the Labour Relations Board and the Advisory Board to the Minister of Labour and Human Welfare, indicating whether these bodies have given any consideration to the issue of equal pay between men and women for work of equal value.

Enforcement. The Committee asked the Government to provide information on the number, types and results of any disputes concerning equal remuneration, which have been brought to the Minister of Labour and Human Welfare under section 65(2) of the Labour Proclamation, or to the courts on the Labour Relations Board. The Government was also asked to provide information on the manner in which the labour inspection service and the other competent bodies supervise and ensure the principles of equal remuneration, as enshrined in the Convention.

Convention No. 111: Scope of application and protection against discrimination in the public service. In its direct request of 2004, the Committee notes that the Labour Proclamation does not apply to employment in the civil service, the military, police and security forces, nor to judges and prosecutors and certain managerial positions. In this context the Committee noted that the Draft Civil Service Code, which was in the process of adoption, contains a provision on non-discrimination. The Government was asked to provide information on the measures taken to ensure the application of the Convention with respect to employment not covered by the Labour Proclamation. In the absence of any prohibition of discrimination in public service employment, the Committee requested the Government to provide information on the measures taken to ensure non-discrimination in that sector, including at the stage of recruitment. Noting that under

section 40 of the Labour Proclamation, the Minister of Labour and Human Welfare may determine the provisions of the Proclamation that shall apply to all, or to a category of domestic workers, the Committee asks the Government to indicate whether such a determination has been made.

With regard to section 118(7) of the Labour Proclamation No. 118/2001, the Committee asked the Government to indicate whether this section or any other provision in national legislation provides protection from discrimination with regard to access to employment, as required under *Article 1, paragraph 3, of the Convention*. Noting the Government's statement that the fact that job seekers can apply for a job through public employment services, as provided for under section 5 of the Labour Proclamation, can assist in eliminating discrimination and giving equal access to employment and to particular occupations, the Committee asked the Government to indicate the methods used by the public employment service to ensure non-discrimination and equal access to employment and occupation. The Government was also asked to clarify whether the relevant national legislation is intended to cover both direct and indirect discrimination as required by the Convention.

Furthermore, the Committee noted with interest the constitutional protection of the human rights of women (Article 7(2) of the Constitution) and the prohibition of discrimination and remedies contained in section 65 of the Labour Proclamation. The Committee requested information on the application and impact of these provisions in practice, including the number of complaints lodged with the Ministry under section 65(2). In this context, the Committee noted with interest that the Ministry of Education has taken certain positive action measures to promote the participation of female trainees in vocational and technical schools. It requested the Government to provide statistical information on the current level of women's participation in the various types of education and training, as well as information indicating the level of participation in economic activities, including the formal labour market.

Additional information on Conventions Nos. 100 and 111: The Government has submitted its report on the application of Conventions Nos. 100 and 111, which will be discussed by the Committee at its session of November-December 2005.

Convention No. 98: Coverage of domestic workers. In its direct request of 2004, the Committee was pleased to note the Government's clarification that the Ministry of Labour and Human Welfare did not have any intention of excluding domestic employees from their rights to organize and collectively bargain and that the Ministry will not refrain from including the rights mentioned in the Convention in the upcoming regulation. The Committee expressed the strong hope that the Ministry would issue a regulation in the nearest future that ensures that domestic employees are entitled to exercise their trade union rights guaranteed under Conventions Nos. 87 and 98.

MALI

Positions with regard to ILO Conventions

I. Mali has ratified Conventions Nos. 100 and 111; as well as Conventions Nos. 29, 87, 98, 105, and 182.

II. The pending comments of the ILO Committee of Experts relevant to the provisions of CEDAW relate to:

Convention No. 100: Application of the principle of equal remuneration for work of equal value. In its 2004 direct request the Committee noted the important wage gap between men and women in Mali as well as a low participation rate of women in remunerated employment in the modern private sector and in decision-making positions. It also noted the action plan of 2001 to promote equal remuneration for men and women in Mali and the activities of the ILO project PAMODEC/MALI with respect to equal remuneration between men and women and the principle of non-discrimination in employment and occupation. The Government was asked to continue to provide information on the progress made with regard to the implementation of the abovementioned action plan as well as on the activities undertaken in the framework of the PAMODEC project and their impact on women's and men's equal remuneration for work of equal value.

Practical application. The Committee noted from the statistical information on school enrolment rates that girls were less represented than boys in the basic classes and that the number decreases radically in the higher classes. Taking into account that inequalities between boys and girls in education constitute an origin for future unequal remuneration in the labour market, the Committee asked the Government to provide information on measures taken or envisaged to promote girls' access to education and training and the results obtained.

Convention No. 111: Promotion of the national policy. In its direct request of 2004 the Committee noted with interest the establishment of new bodies for the promotion of women, that is the National Bureau for the Promotion of Women, the inter-ministerial Committee for the Promotion of Women, Children and the Family within the Ministry for the Promotion of Women, Children and the Family, as well as the National Advisory Commission on Human Rights. The Committee asked the Government to provide information on the activities undertaken by these new bodies, including extracts from reports, studies or surveys, to enable it to ascertain the progress achieved in promoting the application of the Convention.

Access of women to employment. Noting women's poor representation in remunerated employment, their high rates of participation in the informal economy and in agriculture and their poor representation in management positions, the Committee asked the Government to provide information on the measures taken or envisaged in order to address these inequalities in practice.

Convention No. 29: Trafficking in persons. Noting that the Penal Code (Act No. 01-079 of 20 August 2001), though not expressly defining trafficking in persons, contained provisions that could allow the authors of this crime to be prosecuted, tried and sentenced (sections 242-244), the Committee asked the Government to provide full information on the measures taken or envisaged to prevent, suppress and punish trafficking in persons, in particular on any legal action brought with a view to punishing persons responsible for trafficking in persons in order to exploit them through work.

Convention No.105: Participation in development. In its direct request of 2003 the Committee recalled that the unqualified prohibition of forced or compulsory labour in section L6 of the Labour Code which does not include "all work required in the public interest by legislative provisions on ...participation in development" was inconsistent with the Convention. Noting the Government's efforts to secure observance of the Convention on this point in the course of a forthcoming re-reading of the Code as well as the Government's indication that the provisions of section L6(2) of the Labour Code had never been applied and that no decree or order had been adopted to regulate them, the Committee requested information on any progress made in harmonizing the provisions of section L6(2) of the Labour Code with the Convention.

Convention No. 182: The Committee examined the Government's first report in 2003 and noted with interest that in 1997 a department of children's affairs had been created and that a Code on the Protection of the Child had been adopted on 5 June 2002.

Effective and time-bound measures. The Committee noted that activities to raise awareness and strengthen institutions have been taken in respect of certain groups of children working in rural or urban areas, on gold-panning sites or in the informal sector. The Committee also noted the various programmes undertaken by the Government with respect to the promotion of girl's access to education and training. The Government established a vocational training course for unemployed young people and also a "girls' enrolment" project, which aims to raise the enrolment rate of girls, reduce the repeat and drop-out rates and raise the number of women teachers in the first stage of basic education. Furthermore a Ten-Year Programme for the Development of Education (PRODEC) aims to raise the primary-school enrolment rate to 95 per cent by 2010 and to raise standards in learning, girls' education, health and hygiene. The Committee noted that the gross enrolment rate of the first stage of basic education rose from 47 per cent in 1996-97 to 58 per cent in 1999-2000. The Committee requested the Government to continue to provide information on the results of these programmes.

Children at special risk. The Committee noted that the Human Rights Committee expressed great concern at the situation of girl migrants, who leave rural areas to work in domestic service in urban areas and who, according to some sources, work a 16-hour day

on average for very low or non-existent wages, are often subjected to rape, ill treatment and prostitution. The Committee requested the Government to indicate how children working in domestic service who are not covered by the applicable legislation are protected against the worst forms of child labour.

TOGO

Positions with regard to ILO Conventions

I. Togo has ratified Conventions Nos. 100 and 111; as well as Convention Nos. 29, 87, 98, 105, 138 and 182.

II. The pending comments of the ILO Committee of Experts relevant to the provisions of CEDAW relate to:

Convention No. 100: Application of the principle by means of collective agreements. In a direct request of 2004, with reference to the use of gender stereotypes in the appraisal of posts listed in collective agreements, the Committee noted the Government's statement that once the revision of the Labour Code was concluded the social partners would most likely undertake steps to renegotiate the existing collective agreements. The Committee asked the Government to provide information on any steps taken to encourage the social partners to avoid the use of gender stereotypes and gender bias in the renegotiation and conclusion of existing and future collective agreements, including the inter-occupational collective agreement, so that no differentials occurred between men and women as regards remuneration.

Cooperation with the social partners. The Committee requested specific information on the concrete activities through which the National Council for Labour and Social Legislation is promoting the implementation of the principle of equal remuneration for work of equal value.

Practical application and statistics. The Committee noted from the 2004 statistics that women made up only 21.4 per cent of the employees in the public service and were concentrated in the health and education ministries and to a lesser extent in the ministries for economy, agriculture and the promotion of women. The statistics further showed that women continue to be under-represented in higher job categories and decision-making posts (with women representing only 12 per cent of the employees in level A1 and 12.5 per cent in level A2). The Committee requested information on the results achieved by the Ministry for the Advancement of Women and Social Affairs to address the issue of occupational segregation and to promote women's access to better-paid higher status jobs and managerial positions in the public sector. Noting also the Government's statement that no statistics were available on the earnings of men and women in the public and

private sectors, the Committee stressed that such information was needed in order to assess how the principle of equal pay for men and women for work of equal value is applied in practice. It encouraged the Government to work towards the compilation of such statistical information and asked the Government to provide whatever information was available on the earning levels of men and women, by branch, economic activity and occupation in both the public and private sectors.

Enforcement by the labour inspectorate. With regard to the difficulties encountered by the Inspectorate for Labour and Labour Legislation in enforcing the principle of equal remuneration for work of equal value, the Committee noted that the Government wished to undertake a study outlining the difficulties encountered by labour inspectors in enforcing the principle and assessing their training needs. The study would provide the basis for a future training programme in this area.

Convention No. 111: Sexual harassment. In a direct request of 2004, the Committee noted that section 63 of the draft Labour Code prohibits dismissal of or sanctions against an employee for having refused quid pro quo sexual harassment by an employer, his or her representative or any other person. The Committee welcomed this provision but noted that section 63 does not include sexual harassment due to a hostile working environment. The Committee hoped that the Government would take the opportunity to insert such provisions in the draft Labour Code. Noting further that the action plans for the protection and promotion of women include the issue of sexual harassment, the Government was asked to provide information on the results achieved in implementing these plans as to the effective protection of sexual harassment in the workplace.

Prohibition of discrimination in employment and occupation. The Committee noted that section 3 of the draft Labour Code prohibits all discrimination in employment and occupation. It also noted that draft section 62 prohibits discrimination on the basis of “origin, sex, morals, family situation, ethnic, national or racial belonging, political opinion, trade union or association activity, or religious belief” only with respect to recruitment, disciplinary sanctions or dismissal and that section 67 protects against discrimination in dismissal on the basis of all the Convention’s grounds. The Committee asked the Government to indicate how protection would be afforded against discrimination outside recruitment and dismissal practices and disciplinary sanctions, such as in conditions of employment. Having noted also that sections 62, 63 and 67 of the draft Labour Code only applied to workers with a permanent contract, the Committee asked the Government to indicate how workers with temporary contracts would be protected against sexual harassment and discrimination in recruitment and dismissal. It hoped that the Government would use the ongoing revision of the Labour Code as an opportunity to bring its legislation into full conformity with the requirements of the Convention.

Discrimination on the basis of sex. The Committee noted with interest the Government’s statement that the new draft of the Family Code improved the status of women and aimed to make the national legislation compatible with the provisions of the Convention.

Equality of treatment - Access of women to vocational training and education. The Committee noted the statistics highlighting the progress made with regard to the access of women and girls to education and vocational training. It thanked the Government for these data but noted that they also indicated that inequalities between men and women continued to persist. The Committee noted the actions taken by the Government to encourage girls to subscribe to more technical training courses and to address sex stereotypes in education. It asked the Government to provide information on (1) the impact of these activities, as well as any other measures to counter practical obstacles to girls' education on the attendance of girls at the various levels and types of education; (2) the number of women that benefited from the training by the Regional Centres for Technical Education and Vocational Training and who have created their own enterprise.

Employment of women in the public sector. The Committee noted that women's share of the public sector employees was only 21.4 per cent and that they were concentrated in the health and education ministries. Women also only represented 12 per cent of the employees in level A1 and 12.5 per cent in level A2 and were underrepresented in decision-making posts, including in the education sector where a relatively higher number of women are being employed. The Committee noted the activities undertaken with the help of civil society and trade unions to promote female leadership and asked the Government to provide information on how these have helped women to move into higher-level posts, including in the education sector. Having noted with some concern that the 1996-2005 Action Plan for the Advancement of Women had not been implemented due to lack of financial resources, the Committee hoped that the Government would be in a position in the future to allocate the necessary resources to carry out the plan. In the meantime, the Government was asked to continue its efforts to promote the upward mobility of women and their access to a wider variety of jobs in the public sector.

Convention No. 29: Trafficking in children. In its observation of 2004, the Committee primarily raised issues related to the trafficking of children for sexual exploitation and forced labour, including in the domestic service. It noted the various measures taken by the Government but recalled that trafficking constituted a grave violation of the Convention. It requested the Government to provide detailed information on the results achieved through the various measures adopted to combat trafficking in children and on any difficulties encountered in their implementation. The Government was also asked to indicate whether new legislative measures had been adopted with a view to the repression of trafficking in children and whether legal action had been taken against those responsible for such acts, with an indication of the penalties imposed.

Convention No. 138: Girls in domestic service. In its direct request of 2004, the Committee noted with interest the information provided by the Government on the action plans to combat child labour, including the awareness raising programmes to combat the exploitation of girls in domestic work, as well as the use of children as porters in Lomé and a capacity-building programme to strengthen the capacity of trade unions to combat child labour. Concerning the employment of children under 14 years of age in the

informal sector as domestic workers or agricultural labourers and the lax practices of the labour inspectors responsible for reporting such cases, the Government indicated that a programme to reinforce the intervention capacities of labour inspectors had been designed within the framework of the ILO- IPEC project, and that it would soon be implemented.

Convention No. 182: Trafficking of girls. In its direct request of 2004, the Committee analysed the Government's first report on the Convention. It noted in particular that Togo had prepared a preliminary draft of a Bill to define the trafficking of children on 23 January 2003. This draft text was adopted by the Secretary-General of the Government and was to be submitted to the Council of Ministers of Justice, Labour and Social Affairs for signature before being examined by the Council of Ministers for approval. The Committee also noted that a draft Children's Code was forwarded to Parliament in 2002 and gave rise to the establishment, on 25 May 2002, of a National Commission for the Care and Social Integration of Child Victims of Trafficking.

Furthermore, the Committee noted, according to the information contained in the ILO/IPEC summary report of 2000 for the LUTRENA Programme against trafficking (page 13), that studies had shown that children from Togo are taken through Benin and Nigeria to Gabon. The Committee noted that, of 96 repatriated child victims of trafficking, 73 per cent were between 6 and 14 years of age, and 70 per cent were girls. It also noted that 76 per cent of the children questioned had dropped out of primary school, 46 per cent worked in trading and 31 per cent in the agricultural sector. However, the girls transported to Burkina Faso or Niger were all engaged as general help in small restaurants. The Committee noted that, in the context of this programme, the social partners were in the process of compiling figures on the trafficking of children and that a data bank would be established with a view to raising the awareness of the population and improving understanding of this problem. The Committee requested the Government to provide information on the impact of the LUTRENA Programme in removing children from trafficking and providing for their rehabilitation and social integration.

Education of girls. The Committee noted the information provided by the Government regarding girl's partial or total exemption from school fees and the programmes to increase the enrolment rate of girls. The Committee noted in this regard that, according to UNICEF, 39 per cent of girls who were of school age did not currently attend school or had dropped out of school.

THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA

Positions with regard to ILO Conventions

I. The Former Yugoslav Republic of Macedonia has ratified Conventions Nos. 100 and 111; as well as ratified Conventions Nos. 3, 29, 45, 87, 89, 98, 103, 105, 122, 138, 142, 156, 182.

II. There are almost no pending comments of the Committee of Experts due to the fact that few reports on the relevant Conventions, all but one ratified in 1991, have yet been received. The received reports have not given rise to any particular comments by the Committee.

THAILAND

Positions with regard to ILO Conventions

I. Thailand has ratified Convention No. 100, as well as Conventions Nos. 29, 105, 122, 138 and 182.

II. The pending comments of the ILO Committee of Experts relevant to the provisions of CEDAW relate to:

Convention No. 100: Work of equal value. In its direct request of 2002, the Committee noted that the Labour Protection Act, 1998, ensures equal wages in cases where the work is of the same nature and quality and equal quantity. The Committee recalled that, under the Convention, equal remuneration should be established with respect not only to the same or equal work, but for all work of equal value. It therefore encouraged the Government to consider amending section 53 so as to give full expression to the principle of the Convention. The Committee also noted that the Labour Protection Act restricts the protections of the Act solely to workers in the private sector. The Committee therefore asked the Government to indicate how the principle of equal remuneration for work of equal value was ensured with respect to public sector employees.

Determination of wages. The Committee noted that the Salaries and Positions Allowances Act, 1995, establishes a National Compensation Committee charged with formulating wage recommendations for various classes of public employees. In this capacity, the National Compensation Committee employs such wage-fixing criteria as the cost of living, private sector compensation and “differences in earnings among officials at different levels in the same or different services”. The Committee asked the Government to indicate how the National Compensation Committee applied the principle of the

Convention in formulating its wage recommendations, and to provide also statistical data, disaggregated by sex, respecting the number of women and men employed at each of the position levels outlined in the schedule annexed to the Salaries and Positions Allowances Act.

Cooperation with employers' and workers' organizations. The Committee further noted the National Congress of Thai Labour's (NCTL) indication that the application of the Convention was not clear due to a lack of information from the Government. Recalling the obligation of States to secure the cooperation of employers' and workers' organizations concerned for the purpose of giving effect to the principle of equal remuneration, the Committee asked the Government to indicate the methods of securing such cooperation, including measures to provide information to the concerned organizations on the application of the Convention.

Enforcement. Finally, the Committee noted from the NCTL's statement that enforcement of the relevant laws and regulations has been inadequate due to a lack of labour inspectors, and that violations of the minimum wage rules continue to exist, especially in the small enterprise sector. In this regard, the Committee asked the Government to provide information on the measures taken or planned to ensure that the Department of Labour Protection and Welfare effectively enforces the regulations respecting equal remuneration, and the provisions of the Convention.

Additional information on Convention No. 100: The Government has submitted a report in 2004, which will be examined by the Committee at its session of November-December 2005.

Convention No. 29: *Trafficking of women and girls.* In its observation of 2003, the Committee noted with interest the positive steps taken by the Government to adopt legislation and to put into place a coherent national policy framework for dealing with the problem of prostitution and trafficking of women and children.

In its earlier comments, the Committee had asked for information on the application of the Prevention and Suppression of Prostitution Act of 1996. In this regard, it noted with interest the information on the activities of welfare protection and vocational development centres set up under the Act, including statistical information. The Committee also noted a Memorandum of Understanding on Common Guidelines of Practices for Agencies Concerned with Cases where Women and Children are Victims of Human Trafficking B.E. 2542 (1999), according to which the Ministry of Social Development and Human Security was working in collaboration with other concerned agencies to assist trafficked women by providing them with temporary shelters before repatriating them to their home towns and by conducting recovery programmes which would enable them to reintegrate into society. Despite these initiatives, the Committee noted with serious concern that, at present, the trafficking in women and children was on the rise and that the gravity of the problem had very much increased since transnational organized criminal groups used Thailand as the place for gaining huge profit from trafficking in women and children. The Committee requested the Government to supply detailed information on the application of the above Memorandum in practice, as well as

information on the practical application of the Measures in Prevention and Suppression of Trafficking in Women and Children Act of 1997.

Further in its observation, the Committee noted with interest the detailed information provided by the Government concerning preventive programmes carried out by the Ministry of Education. It noted, in particular (1) the information on the progress in the implementation of the Se-Ma Life Development Project, initiated by the Ministry of Education to prevent high-risk girls from poor families in five northern provinces of Thailand from falling into the sex trade, which was able to help a large number of girls (59,895 during 1994-2001) by allocating funds for scholarships; (2) the Government's indications concerning other preventive programmes carried out in cooperation with the Ministry of Public Health (nursing study) and UNICEF (working while studying), as well as basic education programmes; and (3) the information on measures taken by the Ministry of Social Development to increase employment opportunities for young women to enable them to live an independent life and to avoid a threat of becoming a victim of trafficking. The Committee encouraged the Government to continue along this path and to take effective action to implement the above programmes and measures.

Convention No. 122: *Employment and vocational training of women*. In its direct request of 2002, the Committee noted with interest the study conducted by the Office with the support of the national authorities on the Gender Dimension of Skills Development in Vocational Training in Thailand that reviewed skills development programmes provided in seven provinces. Another study on gender equality and decent work in Thailand, prepared under a joint regional technical assistance project of the ILO and the Asian Development Bank, has shown that women in Thailand are disadvantaged in the labour market. While women and men had almost the same access to all levels of education except for vocational education, there was gender stereotyping at the tertiary level. Women's employment experience was further disadvantaged by occupational training that remains concentrated in traditional fields that limit opportunities for employment and promotion. The Committee asked the Government to provide information on the action taken to promote the employment and employability of women, rural residents and other disadvantaged groups.

Furthermore, the Committee noted with interest that the Government had held consultations with representatives of the rural sector by setting up village funds managed by representatives of the villagers. As regards the informal sector, the Homework Administration Division was taking care of home workers by running a shop which sold products of home workers. The Committee asked the Government to continue to develop consultations on employment policies with representatives of rural and informal workers, including, if appropriate, representatives of organizations operating in close cooperation with villagers and home workers.

VENEZUELA (Bolivarian Republic of)

Positions with regard to ILO Conventions

- I. Venezuela has ratified Convention No. 100 and 111; as well as Conventions Nos. 3, 29, 87, 98, 105, 122, 138 and 156.
- II. The pending comments of the ILO Committee of Experts relevant to the provisions of CEDAW relate to:

Convention No. 100: *The wage gap and statistical data.* In a direct request of 2004, the Committee continued its discussion on the manner in which policies and reforms were facilitating the access of women to posts of greater responsibility and are contributing to narrowing the wage gap between men and women. While noting the statistical data provided by the Government, the Committee observed that these data did not refer to the various occupational categories of men and women workers. It reiterated its request to the Government to provide statistical information disaggregated by sex indicating the earnings received and the number of men and women employees in the various occupational categories in both the public and the private sectors, in accordance with its general observation of 1998.

Objective appraisal of jobs. The Committee recalled that the reference in *Article 3 of the Convention* to objective appraisal of jobs was different from the concept of the performance evaluation of the employee and pointed out that the objective evaluation of jobs involved the adoption of some technique to measure and compare objectively the relative value of the jobs performed. The Committee hoped that the Government would adopt measures to promote such evaluation and asked it to keep the Committee informed of the progress achieved.

Convention No. 111: *Sexual harassment.* In a direct request of 2004, the Committee noted with interest that section 19 of the Act on Violence against Women and the Family establishes sexual harassment as an offence punishable by imprisonment. Failure by any person, employer or authority of rank having knowledge of an occurrence of this kind to take remedial action or prevent any recurrence, is an offence punishable by a fine.

Practical application – National policy on equality. The Committee noted that, according to the most recent data available to the Office, women accounted for only 35.35 per cent of the labour force in 1998. The Committee once again requested the Government to provide information on the measures adopted to promote the direct access of women to employment, vocational guidance and specific occupations, with a view to achieving greater equality between men and women workers in employment and occupation. The Committee also requested the Government to provide information on the activities that were being undertaken by the National Institute for Women for the promotion of equality of opportunity and treatment in employment and occupation. The Committee also asked for information on any measures taken to guarantee the full exercise of the rights of women workers in the informal sector and to women providing

personal services, as set out in section 54 of the Act on equal opportunities for women of 25 October 1999.

Enforcement. The Committee requested the Government to provide information on any complaints submitted to the National Attorney for the Defence of Women's Rights and the remedial action and conciliation measures that have been taken.

Convention No. 156: The latest comments by the Committee date back from 1999. The Government will be requested to submit a report on this Convention in 2006. In the meantime, the following developments and issues noted by the Committee in its direct request of 1999 need to be taken into account:

Legislative provisions. The Committee noted that section 123 of the Regulations implementing the Organic Labour Law states that "anyone wishing to obtain employment and who has family responsibilities must, all things being equal, be preferred by the employer under the terms of section 29 of the Organic Labour Law". The Committee noted with interest that the text of the section cited referred to workers with family responsibilities, in contrast to section 29 of the Organic Labour Law, which provides for preference to be given to heads of household, regardless of sex. The Committee wished to know whether the Government planned to amend section 29 of the Organic Labour Law, since its literal application could result in discrimination against working women with family responsibilities who are not heads of household. The Committee recalled that the purpose of the Convention was to ensure that the family responsibilities of workers, be they women or men, do not become grounds for discrimination or generate new forms of discrimination, for example, in regard to workers with family responsibilities who were not heads of household or to workers who did not have family responsibilities. The Government was asked to provide detailed information on the practical application of the two articles cited.

The Committee further asked the Government to supply information on measures adopted in respect of conditions of employment and social security in order to give effect to *Article 4 (b)* of the Convention. For example, the Committee wished to know to what extent measures had been adopted for the purpose of giving effect to section 23 (1) and (2) of the Workers with Family Responsibilities Recommendation, 1981 (No. 165), which covered leave of absence in the case of the illness of a dependent child, or of another member of the worker's immediate family who needs that worker's care or support.

Child care facilities. Observing that section 123 of the Regulation provides that employers referred to in section 391 of the Organic Labour Law shall ensure that those workers who receive monthly remuneration in cash which does not exceed the equivalent of five minimum salaries and who have children up to the age of 5, shall be provided with child-minding services during the working day, the Committee requested information on the practical application of this measure. This information could include the percentage of workers who can benefit from this service or the proportion of children cared for under the Regulation, and the difficulties encountered in covering the percentage who do not receive this service. Furthermore, the Committee requested information on the childcare

services available for workers with family responsibilities having children older than 5 years old.

Convention No. 3: Maternity benefits. In an observation of 2003, the Committee noted the adoption on 6 December 2002 of the Organic Act on the social security system. With reference to the comments it had been making for many years on the scope of the social security system in practice, the Committee noted that section 4 of the new Act guarantees social security to all Venezuelan nationals living on the national territory as well as foreign nationals lawfully residing in the country. The Committee noted, however, that the Social Insurance Act remained applicable until the end of the transition period set for the entry into force of the new Organic Act (section 130 of the Organic Act) and that many regions of the country were still not covered by the social security system. Under these circumstances, it was bound to recall the need to take all the measures necessary as soon as possible to extend in practice the social security system in matters of maternity benefits, with regard to both medical care and cash benefits, throughout the national territory to ensure that all women workers employed in industrial or commercial enterprises, whether public or private, covered by the scope of application of the Convention, benefited from the protection afforded by this instrument.

Practical application. The Committee requested the Government to provide statistics on the regions covered by the social security system and those that were still excluded with regard to maternity benefits. It also requested the Government to provide statistical information on the number of women workers employed in both public and private industrial and commercial enterprises who were covered by the full social security system in relation to the total number of such women workers. Finally, the Committee requested detailed information on the application in practice of the Organic Act on the social security system adopted in 2002.
