



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

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

Fiftieth session

3–21 October 2011

Item 6 of the provisional agenda*

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

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

Report by the International Labour Organization**

Summary

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

* CEDAW/C/50/1.

** Late submission.

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I. Introduction

1. The provisions of article 11 of the Convention on the Elimination of All Forms of Discrimination against Women are dealt with in a number of International Labour Organization (ILO) Conventions. Of the 189 Conventions adopted so far, the information in this report relates principally to the following:

(a) Equal Remuneration Convention, 1951 (No. 100), which has been ratified by 168 member States;

(b) Discrimination (Employment and Occupation) Convention, 1958 (No. 111), which has been ratified by 169 member States;

(c) Workers with Family Responsibilities Convention, 1981 (No. 156), which has been ratified by 41 member States.

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

Forced labour

(a) Forced Labour Convention, 1930 (No. 29);

(b) Abolition of Forced Labour Convention, 1957 (No. 105);

Child labour

(c) Minimum Age Convention, 1973 (No. 138);

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

Freedom of association

(e) Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87);

(f) Right to Organise and Collective Bargaining Convention, 1949 (No. 98);

Employment policy

(g) Employment Policy Convention, 1964 (No. 122);

(h) Human Resources Development Convention, 1975 (No. 142);

Maternity protection

(i) Maternity Protection Convention, 1919 (No. 3);

(j) Maternity Protection Convention (Revised), 1952 (No. 103);

(k) Maternity Protection Convention, 2000 (No. 183);

Night work

(l) Night Work (Women) Convention (Revised), 1948 (No. 89) [and Protocol];

(m) Night Work Convention, 1990 (No. 171);

Underground work

(n) Underground Work (Women) Convention, 1935 (No. 45);

Migrant workers

(o) Migration for Employment Convention (Revised), 1949 (No. 97);

(p) Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143);

Part-time work

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

Home work

(r) Home Work Convention, 1996 (No. 177);

Domestic workers

(s) Domestic Workers Convention, 2011 (No. 189).

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

4. The information below sets out brief references to the much more detailed comments made by the ILO supervisory bodies. The relevant comments of the Committee of Experts referred to in Part II can be found by going to: www.ilo.org/ilolex/index.htm and then referring to the APPLIS database.

II. Indications concerning the situation of individual countries

A. Chad

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

6. *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.

7. *Convention No. 100:* In its 2009 direct request, the Committee of Experts emphasized once again that the guarantee offered to men and women workers by section 42 of the general collective agreement was narrower than that provided for by section 246 of the Labour Code (adopted by Act No. 038/PR/96 of 11 December 1996), as it did not give full effect to the principle of equal remuneration for work of equal value. The Committee therefore asked the Government to clarify the practical scope of section 42 of the collective agreement and to indicate in what manner it is ensured, in law and in practice, that men and women workers receive equal remuneration when they perform work of equal value. It also requested the Government to supply detailed information on specific activities and initiatives taken by the employers' organization and workers' organizations, and the High Committee for Labour and Social Security, a tripartite advisory body established pursuant to section 327 of the Labour Code, in implementing the principle of equal remuneration for men and women for work of equal value.

8. With reference to the Government's statement that, in the absence of an objective complaint, it considered that there was nothing to report, the Committee recalled that the absence of a reported infringement, a lodged complaint or even a court decision issued in the area of pay discrimination in no way signified that no problems existed with regard to the practical application of the Convention. The Committee hoped that the Government would equip labour inspectors in the near future with the necessary resources and tools to enable them to identify discrimination in the area of pay, provide advice on the best ways of putting an effective stop to it and, if necessary, impose penalties.

9. *Convention No. 111*: In its 2009 observation, the Committee requested the Government to state whether the 1984 Ordinance was still in force and, consequently, to clarify whether a husband still had the right to object to the commercial activities of his spouse. If so, it urged the Government once again to repeal these provisions of the Ordinance because of their discriminatory nature.

10. In view of the lack of information in the Government's report on the measures taken or contemplated to combat sexual harassment in the workplace, the Committee referred once again to its general observation of 2002, in which it emphasized that sexual harassment undermined equality at work by jeopardizing the integrity, dignity and well-being of workers and was harmful to enterprises by weakening the foundations of the employment relationship and reducing productivity.

11. The Committee noted with interest the adoption of Act No. 016/PR/06 of 13 March 2006 issuing guidelines for the Chadian education system, which focused on combating the exclusion from education of groups considered the most vulnerable, including girls living in rural areas. The Committee also noted that incentives aimed at making school attendance more attractive to girls were provided for in the "National plan of action for education for all", and that experimental action had been taken in four pilot areas to promote schooling for girls. These included awareness-raising activities on a large scale with regard to gender issues, grants to communities to undertake income-generating activities, waiving school fees and no age limits on school enrolment for girls. It requested the Government to supply information on the results achieved.

B. Côte d'Ivoire

12. Among the relevant ILO Conventions, Côte d'Ivoire has ratified Conventions Nos. 100 and 111. It has also ratified Conventions Nos. 3, 29, 87, 98, 105, 138 and 182.

13. 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.

14. *Convention No. 100*: In its 2009 direct request, the Committee of Experts noted the Government's indication that the new Labour Code, which was still in the process of being revised, would not put at risk the principle of equal remuneration for men and women for work of equal value. The Committee trusted that the new Labour Code, like the current Labour Code, would contain provisions providing for equal remuneration between men and women for work of equal value.

15. With respect to section 44 of the Inter-Occupational Collective Agreement of 19 July 1977, which provided equal pay for equal conditions of work, occupational skill and output, the Committee asked the Government to encourage the social partners to include in the Collective Agreement a clause incorporating the principle of equal remuneration between men and women for work of equal value. The Committee also asked the Government to provide specific information on the awareness-raising activities carried out

or envisaged to promote a better understanding and better application of the principle of the Convention by employers, workers and their organizations.

16. With regard to minimum wage fixing in the private sector, the Committee asked the Government to provide information on the methods and criteria used when determining or reviewing minimum wages in the context of the Labour Advisory Committee and the joint committees. The Committee noted the Government's statement that it was committed to carrying out, with technical assistance from ILO, a job evaluation study as soon as possible.

17. While noting the Government's indication that inspections carried out by labour inspectors had not brought to light any violations with regard to the application of the Convention, the Committee asked the Government to provide the data available on the wage levels of men and women by sector of activity and by occupation, in both the public and private sectors, and information on specific training, to enable labour inspectors to be in a better position to detect pay discrimination and to deal with it effectively, as well as the results of the inspections carried out.

18. The Government's most recent report has been received and will be examined by the Committee of Experts in 2011.

19. *Convention No. 111*: In its 2010 observation, the Committee recalled that for a number of years it had been asking the Government to take the necessary steps to revise section 14(2) of Act No 92-570 of 11 September 1992 issuing the General Public Service Regulations in order to bring it into conformity with the Convention. The Committee considered that this provision enabled access to certain posts to be reserved for either men or women, and that the criterion of "physical fitness" expressed in general terms ran the risk of limiting access to the public service for women. The Committee again requested the Government to amend this provision.

20. In its 2010 direct request, with regard to public servants, the Committee noted that section 14(1) of the General Public Service Regulations only prohibited any gender distinctions being made at the time of recruitment. The Committee recalled that, according to the Convention, all workers must enjoy protection against discrimination, with regard not only to access to vocational training, employment and various occupations but also to terms and conditions of employment. The Committee therefore requested the Government to consider adding provisions to the General Public Service Regulations which explicitly defined and prohibited any direct or indirect discrimination, at all stages of employment.

21. The Committee noted that section 23.1 of the Labour Code provided that the types of work prohibited for women were regulated by decree. It also recalled section 67 of the Civil Code, which prohibited a married woman from undertaking an occupation separate from that of her husband if a court found that it would be contrary to the interests of the family. The Committee requested the Government to provide information on (i) the types of work prohibited for women pursuant to section 23.1 of the Labour Code, stating the reasons for the prohibition; and (ii) the measures taken to promote gender equality in access to certain occupations, including increasing access of women to credit and land in rural areas. The Committee also requested the Government to undertake a review of the national legislation in order to identify provisions that may constitute an obstacle to the exercise of certain occupations by women and take the necessary steps to amend or repeal them.

22. Noting that the Labour Code did not contain any provision defining or prohibiting sexual harassment at work, the Committee requested the Government to provide information on the specific measures taken to prevent and combat sexual harassment, including those which had been formulated and implemented in cooperation with the social partners.

23. The Committee noted the adoption in April 2009 of the National Policy on Equal Opportunities, Equity and Gender (the National Policy). The Committee requested the Government to provide information on (i) access of girls to all levels of education and their possibility to continue to go to school, and women's access to vocational training, including with regard to occupations traditionally performed by men; (ii) women's access to employment, including self-employment; (iii) awareness-raising measures regarding the principle of equal opportunities and treatment in employment aimed at employers' and workers' organizations, those responsible for enforcing legislation relating to equality (labour inspectors, judges, lawyers), and the general public; and (iv) the impact of the measures taken. The Government was also requested to provide information on the recommendations made in the gender study on the employment situation in law and in practice which was conducted by the Ministry of the Family, Women and Social Affairs.

24. The Government's most recent report has been received and will be examined by the Committee of Experts in 2011.

25. *Convention No. 3*: In its 2009 direct request, the Committee noted with interest the Government's indication that the issue of postnatal leave would be dealt with in the context of the Labour Code revision in order to specify that postnatal leave shall on no account be less than eight weeks. The Committee requested the Government to keep the Office informed of all progress towards supplementing the Labour Code with a provision specifying that postnatal leave of at least six weeks following confinement was compulsory.

C. Kuwait

26. Among the relevant ILO Conventions, Kuwait has ratified Convention No. 111. It has also ratified Conventions Nos. 29, 87, 89, 98, 105, 138 and 182. It has not ratified the Equal Remuneration Convention, 1951 (No. 100).

27. 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.

28. *Convention No. 111*: In its 2010 observation, the Committee of Experts recalled the conclusions of the Conference Committee on the Application of Standards in June 2009, which addressed the absence of effective measures to ensure, in law and practice, protection against discrimination in employment and occupation, and the absence of measures addressing sexual harassment, protective measures for women unrelated to maternity protection, barriers to women's access to particular occupations, and the need to ensure effective protection of migrant workers, in particular domestic workers, against discrimination on the grounds set out in the Convention. The Committee noted the ILO technical assistance mission in February 2010, during which a tripartite workshop was held to discuss the application of the Convention. The Committee noted in this regard the Government's acceptance of further ILO technical assistance with a view to more effectively addressing issues relating to the Convention.

29. The Committee noted the entry into force of the New Private Sector Labour Law of Kuwait No. 6 of 2010, which applied to workers in the private sector, including foreign workers. The Committee also noted the continued absence in the new legislation of provisions expressly prohibiting direct and indirect discrimination on the basis of all the grounds listed under the Convention with respect to all the areas of employment and occupation, and of provisions prohibiting both quid pro quo and hostile environment sexual harassment, along with effective remedies. The Committee urged the Government to take further steps in this regard. Noting that sections 22 and 23 of the Law No. 6 of 2010

continued to include protective measures for women which appeared not to be strictly limited to maternity, it encouraged the Government to review the provisions with a view to bringing them into conformity with the Convention.

30. The Committee recalled its concerns regarding the practical and legal obstacles to women's access to a number of posts and occupations under the Government's control, including due to stereotyped assumptions regarding what was "suitable to their nature". It asked the Government to take proactive measures to ensure that women have equal opportunities with men to access all positions under the control of the Government, as well as to promote the equal access of women to positions at all levels in the private sector, and requested information on any measures taken or envisaged to address gender stereotypes and the need to balance work and family responsibilities for both men and women. With respect to women's access to the police department and the Public Fire Department, the Committee requested the Government to indicate the measures taken to ensure that the selection procedures were free from discrimination.

31. The Committee recalled the very high number of men and women of foreign nationality and different ethnic and racial backgrounds working in Kuwait and the particular vulnerability to discrimination based on multiple grounds of migrant domestic workers, the majority of whom were women. The Committee urged the Government to take effective measures to prevent discrimination against these workers on the basis of race, sex, colour and national extraction with regard to employment and occupation. The Committee also expressed the hope that measures would be taken to ensure the observance of the principle of non-discrimination on all the grounds set out in the Convention by the future Public Authority for Labour Force, and the planned "Kuwait Home Helper Operating Company". The Committee requested information on the measures taken to eliminate and prevent discriminatory practices and treatment against migrant workers, especially migrant domestic workers, on all the grounds set out in the Convention, including through providing accessible and effective complaints procedures and means of redress and remedies, and providing adequate information, counselling and legal assistance; and the measures taken to review the system of employment of foreign workers, including the sponsorship system, with a view to decreasing the level of dependency and vulnerability to discrimination of migrant workers, and in particular migrant domestic workers, in relation to their employers. The Committee also requested copies of Minister of Interior Resolution No. 1182 of 2010, the draft bill on migrant domestic workers, and of the legal texts establishing the Public Authority of Labour Force and the planned "Kuwait Home Helper Operating Company", including information on their mandate and activities.

32. *Convention No. 89*: In its 2008 direct request, the Committee noted the adoption of Act No. 25 of 2007, amending the Labour Law in the Private Sector No. 38 of 1964. The Committee understood that under the new legislation, women were prohibited from working in any job between 8 p.m. and 7 a.m., with the exception of women working in the medical profession. It also understood that contrary to section 31 of Labour Law No. 38 of 1964, which empowered the Minister to grant exceptions to establishments other than health services, the new legislation no longer provided for such possibility. The Committee emphasized that general protective measures for women workers not limited to special measures aimed at protecting women's reproductive and maternal capacity were considered as obsolete and infringements of the 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 modernizing its legislation by ratifying either the 1990 Protocol to Convention No. 89, or the Night Work Convention, 1990 (No. 171).

D. Lesotho

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

34. 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.

35. *Convention No. 100*: In its 2010 direct request, the Committee of Experts noted that the Government did not indicate whether any violations of the principle had been reported or detected. The Government indicated that the Labour Court had not heard any cases relating to this matter. The Committee asked the Government to provide detailed information on the measures taken to raise awareness of the principle of equal remuneration for men and women for work of equal value among workers, employers and their organizations, as well as labour inspectors and judges. It also asked the Government to continue to provide information on the number, nature and outcome of cases dealt with by the competent authorities regarding the application of section 5(2) of the Labour Code or section 33(a)(i) of the Constitution.

36. The Committee noted the Government's indication that a job evaluation report for the public service was being prepared. The Committee hoped that the objective job evaluation exercise in the public service would be finalized in the near future.

37. The Committee noted that the National Employment Services Department of the Ministry of Labour and Employment was responsible for the collection of labour market data, including information on earnings and job evaluations. The Committee also noted that the employment and earnings survey had been completed in 2008. The Committee asked the Government to provide updated information in this regard.

38. *Convention No. 111*: In its 2010 direct request, the Committee recalled its previous comments relating to the Legal Capacity of Married Persons Act of 2006, and noted in this regard the activities under the Project on Gender Equality in Economic Rights to raise public awareness about the Act and to increase knowledge and build the capacity of stakeholders and decision-makers, as well as of the relevant authorities including judiciary. The Government was requested to indicate any measures taken specifically to prevent continued application of customary law regarding marital powers restricting women's equality in employment and occupation.

39. The Committee noted from the Government's report that some training on sexual harassment was being given by the Directorate of Dispute Prevention and Resolution (DDPR) to workers and employers, and that a number of enterprises had developed sexual harassment policies or were providing training on its prevention. The Committee encouraged the Government to work together with workers and employers, and their organizations to prevent sexual harassment.

40. The Committee recalled that the Decent Work Country Programme (2006–2009) indicated that job creation had been identified as a priority area to be addressed. The Committee noted that neither the gender commission nor the women's credit scheme to stimulate self-employment had been established, but that an ILO Project on Women's Entrepreneurship Development and Gender Equality (WEDGE) was being implemented as part of the Decent Work Country Programme, and training on entrepreneurship skills was apparently also being provided by the Ntlatso Skills Training Centre. The Committee asked the Government to review the Gender and Development Policy 2003, with a view to include specific measures to promote equality of opportunity and treatment between men and women in employment and occupation. It also requested statistical information on the

number of women that were participating in entrepreneurship skills training and on those who had succeeded in establishing their own business.

E. Mauritius

41. Among the relevant ILO Conventions, Mauritius has ratified Conventions Nos. 100, 111 and 156. It has also ratified Conventions Nos. 29, 87, 97 (excluding the provisions of annexes I–III), 98, 105, 138 and 182.

42. 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.

43. *Convention No. 100*: In its 2008 direct request, the Committee of Experts noted that the Employment Rights Act, 2008 had been adopted on 22 August 2008, replacing the Labour Act of 1975. It also noted that the Employment Relations Act had also been adopted on the same date, replacing the Industrial Relations Act, 1973. The Committee further noted the Government's intention to introduce an Equal Opportunities Bill in the near future.

44. The Committee noted that the principle of equal remuneration for work of equal value had not been fully reflected in the Employment Rights Act, as equal remuneration had been limited to "the same type of work". The Committee also noted that the Code of Conduct for a Conflict Free Workplace (2003), which had included the principle of the Convention, was being revised in the light of the adoption of the Employment Relations Act. It asked the Government to ensure that the principle of the Convention was reflected in the revised Code of Conduct for a Conflict Free Work Place.

45. The Committee noted that the Public Transport (Buses) Workers (RO) Regulations 2008 had been amended by replacing the gender-specific functions with gender-neutral appellations. It also noted that in the Field-Crop and Orchard Workers (RO) Regulations 2008, the expressions "field labourer (male)" and "field labourer (female)" had been substituted, respectively, for "field labourer (grade I)" and "field labourer (grade II)", and that according to section 2 of these Regulations, field labourers belonging to grade I were skilled or semi-skilled field workers who received a higher salary than the workers belonging to grade II, i.e. unskilled field workers. The Committee further noted the Government's indication that the National Remuneration Board determined the basic wages for the different occupational categories according to the general principles set out in section 47 of the Industrial Relations Act (i.e. results, skills, and levels of responsibility) and the Minimum Wage Fixing Convention, 1970 (No. 131), but it lacked specific guidelines to establish remuneration rates on the basis of job content. The Committee asked the Government (i) to amend the remaining remuneration orders to remove gender-specific appellations; (ii) to provide information on the proportion of women in grade I and grade II field labourers under the Field-Crop and Orchard Workers (Remuneration Order) Regulations; (iii) to consider developing guidelines and training for the National Remuneration Board in determining the basic wages on the basis of the tasks performed; (iv) to indicate whether any relevant provisions in this regard were included in the Employment Relations Act; and (v) to supply information on the formulation of policy guidelines to set wages based on job content envisaged under the Action Plan on the National Gender Policy (2005–2015). It also asked the Government to review the gender-specific appellations in the public schemes relating to the disciplined forces, health and education sectors.

46. With regard to collective agreements, the Committee emphasized that the lack of any references to workers' sex in the determination of wages did not ensure that the

principle of the Convention was being fully applied. The Committee asked the Government to take measures to enhance the social partners' understanding of the principle of the Convention in order to reflect the principle in collective agreements.

47. The Committee noted from the observations submitted by the Federation of Parastatal Bodies and Other Unions that objective job appraisals would be undertaken following the recommendations of the Pay Research Bureau. The Committee also noted the Government's indication that while in the public sector such methods were already followed, in the private sector they were not, given the limited capacity of the National Remuneration Board. The Committee asked the Government to provide detailed information on the criteria employed by the Pay Research Bureau to carry out the objective job evaluation free from gender bias. The Committee also encouraged the Government to promote objective job evaluation in the private sector and to provide the National Remuneration Board with the necessary training to fulfil this task.

48. The Committee also asked the Government to indicate the measures taken to increase labour inspectors' capacity to detect and address infringements related to the principle of the Convention, as well as any judicial or administrative decisions involving the principle of equal remuneration for work of equal value.

49. The Government's most recent report has been received and will be examined by the Committee of Experts in 2011.

50. *Convention No. 111*: In its 2008 direct request, the Committee observed that public officers, workers of local authorities and workers of parastatal bodies were not covered by the Employment Rights Act, with the exception of the provisions concerning violence at work. The Committee requested the Government to indicate how it was ensured that these categories of workers enjoyed the same protection against discrimination as the workers covered by the Employment Rights Act.

51. The Committee noted that the Mauritius Federation of Employers had been requested to encourage its members to adopt an anti-harassment policy. The Committee also noted the initiatives taken by the Ministry of Labour, Industrial Relations and Employment and the Sex Discrimination Division (SDD) with a view to raising public awareness about sexual harassment at the workplace. The Committee further noted the judgement delivered by the Industrial Court on a case of sexual harassment and it noted that during the biennium 2006–2007 SDD had received approximately 30 complaints concerning sexual harassment while the labour inspection services had recorded four such cases. The Committee encouraged the Government to gather and submit information on the application of the anti-harassment policy at the enterprise level and to continue its efforts to prevent sexual harassment in the workplace, including through sensitization and awareness-raising campaigns, in cooperation with the social partners.

52. The Committee recalled its previous comments on the occupational gender segregation existing in the Mauritius labour market. The Committee noted from the statistics that in 2007 women had held only 35.6 per cent of the managerial positions in the government services, while holding approximately 72 per cent of the clerical posts. The Committee requested the Government to continue to provide information on the measures taken to address the horizontal and vertical occupational sex segregation still existing in the labour market, and to promote women's enrolment in training courses and to foster their participation in a wider range of technical courses, including courses which had so far been dominated by men.

53. The Government's most recent report has been received and will be examined by the Committee of Experts in 2011.

54. *Convention No. 156*: In its 2007 direct request, the Committee noted with interest that section 5 of the Sex Discrimination Act 2002, provided comprehensive protection against discrimination on the basis of sex, marital status, pregnancy and family responsibilities in a wide range of areas such as employment, recruitment and selection for the purposes of training, apprenticeship and employment, as well as terms and conditions of employment, conditions of work, facilities offered in relation to employment, advancement, promotion or training, retrenchment or termination of employment. The Act also prohibited discrimination on these grounds against contract workers and by employment agencies and prohibited discrimination in relation to professions, trades or occupations (sects. 10–12).

55. The Committee noted a study on “Discriminatory Practices in the Mauritian Labour Market” (2007), carried out in partnership with the UNDP and the ILO, that the occupational segregation and low economic activity rates of women could partly be explained by employers’ preferences for male workers due to perceived costs relating to maternity and women’s responsibility for family and childcare, as well as the lack of part-time employment opportunities and the required long working hours. The Committee further noted from the study on work and family (2002) that child and elderly care remained an overwhelmingly female responsibility, and that single-headed households, mostly women, faced particular difficulties in combining their work and family responsibilities and were currently on the increase.

56. The Committee noted that section 31 of the Employment Rights Bill provided for paternity leave of five continuous days for a male worker at the birth of the child of his spouse. Spouse was defined as the person with whom the worker has contracted civil or religious marriage, and with whom that he was living under a common roof at the time of delivery. Noting that the Employment Rights Bill appeared to provide only for paternity leave for married fathers, the Committee asked the Government to consider amending section 31 of the Employment Rights Bill so as to provide paternity leave also to male employees who are not married upon the birth of their child but who are living under a common roof at the time of delivery. The Committee, referring to paragraph 23 of Recommendation No. 165, also requested the Government to indicate whether any measures were being taken or envisaged to provide special leave entitlements to workers with family responsibilities, including leave in cases of illness in the family. [The Employment Rights Bill was adopted in 2008, and amended by Act No.14 of 2009].

57. The Committee noted that a study had been undertaken with the assistance of the ILO on “Working time in Mauritius” which had been discussed at a tripartite technical workshop in 2005. The Committee also noted from the work and family study (2002) that workers in export processing zones (EPZs), mostly women, faced long hours of work and had to work ten hours of compulsory overtime per week, which made it difficult for them to take time for family responsibilities. Noting that the Ministry of Labour, Industrial Relations and Employment had set up a Tripartite Technical Committee to examine the implementation of the recommendations on flexible working time arrangements made in the report on “Working time in Mauritius”, the Committee asked the Government to provide information on the practical follow-up, and their impact on promoting equality of opportunity and treatment for workers with family responsibilities, especially those working in EPZs.

58. The Committee noted that the National Pensions Act provided for accrual of pension rights essentially on the number of pension points earned during a working career. The Committee asked the Government to indicate the feasibility of providing for the accumulation of pension points for male and female workers during periods of absence from work due to family responsibilities under the National Pensions Act.

59. The Committee noted from the study on work and family that in 2002, the problem of inadequate day-care services for children from birth to pre-primary school had become particularly acute and that the types of services available ranged from small nurseries to large day-care centres managed by organizations such as the export processing zones Welfare Fund. However, in both cases the fees payable appeared to amount to a substantial part of a working parent's income and the quality of the service might not be sufficient. The Committee noted that since then the Action Plan on Work and Family and the Action Plan for a National Gender Policy contained a number of strategies concerning childcare services. In this regard, the Committee noted that within the framework of the Child Protection Act 1994, the Institutions and Protection of Children Regulations 2000 regulated the activities of day-care centres. The Committee asked the Government to provide information on the progress made in this regard.

60. The Committee noted the Government's general statement that the Employment and Training Act 1963 provided access to vocational advice and guidance for all workers without discrimination. The Committee noted, however, that statistics of 2005 of the Industrial and Vocational Training Board (IVTB) indicated that in more than 40 per cent of the full-time courses offered, no women had been enrolled. Figures for 2005 on female enrolment in part-time vocational training courses showed a similar trend. The Committee asked the Government to provide information on the measures taken or envisaged to increase the number of women in vocational training courses. It also asked the Government to provide information on any other vocational training and employment programmes to enable workers with family responsibilities to enter or re-enter the labour market.

61. The Committee noted that the current Labour Act did not include a provision providing that family responsibilities shall not constitute a valid reason for termination of employment. However, section 38(1) of the Employment Rights Act provides, inter alia, that a worker's employment shall not be terminated by reason of family responsibilities. The Committee further noted that section 5(2)(e) of the Sex Discrimination Act 2002 prohibited the employer from discriminating against an employee on grounds of family responsibilities by retrenching or terminating the employment of the employee. The Committee asked the Government to provide information on any complaints submitted to the Sex Discrimination Division concerning termination of employment on the basis of family responsibilities.

62. The Government's most recent report has been received and will be examined by the Committee of Experts in 2011.

F. Montenegro

63. Among the relevant ILO Conventions, Montenegro has ratified Conventions Nos. 100, 111 and 156. It has also ratified Conventions Nos. 3, 29, 45, 87, 89, 97 (excluding the provisions of annex III), 98, 122, 138, 142 and 182.

64. 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:

65. *Convention No. 100*: In its 2010 direct request, the Committee of Experts recalled that, while sections 5, 6 and 7(1)(2) of the Labour Law appeared to provide protection against sex-based wage discrimination, Labour Law No. 49/08 did not explicitly provide for the principle of equal remuneration for men and women for work of equal value, nor did it expressly provide that rates of remuneration for men and women were to be determined without discrimination based on sex. The Committee asked the Government to

take steps to insert a provision in Labour Law No. 49/08 expressly providing for equal remuneration for men and women for work of equal value which would cover all elements included in the gross wage.

66. Noting the Government's statement that differences in wages between men and women were due to differences in occupational qualifications due to education, the Committee pointed out that historical attitudes towards the role of women in society, along with stereotypical assumptions regarding women's aspirations, preferences, capabilities and "suitability" for certain jobs, had contributed to occupational sex segregation in the labour market. The Committee asked the Government to examine all the underlying causes of the gender wage gap, including whether jobs and positions predominantly performed by women were not systematically being undervalued. The Committee also asked the Government to provide information on the practical application of the Law on Gender Equality, No. 46/07, in particular with regard to achieving equal remuneration for men and women for work of equal value.

67. The Committee noted the Government's confirmation that civil servants and state employees as well as employees in local self-government authorities were covered by the Law on civil servants and state employees No. 27/04, and the Law on salaries of civil servants and state employees. The Committee noted that Law No. 27/04 did not include a provision expressly providing for the principle of equal remuneration for men and women for work of equal value. It also noted the adoption of the Law of 22 December 2009 on public servants' and public employees' wages, No. 930/09, which contained provisions on coefficient of wages, classification of wage groups, calculations of base wages, compensations and supervision.

68. The Committee noted the Government's statement that, since gender was not a criterion for determining wages and employers were obliged to pay a salary to both men and women, there was no need to collect sex-disaggregated statistics on wages. Recalling its 1998 general observation, the Committee asked the Government to collect and analyse statistical information on levels of remuneration in the public and private sectors.

69. The Committee also asked the Government to continue to provide information on how labour inspectors supervised the application of sections 5, 6 and 7 of Labour Law No. 49/08, as well as the number and nature of any cases involving sections 5, 6 and 7 that have been decided by the courts, or complaints dealt with by the Ministry for the Human and Minority Rights Protection, and the remedies provided.

70. *Convention No. 111*: In its 2010 direct request, the Committee recalled that section 5 of Labour Law No. 49/08 prohibited direct and indirect discrimination based on language, age, pregnancy, health state, marital status, family duties, sexual orientation, material status, or some other personal characteristics, and requested the Government to continue to provide information on the measures taken to address discrimination in practice on these grounds.

71. The Committee noted that the unemployment rate of women in June 2010 was 12.73 per cent compared to an unemployment rate of 11.67 per cent for men. The Committee noted the Plan of activities for achieving gender equality in Montenegro (2008–12), and the information in the Government's report on the programmes aimed at promoting access to the labour market, particularly for those who were unemployed, and the number of women participating in these programmes. The Committee asked the Government to provide information on the implementation of the Law on Gender Equality, No. 46/07, and the Plan for achieving gender equality, including measures to promote participation of men and women in a wide range of occupations and training programmes, and information on the results achieved through such action.

72. The Committee referred to its general observation of 2002 and reiterated its request to the Government to provide information on the practical measures taken to prevent and address sexual harassment at work, as well as information on whether any cases of sexual harassment had been brought under section 8(1) and (3) of Labour Law No. 49/08, and on the outcome thereof.

73. With regard to section 104 of Labour Law No. 49/08, the Committee emphasized that special protective measures for women which were based on stereotyped perceptions regarding their capacity and role in society give rise to violations of the principle of equality of opportunity and treatment, and should be repealed. The Committee asked the Government to revise section 104 of Labour Law No. 49/08 with a view to ensuring that restrictions on women's employment be limited to maternity in the strict sense and to special arrangements for pregnant and nursing women.

74. The Committee noted that few Roma women were responding to the measures offered under the Action Plan of the Employment Agency due to early marriage, certain traditional values, and family responsibilities. The Committee noted the activities to improve the capacity of the Employment Agency with a view to addressing more effectively the unemployment and low levels of education of the Roma population, and to address prevailing stereotypes among the Roma population regarding employment of women. The Committee requested the Government to provide information on the impact of such measures on their situation in the labour market.

75. *Convention No. 89*: In its 2009 direct request, the Committee noted the adoption of the Labour Law No. 43/03, and concluded that effect was no longer being given to the Convention in either law or practice. The Committee accordingly asked the Government to keep the Office informed of any decision which might be taken, in full consultation with its social partners, concerning the termination of its obligations arising out of Convention No. 89, which became open to denunciation for a period of one year as from 27 February 2011, and the possible ratification of the Night Work Convention, 1990 (No. 171).

76. *Convention No. 122*: In its 2009 direct request, the Committee noted that the National Strategy for Employment and Human Resource Development 2007–2011 (National Strategy) encompassed the objectives including promoting employment of women.

77. *Convention No. 142*: In its 2009 direct request, the Committee noted the reform of the vocational education and training system in Montenegro was not yet complete and that there were still significant gaps in the existing vocational training programmes as concerned the integration into the labour market of women workers or workers belonging to vulnerable groups. The Committee invited the Government to provide detailed information on the impact of the reform of the vocational education and training system so as to ensure that access to active labour market policies was improved for women, young workers and workers belonging to ethnic minorities.

G. Oman

78. Among the relevant ILO Conventions, Oman has ratified Conventions Nos. 29, 105, 138 and 182. It has not ratified either of the fundamental Conventions regarding equality and non-discrimination, Nos. 100 and 111.

79. 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:

80. *Convention No. 29*: In its 2010 direct request, the Committee of Experts noted with interest the adoption of the Act on the Suppression of Human Trafficking (promulgated by Royal Decree No. 126–2008 of 23 November 2008), which made human trafficking a criminal offence punishable by a prison sentence of three to 15 years and a fine. It also noted that the National Committee for the suppression of human trafficking held its first meeting in April 2009 in order to promote the combat against human trafficking, and that 94 labour inspectors had been appointed for this purpose. It noted in particular the adoption of a circular prohibiting employers from confiscating the passports of migrant workers. The Government also indicated that the Ministry of Labour set up a supervisory mechanism in December 2008 whereby incidences of human trafficking could be identified by monitoring bank accounts, work contracts and payslips and conducting unannounced inspections of workplaces. Victims of trafficking who have fled abusive employers without obtaining the sponsorship of new employers were allowed to stay in the country for at least one month to look for a new sponsor.

81. The Government's most recent report has been received and will be examined by the Committee of Experts in 2011.

H. Paraguay

82. Among the relevant ILO Conventions, Paraguay has ratified Convention No. 100, 111 and 156. It has also ratified Conventions Nos. 29, 87, 89, 98, 105, 122, 138 and 182.

83. 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:

84. *Convention No. 100*: In its 2010 direct request, the Committee of Experts noted the existence of a clear difference in practice between the remuneration of men and women in almost all branches, occupational categories and educational levels, despite the establishment in law of the principle of equal wages for work of equal value, and that the wage gap remained the same. In practice, women earned 73.1 per cent of the average monthly earnings of men in all types of employment, despite the fact that the gap was smaller in the public sector. The Committee once again requested the Government to provide information on the measures to reduce the wage gap, as well as those adopted in the framework of the Third National Plan for Equal Opportunities for Women and Men 2008–2017 and by the Tripartite Committee on Equal Opportunities (CTIO).

85. *Convention No. 111*: In its 2009 direct request the Committee noted the Government's indication that inequalities and discrimination persisted in the labour market and affected in particular poor women including indigenous women. It noted that, according to the Household Survey, 2008, open unemployment among women stood at 2.8 percentage points higher than that of men and that women were mainly concentrated in self-employment and domestic work. Furthermore, the Committee noted that, according to the statistics provided, illiteracy among women continued to be more pronounced than among men and their levels of education were also lower, particularly those of indigenous women.

86. The Committee noted that the Women's Secretariat of the Office of the President of the Republic defined and coordinated gender policies with the public and private sectors. It also noted that the third National Plan for Equality of Opportunity between Women and Men, 2008–2017, had been drawn up. The Committee noted that one of the objectives of the National Plan was to formulate, promote and support changes and/or adaptations to regulations to eliminate gender discrimination in employment and social security. The Committee requested the Government to provide information on their impact on the

promotion of equality of opportunity between men and women in education, vocational training, employment and occupation. It also requested information on any progress made in regulating the employment situation of women workers, including women rural, indigenous and domestic workers and, in general, women working in the informal economy.

87. The Committee noted that section 133 of the Penal Code defined and punished sexual harassment and section 84 of the Labour Code included sexual harassment as a justified reason for terminating an employment relationship. The Committee noted that the Penal Code included only *quid pro quo* sexual harassment within the definition. The Committee requested the Government to consider adopting specific legislation regulating sexual harassment at work which included in the definition both *quid pro quo* and hostile working environment. It also requested the Government to provide information on the educational and awareness-raising measures to prevent sexual harassment in the working environment.

88. According to the information provided by the Government, inequalities and discrimination persisted in the labour market of Paraguay and particularly affected poor women, including monolingual Guaraní. The Committee requested the Government to provide information on the development of mechanisms for the lodging of complaints relating to the right of women to equal access to economic resources, social security, property, land and credit, which was one of the objectives of the National Plan for Equality.

89. The Government's most recent report has been received and will be examined by the Committee of Experts in 2011.

90. *Convention No. 156*: In its 2009 direct request, the Committee requested the Government to provide information on the definition of the term "dependent child", including specific criteria such as age, legal relationship to the worker, place of residence and other elements taken into account for determining the concept of dependence.

91. The Committee noted the legal provisions whose purpose was to secure recognition of the particular social and biological function of the mother and guarantee, firstly, the protection of the health of future mothers and their children and, secondly, the protection of women against discrimination on the basis of their role of mother. The Committee reminded the Government that, it was important to ensure that family responsibilities did not restrict the possibilities of men or women for preparing for, entering, participating in or advancing in economic activity. In this context, the Committee noted that the third National Plan for equal opportunities for women and men (2008–2017) provided for the revision of the legislation and formulation of proposals to promote the sharing of rights and responsibilities between the mother and the father in the family environment. The Committee requested the Government to supply information on the progress made regarding the revision of the legislation and the formulation of proposals.

92. The Committee noted the Government's indication that there was flexibility in the public sector with regard to forms of leave for officials with family responsibilities. The Committee requested the Government to supply further information, and other measures being implemented, including paternity leave, as a constitutional right established by article 89 of the Constitution to enable officials with family responsibilities to reconcile work and family life.

93. The Committee noted that section 134(2) of the Labour Code stated that industrial or commercial undertakings in which more than 50 workers of either sex were employed should be obliged to provide rooms or crèches for the care of children under two years of age. The Committee also noted that the National Plan provided for the implementation of support services, and that initiatives would be promoted aimed at reconciling work and

family life for both women and men. The Committee requested the Government to supply information on the measures taken to promote the systematic development of childcare and family services and facilities.

94. The Government stated that a substantial dissemination and awareness-raising process was in progress with regard to the scope, implications and benefits of the Convention's application, specifically within the National Tripartite Commission for Equal Opportunities (CTIO). The Committee requested the Government to provide information on progress made in promoting a better sharing of family responsibility between men and women, and in raising public awareness in this regard.

95. The Committee noted the Government's indication that there were various institutes of vocational training with timetables geared to family responsibilities, specifically the National Service for Occupational Advancement (SNPP) and the Institute of Private Training. The Committee requested the Government to supply further information on the programmes implemented to tackle the difficulties faced by workers with family responsibilities.

96. The Committee requested the Government to provide further information regarding progress made through collective bargaining in the area of family responsibilities, on subjects including recognition of the right to parental leave in cases of adoption, special leave for sickness or for taking care of children and leave related to the care of other family members, or on promoting greater flexibility in the length of leave.

97. The Government's most recent report has been received and will be examined by the Committee of Experts in 2011.

98. *Convention No. 89:* In its 2009 direct request, the Committee noted that the only limitation to women's employment currently in force was that set out in section 130 of the Labour Code which sought to protect pregnant women and breastfeeding mothers. The Committee recalled the Government's earlier indication that it might consider the denunciation of the Convention in the near future as long as the consultations with employers' and workers' organizations would give support to the view that this Convention contained discriminatory provisions. In this connection, the Committee recalled that the Convention would next be open to denunciation from 27 February 2011 to 27 February 2012, and asked the Government to keep the Office informed of any further developments concerning the possible denunciation of Convention No. 89 and the eventual ratification of Convention No. 171.

99. *Convention No. 182:* In its 2010 observation, the Committee recalled the International Trade Union Confederation (ITUC) comments that very few controls had been carried out at borders, which made it very easy to transport children from Ciudad del Este or from Pedro Juan Caballero to Foz de Iguazú in Brazil, and from Encarnación and Puerto Falcón to Posadas and Clorinda in Argentina. The Committee also noted the ITUC information that few cases of trafficking of persons were reported and there were few prosecutions also due to the lack of awareness of the phenomenon in society, particularly among the police. It finally noted the ITUC statement that the police did not have personnel specialized in investigations into the commercial sexual exploitation of children and that law enforcement agencies did not clearly understand that children engaged in prostitution may be victims of crime and that, in practice, they were often treated as prostitutes and criminals.

100. The Committee noted the information that, in the framework of an inter-institutional five-year project to address situations of abuses against children, adolescents and women (2008–13), special units dealing with children, adolescents and women had been created and trained. It also noted that one of the objectives of the ILO–IPEC project “Combating the worst forms of child labour through horizontal cooperation in South America 2009–

2013”, was strengthening the labour inspection and other law enforcement agencies, such as labour courts, judges and prosecutors. The Committee requested the Government to redouble its efforts to strengthen the capacity of the law enforcement agencies, particularly the police, the judiciary and custom officers in combating the trafficking and commercial sexual exploitation of children, as well as to ensure that persons who trafficked in children for the purposes of labour or sexual exploitation were in practice prosecuted, and that sufficiently effective and dissuasive penalties were imposed.
