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**LE RACISME, LA DISCRIMINATION RACIALE, LA XÉNOPHOBIE
ET TOUTES LES FORMES DE DISCRIMINATION**

**INTÉGRATION DES DROITS FONDAMENTAUX DES FEMMES
ET DE L'APPROCHE SEXOSPÉCIFIQUE**

GROUPES ET INDIVIDUS PARTICULIERS

QUESTIONS AUTOCHTONES

Observations soumises par l'Organisation internationale du Travail (OIT)*

* Les observations sont reproduites en annexe telles qu'elles ont été reçues, dans la langue originale seulement.

Annex**Combating discrimination and promoting equality:
Overview on recent ILO action**

1. The elimination of discrimination in employment and occupation is a longstanding objective of the ILO and at the core of its Decent Work Agenda. ILO action in this field is based on the ILO Constitution, the two ILO Conventions considered fundamental with regard to the elimination of discrimination - the Discrimination (Employment and Occupation) Convention, 1958 (No. 111) and the Equal Remuneration Convention, 1951 (No. 100) - and the Declaration on Fundamental Principles and Rights at Work, as well as other relevant Conventions and Recommendations. The main standards concerning migrant workers and indigenous and tribal peoples are Indigenous and Tribal Populations Convention, 1957 (No. 169), and the Migration for Employment Convention (Revised), 1949 (No. 97) and the Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143). The present note provides a few examples of ILO activities aiming at the elimination of discrimination in 2003 and 2004.¹

General activities

2. In June 2003 the Global Report "Time for Equality at Work" was discussed at the International Labour Conference.² A multi-media campaign was carried out to disseminate the main findings of the report. In several countries, including *Brazil* and the *Philippines*, consultations between the Office and national governments and social partners have led to immediate follow-up. In November 2003, the Governing Body adopted an action plan regarding the elimination of discrimination in employment and occupation, which aims to help constituents develop their own policies and strategies to address discrimination in the world of work. It focuses on racial/ethnic discrimination at work and development, with attention to its gender dimensions, and equal pay for work of equal value between women and men and between members of racial and ethnic groups.

3. At its 2003 session, the ILO Committee of Experts on the Application of Conventions and Recommendations (CEACR) continued to examine and comment on governments' reports and observations by workers' and employers' organizations on equality standards.³ Issues raised by the Committee related mainly to discrimination on the basis of sex, race, national extraction, and social origin, while the grounds of religion and political opinion are also of continued relevance. An increasing number of reports contain information on measures taken to eliminate

¹ See also General status report on ILO action concerning discrimination in employment and occupation which is before ILO Governing Body at its March 2004 session Document GB.289/LILS/3, <http://www.ilo.org/public/english/standards/relm/gb/docs/gb289/pdf/lils-3.pdf>

² The 2003 Global Report is available at <http://www.ilo.org/declaration>.

³ The report of 2003 session the ILO Committee of Experts on the Application of Conventions and Recommendations is available on the Internet at <http://www.ilo.org/ilolex/gbe/ceacr2004.htm>.

discrimination on other grounds, including age, disability, HIV/AIDS status. The Committee included in its report highlights and major trends in the application of international labour standards on indigenous and tribal peoples and maternity protection.

4. During 2003, a broad range of Office activities helped to promote the ILO's standards and instruments through technical cooperation, advisory services, research, workshops and seminars. For example, pre-ratification assistance regarding Convention No. 111 was provided in 2003 to *China, Japan, and Thailand*. In *Bulgaria*, the comments of the CEACR, legislative assistance by the Office, and a tripartite workshop on non-discrimination in April 2003 were instrumental for the adoption of a new Act on Protection against Discrimination in September 2003. A further seminar on Convention No. 111 with a view to ratification was held in China in March 2004.

5. Training and capacity building concerning ILO equality standards among constituents and other stakeholders continue to be an important tool in this area. An ILO Asia-Pacific Regional Seminar on International Labour Standards and Equality Issues for Judges took place in Manila, the Philippines, in September 2003. A training session for judges and lawyers from the Arab region, partially dedicated to equality issues and freedom of association, was held in Damascus, Syria, in October 2003. A two-week training course on international labour standards for judges, lawyers and legal educators was again held at the International Training Center in Turin. The Center also continued to hold training sessions on employment equality and workers with family responsibilities. The Office further continued to implement the Global Compact management training programme in nine Asian countries, which includes a module on non-discrimination, along with other fundamental rights and principles. Technical and financial support was provided under the Declaration to a number of trade unions to improve their capacity to tackle different forms of discrimination.

6. The Office has continued its work on the link between labour market discrimination and forced labour. Under the Declaration, assistance was provided to the Government of *Pakistan* for the eradication of bonded labour in the form of a series of rapid assessment studies in ten key sectors of the economy. In several of them the majority of workers belonged to the lowest castes or were long-distance migrants, Afghan refugees or non-Muslims. As for domestic workers, debt bondage was found only among rural domestic workers, who were predominantly female family members of sharecroppers indebted to landlords. This indicated the vulnerability of groups subject to social, economic and cultural discrimination to falling prey to debt bondage. In *Bolivia* and *Peru*, following two seminars held in 2002 on the inter-linkages between labour market discrimination against indigenous peoples, indigent poverty, and new forms of debt bondage, research was launched in mid-2003 to acquire a clearer understanding of the phenomenon and devise practical interventions. Regarding trafficking for sexual and labour exploitation, rapid assessment studies conducted in more than 10 countries in Western, Central and Eastern Europe, have demonstrated that groups subject to labour market discrimination in countries of origin are more likely to fall prey to traffickers or eventually to become traffickers themselves. This affects young women, ethnic minorities and men from very poor families. Forced labour, including sexual exploitation, is facilitated by discrimination against migrant workers in destination countries. The Office therefore stresses awareness-raising activities targeting social partners, especially trade unions, to address discrimination as one key cause of human trafficking.

7. Discrimination issues are increasingly taken into consideration in the work of all parts of the Office. For example, the fact that child labour takes place predominantly among the most vulnerable socio-economic groups, including indigenous and tribal peoples, migrant workers, and lower classes and castes, has continued to be basis of all activities of the InFocus Programme on Child Labour (IPEC). The Time-Bound Programme Manual for Action Planning (TBP MAP) contains "Guidelines for Strengthening Legislation, Enforcement and overall Legal Framework" which depicts the importance of enhancing anti-discrimination laws for the effective elimination of child labour. Another example in this regard is the recently issued Guide to Mainstreaming Gender into Technical Cooperation Projects on Social Dialogue.

Gender Equality

8. For the first time, gender equality was adopted as one of the ILO's operational objectives in the Programme and Budget for 2004-2005. Indicators for this objective aim to measure progress of constituents in taking positive action to increase gender equality in the world of work. They focus on the ratification and application of four key international labour Conventions for gender equality (discrimination, equal remuneration, maternity protection and workers with family responsibilities), as well as balanced representation of women and men at decision-making levels, including in ILO governance institutions, meetings and training activities.

9. The ILO inter-regional project on enhancing the gender mainstreaming capacity of ILO constituents has continued leading to efforts to design strategies to promote gender equality in national and organizational contexts. Additional resources have been allocated to assist governments, and employers' and workers' organizations, to develop and implement their own gender policies and strategies. An easy-to-use guide to serve as a tool in promoting equitable participation of women and men in these processes was developed. Concerning the UN Millennium Development Goals, the ILO is responsible for providing data and analysis on the indicator on women in non-agricultural paid employment. Within the ILO, the second ILO Gender Audit has been launched.

10. In *Indonesia*, following assistance provided by the ILO, the Government established a committee to move forward on developing an equal opportunities policy for the private sector. Efforts are also being made to strengthen the gender dimension in Poverty Reduction Strategy Papers (PRSP). In the *Islamic Republic of Iran*, a project to promote women's employment was developed, and, as its first phase, the Government and the ILO jointly organized a two-day national conference on the women's employment, empowerment and equality in early March 2004.

11. The Office continued working to expand income opportunities for women entrepreneurs by improving their business skills and access to resources. The ILO Gender, Poverty and Employment (GPE) programme is designed to build capacity to analyze the relationships between these issues and incorporate them into poverty alleviation strategies. In *Bangladesh*, within the framework of the project "Women's Empowerment through Employment and Health" under the Declaration, agreements were negotiated and concluded in 2003 with all key stakeholders in the tea plantation sector to encourage their participation and increase their capacity to provide services to the primary target group of the project. Through these agreements about 13,000 workers - predominantly female - in the tea plantation sector are being covered.

Training provided under the project has enhanced women entrepreneurs' exposure to markets and their assertiveness in bargaining with middlemen and traders.

12. In November 2003 the third Pay Equity Discussion Forum, jointly convened by ILO and PST, brought together the global union federations and the departments of the ILO working on gender issues and pay equity in particular. The participants were able to share up-dates on work on pay equity by the ILO and the global unions; review and make recommendations to the pay equity component of the follow-up action plan on the elimination of discrimination under the Declaration; and plan strategies to raise the profile of pay equity issues in the global trade unions' agendas.

13. IPEC has continued its gender mainstreaming initiative, including through gender training for its staff members and various new publications, such as "Gender, child labour and the media in MERCOSUR countries" and "Good Practices: gender mainstreaming in actions against child labour". Qualitative research on gender dimensions of indigenous child labour is currently being carried out in several indigenous communities in Peru.

Racial, ethnic, religious, and social origin discrimination

14. In *Brazil*, a technical cooperation project under the Declaration financed by the Government of the Netherlands was launched in November 2003 to assist the recently-established Secretariat for a Policy for Racial Equality and the Ministry of Labour in the development and implementation of a national policy to prevent and combat racism in the labour market. An ILO study assessing the effectiveness and impact of several *nucleos* that comprise the Ministry's Programme on the fight against discrimination in employment has resulted in the Programme being upgraded, and major changes in the priorities and methodology of the Programme have been envisaged.

15. The ILO Committee of Experts has continued to address systematically the situation of Roma in relevant countries and the Office participated in meetings organized by the OSCE and the World Bank on the Roma, highlighting the need to address their employment situation from an equality perspective. The ILO has also expanded its knowledge base on caste discrimination through commissioning a study on the Dalits in *Nepal*. Its efforts have contributed to the inclusion of a chapter on caste discrimination in Nepal's tenth development plan. In *India*, findings from an ILO project on bonded labour highlighted the nexus between occupational division of activities and social origin based on caste, and the issue of wage discrimination on the basis of caste is being studied. ILO's initiatives in the *Philippines* with regard to the situation of the Muslim communities in Mindanao and their participation in development are geared towards increasing their skills and access to employment and self-employment.

16. The ILO has continued to cooperate with the Office of the UN High Commissioner for Human Rights with regard to the follow-up to the World Conference on Racism, Racial Discrimination, Xenophobia and Related Intolerance, including holding a panel discussion on equality and diversity at work during the 2003 session of the UN Sub-Commission on the Promotion and Protection of Human Rights, and a fact sheet on the issue.

Discrimination and migrant workers

17. The Office has continued its activities to support the establishment of national frameworks for the prevention of discrimination. New legislation on work permits for foreigners entered into force in *Turkey* in 2003, taking into account the recommendations made by a 2002 ILO advisory mission. In Asia, various promotional and advisory activities concerning ILO standards on migrant workers contributed to raising the profile of migration for employment and trafficking and created further opportunities for dialogue on the relevant standards. An information guide entitled "Preventing Discrimination, Exploitation and Abuse of Women Migrant Workers" has been published. As preparation for the general discussion at the International Labour Conference in June 2004, the Office held a series of regional and sub-regional consultations on labour migration, commissioned case studies on the law and practice on labour migration in seven countries, and collected and reviewed information on this issue through a questionnaire.

Discrimination and indigenous and tribal peoples

18. A new ILO website on indigenous issues at www.ilo.org/public/english/indigenous went online in November 2003, and contains links to all ILO projects and programmes that are of direct relevance to indigenous and tribal peoples. The Project to Promote ILO Policy on Indigenous and Tribal Peoples funded by DANIDA promotes the application of the principles of Convention No. 169 and provides assistance in the development of policies and legislation that address the particular needs of indigenous peoples.

19. The Project's first fellowship programme for indigenous and tribal peoples was implemented between July and September 2003 with participants from Burkina Faso, Democratic Republic of Congo, Guatemala and Nepal. As a follow-up, the fellows are currently undertaking 6-month projects to put into practice what they learned from participating in the fellowship. These projects include: translation and dissemination of C169 in indigenous languages (Burkina Faso and Mali); a study and national workshop on the compatibility of Convention No. 169 with national legislation (Nepal); and a media project to sensitize indigenous/tribal peoples on their rights (DR Congo). A report of the programme, including details of fellows' individual projects, will be available in May 2004. Details and application information for the 2004 ILO Fellowship Programme for Indigenous and Tribal Peoples are available on the website cited above.

20. At the invitation of the Royal Government of *Cambodia*, the Project attended a seminar on indigenous peoples and decentralization, sponsored by the Administrative Reform Council and the Council of Ministers of the Royal Government of Cambodia, German Co-operation (GTZ) and UNESCO, in November 2003. In *India*, a study on national policies concerning Adivasis is currently underway, and follow-up, including a national tripartite meeting, will take place during 2004. A seminar organized in *Nepal* recommended that the Government ratify Convention No. 169 in order to promote and address Nepalese indigenous peoples' issues. A possible role for the Convention in resolving the ongoing conflict was also discussed.

21. In *Cameroon*, three provincial consultations with the main indigenous/tribal groups have taken place as an integral component of a study of the legal framework for the protection of the rights of indigenous and tribal peoples. In the *Democratic Republic of Congo*, the Project is working in collaboration with the Centre International de Defense des Droits des Batwa, to

undertake a project to sensitize and train Batwa communities on ILO Convention No. 169. In *Kenya*, work has continued to support the participation of pastoralists and hunter-gatherers in the Constitution review process, which is still ongoing. In *Morocco*, a National Seminar on the Human Rights of Indigenous and Tribal Peoples, with specific reference to ILO Convention No. 169, was held in October 2003.

22. In *Suriname*, a National Workshop on the Indigenous and Tribal Peoples Convention (No. 169) started a process of education and information on the Convention that will include village consultations and a national consultation on ratification. Follow-up work has begun to support the village consultations. The workshop resulted in better understanding of the Convention and its implications for Suriname.
