



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

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

Fifty-ninth session

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Item 6 of the provisional agenda*

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

**Reports by the specialized agencies on the implementation
of the Convention on the Elimination of All Forms of
Discrimination against Women in areas falling within
the scope of their activities**

Report by the International Labour Office

Summary

In accordance with article 22 of the Convention on the Elimination of All Forms of Discrimination against Women, the specialized agencies of the United Nations have been invited to submit to the Committee on the Elimination of Discrimination against Women, at its fifty-ninth session, reports on the implementation of the Convention in areas falling within the scope of their activities.

* CEDAW/C/59/1.



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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 conventions of the International Labour Organization (ILO). Of the 189 conventions adopted to date, the information herein relates principally to the following:

- Equal Remuneration Convention, 1951 (No. 100), which has been ratified by 171 member States
- Discrimination (Employment and Occupation) Convention, 1958 (No. 111), which has been ratified by 172 member States
- Workers with Family Responsibilities Convention, 1981 (No. 156), which has been ratified by 43 member States

2. Where applicable, reference is made to a number of other conventions that are relevant to the employment of women:

Forced labour

- Forced Labour Convention, 1930 (No. 29), and the Protocol adopted in 2014 (not yet in force)
- 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 (Women) 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)

Domestic workers

- Domestic Workers Convention, 2011 (No. 189)

3. The application of ratified conventions is supervised by the ILO Committee of Experts on the Application of Conventions and Recommendations, a body of independent experts from around the world, which meets annually. The information submitted in section II of the present report consists of summaries of observations and direct requests made by the Committee. Observations are comments published in the Committee's annual report — produced in English, French and Spanish — which are submitted to the Conference Committee on the Application of Standards. 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, NORMLEX.

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 section II can be found at www.ilo.org/dyn/normlex/en/.

5. It will be noted that the Committee of Experts in its own comments often includes references to the information submitted by Governments to the Committee on the Elimination of Discrimination against Women or to the other United Nations treaty bodies, as well as to reports issued by those bodies.

II. Indications concerning the situation of individual countries

Belgium

6. Among the relevant ILO conventions, Belgium has ratified Conventions Nos. 100 and 111. It has also ratified Conventions Nos. 29, 87, 97, 98, 105, 122, 138, 171, 177 and 182.

Comments made by the supervisory bodies of the International Labour Organization

7. The pending comments of the Committee of Experts relevant to the provisions of the Convention on the Elimination of All Forms of Discrimination against Women relate to the items below.

Convention No. 100

8. In its observation in 2012, the Committee noted with interest the adoption on 22 April 2012 of the act aimed at tackling the wage gap between men and women. It asked the Government to provide information on the application, in practice, of the act.

9. In its direct request in 2012, the Committee noted that, according to a report published in 2012 by the Institute for the Equality of Women and Men (Institut pour l'égalité des femmes et des hommes — IEFH), the wage gap based on the gross hourly wages of all workers in all sectors was 9 per cent in 2008, compared with 22 per cent when based on gross annual earnings. The report also indicated that the wage gap was considerably wider when “extralegal benefits”, such as supplementary pension paid by the employer, transportation allowance and share in the capital of the enterprise were taken into account, given that women had less opportunity to benefit from such incentives and, when they did, incentives were paid at a lower rate. The Committee requested the Government to take steps to ensure that men and women benefited on an equal footing from incentives and benefits, beyond the basic wage, that were paid directly or indirectly, in cash or in kind, by the employer.

10. The Committee also requested the Government to provide information on the measures taken to address the underlying causes of the wage gap between men and women, especially occupational segregation in vocational guidance and training, placement services and the classification of functions in economic sectors and enterprises.

11. With regard to wage differentials affecting women workers from the countries of the Maghreb and other African countries, the Committee asked the Government to provide information on the findings of a study on discrimination against non-Belgian men and women, which was expected to be finalized by the end of 2011, as well as on the relevant follow-up measures taken or envisaged.

12. The Committee noted further that only seven complaints of discrimination had been lodged with IEFH in 2010. It asked the Government to provide information on activities carried out among workers, employers and their organizations to promote awareness of the principle of equal remuneration for men and women for work of equal value and to inform them of the available channels for lodging complaints.

Convention No. 111

13. In its direct request in 2012, the Committee noted the Government's indication that the number of complaints concerning discrimination on the basis of pregnancy as a proportion of the total number of complaints regarding discrimination in employment remained very high (43.18 per cent in 2009, 42.4 per cent in 2010 and 33.5 per cent in 2012). It also noted that the number of complaints concerning sexual harassment received by IEFH had increased considerably between 2009 and 2011 (from 7 to 41).

14. The Committee requested the Government to take specific steps to prevent and eliminate discrimination on the basis of pregnancy and maternity in employment and occupation, and to provide information on the measures taken to prevent and address sexual harassment in the workplace. It also asked the Government to continue to provide information on the number and outcome of cases of sexual harassment and discrimination on the grounds of pregnancy and maternity lodged with IEFH, the labour inspectorate or the judicial authorities.

15. The Committee noted that, according to the report on the gender pay gap in Belgium published in 2012 by IEFH, horizontal and vertical gender segregation persisted in the labour market. It requested the Government to provide information on the specific measures taken or envisaged to improve the participation rate of women in economic sectors and occupations in which they were underrepresented, especially their participation in a wider range of vocational training courses giving them access in particular to jobs that offered possibilities of advancement and promotion.

16. The Committee noted the adoption, on 28 July 2011, of an act establishing a quota of one third for women on the executive boards of public enterprises, and welcomed the adoption, on 2 June 2012, of the Royal Order modifying the Royal Order of 2 October 1937 establishing the status of State employees, which was aimed at promoting the participation of women in high-level posts in the civil service. The Committee requested the Government to provide information on the results achieved in the context of initiatives aimed at improving the rate of participation of women in managerial posts in the federal Administration, and on the implementation of the act of 28 July 2011.

17. The Committee also noted the Government's indication that IEFH planned to evaluate the impact of the recommendations on gender equality in public contracts, which had been disseminated to public procurement officials in the federal Administration further to the adoption of the act of 12 January 2007 on gender mainstreaming in federal policies. It also noted the Government's statement that gender mainstreaming coordinators had been appointed in all federal public services and public planning services and that the plan for gender mainstreaming in all policies and monitoring mechanisms would be adopted once the next Government with full powers took office. The Committee requested the Government to continue to provide information on the implementation of the act of 12 January 2007 and its impact in practice on gender equality in employment and occupation.

Convention No. 122

18. In its direct request in 2012, the Committee noted the subsidies introduced at the federal level to reduce wage costs for employers of "very young workers" (young persons recruited before their nineteenth birthday), young unemployed persons under 26 years of age without a secondary education diploma and low-wage workers (from 19 to 29 years of age). More than 34,000 young persons were reported to have found employment as a result of that measure up to January 2011. According to the data available to ILO, about 96,000 young persons (53,000 men and 43,000 women) were unemployed in 2010. In August 2011, the overall number of young persons affected by unemployment was a few thousand higher, reflecting an increase in the number of unemployed young women; the number of unemployed young men had decreased. The Committee invited the Government to provide

updated information on the employment trends for young people, in addition to an evaluation of the active policy measures implemented with a view to minimizing the impact of unemployment on young persons and promoting their lasting integration into the labour market.

19. The Government has been requested to submit its report on Convention No. 122, which is due for review by the Committee at its session in November-December 2014.

Convention No. 182

20. In its direct request in 2011, the Committee noted the statistics provided by the Government relating to offences involving child pornography and the procuring of minors. According to data from the College of Public Prosecutors, 8 cases of procuring of minors and 636 cases of child pornography had been recorded in 2008, compared with 14 and 596, respectively, in 2009. The Government indicated that the number of cases relating to those offences had risen significantly since 2003/04, especially because of technological developments in digital imagery, which facilitated the exchange of pornographic material.

21. The Committee also noted that 56 convictions and 29 suspended sentences had been handed down by the Criminal Court of First Instance against offenders in the areas of child pornography and procuring of minors in 2008. Four people had been acquitted. In 2009, only two convictions and four suspended sentences had been handed down. The Government indicated that several years could pass before a case registered with the Public Prosecutor's Office was concluded in the criminal court. According to data from the Criminal Policy Division of the Federal Justice Department, the number of convictions handed down for various offences in 2008 were as follows: 119 convictions in relation to pornography involving minors; 31 convictions for inciting minors to debauchery, corruption or prostitution; 4 convictions for inciting minors to debauchery, corruption or prostitution where the offenders, by negligence, were unaware that the victims were minors; 5 convictions for procuring, luring, abducting or retaining with a view to debauchery or prostitution; 7 convictions for running a brothel where minors engaged in prostitution; and 7 convictions for exploiting debauchery or prostitution involving minors.

22. The Committee requested the Government to continue to provide statistics, disaggregated by sex and age, on the nature, extent and trends of the worst forms of child labour and also to supply information on the number and nature of reported violations, investigations, convictions, prosecutions and criminal penalties imposed.

23. The Government has been requested to submit its report on Convention No. 182, which is due for review by the Committee at its session in November-December 2014.

Other conventions on which the Government has been requested to report

24. The Government has also been requested to submit its reports on Conventions Nos. 29, 105 and 138 and its first report on Convention No. 177, which are due for review by the Committee at its session in November-December 2014.

Brunei Darussalam

25. Among the relevant ILO conventions, Brunei Darussalam has ratified Conventions Nos. 138 and 182.

Comments made by the supervisory bodies of the International Labour Organization

26. The pending comments of the Committee of Experts relevant to the provisions of the Convention on the Elimination of All Forms of Discrimination against Women relate to the items below.

Convention No. 182

27. In its direct request in 2011, the Committee took note of the first report of the Government. Section 366A of the Penal Code provides that whoever induces a girl under the age of 18 years to go to any place or to engage in any act with the intent that she may be, or knowing that it is likely that she will be, forced or seduced into illicit intercourse with another person, commits an offence. Section 372 of the Penal Code provides that whoever sells, lets to hire, or otherwise disposes of any person under the age of 18 years with the intent that such person shall, at any age, be employed or used for the purpose of prostitution or illicit intercourse with any person or for any unlawful or immoral purpose, or knowing it to be likely that such person will at any age be employed or used for such purpose, is liable to imprisonment and whipping. Moreover, section 373 of the Penal Code prohibits anyone from buying, hiring or otherwise obtaining possession of any person under the age of 18 years with the intent that such person shall, at any age, be employed or used for the purpose of prostitution or illicit intercourse with any person or for an unlawful or immoral purpose.

28. The Committee observed that the above-mentioned provisions were accompanied by explanations according to which the “person under the age of 18 years” was referred to as a “female under the age of 18 years”. The report of the Government also referred to the Women and Girls Protection Act of 1984, sections 3 and 5 of which provided for the prohibition of the procuring or offering of women or girls for prostitution. The Committee noted, however, that the use of children under 18 years of age for prostitution, i.e. by a client, did not appear to be prohibited. It noted further that only the procuring and offering of girls under 18 years of age appeared to be prohibited. The Committee therefore requested the Government to take the measures necessary to ensure that the use, procuring or offering of both boys and girls under the age of 18 for the purpose of prostitution was prohibited, and to provide information on the progress made in that regard.

29. With regard to the production of pornography, the Committee noted that section 292 of the Penal Code prohibited, among other acts, the sale, production, distribution, exhibition, importation and exportation of obscene articles. An article shall be determined to be obscene if its effect or the effect of any one of its items tends to deprave and corrupt persons who, having regard to all relevant circumstances, are likely (or would have been likely but for the lawful seizure of the article) to read, see or hear the matter contained or embodied in it. An “article” is any matter to be read or looked at or both, any sound record, and any film, video cassette, photographic negative or other record of a picture. The Committee also

observed that section 4 of the Undesirable Publications Act provides that any person who imports, publishes, sells, offers for sale, distributes or reproduces any prohibited publication is guilty of an offence.

30. The Committee noted, however, that there did not appear to be a provision specifically prohibiting the use, procuring or offering of a child for the production of pornography or pornographic performances, as required by article 3 (b) of the Convention. It therefore requested the Government to indicate the measures taken or envisaged to ensure that the use, procuring or offering of boys and girls under 18 years of age for the production of pornography or pornographic performances was prohibited.

31. The Government has been requested to submit its report on Convention No. 182, which is due for review by the Committee at its session in November-December 2014.

China

32. Among the relevant ILO conventions, China has ratified conventions Nos. 100 and 111. It has also ratified Conventions Nos. 45, 122, 138 and 182.

Comments made by the supervisory bodies of the International Labour Organization

33. The pending comments of the Committee of Experts relevant to the provisions of the Convention on the Elimination of All Forms of Discrimination against Women relate to the items below.

Convention No. 100

34. In its observation in 2012, the Committee recalled that the Labour Law and the Labour Contract Law referred to equal pay for equal work, which was narrower than the principle of the Convention. The Committee asked the Government to take specific steps to give full legislative expression to the principle of equal remuneration for men and women for work of equal value, so that it covered not only situations where men and women performed the same work but also encompassed work that was of an entirely different nature, which was nevertheless of equal value.

35. In its direct request in 2012, the Committee noted the Government's indication that objectives of the national programme for women's development for 2011-2020 would include further facilitating a higher level of education and vocational training for women, taking effective measures to promote employment of women in newly emerging industries and trades and guiding and enabling rural women to shift their employment to non-agricultural sectors.

36. The Committee requested the Government to take steps to collect and analyse data on the distribution of men and women in the various sectors of the economy and occupations, their levels of responsibility and corresponding levels of earnings, and to provide such data as soon as they became available. It also asked the Government to indicate the specific measures taken under the national programme for women's development in addressing the concentration of women in lower-paid

jobs and their underrepresentation in higher-paid sectors or occupations, and the impact thereof.

37. The Committee asked the Government to provide information on the measures taken or envisaged to ensure that the principle of the Convention was being applied not only to the basic wage but also to any additional allowances, bonuses or subsidies paid directly or indirectly by the employer to the worker, and to ensure that no sex-based discrimination existed in the payment of such additional emoluments.

38. The Committee noted the Government's indication that the labour security administrative departments regularly analysed various occupations to formulate the wages for different occupations and guide the enterprises for a reasonable determination of the wage level, and that the process did not take gender into account. The Committee considered that it was unclear how it was being ensured that the wage levels for occupations predominantly carried out by women were not being undervalued compared with those carried out by men.

39. The Committee asked the Government to take appropriate measures, in cooperation with workers' and employers' organizations, to ensure that the national system for wage-setting fully reflected the principle of equal remuneration for men and women for work of equal value. It also asked the Government to raise awareness among workers and employers and their representatives of the principle of equal remuneration for men and women for work of equal value and to promote the inclusion of the principle in collective agreements.

Convention No. 111

40. In its direct request in 2012, the Committee noted that a definition of discrimination had not been included in any relevant laws or regulations. In that regard, the Government indicated that there was no distinction between direct or indirect discrimination in the legislation. The Committee asked the Government to provide information on how workers were protected against indirect discrimination in employment and occupation, and whether any steps were being taken or envisaged to include a definition of discrimination in the relevant laws and regulations, with a view to ensuring that workers were protected against both direct and indirect discrimination.

41. The Committee also noted the Government's indication that the statutory retirement age was 60 for men, 50 for women generally and 55 for female civil servants. It also noted that the Government cited the results of a survey conducted by the Women's Studies Institute of China, released in March 2011, that indicated that preferences and attitudes differed with regard to maintaining different retirement ages for men and women. The Government further indicated in its report that relevant government departments were considering the adoption of 60 years or more as the unified retirement age for men and women, but that it had concerns that there would be strong opposition from society. The Committee recalled that differences in retirement ages between women and men could be discriminatory where the amount of the pension was linked to the length of contributory service, given that women would receive a lower pension than men. Earlier retirement ages for women could also have a negative impact on women's career paths and access to higher-level positions. The Committee asked the Government to continue to provide

information on the steps taken with a view to unifying the retirement age for men and women.

42. Noting that article 11 of the Special Provisions on Labour Protection of Female Workers, which came into force on 18 April 2012, included an obligation on the employer to prevent and prohibit sexual harassment of female workers at the workplace, the Committee asked the Government to provide information on the practical application of that article, as well as on article 40 of the Law on the Protection of Women's Rights and Interests, including information on any cases of sexual harassment dealt with by the competent authorities. The Committee also asked the Government to indicate whether any consideration was being given to expanding protection against sexual harassment at the workplace to male workers, as well as to including a definition of sexual harassment to ensure that it covered both quid pro quo and hostile environment harassment.

43. With regard to discrimination based on pregnancy and maternity, the Committee reiterated its request for detailed information on the measures taken to address employment discrimination faced by women based on the fact that they bear children and are seen as primary caregivers, including measures to reconcile work and family targeting both men and women on an equal footing.

44. The Committee noted that in 2009 the Government had issued a notice on implementing the special plan for vocational training for the period from 2009 to 2010. The Committee also noted the Government's indication that, as a result of active employment policies to promote female employment, including through tax exemption, post subsidies and vocational training allowances, by the end of 2009, more than 358 million women were employed, accounting for 46 per cent of the entire working population. The small-sum secured loans had become available for female workers in 2009, and the limit of such loans for female workers had been set higher than that for male workers. The Committee further noted the Government's indication, in the context of addressing occupational gender segregation, that it had taken measures to support rural women in transferring to non-agricultural industries.

45. The Committee requested the Government to continue to provide information on the specific measures taken to promote and ensure women's equality of opportunity and treatment in employment and occupation in the private and public sectors, and in rural and urban areas. It also asked the Government to provide information on the measures taken to address horizontal and vertical occupational gender segregation, including under the notice on implementing the special plan for vocational training for the period from 2009 to 2010, as well as on the specific impact of the small-sum secured loans on promoting greater access of women to better-paid employment and occupations.

46. The Committee recalled that provisions in a number of laws and regulations restricted the work that women could undertake. In particular, article 26 of the Law on the Protection of Women's Rights and Interests provided that women must not be assigned to any work or physical labour not suited to them; article 13 of the Labour Law, article 27 of the Employment Promotion Law, article 3 of the Regulation on the Administration of Human Resources Markets and article 16 of the Regulation on Employment Service and Employment Administration allowed the State to determine the types of work and posts that were not suitable for women; and article 59 of the Labour Law prohibited women from working in mines or

undertaking physically intense work as determined by the State or “other work that female workers should avoid”.

47. The Committee noted the Government’s indication that the Special Provisions on Labour Protection of Female Workers of 2012, by which the Provisions on Labour Protection of Female Workers of 21 July 1988 were repealed, set out and updated the work prohibited for women. The Committee drew the Government’s attention to the detrimental effect that such restrictions could have on the equality of opportunity and treatment of women in employment and occupation. Given that it was awaiting the translation of the Special Provisions of 2012, the Committee asked the Government to indicate how it was ensured that any protective measures were strictly limited to maternity protection.

Convention No. 122

48. In its observation in 2012, the Committee noted the information provided by the Government on measures targeting the employment of women, including social security and vocational training subsidies, entrepreneurial training and measures to improve the maternity insurance system. The Government indicated that those measures had promoted effectively the employment of women. By the end of 2009, urban employers employed a total of 125.3 million persons, of whom 46.785 million were women (37.2 per cent). The Government also provided data indicating that, from 2005 to 2009, public employment service agencies had helped 94.807 million persons to obtain jobs, of whom 44.514 million were women.

49. The Committee invited the Government to provide information on the impact of the measures taken to promote productive employment for vulnerable categories of workers, including updated data on the situation and trends of the active population, employment, unemployment and underemployment, disaggregated by sector, age and sex.

50. The Government has been requested to submit its report on Convention No. 122, which is due for review by the Committee at its session in November-December 2014.

Convention No. 138

51. In its observation in 2010, the Committee noted the information in the communication of the International Trade Union Confederation (ITUC) indicating that, in March 2010, a new 10-year reform plan for the overhaul and improvement of the education system had begun. ITUC stated that, according to statistics from the China Education and Research Network, the number of primary schools had decreased, as had enrolment at both the primary and secondary levels. It also referred to figures of the United Nations Children’s Fund (UNICEF) indicating that some 1 million children (in particular ethnic minorities and girls) dropped out of school each year owing to poverty and that two thirds of non-enrolled school-age children in China were female. ITUC stated that girls were the first to drop out when economic pressures affected their families, and that girls were more often found to be working in factories. The increase in dropouts and the corresponding increase in child workers were due to increasing school fees. The ITUC allegations referenced cases of children being brought to work in factories by their parents in order to pay for their school fees.

52. The Committee urged the Government to pursue its efforts to ensure that, in practice, all children had access to free compulsory education, paying particular attention to girls and children from ethnic minorities and in rural areas. In that regard, the Committee requested the Government to take the measures necessary to considerably strengthen the mechanisms that monitored the enforcement of the Compulsory Education Law and the policies on exemptions for tuition and other fees. It requested the Government to continue to provide information on measures taken in that regard and information from the evaluation exercises conducted to monitor those policies.

53. The Government has been requested to submit its report on Convention No. 138, which is due for review by the Committee at its session in November-December 2014.

Convention No. 182

54. In its observation in 2010, the Committee noted allegations by ITUC that there had been an increasing number of Chinese girls trafficked to work as sex workers in Taiwan Province of China, in Australia, Canada, Japan, Malaysia, Myanmar, the Philippines and the United States of America and in the Middle East.

55. The Committee noted the Government's statement that the National Plan of Action against Trafficking in Women and Children 2008-2012 had been implemented effectively and had contributed to the reduction of the trafficking of women and children at the grass-roots level. The Committee further noted the information from the International Programme on the Elimination of Child Labour of ILO that phase II of the Mekong subregional project to combat trafficking in children and women had been completed in 2008, and that its remaining activities had been incorporated into a project on preventing trafficking in girls and young women for labour exploitation within China.

56. The Committee noted the information in the report entitled "Child trafficking in East and South-East Asia: reversing the trend", published by the UNICEF East Asia and Pacific Regional Office in August 2009, that trafficking occurred in every province in China, with most victims trafficked to the provinces of Guangdong, Shaanxi, Fujian, Henan, Sichuan and Jiangsu and to Guansi. The Committee therefore requested the Government to redouble its efforts, within the framework of the National Plan of Action against Trafficking in Women and Children 2008-2012, to combat and eliminate both internal and cross-border trafficking of persons under 18 years of age and to continue to provide information on the measures taken in that regard and the results achieved.

57. The Committee further noted the ITUC statement that national laws did not provide for adequate sanctions for trafficking-related crimes, and that, while buying trafficked children carried a sentence of imprisonment for three years, the vast majority of buyers were not prosecuted, especially if the child was not harmed and the buyer cooperated with the police. ITUC indicated further that there was a lack of transparency in reporting and investigations, and that Chinese police and local authorities colluded with traffickers in the Tibet Autonomous Region near the border with Nepal to recruit girls and women to work as escorts and prostitutes, resulting in some 10,000 sex workers in the city of Lhasa in Tibet.

58. The Committee expressed its deep concern at allegations of complicity of law enforcement officials with human traffickers and, accordingly, urged the Government to take immediate measures to ensure that thorough investigations and robust prosecutions of perpetrators of the trafficking of children (including the buyers of persons under 18 years of age), and complicit government officials, were carried out and that sufficiently effective and dissuasive penalties were imposed in practice. It requested the Government to provide information on the number of persons (including governmental officials) investigated, convicted and sentenced for cases of trafficking involving victims under 18 years of age, and the penal sanctions imposed.

59. In its direct request in 2010, the Committee noted that the National Plan of Action against Trafficking in Women and Children 2008-2012 and the eleventh Five-Year Plan on the Establishment of a Relief and Protection System for Vagrant Minors did not appear to address the commercial exploitation of children who were not victims of trafficking or who did not live on the street. In that regard, the Committee noted the indication in an ITUC communication of 1 September 2010 that not all child victims of prostitution were victims of trafficking. The Committee therefore requested the Government to provide information on measures taken to address the commercial sexual exploitation of persons under 18 years of age who were not street children or victims of trafficking, in particular the use, offering or procuring of such children for the purpose of prostitution, pornography or pornographic performances.

60. The Committee noted the statement in the ILO document entitled “Situational analysis of domestic work in China” of 2009 that there were some 20 million domestic workers in China. While most of those workers were women over 18 years of age, children might engage in that type of work from 16 years of age. In the analysis, ILO further stated that domestic work had the potential to negatively affect the development of those children owing to the long hours, lack of standards and possible inappropriateness of some tasks for children, all of which might be compounded by their physical and intellectual immaturity. The Committee requested the Government to provide information on the measures taken to protect domestic workers under 18 years of age from hazardous work. It further requested the Government to take measures to identify the number of persons under 18 years of age engaged in domestic work.

61. The Committee noted with interest that, on 8 February 2010, China had acceded to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (the Palermo Protocol). The Committee also noted the Government’s statement that it attached great importance to cooperation with international organizations in its efforts to combat human trafficking, and noted the detailed information provided by the Government in that regard.

62. The Government has been requested to submit its report on Convention No. 182, which is due for review by the Committee at its session in November-December 2014.

Ghana

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

Comments made by the supervisory bodies of the International Labour Organization

64. The pending comments of the Committee of Experts relevant to the provisions of the Convention on the Elimination of All Forms of Discrimination against Women relate to the items below.

Convention No. 100

65. In its observation in 2013, the Committee noted that, since the adoption of the Labour Act in 2003, the Committee had been raising concerns regarding sections 10 (b) and 68 of the Act, which were set out in terms that were more restrictive than the principle of the Convention. The Committee noted the Government's statement that "equal pay for equal work without distinction of any kind" under those sections of the Act was synonymous with the principle of equal remuneration for men and women for work of equal value. However, the Government provided no details in support of that assertion and gave no indication that jobs of a completely different nature could be compared under the Act. The Committee noted further the Government's indication that it would, however, re-examine the Committee's concerns. The Committee asked the Government to take the measures necessary to amend those sections, in order to give full legislative expression to the principle of equal remuneration for men and women for work of equal value set out in the Convention, and to provide information on any progress made in that regard.

66. Regarding equal remuneration for work of equal value in the public service, the Committee recalled that the job evaluation exercise to determine the value of all public service jobs had been completed in April 2009, and that, as a result, a public service pay policy setting out a single spine salary structure had been adopted in November 2009, effective January 2010. The Committee also recalled that the evaluation had been made on the basis of four main job factors (knowledge and skill, responsibility, working conditions and effort), which had been subdivided into 13 subfactors. The Committee noted the Government's indication that 95 per cent of all public service employees had been brought under the single spine salary structure, and that all public service employees would be brought under the structure by the end of 2012. The Committee asked the Government to provide information on the progress made in covering all public service employees by the structure, and how that had affected the relative pay of women and men in the public service. It also asked the Government to provide information on the practical application of the structure, including on the issues dealt with by the Fair Wages and Salaries Commission and the steps taken by the Commission to ensure full application of the principle of the Convention in the public service. The Government was again requested to provide a copy of the single spine salary policy and the single spine salary structure adopted.

67. In its direct request in 2013, the Committee recalled that it had been commenting for a number of years on collective agreements that contained

provisions discriminating against women, in particular with regard to particular benefits. It noted that the Government's report again contained no specific information in response to the Committee's previous requests in that regard. The Committee urged the Government to take the steps necessary, in cooperation with employers' and workers' organizations, to ensure that provisions of collective agreements did not discriminate on the ground of sex. It asked the Government to provide information on any measures taken or envisaged, in cooperation with employers' and workers' organizations, to promote the principle of equal remuneration between men and women for work of equal value, including objective job evaluation methods, through collective agreements.

68. With regard to objective job evaluation in the private sector, the Committee recalled that, according to the Ghana Living Standards Survey published in September 2008 by the Ghana Statistical Service, on average, men received higher earnings than women. Noting that the sixth round of the Survey would end in September 2013, the Committee asked the Government to provide updated information on the gender pay gap in the private sector, including statistical information, based on the results of the recent Survey. It also asked the Government to take steps to promote objective job evaluation methods in the private sector to eliminate unequal pay, and to provide information on the progress made in that regard.

69. The Committee noted that the Government had repeated its previous indication that the Government and workers' and employers' organizations had taken active steps to promote a better understanding and implementation of the principle of equal remuneration through regular tripartite consultation in the framework of the National Tripartite Committee and in determining the national minimum wage. Recalling the important role of employers' and workers' organizations in promoting that principle of the Convention, the Committee again asked the Government to provide specific information on the concrete steps and action taken to promote the principle, and the results of such initiatives. It also asked the Government to indicate whether equal remuneration between men and women had been discussed specifically within the National Tripartite Committee, and how the principle had been reflected in the establishment of the minimum wage.

70. Regarding enforcement, the Committee noted the Government's indication that the National Labour Commission and the Fair Wages and Salaries Commission dealt with issues pertaining to grievances of workers, especially those regarding equal remuneration. The Government also indicated that an alternative dispute resolution centre pursuant to the Alternative Dispute Resolution Act of 2010 served as an additional forum to deal with complaints regarding remuneration.

Convention No. 111

71. In its direct request in 2013, the Committee recalled its previous comments noting that section 175 of the Labour Act, defining sexual harassment, appeared to cover only quid pro quo harassment and not hostile environment sexual harassment. The Government indicated that steps had been taken with a view to preventing and combating sexual harassment at work, including workplace inspections and education and training programmes for employers' and workers' organizations. The Committee noted the Government's indication that no complaints or reports concerning sexual harassment at the workplace had been brought before the

competent authorities, including the National Labour Commission, under the Act. It asked the Government to expand the definition of sexual harassment to explicitly cover hostile environment sexual harassment. The Committee also asked the Government to take specific steps aimed at achieving better knowledge and understanding of the existence of sexual harassment, and means of preventing and addressing it, among labour inspectors, judges and other relevant public officials, as well as employers, workers and their organizations.

72. The Committee recalled the Government's policy for affirmative action towards equality of rights and opportunities for women, and the policy on gender equality for 2008-2012 developed by the Trades Union Congress of Ghana, which included the increase of women's representation in the leadership of the labour movement and in union activities and the intensification of gender educational programmes for both men and women. The Committee noted the Government's indication that, although the 40 per cent target of women's representation in the public sector had not been reached, the Government was taking the steps necessary to ensure more appointments of women within the public sector. The Government also indicated that the Gender Budget Monitoring Unit of the Ministry of Women and Children's Affairs would ensure that national and sectoral budgets for 2010 and beyond were gender responsive. The Committee asked the Government to provide information on the implementation of the measures taken within the framework of the affirmative action policy, including indications of the time frame for their implementation and their impact on improving gender equality in employment and occupation. It also asked the Government to indicate the steps taken to collect and process statistical information on the situation of women in employment in the private and the public sectors.

73. Regarding education and vocational training, the Committee recalled that the Government had been promoting the access of girls and women to education, in particular within the framework of the National Functional Literacy Programme. The Committee also recalled that the Education Act of 2008 did not include provisions to prohibit discrimination in education on the basis of all the grounds listed in article 1 (1) (a) of the Convention, while section 22 (1) of the repealed Education Act of 1961 provides that no person shall be refused admission as a pupil to, or refused attendance as a pupil at, any school on account of the religious persuasion, nationality, race or language of himself or of either of his parents. Section 28 of the Education Act of 2008 provides for a grievance procedure before the National Accreditation Board or the district education oversight committee, when a parent has cause to suspect discrimination. In addition, section 29 (o) of the Education Act provides that the Minister may make regulations in respect of gender equity at all levels and programmes of education. The Committee asked the Government to provide updated information on the steps that it had taken or envisaged to promote the access of girls and women to education and training, including to technical institutes and tertiary education institutions, to enable them to gain access to a larger range of jobs and occupations, and the results achieved. It also asked the Government to provide information on the grounds of discrimination in the grievances pursuant to section 28 of the Education Act, and to indicate whether such grounds included that of discrimination under article 1 (1) (a) of the Convention. The Government was further asked indicate whether ministerial regulations pursuant to section 29 (o) had been adopted.

74. Regarding enforcement, the Committee asked the Government to take concrete steps to revise the labour inspection form to include a specific reference to discrimination on the grounds listed in the Convention and to sexual harassment. It also asked the Government to take measures to enhance the capacity of law enforcement officials to identify and address discrimination in employment and occupation.

Convention No. 182

75. In its direct request in 2010 (repeated in 2012 and 2013), the Committee noted that, as observed in its previous comments, the Criminal Code did not specifically establish offences related to pornography or pornographic performances by a child under 18 years of age, but set out provisions prohibiting the production, distribution or exhibition of obscene materials or performances in general. The Committee requested the Government to take the measures necessary to specifically prohibit the use, procuring or offering of a child for the production of pornography and for pornographic performances. It also requested the Government to adopt provisions establishing appropriate penalties for this worst form of child labour.

Other conventions on which the Government has been requested to report

76. The Government has been requested to submit its reports on Conventions Nos. 87 and 98, which are due for review by the Committee at its session in November-December 2014.

Guinea

77. Among the relevant ILO conventions, Guinea has ratified Conventions Nos. 100, 111 and 156. It has also ratified Conventions Nos. 3, 29, 45, 87, 89, 98, 105, 122, 138, 142, 143 and 182.

Comments made by the supervisory bodies of the International Labour Organization

78. The pending comments of the Committee of Experts relevant to the provisions of the Convention on the Elimination of All Forms of Discrimination against Women relate to the items below.

Convention No. 3

79. In its direct request in 2005 (repeated most recently in 2013), the Committee noted the Government's indication that, owing to functioning difficulties, it was then impossible for the National Social Security Fund to assume the payment of the entire maternity benefit, 50 per cent of which was still paid by the employer in accordance with article 106 (4) of Act No. L94/006/CTRN issuing the Social Security Code. The Government added, however, that it would work progressively towards ensuring that national legislation was brought into line with the Convention.

80. The Committee expressed the hope that the Government would provide an indication of the progress made towards ensuring the full application of the Convention, and that it would take action to ensure that the payment of maternity

benefit was not assumed, even partially, by employers, insofar as that was inconsistent with the provisions of the Convention and involved the risk of harmful consequences for the employment of women.

81. With regard to the possibility of dismissing a worker during her maternity leave in the event of serious misconduct, as provided for in article 63 of Ordinance No. 003/PRG/SGG/88 of 1988 issuing the Labour Code, the Government indicated that, although the provision was inconsistent with the Convention, it had not given rise to any complaints from the social partners. The Committee expressed the hope that the Government would provide details of the measures taken in practice to give effect to that provision of the Convention.

Convention No. 100

82. In its direct request in 2012 (repeated in 2013), the Committee noted the Government's indication that the draft labour code, awaiting submission to the National Assembly, established the principle of equal remuneration for men and women for work of equal value.

83. The Committee also noted Decree No. 009/PRG/SGG/89 fixing the amounts of bonuses for higher-level and managerial posts in the civil administration of the State, which applied to all officials in the categories concerned, without any distinction regarding sex. It recalled that, even if salaries and bonuses were fixed according to the posts concerned and a statutory pay scale, without any distinction as to sex, the methods and criteria adopted for classifying posts and establishing pay scales could result in discrimination, the jobs traditionally performed by women often being undervalued by comparison with jobs traditionally performed by men.

84. The Committee asked the Government to provide information on the steps taken or envisaged to ensure that the criteria for the evaluation and classification of jobs and pay scales that applied in the public sector were objective and free of any gender bias, and in particular that jobs largely performed by women were not undervalued in comparison with predominantly "male" jobs but evaluated objectively on the basis of the work that they involved.

Convention No. 111

85. In its direct request in 2012 (repeated in 2013), the Committee noted that the draft labour code was awaiting submission to the National Assembly, and expressed the hope that the new labour code would contain provisions prohibiting direct and indirect discrimination with regard to all workers, on at least all the prohibited grounds of discrimination listed in article 1 (1) (a) of the Convention, at all stages of employment and occupation.

86. The Committee also noted that the current Labour Code contained provisions that restricted women's access to some types of work (arts. 148 and 186). The Committee expressed its hope that the provisions of the new code concerning women's employment would be in conformity with the principle of gender equality and that protective measures regarding women would be limited to maternity protection.

87. The Committee noted that in 2012 women represented 27.88 per cent of total staff in the public service, and that only 16.29 per cent of the highest (category A) managerial posts were occupied by women. According to a study on poverty and

inequalities in Guinea from 1994 to 2012, published in July 2012 by the National Institute of Statistics, discrimination suffered by women in the labour market resulted in households headed by women being more vulnerable to poverty.

88. The Government indicated that the country had adopted a national policy framework document for the promotion of employment for development and poverty reduction, combined with an action plan, which was aimed in particular at improving access to employment for women; that a gender and equity division had been created within the Ministry of Social Affairs; and that gender and equity units had been established in all ministerial departments. Moreover, the poverty reduction strategy paper for 2011-2012, which had recently been adopted, established areas for priority action with a view to promoting equality for men and women and promoting the gender dimension in employment, and provided in particular for strengthening existing legislative and institutional frameworks in order to promote gender equality and boost women's financial independence (microcredit). The Committee noted that a national gender policy had been formulated in 2011.

89. Noting the Government's efforts to adopt a strategic action framework for promoting equality of opportunity and treatment for men and women in employment and occupation, the Committee requested the Government to provide information on the specific measures taken in that context and on the results achieved.

90. The Committee noted further that, according to the above-mentioned study of the National Institute of Statistics, although the school enrolment rate was 57.1 per cent for girls and 61.8 per cent for boys between 7 and 12 years of age, the figure dropped to 31 per cent for girls and 44.7 per cent for boys between 13 and 19 years of age. According to the study, the enrolment rate was lower for young girls, who were likely to leave the education system prematurely. Moreover, the Committee noted that the rate of illiteracy for adults (65.22 per cent) highlighted a major gap between the sexes (74 per cent for women compared with 55.14 per cent for men). It also noted that the poverty reduction strategy paper provided for the development of education and literacy programmes, and that the Five-Year Socioeconomic Development Plan, 2011-2015, adopted in December 2011 by the Ministry of Planning, established a comprehensive public literacy strategy, especially for women and girls, through the formulation of programmes and the setting of specific targets.

91. The Committee requested the Government to provide information on the implementation of the measures established through the poverty reduction strategy paper, the Five-Year Socioeconomic Development Plan 2011-2015 and the national gender policy aimed at improving access for girls and women to education and vocational training, especially in traditionally "male" sectors, and on the measures aimed at maintaining their attendance in school or in training institutes.

Convention No. 122

92. In its observation in 2012 (repeated as a direct request in 2013), the Committee noted the information provided by the Government on various measures intended to promote youth employment and women's employment, including the formulation of the National Support Programme for Youth Employment (2007), the setting up of the National Fund for the Integration of Young People, the establishment of two support funds (30 billion Guinean francs for young people and 100 billion Guinean francs for women) for employment promotion and poverty reduction, and the

implementation, in partnership with the World Food Programme, of the “food for apprentices” programme for 1,000 disadvantaged young persons (2010).

93. The Committee further noted that, according to the poverty reduction strategy paper for 2011-2012, the unemployment rate had increased from 10.2 to 15 per cent in Conakry and had fallen from 6.7 to 3.2 per cent in the other cities between 2002 and 2007. Overall, underemployment affected 9.1 per cent of the active population in 2007, compared with 11.8 per cent in 2002. Women were worse affected by underemployment than men (7.5 per cent for men and 10.5 per cent for women). The proportion of the active population that was underemployed was higher in rural areas (11.1 per cent) than in urban areas (5.4 per cent).

94. The Committee invited the Government to provide information on the results achieved, in particular for young persons and women, by the measures for employment promotion and for better provision of vocational and technical training, as well as on the progress made in putting into effect the plan of action for the implementation of the national employment promotion policy.

Convention No. 182

95. In its observation in 2012, the Committee noted with interest the adoption of the Children’s Code (Act No. L/2008/011/AN of 19 August 2008). It noted with satisfaction that articles 385 to 396 of the Code prohibited effectively trafficking in persons, including children, for sexual exploitation or for the exploitation of their labour. The Government indicated that a bill prohibiting child labour and trafficking was being prepared. The Committee requested the Government to provide information on the progress achieved in the preparation of that bill.

96. The Committee noted with satisfaction that articles 359 and 360 of the Children’s Code prohibited the production, offering, dissemination, procuring, possession and representation of any pornography involving the performance by children of explicit sexual activities, whether real or simulated, or any representation of the sexual organs of a child, under penalty of imprisonment from one to five years and a fine from 300,000 to 1 million Guinean francs.

97. The Committee also noted, however, that, according to the report on the National Survey on Child Labour and Trafficking in Guinea of November 2011, conducted in collaboration with the ILO Statistical Information and Monitoring Programme on Child Labour and the National Institute of Statistics, 40.1 per cent of children between 5 and 17 years of age in Guinea, or 1,427,778 children, were engaged in types of work that were to be abolished; of those children, 84.1 per cent were engaged in hazardous types of work. The Committee therefore requested the Government to take immediate measures to strengthen the capacity of labour inspectorates as a matter of urgency, so as to ensure adequate monitoring and detection of children under 18 years of age engaged in the worst forms of child labour, and especially in hazardous types of work.

Other conventions on which the Government has been requested to report

98. The Government has been requested to submit its reports on Conventions Nos. 87 and 98, which are due for review by the Committee at its session in November-December 2014.

Poland

99. Among the relevant ILO conventions, Poland has ratified Conventions Nos. 100 and 111. It has also ratified Conventions Nos. 29, 87, 98, 103, 105, 122, 138, 142 and 182.

Comments made by the supervisory bodies of the International Labour Organization

100. The pending comments of the Committee of Experts relevant to the provisions of the Convention on the Elimination of All Forms of Discrimination against Women relate to the items below.

Convention No. 100

101. In its direct request in 2010, the Committee noted that, according to the Government's report, the gender pay gap had increased from 7.5 per cent in 2007 to 9.8 per cent in 2008 (on the basis of average gross hourly earnings).

102. The Committee welcomed the analysis of the causes for the gaps in remuneration between men and women provided in the report entitled "Employment in Poland in 2007". The report showed that remuneration gaps were the result of differences pertaining to the characteristics of the job holder, such as his or her level of education or professional experience, and to the characteristics of the workplace (sector, profession, size of the enterprise), in addition to gender discrimination. With regard to the wider remuneration gap concerning managerial posts, the report underlined that it was largely due to the underrepresentation of women in higher-paid positions.

103. The Committee asked the Government to provide information on any measures taken to reduce and close the widening gender remuneration gap both in the private and public sectors, including measures to address occupational segregation between men and women and to promote women's opportunities for career development and access to a wider range of jobs and educational and vocational paths.

104. Noting the limitations in the Labour Code and the Government's explanations, the Committee recalled that the Convention did not limit the application of the principle of equal remuneration for men and women for work of equal value to the same enterprise, and asked the Government to indicate how men and women were protected from discrimination in respect of remuneration if no real or hypothetical comparator was available within the enterprise.

105. The Government has been requested to submit its report on Convention No. 100, which is due for review by the Committee at its session in November-December 2014.

Convention No. 111

106. In its direct request in 2010, the Committee noted the Government's indication that the anti-discrimination provisions of the Labour Code had been amended in November 2008. The definition of indirect discrimination had been supplemented; the situations considered discriminatory and the definition of sexual harassment further specified; reprisals against an employee subject to mobbing or sexual harassment explicitly prohibited, and the scope of protection of an employee

exercising his or her rights further to the infringement of the principle of equal treatment in employment further specified. Since 2008, other amendments to the Labour Code had been made to provide equal opportunities for men and women in employment, including the granting of additional rights with regard to maternity and parenting.

107. The Committee noted that the provisions of the Labour Code concerning sexual harassment had been amended to add a detailed indication of actions that might lead to creating unfavourable conditions for the employee. It also noted that more than 30 complaints for sexual harassment had been submitted to the labour inspectors since 2009, and that several cases of sexual harassment had been dealt with by the labour divisions of district and regional courts. The Committee asked the Government to provide detailed information on the content of the amended provisions relating to discrimination and sexual harassment, as well as on their application in practice. The Committee also asked the Government to provide information on the effective measures taken to promote awareness of the issue of sexual harassment at work.

108. The Committee noted from the statistics provided by the Government that the rate of economically active women remained below 50 per cent (46.6 per cent in 2008 and 47.3 per cent in 2009). According to data from Eurostat, the employment rate of women was 52.9 per cent in 2009. In October 2008, men were overrepresented by 30 per cent in decision-making positions (i.e. public government representatives, senior officials and managers).

109. The Committee welcomed the numerous initiatives and projects implemented by the Government since 2005 to promote women's employment, with a particular emphasis on the fight against stereotypes regarding the role of women in the society and at work, through media campaigns, workshops, seminars and conferences. It noted that some of the projects launched were aimed in particular at reconciling work and family responsibilities, and that legislative measures had been taken in that regard.

110. The Committee encouraged the Government to pursue its efforts to combat the stereotypes regarding the roles of women and men in society and at work, and requested it to provide information on the measures to promote the employment of women implemented through the labour market institutions. The Committee also requested the Government to provide information on any assessment made of the impact that the implemented projects and programmes had had on women's employment and opportunities, in particular on their employment in decision-making positions.

111. The Government has been requested to submit its report on Convention No. 111, which is due for review by the Committee at its session in November-December 2014.

Convention No. 122

112. In its observation in 2012, the Committee noted the observations submitted by the Independent Self-Governing Trade Union "Solidarity", in which the Trade Union suggested that increased allocations should be directed towards the employment of vulnerable groups, such as unemployed women, young people,

persons with disabilities, older workers, informal economy workers, migrants and farmers.

113. The Committee invited the Government to provide information on the results achieved in implementing active employment measures to promote full employment and on how those measures would translate into productive and lasting employment opportunities for the unemployed and other categories of vulnerable workers.

114. The Committee also noted the Government's indication that the National Action Plan for Employment for 2009-2011 had identified the importance of the issue of ensuring equal access to the labour market for women and men. During the period covered by the Plan, a number of initiatives co-financed by the European Social Fund were implemented, aimed at strengthening the position of women in the labour market by overthrowing the existing stereotypes, raising the level of awareness among workers and labour market institutions and providing access to institutionalized forms of childcare. The Government reported that the unemployment rate for women was 10.9 per cent in 2011, compared with 8.8 per cent for men. More than 64 per cent of unemployed women in the fourth quarter of 2011 had a secondary, post-secondary or higher education, while among men the rate was 43.4 per cent. Women accounted for 54.7 per cent of all unemployed persons who had participated in activation programmes in 2011.

115. The Committee encouraged the Government to pursue its efforts to combat the stereotypes regarding the roles of women and men in society and at work, and invited the Government to provide information on the impact of the measures adopted to ensure that women had the fullest possible opportunity to obtain qualifications and use their skills.

Solomon Islands

116. Among the relevant ILO conventions, Solomon Islands has ratified Conventions Nos. 100 and 111. It has also ratified Conventions Nos. 29, 45, 87, 98, 105, 138 and 182.

117. The Government has been requested to submit its first reports on Conventions Nos. 87, 98, 100, 105, 111 and 182, in addition to its report on Convention No. 45, which are due for review by the Committee at its session in November-December 2014.

Venezuela (Bolivarian Republic of)

118. Among the relevant ILO conventions, the Bolivarian Republic of Venezuela has ratified Conventions Nos. 100, 111 and 156. It has also ratified Conventions Nos. 3, 29, 87, 98, 105, 122, 138, 142 and 182.

Comments made by the supervisory bodies of the International Labour Organization

119. The pending comments of the Committee of Experts relevant to the provisions of the Convention on the Elimination of All Forms of Discrimination against Women relate to the items below.

Convention No. 3

120. In its observation in 2013, the Committee noted the adoption of the Labour Act in April 2012, which reinforced maternity protection and employment stability for pregnant women and working mothers. In that respect, the Committee noted with satisfaction that article 335 of the Act guaranteed women workers special protection against dismissal from the beginning of their pregnancy and up to two years after childbirth.

Convention No. 100

121. In its direct request in 2011, the Committee recalled its previous request for information on the provisions in force that established differences in benefits for men and women workers who adopt children. In that regard, the Committee noted the Government's indication that there were no such differences.

122. The Committee also noted the Government's indication that the employment rate for women was 92 per cent, while that of men was 92.6 per cent. It further noted the statistical information provided by the Government on the global indicators of the labour force in both the formal and informal economies, disaggregated by sex for the period September 2009-September 2010, in addition to the indicators of the economically active population by branch of economic activity and employment status for the period 2004-2010. The Committee observed that the indicators on the economically active population by branch of economic activity were not sufficient for an adequate evaluation of the employment situation of women and their remuneration, given that they were not disaggregated by sex and did not include information on the remuneration earned by men and women. It emphasized the importance of having available full information allowing an appropriate evaluation of the type, level and causes of differences in remuneration between men and women and the progress achieved in the application of the principle of the Convention.

123. The Committee requested the Government to continue its efforts with a view to compiling statistics and any other type of information disaggregated by sex as a basis for determining the remuneration gap between men and women workers by sector and its causes, and to assess the respective trends, and provide information in that regard. It also requested the Government to report on the implementation of the equality plan for women covering the period 2009-2013, in particular concerning the measures adopted to achieve wage parity, and to provide information on any other measures adopted by the Ministry of People's Power for Women and Gender Equality with a view to achieving the objectives of the Convention.

124. The Committee also asked the Government to take the measures necessary to include in the legislation the principle of equal remuneration for men and women for work of equal value.

125. The Government has been requested to submit its report on Convention No. 100, which is due for review by the Committee at its session in November-December 2014.

Convention No. 111

126. In its observation in 2012, the Committee noted the observations of 14 August 2012 of the Independent Trade Union Alliance, in which the Alliance objected that

the Labour Act, which had entered into force in May 2012, had not been debated in the parliament. The Alliance asserted in particular that the definition of sexual harassment in the Act was incomplete because it did not include a reference to “hostile working environment”. The Alliance also referred to the status of women in the labour market, stating that they were affected by unemployment, job instability and a lack of education. The Committee requested the Government to provide its observations on those matters.

127. In its direct request in 2011, the Committee noted the Government’s indication that the Office of the Attorney General had indicated that, since the entry into force of the Act on the Right of Women to a Life Free from Violence, 199,985 complaints had been received concerning gender violence: 34,410 in 2007, 70,015 in 2008 and 95,560 in 2009. The offences most frequently reported were physical, psychological and sexual violence, threats and harassment. The Government indicated that, according to the Comprehensive Family Directorate of the Office of the Attorney General, the complaints had given rise to 95,166 actions (covering charges, cases set aside and cases dismissed). The work of providing guidance and assistance to victims was also undertaken by a directorate, under the Women’s Institute, for prevention and action in respect of violence against women. The Committee noted that the statistical information provided by the Government on the types of violence reported by women did not provide a basis for an adequate assessment of the incidence of sexual harassment at work, nor the measures adopted in responses to it.

128. The Committee again requested the Government to provide information on complaints of sexual harassment in the working environment and on steps taken to raise the awareness of and train the administrative and judicial authorities on the concept of sexual harassment as described in the general observation of 2002, the outcome of the complaints made in that respect and the measures adopted as a consequence. It also asked the Government to indicate whether the Inter-institutional Plan for the Prevention of Gender Violence, to which reference was made in 2009, had been adopted and whether it provided for action to prevent and combat sexual harassment at work.

129. The Committee further requested the Government to provide information on the impact of the Plan for Equality for Women 2009-2013, which focused on the inclusion of women in socioproductive development and work, and to provide statistics and information disaggregated by sex, age, ethnic origin and employment sector.

130. The Government has been requested to submit its report on Convention No. 111, which is due for review by the Committee at its session in November-December 2014.

Convention No. 122

131. In its observation in 2012, the Committee noted the Government’s indication that programmes and actions were being carried out through social missions for the inclusion of sectors excluded from the world of work. In that regard, the Madres del Barrio Mission, a comprehensive strategy to encourage the integration of women in situations of extreme poverty into the world of work, was aimed at facilitating social processes of socioproductive inclusion both for beneficiary mothers and for other members of the family. For that purpose, guidance was provided to mothers to help them to formulate socioproductive proposals in Madres del Barrio committees.

Other conventions on which the Government has been requested to report

132. The Government has been requested to submit its report on Convention No. 45, which is due for review by the Committee at its session in November-December 2014.
