



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

Distr.: General
18 December 2009

Original: English

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

Forty-fifth session

18 January – 5 February 2010

Item 5 of the provisional agenda*

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

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

Note by the Secretary-General

Addendum

International Labour Organization

* CEDAW/C/2010/45/1.



**REPORT OF THE
INTERNATIONAL LABOUR OFFICE**

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

Geneva, December 2009

Table of Contents

Part I Introduction

Part II Indications concerning the situation of individual countries

Botswana

Egypt

Malawi

Netherlands

Panama

Ukraine

United Arab Emirates

Uzbekistan

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 188 Conventions adopted so far, the information in this report relates principally to the following:

- Equal Remuneration Convention, 1951 (No. 100), which has been ratified by 167 member States;
- Discrimination (Employment and Occupation) Convention, 1958 (No. 111), which has been ratified by 169 member States;
- Workers with Family Responsibilities Convention, 1981 (No. 156), which has been ratified by 40 member States.

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

Forced Labour

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

Child Labour

- Minimum Age Convention, 1973 (No. 138)

- Worst Forms of Child Labour Convention, 1999 (No. 182)

Freedom of Association

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

Employment Policy

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

Maternity Protection

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

Night Work

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

Underground Work

- Underground Work Convention, 1935 (No. 45)

Part-time Work

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

Home Work

- Home Work Convention, 1996 (No. 177)

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

The information below sets out brief references to the much more detailed comments made by the ILO supervisory bodies. The relevant comments of the Committee of Experts referred to in Part II can be found by going to:

www.ilo.org/public/english/standards/norm/index.htm

and then referring to the APPLIS database.

Part II: Indications concerning the situation of individual countries

Botswana

Among the relevant ILO Conventions, Botswana has ratified Conventions Nos. 100 and 111.

It has also ratified Conventions Nos. 29, 87, 98, 105, 138 and 182.

Comments made by the ILO supervisory bodies. The pending comments of the ILO Committee of Experts relevant to the provisions of the Convention on the Elimination of All Forms of Discrimination against Women relate to the following:

Convention No. 100: The principle of equal remuneration for work of equal value is currently not reflected in the legislation of Botswana. In its 2007 direct request regarding the application of the Convention the Committee of Experts noted that the Government is currently amending the Employment Act and, in this context, it urged the Government to ensure that, full legislative expression is given to the principle of equal remuneration for men and women for work of equal value. In addition, the Committee experts underlines that the importance of ensuring the principle of equal remuneration for men and women is appropriately taken into account in the minimum-wage setting process; and the need to promote objective job evaluation in the private and public sectors.

Convention No. 111: In its 2002 direct request, the Committee of Experts noted that the Employment Act, 1982 prohibits discrimination only with respect of termination of employment (section 23(d)). It requested the Government to indicate the manner in which

non-discrimination is prohibited in relation to access to vocational training, employment, promotion, and terms and conditions of employment.

Convention No. 182: In its 2008 direct request, the Committee of Experts noted that, under section 149(b) of the Penal Code, it is an offence to procure or attempt to procure a girl or a woman under the age of 21 years to become a prostitute either in the country or elsewhere. Pursuant to section 149(d) of the Penal Code, it is an offence to procure or attempt to procure a woman or a girl to leave her usual place of abode in Botswana with the intent that she may, for the purposes of prostitution, become an inmate of or frequent brothels in Botswana or elsewhere. The Committee also noted that section 153(b) of the Penal Code provides that a person who detains any woman or girl against her will in a brothel, is guilty of an offence. Section 158 of the Penal Code further states that any person who keeps or manages or assists in the management of a brothel is guilty of an offence. The Committee noted that most of the sexual offences provisions in the Penal Code refer to girls, and there do not appear to be any similar provisions protecting boys. The Committee recalled that under Article 3(b) of the Convention the use, procuring or offering of a child for prostitution refers to all persons (boys and girls) under 18 years of age. The Committee consequently requested the Government to take the necessary measures to secure the prohibition of the use, procuring or offering of both boys and girls under 18 years of age for prostitution.

Government reports on Conventions Nos.100 and 111 were examined by the Committee of Experts during its November-December 2009 session. The Committee's comments are not yet available.

Egypt

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

Comments made by the ILO supervisory bodies. The pending comments of the ILO Committee of Experts relevant to the provisions of the Convention on the Elimination of All Forms of Discrimination against Women relate to the following:

Convention No. 45: In its 2005 direct request, the Committee noted that Ministerial Order No. 155 of 2003 prohibits the employment of women underground in mines and quarries and more generally, in all work relating to mineral and stone extraction and that no exceptions may be made in this regard. The Committee noted that contrary to the old approach based on the outright prohibition of underground work for all female workers, modern standards focus on risk assessment and risk management and provide for sufficient preventive and protective measures for mineworkers, irrespective of gender, whether employed in surface or underground sites. The Committee invited the Government to give favourable consideration to the ratification of the Safety and Health in Mines Convention, 1995 (No. 176), which shifts the emphasis from a specific category of workers to the safety and health protection of all mineworkers, and possibly also to the denunciation of Convention No. 45.

Convention No. 89: In its 2008 direct request, the Committee of Experts noted Ministerial Order No. 183 of 2003 which was issued in accordance with section 89 of the Labour Code and determines the type of work and conditions in which employment of women is prohibited between 7 p.m. and 7 a.m. According to information provided by the Government, the Order

provides that women may not be employed at any industrial undertaking, or at any of its branches, in the interval from 7 p.m. to 7 a.m. (section 1), except in cases of force majeure or work necessary to protect raw materials (section 4), while its provisions do not apply to women occupying responsible positions of a managerial or technical character (section 5).

While noting that the national legislation appears to be in substantial conformity with the requirements of the Convention, the Committee drew the Government's attention to the fact that general protective measures for women workers, such as blanket prohibitions or restrictions – as contrasted to special measures aimed at protecting women's reproductive and maternal capacity – are increasingly subjected to extensive criticism as obsolete and unnecessary infringements of the fundamental principle of equality of opportunity and treatment between men and women. The Committee invited the Government, in consultation with the social partners, and in particular with women workers, to consider the possibility of modernizing its legislation by ratifying either the 1990 Protocol to Convention No. 89, which opens up the possibility for women to work at night under certain well-specified conditions, or the Night Work Convention, 1990 (No. 171), which applies to all night workers in all branches and occupations.

Convention No. 100: In its 2007 direct request 2007, the Committee considered that sections 35 and 88 of Labour Code No. 12 of 2003, while prohibiting sex discrimination with respect to wages and working conditions, did not fully reflect the principle of equal remuneration for men and women for work of equal value. The Committee stressed that the Convention, by referring to “work of equal value” implied a comparison not only of wages received by men and women performing the same work, but also of wages received by men and women performing different types of work which are nevertheless of equal value. The Committee

noted the Government's indication that a tripartite round table was organized for officials in charge of supervising the application of the Convention and the Labour Act, as well as workers' and employers' organizations, to clarify the concept of equal remuneration for men and women for work of equal value. The round table concluded that a tripartite committee should be set up to examine the manner in which the principle of equal remuneration was applied in accordance with the Convention, and work is under way in this regard.

The Committee urged the Government to take the necessary steps to amend the relevant provisions of the Labour Act of 2003 so as to provide not only for equal remuneration for equal, the same or similar work but also prohibit pay discrimination that occurs in situations where men and women perform different work that is nevertheless of equal value. The Committee asked the Government to continue to provide specific training to labour inspectors in the area of equal remuneration so that they are better able to identify and deal with cases of unequal remuneration between men and women in the workplace; it also underlined the need to raise awareness among workers and employers of the rights under the Convention, and to ensure that complaints mechanisms are accessible to all.

A report from the Government on Convention No. 100 has been received and will be examined by the Committee of Experts in 2010.

Convention No. 111: In its 2007 direct request regarding this Convention, the Committee drew the attention of the Government to the fact that sections 35, 88 and 120 of the Labour Code do not appear to protect against direct and indirect discrimination in all areas of employment and occupation, including access to employment and all terms and conditions of employment. The Committee considered that the national legislative framework may be

insufficient to provide for adequate protection against discrimination in all aspects of employment and occupation, and particularly against discriminatory recruitment practices on the part of the employer.

With regard to the Government's indication that no complaints regarding discrimination were being raised, the Committee observed that the absence of such complaints not necessarily indicate an absence of discrimination, but often results from the absence of an appropriate legal framework to bring discrimination claims, a lack of awareness and understanding among workers as well as law enforcers of the right to equal remuneration for men and women, and an absence of accessible dispute resolution procedures.

The Committee asked the Government to undertake an assessment of whether the legislative framework provides, in law and practice, sufficient protection against discrimination in all aspects of employment. Such an assessment should give due consideration to the possibility of amending the Labour Code of 2003 so as to introduce a general prohibition of discrimination which would explicitly prohibit discrimination in all aspects of employment and occupation, including discriminatory recruitment practices and discrimination in respect of all terms and conditions of employment, covering all the grounds set out in the Convention.

The Committee further noted the Government's statement that in view of the nature of their work and due to the private sphere of life, it is difficult to monitor the application of the provisions of the Labour Code with respect to domestic workers. According to the Government, domestic workers are protected through the Civil and Penal Codes and through the Constitution. The Committee emphasized the particular vulnerability of these workers to discrimination due to the character of their employment, and thus the need for effective and

accessible complaints mechanisms and procedures for redress. The Committee noted that the bodies responsible for women's affairs were due carry out an assessment of whether the national legislative framework provides sufficient protection against discrimination and abuse of domestic workers.

The Committee noted from the statistics in the Government's report that women's participation in the labour force remains extremely low (23.3 per cent), and that currently there are 30 women working as judges. The Committee further noted the information in the Government's report concerning the mandate and activities of the National Council of Women (NCW), such as a project on integrating gender in development planning, developing institutional capacity, follow-up and evaluation, a training guide on gender, development and planning, and legal assistance to women through the Centre for Women's Complaints. Considering the slow progress made in improving women's participation in the labour force, the Committee questioned whether these measures are effective in achieving substantial equality of opportunity and treatment between men and women in employment and occupation. The Committee asked the Government to increase its efforts to increase women's participation, including Bedouin women, in the broadest possible range of economic activities, including occupations traditionally considered "unsuitable" for women, and vocational training programmes. The Committee also asked the Government to indicate the specific impact of the activities of the NCW on women's employment, and in particular how they have addressed stereotypical attitudes on the role and responsibilities of men and women in the labour market and social factors constituting obstacles to women's entry into the formal labour market.

Under Convention No. 111, the Committee also commented on Order No. 183 and Order No. 155 of 2003 containing certain employment restrictions for women. The Committee noted the Government's statement that Orders Nos. 155 and 183 cancel a number of employment restrictions for women contained in the previous Labour Code and subsequent regulations. The Committee nevertheless recalled that special protective measures for women which are based on stereotyped perceptions of their capacity and role in society may give rise to violations of the principle of equality of opportunity and treatment. It asked the Government to keep it informed of any review undertaken of the list of work prohibited to women in Order No. 155 of 2003 and hopes that in revising the Order, it will be ensured that protective measures will be limited to protecting the reproductive capacity of women and that those aimed at protecting women because of their sex or gender, based on stereotyped assumptions, will be repealed.

A report from the Government on Convention No. 111 has been received and will be examined by the Committee of Experts in 2010.

Malawi

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

Comments made by the ILO supervisory bodies. The pending comments of the ILO Committee of Experts relevant to the provisions of the Convention on the Elimination of All Forms of Discrimination against Women relate to the following:

Convention No. 45: In its 2005 direct request, the Committee of Experts noted the adoption of the Occupational Safety, Health and Welfare Act, No. 21 of 1997 (repealing the Employment of Women, Young Persons and Children Act [Cap 55:04]), the Employment Act No. 6 of 2000 and Technical, Entrepreneurial and Vocational Education and Training Act, No. 6 of 1999. The Government indicated that, according to this new legislation women are free to work wherever they want. The Committee noted that as the legislation was no longer in with the Convention, the Government intends to denounce it. The Committee invited the Government to give favourable consideration to the ratification of the Safety and Health in Mines Convention, 1995 (No. 176).

Convention No. 89: In its 2008 direct request, on this instrument, the Committee requested the Government to provide full particulars on any discussions held with the social partners on matters related to this Convention, and on any decisions taken with regard to the possible denunciation of Convention No. 89 and/or the ratification of Night Work Convention, 1990 (No. 171).

Convention No. 182: In its 2008 direct request, the Committee noted that according to the study entitled “Malawi Child Labour Survey”, produced by the Government with the collaboration of ILO/IPEC and published in February 2002, all the child victims of commercial sexual exploitation, including prostitution, are girls. Almost seven out of every ten girls involved in commercial sexual exploitation have lost one of their parents or do not know where they are, and one in every two have lost both parents. The majority of children who are victims of commercial sexual exploitation, namely 65 per cent of cases, do not attend

school beyond the second year. The Committee noted the Government's indication that it has established a social support centre for sex workers which provides the following services: skills training and development; psychosocial support and counselling; reintegration; income-generating activities; HIV/AIDS treatment; and hotline helpline. It further noted the Government's information that it is planning to build a reformatory school for girls. The Committee requested the Government to provide information on the impact of the measures taken, particularly in terms of statistical data on the number of girls under 18 who are in practice removed from commercial sexual exploitation and who are rehabilitated.

Convention No. 100: In its 2008 observation and direct request regarding the Convention, the Committee of Experts noted that according to the Government the minimum wages established following consultations with the social partners apply to all economic sectors, including agriculture. The Committee noted the Government's indication that awareness-raising campaigns on the principle of the Convention and strengthened inspection are needed and that, in districts where discrimination cases have been reported, labour inspection had already been intensified. With regard to the promotion of measures aimed at facilitating the reconciliation of work and family responsibilities and the equal sharing of family responsibilities between men and women rural workers, the Committee noted the Government's statement that gender roles are deeply rooted in the cultural texture of society and they can only be changed in the long run with the involvement of all stakeholders. The Committee requested the Government to promote information on the measures taken to strengthen the enforcement of the labour legislation in the agricultural sector; to assist rural women to reconcile their work and family responsibilities; and to carry out and sensitization and awareness-raising campaigns with regard to men's and women's right to equal remuneration for work of equal value in the rural areas.

Convention No. 111: In its 2008 observation and direct request, the Committee requested the Government to provide information on the measures taken to achieve an overall increase in the participation of women in higher-level posts in the public service, and to facilitate access to soft loans for rural women as a means of assisting them to run small businesses, thereby reducing unemployment and poverty. Further, the Committee requested information on measures taken to correct de facto inequalities in education with a view to enhancing women's access to productive employment and skills development.

The Committee noted from the Government's report that no judicial decisions have been given in respect of the application of the Convention, nor is any information available concerning relevant violations detected by labour inspection services. The Committee requested the Government to provide information on any awareness-raising and training activities carried out regarding the principle of equality and the remedies available under national law in case of breaches of its provisions.

The Committee also noted from the Government's report that the revised draft Employment Act prohibits sexual harassment. Further to comments previously made concerning the protection from discrimination of domestic workers, members of the armed forces, the prison service and the police, the Committee noted from the Government's report that while the employment of domestic workers falls within the scope of the Employment Act, the employment of the other categories of workers is governed by specific Acts.

Netherlands

Among the relevant ILO Conventions, Netherlands has ratified Conventions Nos. 100, 111 and 156. It has also ratified Conventions Nos. 29, 87, 98, 105, 138, 122, 142, 175, 177, 182 and 183.

Comments made by the ILO supervisory bodies. The pending comments of the ILO Committee of Experts relevant to the provisions of the Convention on the Elimination of All Forms of Discrimination against Women relate to the following:

Convention No. 100: In its 2008 direct request, the Committee of Experts noted that according to the Government, under Dutch law, the comparison of wages is based on the wage received by an employee of the opposite sex for work of equal value in the company that employs the employee in whose interest the wage comparison is being made, or in the absence of such basis for comparison, on the wage earned by someone of the opposite sex for work of virtually equal value in said company. The Committee recalled that under the Convention the application of the Convention's principle is not limited to comparisons between men and women in the same establishment or enterprise.

The Committee noted various tools, such as "Quickscan equal pay", the Management Tool on Equal Remuneration and the Gender-Neutral Job Evaluation Manual, developed with a view to assisting employers to carry out objective job evaluation. The Committee also noted the Government's statement that the Gender-Neutral Job Evaluation Manual is based on a comparison of "male positions" and "female positions" which are "more or less comparable". The Committee recalled its 2006 general observation and points out that the concept of equal value permits a broad scope of comparison, and "also encompasses work that is of an entirely

different nature, which is nevertheless of equal value ...”. Accordingly, the Committee asked the Government to clarify whether the meaning of “more or less comparable” would allow a comparison of jobs which involve entirely different types of qualifications, skills, responsibilities or working conditions, but which are nevertheless of equal value.

Convention No. 111: In its 2008 direct request, the Committee noted with interest that, following the amendment of the Civil Code and the Equal Opportunities Act, sexual harassment is now a prohibited form of sex discrimination. The definitions in these Acts and in the Working Conditions Act have been harmonized. The Committee also noted that a proposal to include “discrimination” under the notion psychosocial burden (PSA) in the Working Conditions Act is under preparation. The Government stated that by introducing discrimination in the Working Conditions Act, the Labour Inspectorate is given a role in enforcement.

Convention No. 156: In its 2007 direct request, the Committee noted with interest the adoption of the Work and Care Act of 2001. The Act provides for pregnancy and maternity leave, paternity leave, parental leave, emergency and other short-term leave to care for a sick child, foster child, partner or parent at home, and long-term leave to care for a partner, child or parent with a life-threatening illness. It also provided for a partial payment in the form of wages or a benefit, except for parental leave and long-term care leave. Further, with regard to leave arrangements, and in particular regarding the practical application of the amendment to the Civil Code and the new civil service regulations providing greater flexibility with respect to parental leave, especially for part-time workers, the Committee noted the information in the Government’s report that women take parental leave more often than men (42 per cent compared to 16 per cent respectively in 2003). The uptake of parental leave is the greatest

among employees, mostly women, working between 21 and 32 hours a week (41 per cent of those entitled). Those employees, mostly women, working less than 20 hours and those men and women working more than 32 hours take less leave than the average number of employees. However, in sectors where parental leave is partly paid by the employer, more men make use of the parental leave provisions. The Committee noted in this regard that, as of January 2006, a right to save under the life-course savings scheme was included in the Work and Care Act allowing employees who wish to do so to build up a tax-facilitated balance that can be used to fund periods of unpaid leave.

The Committee noted the Working Hours (Adjustment) Act of 2000 giving the right to employees and civil servants to increase or reduce their working hours. Exceptions are only possible if such a reduction or increase would lead to serious problems in terms of damage to substantial operational or departmental interests.

The Committee noted the adoption of the Childcare Act in 2005, following which the Government no longer subsidizes the supply of childcare places. Instead, the Act provides a statutory right to a childcare supplement, which is income-related, for parents who are working or studying and for parents who belong to specific groups. The Committee noted that as of 1 January 2007 the employers' contribution under the Act has become mandatory and the Government's contribution has increased to one third. The Committee asked the Government to provide information on the functioning of these arrangements.

Convention No. 177: The Committee of Experts examined the Government's first report on the Convention in 2005, and issued detailed comments on a number of issues. The Committee pointed to a number of areas regarding which the Government has not yet provided sufficient

information, including as regard the existence, implementation and periodic review of a national policy aimed at improving the situation of home workers; equal treatment; occupational safety and health, social security coverage, and maternity protection.

Panama

Among the relevant ILO Conventions, Panama has ratified Conventions Nos. 100 and 111. It has also ratified Conventions Nos. 3, 45, 29, 87, 89, 98, 105, 122, 138 and 182.

Comments made by the ILO supervisory bodies. The pending comments of the ILO Committee of Experts relevant to the provisions of the Convention on the Elimination of All Forms of Discrimination against Women relate to the following:

Convention No. 45: In its 2004 observation on this Convention, the Committee of Experts, considering that the general trend worldwide is to provide protection for women in a fashion that does not infringe their rights to equality of opportunity and treatment, the Committee invited the Government to consider the possibility of denouncing Convention No. 45 and to envisage the ratification of the Safety and Health in Mines Convention, 1995 (No. 176).

Convention No. 100: In its 2008 observation, the Committee of Experts recalled that under section the 10 of the Labour Code “equal wages shall be paid for equal work in the service of the same employer, performed in the same job, working day, conditions of efficiency and seniority”. The Committee pointed out that this section contains provisions that are more restrictive than the principle of equal remuneration for work of equal value, as it is limited to

guaranteeing equal remuneration for equal work. The Committee recalled its general observation of 2006, in which it had clarified the meaning of “work of equal value”. The Committee urged the Government: (a) to amend section 10 of the Labour Code by including the principle of equal remuneration for work of equal value; (b) to take the necessary measures to clarify the meaning of this principle with the authorities and with workers’ and employers’ organizations; and (c) to provide information in this respect.

Convention No. 111: In its 2007 direct request, the Committee of Experts noted that, in the context of the national policy on equality, the Ministry of Public Works (MOP) and the National Human Development Training Institute (INADEH) conducted training initiatives for women to enable them to take up careers in welding, bricklaying, as mechanics, in road construction and as operators of heavy equipment. The Committee also noted that in 2006, the Ministry of Social Development held human development training modules for more than 300 women in four provinces with the aim of enhancing their skills. The Committee also noted that surveys were conducted into gender-based labour segregation in Panama and on gender and economics. The Committee requested the Government to continue supplying information on the application of the policy on equality and the impact thereof on the participation of women in the labour market and in training programmes. The Committee also requested the Government to continue supplying information on the measures taken to reduce the occupational segregation of women in the labour market, and in particular to promote their participation in high-level posts.

Ukraine

Among the relevant ILO Conventions, Ukraine has ratified Conventions Nos. 100, 111 and 156. It has also ratified Conventions Nos. 29, 45, 87, 98, 103, 105, 122, 142, 138 and 182.

Comments made by the ILO supervisory bodies. The pending comments of the ILO Committee of Experts relevant to the provisions of the Convention on the Elimination of All Forms of Discrimination against Women relate to the following:

Convention No. 45: In its 2004 observation on this Convention, the Committee of Experts, considering that the general trend worldwide is to provide protection for women in a fashion that does not infringe their rights to equality of opportunity and treatment, the Committee invited the Government to consider the possibility of denouncing Convention No. 45 and to envisage the ratification of the Safety and Health in Mines Convention, 1995 (No. 176).

Convention No. 111: In its 2008 observation on this Convention, the Committee of Experts noted with satisfaction that the Parliament of Ukraine has adopted the Law on Ensuring Equal Rights and Equal Opportunities of Women and Men which entered into force on 1 January 2006. The Committee requested the Government to provide in information on the progress made in implementing the Law on Ensuring Equal Rights and Equal Opportunities of Women and Men, including information on any examples of positive action taken by employers, and the activities carried out by the different parts of the national machinery to promote gender equality at work.

The Committee noted that, under the Law on Ensuring Equal Rights and Equal Opportunities of Women and Men, the employer must take measures to prevent sexual harassment (section 17), which is defined as “actions of a sexual nature, expressed verbally (threats, intimidation, indecent remarks) or physically (touching, slapping), which humiliate or insult persons who are in position of subordination in terms of their employment, official, material or other status” (section 1). The Committee noted that this definition would not appear to cover situations where conduct of a sexual nature creates a hostile working environment, irrespective of whether there is a relation of subordination between the harasser and the victim. The Committee recommended that the definition of sexual harassment be expanded to cover such situations.

The Committee noted from the statistical information provided by the Government that the employment rate for women (15–70 years) amounted to 53.1 per cent, compared to 62.8 per cent for men. The unemployment rate for women (15–70 years) was 7.7 per cent, while that of men was slightly higher at 7.9 per cent. The Committee also noted that, in 2005, 60.8 per cent of those receiving vocational training to increase their competitiveness in the labour market were women, while the rate of women among participants in public works programmes was 68 per cent. According to the report, half of those provided with work by the state employment service in 2005 were women. While the statistical data provided is useful to assess the overall situation of women in the labour market, the Committee requested the Government also to provide data on the participation of men and women in the different jobs, occupations and sectors of the economy, including data on women’s employment in managerial and decision-making positions (private and public sectors). Emphasizing that the provision of employment services free from gender-bias and discrimination is crucial to promoting and ensuring equal access of women to employment, the Committee requested the

Government to indicate any specific measures taken to ensure that the operations of the state employment service are non-discriminatory and actively promote women's equality in the labour market, particularly in the light of the newly adopted gender equality legislation.

Convention No. 100: In its 2008 observation, the Committee noted that section 17 of the Law on Ensuring Equal Rights and Equal Opportunities of Women and Men 2006 requires the employer to ensure equal pay for men and women for work involving equal skills and working conditions. It stressed that these provisions was more restrictive than the principle of equal remuneration for men and women for work of equal value, as set out in the Convention. The Committee recalled that jobs performed by a man and a woman may involve different skills and working conditions, but may nevertheless be jobs which are of equal value and thus would have to be remunerated at an equal level. Further, by linking the right to equal remuneration for men and women to two specific factors for comparison (skills, working conditions), section 17 may have the effect of discouraging or even excluding objective job evaluation on the basis of a wider range of criteria, which is crucial in order to eliminate effectively the discriminatory undervaluation of jobs traditionally performed by women. In addition to skills and working conditions, factors such as physical and mental effort and responsibility are important and widely used criteria for the objective evaluation of different jobs. The Committee urged the Government to take the necessary steps to amend the legislation to give full legislative expression to the principle of equal remuneration for men and women for work of equal value.

Convention No. 156: In its 2007 observation, the Committee of Experts noted with interest that the 2006 Law on Ensuring Equal Rights and Equal Opportunities of Women and Men makes the ensuring of equal opportunities for men and women in respect of combining work

and family responsibilities and the promotion of responsible maternity and paternity explicit objectives of state policy on gender equality (section 3). Under the Law, the executive authority and local self-government bodies are required to create conditions enabling men and women to combine their work and family responsibilities (section 12) and to ensure accessible social services, including child care, pre-school education and child benefits. Section 17 provides that the employer shall provide men and women with the possibility of combining work and family responsibilities. In addition, the Committee noted from the Government's report that the draft Labour Code contains provisions prohibiting discrimination against male and female workers based on family responsibilities.

In its 2007 direct request on this Convention, the Committee noted the Government's indication that different opinions had been expressed on whether additional social protection for women and mothers would be excessive and harmful for the status of women in a market-based economy. The Committee encouraged the Government to promote further social dialogue on these issues and to provide information on any developments or outcomes, including any steps taken or envisaged to ensure that measures and entitlements aimed at enabling workers with family responsibilities to reconcile work and family obligations are available to and used by men and women.

United Arab Emirates

Among the relevant ILO Conventions, United Arab Emirates has ratified Conventions Nos. 100 and 111. It has also ratified Conventions Nos. 29, 89, 105, 138 and 182.

Comments made by the ILO supervisory bodies. The pending comments of the ILO Committee of Experts relevant to the provisions of the Convention on the Elimination of All Forms of Discrimination against Women relate to the following:

Convention No. 111: In its 2008 observation the Committee of Experts noted that under the Constitution all citizens have equal access to public office (article 35) and all persons are equal before the law, without distinction between citizens with respect to race, nationality, religious belief or social status (article 25). However, the Constitution does not prohibit discrimination on the grounds of political opinion, colour and sex, nor does it apply to acts of discrimination by a private employer. In addition, the Committee noted that there is no general prohibition of discrimination in Federal Act No. 8 of 1980 regulating employment relationships. The Committee noted in this regard the Government's statement that Federal Act No. 8 is under review, and that a new section has been proposed providing a general prohibition of discrimination. The Committee requested the Government to take the opportunity in amending the law to ensure that there is a specific prohibition of both direct and indirect discrimination at all stages of employment and occupation, and on all the grounds set out in the Convention.

The Committee noted that complaints of sexual harassment were dealt with under criminal law, and that no complaints had been filed. The Government stated that women refrain from lodging complaints due to social and cultural constraints. The Committee noted that in the revision process of Federal Act No. 8, an amendment is being proposed that would allow a woman to terminate her employment without notice "if decency and diplomacy are transgressed, and if she were aggressed in words, or in deed, in a manner which is against public morals at the workplace..." by a superior. The Committee noted that the proposed

amendment is very narrow, with the only means of redress being that the worker may terminate her employment without notice, and only where the harassment is carried out by her superior, thus having a very limited effect on addressing sexual harassment. The Committee requested the Government to ensure in the revision process that both *quid pro quo* and hostile work environment sexual harassment are prohibited, that both women and men can lodge complaints of sexual harassment, and that effective sanctions and remedies are provided. The Committee also asked the Government to provide information on what steps are being taken or envisaged to provide support for women who wish to complain of sexual harassment and to make the dispute resolution process more accessible, and any measures taken to prevent sexual harassment.

In response to a previous request for information on how domestic workers are protected against discrimination, including on the grounds of race, colour and sex, the Government stated that they are covered by the Act on civil procedures, and that the Nationality and Residence Department has a special unit to supervise the work of migrant domestic workers, and can receive complaints from these workers. Noting that migrant domestic workers are particularly vulnerable to discrimination and abuse, the Committee requested the Government to provide more information concerning how the Act on civil procedures protects such workers in practice, and details on the number and nature of complaints received by the Nationality and Residence Department, and the outcome of such complaints. The Committee would also appreciate receiving information on any campaigns to inform migrant domestic workers of their rights and of the relevant complaints machinery.

A report on Convention No. 111 by the Government was examined by the Committee of Experts during its November-December 2009 session. The Committee's comments are not yet available.

Uzbekistan

Among the relevant ILO Conventions, Uzbekistan has ratified Conventions Nos. 100 and 111. It has also ratified Conventions Nos. 29, 98, 103, 105, 138 and 182.

Comments made by the ILO supervisory bodies. The pending comments of the ILO Committee of Experts relevant to the provisions of the Convention on the Elimination of All Forms of Discrimination against Women relate to the following:

Convention No. 100: In its 2008 observation, the Committee of Experts recalled that the Labour Code, while prohibiting discrimination based on sex with regard to remuneration, does not reflect the principle of equal remuneration for work of equal value, as set out in the Convention. The Committee hoped that the Government would take the necessary steps to include provisions in the legislation that give full expression to the principle of equal remuneration for men and women for work of equal value. The Committee also asked the Government to provide information outlining the specific methods used in the context of collective agreements and the legally established wage-fixing machinery to ensure the application of the principle of equal remuneration for men and women for work of equal value and to provide examples of collective agreements, indicating the manner in which they apply the principle.

Convention No. 103: The Committee noted that section 233 of the Labour Code provides that employees are entitled to maternity leave of 70 calendar days before confinement and 56 calendar days following confinement. This section also provides that the maternity leave shall be considered as a whole and accorded in its totality to the women worker irrespective of the number of days actually taken before the date of confinement. The Committee requested the Government to clarify whether, and under which provisions, the national legislation guarantees, in accordance with this provision of the Convention, a period of compulsory leave after confinement of at least six weeks during which it is prohibited to employ women who have just given birth.

Convention No. 111: In its 2008 direct request, the Committee welcomed that the Labour Code does address discrimination at work. However, it considered it important that a definition of direct and indirect discrimination in employment and occupation, including in respect of selection and recruitment, is included in the legislation. It also hoped that the Government will take measures to include provisions to define and prohibit sexual harassment in the legislation, and undertake awareness raising on this issue.

The Committee noted that according to statistical data compiled by the ILO, in 2007, 58.4 per cent of women over 15 years of age were economically active compared to 70.1 per cent among men. The Committee also noted the data contained in the 2005 publication *Gender Equality in Uzbekistan: Fact and Figures* published by the State Committee on Statistics which indicates that the horizontal and vertical segregation based on gender persists. The Committee was particularly concerned about the very low representation of women in management positions, except in sectors such as education, communication or culture.

Chapter IV of the Labour Code (“additional guarantees and benefits for specific categories of workers”) contains measures applying to persons with family responsibilities. A number of these measures are available only to women workers, such as the right of women with children under 3 years of age to reduced working hours (section 228-1), the right to part-time work of women caring for children under 14 years of age (section 229), the right of women with two or more children under 12 years or a disabled child to annual complementary leave (section 232), and certain working time and travel restrictions for women with children under 14 years (section 228). Fathers can benefit from these measures only in certain cases, such as death or long-term hospitalization of the mother (section 238). In this respect, the Committee stressed that, in order to be in conformity with the objective of the Convention, measures to assist workers with family responsibilities should be available to men and women on an equal footing.
