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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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I. Introduction

The provisions of article 11 of the Convention on the Elimination of All Forms of Discrimination against Women are addressed in a number of 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 168 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)

Migrant workers

- Migration for Employment Convention (Revised), 1949 (No. 97)
- Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143)

Part-time work

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

Home work

- Home Work Convention, 1996 (No. 177)

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 Committee on the Application of Standards of 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 contains brief references to the much more detailed comments made by ILO supervisory bodies. The relevant comments of the Committee of Experts referred to in section II can be found at: www.ilo.org/public/english/standards/norm/index.htm and then referring to the Application of Labour Standards database (APPLIS).

II. Indications concerning the situation of individual countries

Albania

Among the relevant ILO Conventions, Albania has ratified Conventions Nos. 100, 111 and 156. It has also ratified Conventions Nos. 29, 87, 97, 98, 105, 122, 138, 143, 171, 175, 177, 182 and 183.

Comments made by 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, in the light of allegations of the existence of disparities in respect of remuneration for men and women for work of equal value, both in the public and the private sectors, the Committee of Experts asked the Government to indicate measures taken or envisaged to promote and ensure equal remuneration for men and women for work of equal value, particularly in female-dominated branches of the economy. The Committee noted that, under article 4 of the Law on an Equal Gender Society of 2004, employers were required to ensure that their workers received equal remuneration for work of equal value. It emphasized that in order for this provision to be effectively implemented, it was crucial to promote objective job evaluation to establish whether different jobs were of equal value and whether workers performing those jobs were thus entitled to equal remuneration. The Committee drew the Government's attention to the fact that, when determining wage rates, historical attitudes towards the role of women in society could result in the undervaluation of "female jobs" in comparison with those traditionally performed by men. The Committee, therefore, encouraged the Government to take steps to actively promote the development and use, at the enterprise level, of objective job evaluation methods that were free from gender bias as a means of determining remuneration in accordance with the principle of equal remuneration for men and women for work of equal value, and asked the Government to indicate any measures taken or envisaged in that regard.

The Committee also noted that the national courts had not yet issued any decisions regarding the application of the principle of the Convention. Therefore, it encouraged the Government to take all necessary measures to foster public understanding of the concept of equal remuneration for work of equal value and to raise awareness among workers of their right to equal remuneration and the remedies available to redress any violations which could occur in that respect.

Convention No. 111. In its 2009 direct request, the Committee of Experts, in the absence of a report from the Government, repeated its comments from 2008, in which it had noted that under the Employment Promotion Act of 1995, a specific programme of incentives for the recruitment of unemployed women had been implemented since 2004, with a view to fostering the employment of women workers, and focusing on women victims of trafficking, disabled women and Roma women in particular. The Committee also noted that under Order No. 782 of the Ministry of Labour and Social Issues, dated 4 April 2006, unemployed women belonging to some targeted groups, such as the Roma, victims of trafficking and persons with disabilities, were allowed to participate in training courses without

paying any fees. Despite these measures, the Committee observed that, according to Eurostat, the female employment rate in 2005 was approximately 38.8 per cent compared with a male employment rate of 60 per cent.

The Committee asked the Government to increase its efforts to address gender discrimination in employment and occupation and requested it to provide full information on the measures taken or envisaged in this regard, including information on the implementation and impact of the programmes adopted under the Employment Promotion Act, as well as measures taken in compliance with the Law on an Equal Gender Society. The Committee also requested the Government to provide information on any internal regulations adopted at the enterprise level to protect employees against sexual harassment, pursuant to article 6 of the Law on an Equal Gender Society.

Convention No. 171. In its 2009 direct request, the Committee of Experts noted that article 108 (1) of the Labour Code prohibited pregnant women from performing night work. It also noted that article 104 (1) of the Labour Code provided that pregnant women were prohibited from working for five weeks before the expected date of childbirth and six weeks thereafter. In this connection, the Committee recalled that article 7 of the Convention required that an alternative to night work (e.g. similar or equivalent day work) should be available to women workers for a period of at least 16 weeks, of which at least eight weeks should be available before the expected date of childbirth, or for longer periods if this was medically necessary for the health of the mother or the child. The Committee also requested the Government to explain how effect was given to the requirements of the Convention regarding the possible extension of maternity leave, the protection against unfair dismissal, and the maintenance of the level of income and benefits, status, seniority and access to promotion.

Convention No. 183. In its 2008 direct request, the Committee of Experts noted that national laws and regulations guaranteed the right of pregnant and breastfeeding women not to be obliged to perform work prejudicial to the health of the mother or child. It noted the indication in the Government's report to the effect that the Council of Ministers' Decision No. 397 of 20 May 1996 defined special regulations in order to protect pregnant and breastfeeding women and prohibited their employment in activities which exposed them to dangerous working conditions. Moreover, the list of jobs which posed the risk of exposure to chemical agents or dangerous working conditions had been approved by the Council of Ministers' Decision No. 207 of 9 May 2002 on the definition of dangerous or difficult jobs. The Committee asked the Government to transmit the list of occupations which had been determined by the competent authorities to be prejudicial to the health of the mother or child.

The Committee also noted that article 107 of the Labour Code provided that it was unlawful for employers to terminate employment of a woman worker during her pregnancy or absence from work on maternity leave. The Committee requested the Government to indicate whether, under national legislation, the protected period also included a period following the woman's return to work and to indicate the duration of such period.

The Committee noted the comments made by the Confederation of the Trade Unions of Albania alleging the existence of discrimination against pregnant women in the private sector and incidences of pregnancy testing prior to recruitment. The

Committee asked the Government to provide information on measures to guarantee that maternity did not constitute a ground for discrimination in employment or in access to employment in practice. Noting that articles 3 to 6 of the Law on an Equal Gender Society of 2004 created an obligation for public authorities and private employers to refrain from any discriminatory acts towards women in case of maternity, including the obligation to ensure equal access to employment, the Committee asked the Government to examine the question of the inclusion in national legislation of an express prohibition of pregnancy testing both in access to employment and during employment.

Argentina

Among the relevant ILO Conventions, Argentina has ratified Conventions Nos. 100 and 111. It has also ratified Conventions Nos. 3, 29, 45, 87, 98, 105, 138, 142, 177 and 182.

Comments made by 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. 3. In its 2009 direct request, the Committee of Experts noted that according to article 178 of Act No. 20.744 of 13 May 1976 on Labour Contracts, any dismissal during the seven and a half months before or following the date of childbirth shall be presumed to be based on maternity, unless the employer produces proof to the contrary. In the absence of such proof, a dismissed woman worker shall be paid compensation for undue dismissal, as well as special compensation amounting to one year's wages. However, the Committee observed that the provisions of national legislation (articles 177 and 178 of Act No. 20.744 on Labour Contracts) were not sufficient to ensure that full effect was given to article 4 of the Convention, which made it unlawful for an employer to give notice of dismissal on any ground to a female employee on maternity leave. Noting that article 4 was also applicable in respect of public sector employees, the Committee hoped that the Government would examine the possibility of including in the national legislation the necessary additional safeguards in order to give better effect to the Convention in this regard.

Convention No. 29. In its 2009 observation, the Committee of Experts recalled the comments on the issue of transnational trafficking made by the International Trade Union Confederation, which stated that Argentina was a destination for the trafficking in women and girls from the Dominican Republic, Paraguay and Brazil for sexual exploitation and that Argentine women and girls were also trafficked for sexual exploitation abroad. The Committee noted with interest the adoption of Act No. 26364 of 9 April 2008 on the prevention and punishment of trafficking in persons and assistance to victims and also noted that the penal code had been amended to include provisions establishing penalties for the offence of trafficking in persons. The Committee observed that trafficking in persons for labour and sexual exploitation constituted a serious violation of the Convention and required action that was energetic, effective and proportional to the

gravity and magnitude of the phenomenon. The Committee urged the Government to take all necessary measures to eradicate this practice.

Convention No. 45. In its 2005 direct request, the Committee of Experts noted that Law No. 11.317 of 30 September 1924, which prohibited the employment of women and children in underground work, remained in force. The Committee recalled that, contrary to the old approach, which was based on the outright prohibition of underground work for all female workers, modern standards were focused on risk assessment and risk management and provided for sufficient preventive and protective measures for mine workers, irrespective of gender, whether employed in surface or underground sites.

Therefore, and considering that the present trend was no doubt to remove all gender-specific restrictions on underground work, the Committee invited the Government to give favourable consideration to the ratification of the Safety and Health in Mines Convention, 1995 (No. 176), which shifted 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. 100. In its 2008 observation, the Committee of Experts noted with interest the activities of the Tripartite Commission on Equal Opportunities and Treatment for Men and Women at Work. It noted, in particular, that provincial Tripartite Commissions on Equal Opportunities and Treatment had been established and that these Commissions had met in the Federal Council to formulate a joint strategy. One of the priority themes of this body was to address the gender wage gap. Conceptual, evidence-based and statistical materials were prepared for this purpose. The strategy was supplemented, according to the Government, by the application of the Women's Trade Union Quota Act No. 25.674 of 6 November 2002, under the terms of which each collective bargaining unit negotiating working conditions had to include women delegates in numbers proportional to the number of women workers in the branch or activity concerned. The Committee encouraged the Government to continue its efforts to strengthen the activities of the Tripartite Commission and to achieve the full application of Act No. 25.674 so that women could actively participate in the negotiation of their own working conditions and remuneration.

In its 2008 direct request, the Committee noted the Government's indication that persons employed in the public sector were remunerated according to the category or level in the corresponding wage scale and that, accordingly, in order to achieve equal remuneration, it was necessary to examine whether women encountered greater difficulties than men in gaining access to positions of greater responsibility or independence. In this respect, the Government indicated that in the National System of Administrative Occupations, women represented 50.8 per cent of all workers, 38.5 per cent of managerial positions — with the exception of the Ministry of Social Development, where the figure was 53 per cent — and 16 per cent of policymaking positions in ministries and secretariats. It also noted that women were employed predominantly in ministries covering areas traditionally considered to be "feminine", such as social development, education, science and technology, justice and human rights, while the majority of men were employed in federal planning, public investment and services, foreign affairs and economy and production. The Committee asked the Government to indicate the policies intended to promote greater representation of women in ministries in which they were less

represented and in executive positions in the public administration. The Committee invited the Government to provide information on any initiatives taken to ensure that the wage scale in the public sector was free from gender bias.

Convention No. 111. In its 2008 observation, the Committee of Experts noted the information provided on the follow-up to the National Anti-Discrimination Plan coordinated by the National Institute to Combat Discrimination, Xenophobia and Racism. It noted with interest the activities carried out by the Institute to promote non-discrimination in employment and occupation. For example, the Institute established links with various trade unions of the two trade union federations (General Confederation of Labour and Confederation of Argentinean Workers) to strengthen the trade union representation of women and devise joint strategies for combating persistent discrimination at work; participated in the Tripartite Commission on Equal Opportunities and Treatment; and conducted studies with ILO, including on the situation of women migrant workers.

The Committee also noted with interest that article 125 of the 2006 General Collective Labour Agreement for the Central Public Administration provided that the parties agree to eliminate any measure or practice which generated discriminatory treatment or inequality between workers based on political opinion, trade union membership, sex, sexual orientation or preference, marital status, age, nationality, race, ethnic group, religion, disability, physical characteristics or AIDS, or any other action, omission, segregation, preference or exclusion that damaged or contradicted the principle of non-discrimination and equality of opportunity and of treatment, both in access to employment and during an employment relationship.

The Committee also noted the communication of the General Confederation of Labour of the Republic of Argentina emphasizing that the official stance was one of strong support for equality, but that difficulties were encountered in ensuring the application of the principle of gender equality in practice, and that no clear progress had yet been made in the trade union sphere. The Committee requested the Government to continue its efforts to strengthen actions in the Tripartite Commission and to ensure the effective application of the Act 25.674 of 6 October 2002 (the Union Quotas Act) on a quota for trade unions.

The Committee also stressed that article 21 of Act No. 25.239 of 31 December 1999 established a special compulsory social security scheme for domestic workers, under which contributions were payable by the employer. Taking into account that the majority of domestic workers, both national and foreign, were women, the Committee pointed out that in many countries, domestic work was generally undervalued and poorly paid owing to gender stereotypes. The Committee recalled that, under the Convention, all workers, including domestic workers, should enjoy equality of opportunity and of treatment in all aspects of employment, and not solely with regard to social security. The vulnerability of domestic workers and their lack of recognition within society placed these workers at particular risk of being the target of discriminatory practices, in particular on the basis of sex, race, colour or national extraction. It was therefore necessary to adopt legal and practical measures which ensured effective protection against discrimination on the grounds listed in the Convention. The Committee hoped that in the National Anti-Discrimination Plan special attention would be given to the employment situation of domestic workers.

Australia

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

Comments made by 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 2007 direct request, the Committee of Experts noted that there was a persistent gender wage gap in a number of sectors. According to data from the Australian Bureau of Statistics for March 2007, the gap was highest in finance and insurance (35.5 per cent), health and community services (30.75 per cent), property and business services (23.2 per cent) and mining (22.7 per cent). The Committee also noted the results of the Victoria pay equity inquiry, which determined that women in Victoria were paid 11 per cent less than men, and that there had been no substantial improvement in women's pay in relation to men's since 1986. According to the study, the reasons for the stagnating wage gap included long-entrenched and systematic discrimination. The Committee also noted the updated data provided on the earnings of women and men in New South Wales (ratio of women's to men's average earnings was 84.1 per cent). Noting the persistent wage gap that was particularly wide in a number of sectors, the Committee asked the Government to consider assessing the underlying causes of the gap and to identify proactive measures to be taken, with the cooperation of the workers' and employers' organizations, to address these causes. The Committee also asked the Government to provide information on any measures taken to follow up on the recommendations on attracting and retaining women in the minerals industry, and the outcome of such measures.

The Government's most recent report will be examined by the Committee of Experts in 2010.

Convention No. 111. The Government's most recent report will be examined by the Committee of Experts in 2010.

Fiji

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

Comments made by 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 direct request of 2005, the Committee of Experts 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.

Convention No. 100. In its 2007 observation, the Committee of Experts noted that article 78 of the Employment Relations Promulgation of 2 October 2007 ("unlawful discrimination in rates of remuneration") provided that "an employer must not refuse or omit to offer or afford a person the same rates of remuneration as are made available for persons of the same or substantially similar qualifications employed in the same or substantially similar circumstances on work of that description for any reason including the gender of that person". The Committee noted that the level of qualification, for instance the length of relevant experience or the level of a degree, might be used as an objective factor to determine remuneration for a particular occupation, but it might not be used to restrict the comparison of remuneration to men and women holding qualifications in the same or similar professions or occupations, which appeared to be the effect of article 78 of the Employment Relations Promulgation. Furthermore, comparing work performed by men and women under "the same or substantially similar circumstances" might unduly limit the scope of comparison of remuneration received by men and women, since jobs might involve different "circumstances", but nevertheless be of equal value. In this connection, the Committee asked the Government to amend article 78 of the Employment Relations Promulgation to bring it into line with the Convention.

In its 2007 direct request, the Committee emphasized that where minimum wage rates were set according to occupation and industry, it was crucial to take specific measures to ensure that the rates set for female-dominated occupations were not lower than those set for male-dominated occupations which involved work of equal value. The Committee also noted that the Government's report contained no statistical information on the remuneration received by men and women in the various sectors and occupations. Recalling that the collection and analysis of statistical data on men's and women's earnings was crucial in order to review the progress made in reducing the gender wage gap, the Committee urged the Government to provide such information.

Convention No. 111. In its 2007 observation, the Committee noted with interest that the Employment Relations Promulgation of 2007 contained a number of provisions applying the Convention. Particular reference was made to articles 6 (2) and 75 which explicitly prohibited direct or indirect discrimination in employment and occupation and covered the prohibited grounds explicitly listed in article 1 (1) (a) of the Convention, as well as a number of additional grounds, as set forth in article 1 (1) (b). The Committee also noted with interest that the Promulgation requires employers to develop and maintain a policy to prevent sexual harassment in the workplace, addresses sexual harassment by the employer or its representative or by co-workers and covers both quid pro quo and hostile environment harassment. The Committee requested the Government to provide information on the progress made with regard to the adoption and implementation of sexual harassment policies at the enterprise level, to provide a copy of the national policy guidelines on the prevention of sexual harassment envisaged under the Employment Relations Promulgation and to provide information on any cases or disputes concerning sexual harassment brought before the competent bodies.

In its 2007 direct request, the Committee noted that the Government had not yet provided information related to gender equality and requested the Government

to provide such information on the current position of men and women in the labour market, including in the informal economy. The Committee also requested the Government to indicate any concrete measures taken by the competent authorities to promote gender equality in employment and occupation and to follow up on the work-related aspects of the Women's Plan of Action 1999-2008 and the recommendations established in the 1997 ILO study entitled "Towards equality and protection for women in the formal sector".

Papua New Guinea

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

Comments made by 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 2009 direct request, the Committee of Experts noted that the Government's report had not been received. The Committee recalled the Government's earlier report, which indicated that although the provisions of the Employment Act of 1978, prohibiting employment of female workers in underground work in mines were still applicable, consideration was being given to the possibility of amending these provisions as they were discriminatory and did not conform to the principles of freedom of employment and equality of citizens as enshrined in the National Constitution.

Considering that the general trend worldwide was to remove all gender-specific restrictions on underground work and to provide protection for women, as necessary, in a fashion that did not infringe their rights to equality of opportunity and treatment, the Committee invited the Government to contemplate ratifying the Safety and Health in Mines Convention, 1995 (No. 176).

The Government's report has been received and will be examined by the Committee of Experts in 2010.

Convention No. 100. In its 2009 direct request, the Committee of Experts noted with regret that the Government's report had not been received. It therefore recalled its previous comments, dating from 2007, stating that article 97 (b) of the Employment Act of 1978 only provided protection against wage discrimination for the same work, which was not sufficient to implement the Convention. The Committee noted the Government's statement that the issues raised by the Committee in its previous direct request would be taken into consideration when reviewing the Employment Act of 1978, following completion of the Industrial Relations Bill. The Committee, however, also noted that article 9 of the draft Industrial Relations Act still referred to work that is the same, similar or equivalent, which was still too narrow a description to fully reflect the concept of "work of equal value". While article 9 (c) referred to skill, effort, responsibility and conditions as appropriate criteria to determine equal value, the fact that they needed to be the "same or substantially the same" seemed to be too restrictive. The

Committee referred to its 2006 general observation on this Convention and asked the Government to take the necessary steps to ensure that the draft Industrial Relations Act and the Employment Act of 1978, upon revision, would not only provide for equal remuneration for the same or similar work, but also prohibit discrimination in remuneration in situations where men and women performed different work that was nevertheless of equal value.

The Committee also noted the Government's statement that there were no courts of law or tribunals that had issued decisions relating to the application of the Convention. The Government also indicated that no grievances had been filed in the public service relating to unequal remuneration. The Committee recalled that the absence of complaints regarding unequal remuneration did not necessarily indicate the absence of violations of the principle of the Convention; rather, it often resulted from the lack of awareness or understanding among workers and law enforcement officials of the right to equal remuneration for work of equal value or the absence of accessible complaints procedures. The Committee requested the Government to provide information on measures taken or envisaged to raise awareness among workers and law enforcement officials of the rights established under the Convention, and to ensure that complaints mechanisms were accessible to all.

The Government's report has been received and will be examined by the Committee of Experts in 2010.

Convention No. 111. In its 2009 direct request, the Committee of Experts recalled its previous comments regarding the discriminatory impact of article 36 (2) (c) (iv) of the Public Services (Management) Act of 1995, which stipulates that calls for recruitment specify that "only males or females will be appointed, promoted or transferred in particular proportions", and article 20.64 of General Order No. 20 and article 137 of the Teaching Service Act concerning restrictions on female teachers with respect to certain allowances. The Committee noted the Government's reply that the issue would certainly be addressed, but that due to the sensitivity of the issue, consultations with the Department of Personnel Management and the Teaching Service Commission with a view to repealing any provisions that discriminate against women had yet to begin. The Committee urged the Government to start consultations with the relevant Government agencies on article 36 (2) (c) (iv) of the Public Services (Management) Act of 1995, article 20.64 of General Order No. 20 and article 137 of the Teaching Service Act, with a view to bringing the legislation into line with the provisions of the Convention.

The Committee also noted that various institutions were responsible for training and education, including the National Training Council, the National Apprenticeship and Trade Testing Board, the National Employment Services Division and the National Education Department. The Committee asked the Government to indicate the specific measures taken or envisaged, including by the above-mentioned institutions, to improve the participation of women and girls in education and training, in general, and to promote their enrolment in all types of tertiary education institutions.

Convention No. 182. In its 2009 direct request, the Committee of Experts noted that the Government's report had not been received. It recalled that children who were informally adopted into what were supposed to be their new family homes were actually trapped into long hours of work, lack of rest and leisure time, and lack of freedom of mobility and association, and were deprived of the right to education

and medical treatment. Young girls were particularly vulnerable and, when brought into a household as juvenile babysitters, their role was very often transformed into that of an overworked, unpaid or underpaid and multi-purpose domestic servant. The Committee also noted the Government's indication that such practices as "adoption" were a part of a cultural tradition in Papua New Guinea and that the practice of adopted or foster parents mistreating their "adopted" children was minimal. However, while noting the Government's indication, the Committee once again considered that "adopted" children should not be exposed to exploitation, working long hours or being denied access to education. It observed that these children, particularly girls, often fell prey to exploitation, which could take various forms, and that it was difficult to oversee their employment conditions. It consequently requested the Government to provide information on the measures taken to protect these children from the worst forms of child labour, in particular from hazardous work.

In addition, the Committee further recalled that prostitution by young girls had become an important means of economic survival in Papua New Guinea's urban centres and rural areas, and that 30 per cent of the 350 young commercial sex workers identified were between 13 and 19 years of age. Child prostitution had always been visible but tolerated and there had been little systematic State intervention or sanctions. The Committee noted the Government's indication that more girls, some as young as 13 years of age, were turning to prostitution as a means of survival in the cities and urban centres of the country. The Committee also noted the information provided by the Government that it was not doing enough to protect and safeguard victims of prostitution and sex workers. Only churches and civil organizations were providing programmes and rehabilitation to such victims and workers. In the light of the above information, the Committee requested the Government to take effective and time-bound measures to prevent children from being engaged in prostitution. It also requested the Government to provide the necessary and appropriate direct assistance to those engaged in prostitution in order to extricate them from this worst form of child labour and provide for their rehabilitation and social integration.

The Government's report has been received and will be examined by the Committee of Experts in 2010.

Russian Federation

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

Comments made by 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 2009 observation, the Committee of Experts recalled that Resolution No. 162, adopted by the Government on 25 February 2000, excluded women from being employed in 456 occupations in 38 sectors of industry. In its report, the Government stated that the list contained in Resolution No. 162

was in accordance with article 253 of the Labour Code and had been established on the basis of consultations with representatives of scientific and research institutes and that every restriction had been medically justified. The Government confirmed that the purpose of the list was not specifically to protect women's reproductive health, but more broadly to "exclude women from such working conditions which generally do not correspond to the requirements of life and health protection of workers". The Government pointed out that, in accordance with Resolution No. 162, the employer might decide to assign women to perform the types of work included in the list, provided that the employer created safe working conditions and these were certified as safe by the competent State authorities. In the Government's view, Resolution No. 162 did not require any changes as it did not establish unjustified restrictions.

The Committee recalled that where special measures were being taken to protect women within the scope of article 5 of the Convention, it had to be ascertained that exclusions from employment opportunities were limited to cases where such exclusions were strictly necessary to protect women's reproductive health and that the measures were proportional to the nature and scope of the protection required. The Committee considered that the exclusion of women from any work or employment due to arduous, hazardous or dangerous working conditions that involved equal risks for men and women went beyond what was permitted under article 5. The Committee also remained concerned that broad exclusions from employment opportunities due to occupational safety and health concerns that applied only to women not only had a discriminatory effect on women's equality in the labour market, but also might hinder further progress in providing healthy and safe working environments to men and women. The Committee therefore urged the Government to take the necessary steps to review the current system of protective measures excluding women from employment opportunities, with a view to ensuring equal opportunities for women and men and equal protection of health and safety.

The Government was asked to supply full particulars to the International Labour Conference in June 2010.

Convention No. 182. In its 2009 observation, the Committee of Experts noted the discussions held in the Committee on the Application of Standards at the ninety-eighth session (June 2009) of the International Labour Conference regarding this matter. The Committee of Experts observed that the number of cases involving the trafficking of children reported by the authorities remained low. The Committee also noted the indication by the Worker members of the Committee on the Application of Standards that the draft Act against the trafficking in persons appeared to have been frozen since 2006. The Committee therefore again observed that, although the trafficking in children for economic or sexual exploitation was prohibited by law, it remained a source of serious concern in practice. The Committee urged the Government to step up its efforts and take immediate and effective measures to eliminate the trafficking in young persons under 18 years of age without delay. In this respect, the Committee requested the Government to take steps to ensure that perpetrators were investigated and prosecuted and that sufficiently effective and dissuasive penalties were imposed on persons found guilty of the trafficking in children for economic or sexual exploitation. The Committee also requested the Government to take immediate steps to ensure that the draft Act against the trafficking in persons was adopted in the very near future.

In its 2009 direct request, the Committee noted that, in the context of the project carried out by ILO and the International Programme on the Elimination of Child Labour during that year on street children, entitled "Time-bound measures introduced to rehabilitate working street girls and to support their families in selected districts in St. Petersburg", a number of awareness-raising activities had been carried out on the issue of working street girls. For example, on the occasion of the 2009 World Day against Child Labour, ILO and the International Programme on the Elimination of Child Labour developed tools related to the theme "Give girls a chance: End child labour". In addition, girls who had been withdrawn from living and working on the street had been provided with vocational training in dressmaking skills, thereby enabling them to support themselves. However, the Committee noted that, in the context of the 2009 study on child labour, researchers had interviewed some 70 experts on child labour, who estimated that the numbers of children involved in prostitution in the region ranged from 3,000 to 6,000 (95 per cent of them girls), while the number of children engaged in hazardous work varied from 4,000 to 6,000. Furthermore, according to a study undertaken by ILO and the International Programme on the Elimination of Child Labour as part of the 2009 street children project, 25 per cent of children working on the streets were girls subjected to the worst forms of child labour, such as hazardous work or prostitution. Expressing its deep concern at the number and situation of working street girls, the Committee urged the Government to step up its efforts to protect them from the worst forms of child labour, in particular hazardous work and prostitution.

Turkey

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

Comments made by 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 2009 direct request, the Committee of Experts noted that the Government's report had not been received. It recalled that under article 72 of Labour Act No. 4857 of 22 May 2003, the employment of women of any age in underground work, such as mine galleries and tunnel construction, continued to be prohibited. It also noted that underground work in mines was included among the heavy and dangerous works from which women were prohibited under the regulations on heavy and dangerous work drawn up by the Ministry of Labour and Social Security pursuant to article 85 of the Labour Act (Official Gazette No. 25494 of 16 June 2004).

The Committee noted that contrary to the old approach, which was based on the outright prohibition of underground work for all female workers, modern standards were focused on risk assessment and risk management and provided for sufficient preventive and protective measures for mine workers, irrespective of gender. Therefore, the Committee invited the Government to contemplate ratifying the Safety and Health in Mines Convention, 1995 (No. 176), which shifted the

emphasis from a specific category of workers to the safety and health protection of all mine workers.

The Government's report has been received and will be examined by the Committee of Experts in 2010.

Convention No. 100. In its 2009 observation, the Committee of Experts noted that, according to the Confederation of Turkish Trade Unions, inadequate supervision by the labour administration was one of the reasons for unequal pay between men and women. The Committee hoped that the Government, in consultation with workers' and employers' organizations, would conduct training and awareness-raising activities specifically addressing equal remuneration for men and women for work of equal value among relevant target groups, including labour inspectors. The Committee also welcomed the Government's indication that a new system was to be established to classify infringements identified by the labour inspectorate, and expressed the hope that the new system would allow labour inspectors to gather data on the number, nature and outcome of infringements of article 5 (4) of the Labour Act with regard to equal remuneration of men and women for work of equal value.

In its 2009 direct request, the Committee urged the Government to ensure that the equal pay provisions of the draft Civil Aviation Act, article 16 of which stipulates that a woman and a man performing the same type of work with the same output shall not receive a different salary for reasons of their sex, be brought into conformity with the Convention. In this context, the Committee noted that: (a) the principle of equal remuneration for men and women for work of equal value required that men and women receive equal remuneration not only for the same type of work, but also for entirely different work that is nevertheless of equal value; and (b) the principles of the Convention also applied beyond the workplace. The Committee also recalled that article 203 of the Civil Service Act provided that family allowances were to be paid to the father if both parents were civil servants, a stipulation which is not in conformity with the Convention.

Convention No. 111. In its 2009 observation, the Committee of Experts welcomed progress towards equal opportunities for men and women in education, but noted with concern the continuing overall low level of participation of women in the labour market, and in particular the decline of the activity rate of women older than 45 years of age. In its previous observation, the Committee had requested the Government to provide detailed information on the measures taken to promote equality of opportunity and treatment of men and women in employment and occupation. The Committee noted that the Government had provided very little information on practical and promotional measures to promote women's equality of opportunity and treatment in practice and that no information had been provided on the follow-up to the Women's Employment Summit, held in Istanbul, Turkey, in 2006, or on any related collaboration with workers' or employers' organizations. Noting that overcoming the persistent inequality between men and women in the labour market would require proactive policies and measures, the Committee requested the Government to provide more detailed information on the practical measures or projects implemented to promote women's equal opportunities and treatment in employment and occupation, including specific measures targeting women in rural areas and women over 45 years of age.

In addition, the Committee recalled that article 5 (1) of the Labour Act prohibited any discrimination based on language, race, sex, political opinion, philosophical belief, religion or sect or similar reasons in the employment relationship. In its previous comments, the Committee had concluded that this provision did not prohibit discrimination at the recruitment stage. However, the Committee had noted that article 122 of the Turkish Penal Code, which entered into force in 2005, provided that a person practising discrimination on grounds of language, race, colour, sex, disability, political opinion, philosophical beliefs, religion, creed or other grounds, who made the employment of a person contingent on one of these grounds or who prevented a person from carrying out an ordinary economic activity, should be sentenced to imprisonment for a term of six months to one year or receive a judicial fine. The Committee noted that, as indicated by the Government, there had been one case invoking article 122 of the Penal Code. Recalling that the Convention had established an obligation to address discrimination in respect of access to employment, including recruitment and selection, the Committee requested the Government to continue to provide information on the number, nature and outcome of criminal proceedings under article 122 of the Penal Code to allow the Committee to ascertain whether effective protection from discrimination at the recruitment stage was available under the existing legislation.