



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

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

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

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

**Note by the Secretary-General**

**International Labour Organization**

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\* CEDAW/C/2010/45/1.



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## 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 the Conventions of the International Labour Organization (ILO). Of the 188 Conventions adopted so far, the information in the present 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 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 (Women) 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, 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, which is produced in English, French and Spanish, and submitted to the International Labour Conference. Direct requests (produced in English and French and, in the case of Spanish-speaking countries, also Spanish) are not published in book form, but are made public. At a later date, they are published on the ILO database of supervisory activities, ILOLEX.

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 by going to: [www.ilo.org/public/english/standards/norm/index.htm](http://www.ilo.org/public/english/standards/norm/index.htm) and then referring to the APPLIS database.

## 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. In that 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 underlines the importance of ensuring that the principle of equal remuneration for men and women is appropriately taken into account in the minimum-wage setting process, as well as 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 to 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 intent that she may, for the purposes of prostitution, become an inmate of or frequent a brothel in Botswana or elsewhere. The Committee also noted that section 153 (b) of the Penal Code provides that any person who detains any woman or girl against her will in a brothel is guilty of an offence. Further, section 158 of the Penal Code 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 of the Penal Code refer to girls and that 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 measures necessary 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 mine workers, 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 mine workers, 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 types of work and conditions in which the 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 opposed to special measures aimed at protecting women's reproductive and maternal capacity — are increasingly being 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, the Committee observed 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 that are nevertheless of equal value. The Committee noted the Government’s indication that a tripartite round table had been organized for officials in charge of supervising the application of the Convention and the Labour Act, as well as for 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 being applied in accordance with the Convention, and work is under way in that regard.

The Committee urged the Government to take the steps necessary to amend the relevant provisions of the Labour Act of 2003 so as not only to provide for equal remuneration for equal, the same or similar work, but also to prohibit pay discrimination that occurs in situations in which 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 complaint 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 the Convention, the Committee drew the Government’s attention 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 noted that the national legislative framework may be insufficient to provide for adequate protection against discrimination in all aspects of employment and occupation, particularly 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 does not necessarily indicate an absence of discrimination, but often results from the absence of an appropriate legal framework for bringing 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 that 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.

Further, the Committee noted the Government's statement that, in view of the nature of their work and the private sphere of life in which it is carried out, it is difficult to monitor the application of the provisions of the Labour Code with respect to domestic workers. According to the Government, such workers are protected through the Civil and Penal Codes and through the Constitution. The Committee emphasized the particular vulnerability of domestic workers to discrimination owing to the nature of their employment, and thus the need for effective and accessible complaint mechanisms and procedures for redress. The Committee noted that the bodies responsible for women's affairs were due to carry out an assessment of whether the national legislative framework provides sufficient protection against discrimination and abuse with regard to domestic workers.

In the light of the statistics set out in the Government's report, the Committee noted that women's participation in the labour force remains extremely low (23.3 per cent) and that 30 women are currently working as judges. The Committee further noted the information contained in the Government's report concerning the mandate and the activities of the National Council for Women, including a project on integrating gender into development planning, developing institutional capacity, follow-up and evaluation, a training guide on gender, development and planning, and legal assistance provided to women through the Centre for Women's Complaints. In view of the slow progress made in improving women's participation in the labour force, the Committee questioned whether those 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 the participation of women, including Bedouin women, in the broadest possible range of economic activities, including occupations traditionally considered "unsuitable" for women, and in vocational training programmes. The Committee also asked the Government to indicate the specific impacts of the activities of the Council on women's employment and, in particular, how they have addressed stereotypical attitudes regarding the roles and responsibilities of men and women in the labour market and social factors constituting obstacles to women's entry into the formal labour market.

With regard to 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 set out in the previous Labour Code and subsequent regulations. The Committee nevertheless recalled that special protective measures for women based on stereotypical perceptions of their capacities and their 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 expressed the hope that, in the revision of 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 stereotypical 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 the 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 wish. The Committee noted that, as the legislation was no longer in conformity with the Convention, the Government intends to denounce the Convention. 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 the Convention, as well as on any decisions taken with regard to its possible denunciation and/or the ratification of the Night Work Convention, 1990 (No. 171).

**Convention No. 182.** In its 2008 direct request, the Committee noted that in Malawi, according to the study entitled “Malawi child labour survey”, produced by the Government with the collaboration of ILO and the International Programme on the Elimination of Child Labour and published in February 2002, all child victims of commercial sexual exploitation, including prostitution, are girls. In addition, almost 7 out of every 10 girls involved in commercial sexual exploitation have lost one of their parents or do not know where they are, and 1 in every 2 has lost both parents. The majority of children who are victims of commercial sexual exploitation, namely, those in 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 that provides the following services: skills training and development, psychosocial support and counselling, reintegration, income-generating activities, HIV/AIDS treatment and a telephone 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 removed in practice 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 regarding the principle

of the Convention and strengthened inspection are needed and that, in districts where discrimination cases have been reported, labour inspection has 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 that they can be changed only in the long run, with the involvement of all stakeholders. The Committee requested the Government to promote the gathering of information on the measures taken to strengthen the enforcement of the labour legislation in the agricultural sector; to assist rural women in reconciling their work and family responsibilities; and to carry out sensitization and awareness-raising campaigns with regard to the right of men and women to equal remuneration for work of equal value in 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 way to assist them in operating 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.

In the light of the Government's report, the Committee noted that no judicial decisions have been given in respect of the application of the Convention and that no information is 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 with regard to the principle of equality and the remedies available under national law in the event of breaches of its provisions.

The Committee also noted on the basis of the Government's report that the revised draft Employment Act prohibits sexual harassment. In addition, 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 that, while the employment of domestic workers falls within the scope of the Employment Act, the employment of the workers in the other categories is governed by specific Acts.

## **Netherlands**

Among the relevant ILO Conventions, the 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 under Dutch law, according to the Government, 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 employing the employee in whose interest the wage comparison is being made or, in the absence of such a basis for comparison, on the wage earned by someone of the opposite sex for work of virtually equal value in the 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 the existence of various tools, such as "Quickscan equal pay", a management tool on equal remuneration and a gender-neutral job evaluation manual, developed with a view to assisting employers in carrying out objective job evaluations. 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" that are "more or less comparable". The Committee recalled its 2006 general observation and pointed 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 for a comparison of jobs that involve entirely different types of qualifications, skills, responsibilities or working conditions, but 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 set out 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 of psychosocial burden in the Working Conditions Act is being prepared. The Government stated that, through the introduction of "discrimination" into 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 types of leave to make it possible to care for a sick child, foster child, partner or parent at home; and long-term leave to make it possible to care for a partner, child or parent with a life-threatening illness. It also provides for a partial payment in the form of wages or a benefit, except in cases of parental leave and long-term-care leave. Further, with regard to leave arrangements, and in particular 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, contained in the Government's report, that women take parental leave more often than men (at rates of 42 per cent and 16 per cent, respectively, in 2003). The use of parental leave is greatest among employees, mostly women, working between 21 and 32 hours a week (41 per cent of those entitled). Those employees, mostly women, working fewer than 20 hours and those men and women working more than 32 hours take less leave than the average employee. However, in sectors in which parental leave is partly paid by the employer, more men make use of the parental leave provisions. In this regard, the Committee noted that, as at 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, which gives to employees and civil servants the right to increase or reduce their working hours. Exceptions are possible only 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 at 1 January 2007, the employer contribution under the Act has become mandatory and the Government 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 regarding a number of issues. The Committee pointed to a number of areas about which the Government has not yet provided sufficient information, including 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 the Convention, the Committee of Experts, in the light of the fact that the general trend worldwide is to provide protection for women in a fashion that does not infringe their right to equality of opportunity and treatment, 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 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 measures necessary to clarify the meaning of that principle with the authorities and with workers' and employers' organizations; and (c) to provide information in that 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 and the National Institute of Vocational Training for Human Development had conducted training initiatives for women to enable them to take up careers in welding, in bricklaying, as mechanics, in road construction and as operators of heavy equipment. The Committee also noted that in 2006, the Ministry of Social Development had 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 had been conducted on gender-based labour segregation in Panama and on gender and economics. The Committee requested the Government to continue to provide information on the application of the policy on equality and its impact on the participation of women in the labour market and in training programmes. The Committee also requested the Government to continue to provide information on the measures taken to reduce the occupational segregation of women in the labour market, 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 the Convention, the Committee of Experts, in the light of the fact that the general trend worldwide is to provide protection for women in a fashion that does not infringe their right to equality of opportunity and treatment, 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 the Convention, the Committee of Experts noted with satisfaction that the Parliament of Ukraine had adopted the Law on Ensuring Equal Rights and Equal Opportunities for Women and Men, which entered into force on 1 January 2006. The Committee requested the Government to provide information on the progress made in implementing the Law on Ensuring Equal Rights and Equal Opportunities for Women and Men, including information on any examples of positive action taken by employers and on the activities carried out by the various parts of the national machinery for promoting gender equality at work.

The Committee noted that, under the Law on Ensuring Equal Rights and Equal Opportunities for 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 a position of subordination in terms of their employment, official, material or other status” (section 1). The Committee noted that that definition would not appear to cover situations in which 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.

On the basis of the statistical information provided by the Government, the Committee noted that the employment rate for women (15-70 years old) amounted to 53.1 per cent, compared with 62.8 per cent for men. The unemployment rate for women (15-70 years old) was 7.7 per cent, while that for 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 women constituted 68 per cent of participants in public works programmes. According to the report, half of those provided with work by the State employment service in 2005 were women. While the statistical data provided are useful in assessing the overall situation of women in the labour market, the Committee requested that the Government also provide data on the participation of men and women in the various jobs, occupations and sectors in the economy, including data on women’s employment in managerial and decision-making positions in the 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 for 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 that they 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 2006 Law on Ensuring Equal Rights and Equal Opportunities for Women and Men requires the employer to ensure equal pay for men and women for work involving equal skills and working conditions. It stressed that those provisions were 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 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 and 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. Such evaluation is crucial in order to eliminate effectively the discriminatory undervaluation of jobs traditionally performed by women. In addition to skills and working conditions, such factors 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 steps necessary 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 for 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 childcare, preschool 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 in the light of 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 the 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 to 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, the 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 or 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. In this regard, the Committee noted the Government's statement that Federal Act No. 8 is under review and that a new section has been proposed providing for a general prohibition of discrimination. The Committee requested the Government, in amending the law, to take the opportunity 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 owing to social and cultural constraints. The Committee noted that, in the process of the revision 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 sexual harassment and sexual harassment in a hostile work environment 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 on 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 Residency Department has a special unit to supervise the work of migrant domestic workers and can receive complaints from such 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, as well as details on the number and the nature of the complaints received by the Nationality and Residency Department, and the outcomes of those 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 steps necessary

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 of 56 calendar days following confinement. The section also provides that the maternity leave shall be considered as a whole and accorded in its totality to the woman 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 the fact that the Labour Code addresses discrimination at work. However, it noted that it considered it important that a definition of direct and indirect discrimination in employment and occupation, including in respect of selection and recruitment, be included in the legislation. It also expressed the hope that the Government will take measures to include in the legislation provisions to define and prohibit sexual harassment, and will undertake awareness-raising with regard to that issue.

The Committee noted that, according to statistical data compiled by ILO in 2007, 58.4 per cent of women over 15 years of age were economically active, compared with 70.1 per cent of men. The Committee also noted the data contained in the 2005 publication entitled "Gender equality in Uzbekistan: fact and figures", published by the State Committee on Statistics, indicating that 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 such sectors as education, communications and culture.

Chapter IV of the Labour Code, related to additional guarantees and benefits for specific categories of workers, sets out measures applying to persons with family responsibilities. A number of those 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 those measures only in certain cases, such as the 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 basis.