

EQUALITY AND DISCRIMINATION - EMPLOYMENT

IV. CONCLUDING OBSERVATIONS

CERD

- Austria, CERD, A/47/18 (1992) 48 at para. 198.

Under article 5 (e) (i) of the Convention, everyone in Australia must be guaranteed the right, without distinction as to race, to equality before the law in the enjoyment of the right to work. That guarantee must cover the private and public sectors. It is disturbing to learn that in the State party, as in parts of Europe, there are signs of an increase in racism, xenophobia and anti-Semitism, and readiness to ignore the rights of members of ethnic groups, including Jews.

- United Kingdom of Great Britain and Northern Ireland, CERD, A/48/18 (1993) 73 at para. 417.

It is noted with concern that the rate of unemployment affecting ethnic minorities remains very high.

- Germany, CERD, A/48/18 (1993) 81 at para. 447.

Taking into account that practices of racial discrimination in such areas as access to employment, housing and other rights referred to in article 5 (f) of the Convention are not always effectively dealt with, the authorities should give serious consideration to the enactment of a comprehensive anti-discrimination law. Such a law would constitute a clear reaffirmation by the authorities that racial discrimination is absolutely unacceptable, and is detrimental to human rights and human dignity. Other preventive measures, such as information campaigns, educational programmes and training programmes addressed particularly to law enforcement officials, in accordance with article 7 of the Convention and General Recommendation XIII, would strengthen the effectiveness of legal provisions.

- Croatia, CERD, A/48/18 (1993) 90 at para. 499.

The circulation of ethnic lists of persons considered non-Croatian in origin, which are used for discriminatory purposes, particularly concerning employment opportunities, is of concern.

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- Yugoslavia (Serbia and Montenegro), CERD, A/48/18 (1993) 95 at para. 538.

Alarm is expressed over the deteriorating situation in Kosovo. A number of measures have been implemented there which are in violation of the provisions of the Convention, including the enactment of discriminatory laws, the closing of minority schools, the mass dismissal of Albanians from their jobs and the imposition of restrictions on the use of the Albanian language. Such measures result in the increasing marginalization of Albanians in Kosovo. In that regard, it is noted that Albanians in Kosovo do not participate in public life.

- France, CERD, A/49/18 (1994) 20 at paras. 152 and 155.

Paragraph 152

When the State party reviews its rules restricting certain occupations to French nationals, it should ensure that none are discriminatory in effect.

Paragraph 155

Legislation should be introduced that will provide effective protection to the exercise, without discrimination, of the rights to work and to housing, in both the public and private sectors, and that will provide compensation to victims of discrimination.

- Canada, CERD, A/49/18 (1994) 47 at paras. 325 and 328.

Paragraph 325

The limited scope of the Employment Equity Act of 1986, which covers only 10 per cent of workers in the State party and does not fully guarantee equal employment opportunities for aboriginal peoples or their representation in high-level employment, is of concern. The treatment of immigrants from Asia and Africa, who do not appear to be adequately protected against discrimination, is equally of concern.

Paragraph 328

Legal provisions at both the federal and provincial levels concerning human rights should be harmonized to avoid any possible difference in treatment. The Employment Equity Act should be extended to wider categories of workers, including federal civil servants, to improve the effectiveness of remedies in this field.

- Spain, CERD, A/49/18 (1994) 72 at para. 503.

Concern is expressed about *de facto* discrimination against members of the Gypsy community in the

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spheres of housing, education and employment, and against migrant workers and foreign nationals in general.

- Australia, CERD, A/49/18 (1994) 78 at paras. 545 and 548.

Paragraph 545

Aboriginals continue to suffer disadvantage in such areas as education, employment, housing and health services. Their participation in the conduct of public affairs is disappointing.

Paragraph 548

Measures to remedy any discrimination suffered by members of non-English-speaking minorities and Aboriginals in the fields of the administration of justice, education, employment, housing and health services should be strengthened and the participation of all in the conduct of political affairs should be promoted.

- Italy, CERD, A/50/18 (1995) 27 at para. 102.

Concern is expressed regarding the social trend towards segregation in housing and work.

- Yugoslavia (Serbia and Montenegro), CERD, A/50/18 (1995) 48 at paras. 237 and 244.

Paragraph 237

Great concern is expressed regarding the situation of the ethnic Albanian population of Kosovo, as reports indicate discrimination, harassment and, at times, terrorization, directed against them by State authorities. Dismissals from jobs in the public sector, principally from the police and education services, continue. Numerous reports have been received of physical attacks and robbery either committed by persons in the service of the State or inadequately investigated by the police. It can be concluded that the ethnic Albanians in Kosovo continue to be deprived of effective enjoyment of the most basic human rights provided for in the Convention.

Paragraph 244

The immediate drafting and implementation of legislation with a view to outlawing every manifestation of racial discrimination and the full implementation of the Convention is recommended. Particular attention should be paid to the legal regulation of matters such as the media and freedom of expression, employment and trade unions, the education system, and the health-care system.

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- United Arab Emirates, CERD, A/50/18 (1995) 95 at paras. 566 and 570.

Paragraph 566

Keen concern was expressed as to the allegations of ill-treatment of foreign workers, including women domestic servants of foreign origin. Special attention should be given to this issue.

Paragraph 570

The State party should show the utmost diligence in preventing acts of ill-treatment against foreign workers, especially foreign women domestic servants, and should take all appropriate measures to ensure that they are not subject to any racial discrimination.

- Colombia, CERD, A/51/18 (1996) 15 at para. 48.

Structural discriminatory attitudes towards the indigenous and Afro-Colombian communities, appearing at various levels of the political, economic and social life of the country, are noted. Those discriminatory attitudes relate to, among other things, the right to life and security of the person, political participation, educational and occupational opportunities, access to basic public services, the right to health, the right to adequate housing, the application of the law, and land ownership and use.

- Denmark, CERD, A/51/18 (1996) 17 at para. 71.

It is noted with concern that officers of the Danish police have treated persons with a non-Danish background in an unacceptable manner, and also that these persons with non-Danish backgrounds face difficulties in the enjoyment of their economic and social rights, particularly with respect to access to the labour market and equality in the exercise of their rights to housing and to health.

- Hungary, CERD, A/51/18 (1996) 22 at para. 119.

The persistent marginalization of the large Gypsy population, in spite of continuing efforts by the Government, is a matter of serious concern. It is noted that the *de facto* discrimination Gypsies face in the enjoyment of their economic, social and cultural rights increases their vulnerability in a context of economic crisis. Concern is expressed that three quarters of Gypsies are unemployed, with almost no prospect of entering the labour market.

- Finland, CERD, A/51/18 (1996) 29 at para. 183.

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The discrimination against ethnic minorities and foreigners that occurs within the labour market is of concern.

- United Kingdom of Great Britain and Northern Ireland, CERD, A/51/18 (1996) 35 at paras. 232, 235 and 242.

Paragraph 232

Persons belonging to ethnic minority groups are underrepresented in political and public life, as reflected in their representation among the voting public, the police and armed forces and holders of public office. Deep concern is expressed about reports that they suffer significantly higher levels of unemployment relative to the rest of the population and that disproportionate numbers of black children are being excluded from schools.

Paragraph 235

Concerning the treatment of foreigners, serious concern is expressed that the proposed Asylum and Immigration Bill would alter the status of many persons living in the United Kingdom in an adverse and discriminatory manner. This Bill, if enacted, would prohibit the employment of persons in the process of appealing a decision which rejected their petition to remain. It would also deny a number of social services to persons who have been granted permission to remain in the United Kingdom, including asylum-seekers, and others who have been granted permanent leave to stay but have not been naturalized. It is a matter of deep concern that most of the affected persons would be persons belonging to ethnic minorities.

Paragraph 242

Comprehensive, action-oriented studies should be undertaken to ascertain the reason for the low participation of persons belonging to ethnic minority groups in elections, both as voters and as candidates for public office, the reason for their low representation in the police and armed forces, and the reason for their disproportionately high level of unemployment.

- Brazil, CERD, A/51/18 (1996) 45 at paras. 299 and 303.

Paragraph 299

Discriminatory attitudes towards the indigenous, black and mestizo populations persist within Brazilian society and are apparent at a number of levels in the political, economic and social life of the country. These discriminatory attitudes concern, *inter alia*, the right to life and security of the person, political participation, access to education and employment, access to basic public services, the right to health, the right to decent housing, land ownership, land use and law enforcement.

Paragraph 303

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Concern is expressed about the indigenous populations' social protection and the discrimination they suffer in the spheres of health, education, culture, employment, access to public office and housing.

- Republic of Korea, CERD, A/51/18 (1996) 48 at paras. 320, 328, 331 and 336.

Paragraph 320

It is noted that Korea is considering creating a work permit for illegal foreign workers that would place them under the aegis of the Labour Standards Act, which, *inter alia*, prohibits discrimination on the basis of nationality and ensures minimum protection against poor working conditions and low wages.

Paragraph 328

It is noted with concern that there is discrimination against people of foreign origin who were born and have settled in the Republic of Korea, particularly Chinese, in relation to people of Korean origin with regard to certain matters – for example, the impossibility of acquiring citizenship of the Republic of Korea and the difficulty in obtaining employment in some large companies.

Paragraph 331

The large number of foreigners who are: being employed increasingly by businesses in the Republic of Korea; who live and work clandestinely in the country, usually under difficult and precarious conditions; and who are the victims of discrimination under the provisions of article 5 (a), (b), (d), (e) and (f) of the Convention, is of concern. The same concern has been expressed with regard to the situation of foreign trainees who are allegedly subjected to various forms of discrimination and forced labour.

Paragraph 336

Measures should be taken to improve the situation of migrant workers, particularly foreigners with irregular status; in particular, a work permit should be introduced for such persons in order to legalize their situation.

- India, CERD, A/51/18 (1996) 51 at para. 365.

Special measures should be taken by the authorities to prevent acts of discrimination towards persons belonging to the scheduled castes and scheduled tribes, and, in cases where such acts have been committed, to conduct thorough investigations, to punish those found responsible and to provide just and adequate reparation to the victims. The importance of the enjoyment by members of these groups of their rights to equal access to health care, education, work and public places and services, including wells, cafés or restaurants, is stressed.

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- China, CERD, A/51/18 (1996) 57 at paras. 406 and 419.

Paragraph 406

Concern is expressed that in some business areas, persons of minority groups are underrepresented, which may be indicative of structural obstacles to their enjoyment of increases in economic prosperity. Concern is also expressed with regard to allegations that members of minority nationalities may not enjoy the same working conditions as persons of Han origin.

Paragraph 419

Further necessary legal, administrative or other appropriate measures should be taken to ensure that there is no discrimination against members of minority nationalities, in either the public service or private employment, with respect to the right to just and favourable conditions of work and the right to just and favourable remuneration.

- Namibia, CERD, A/51/18 (1996) 67 at para. 496.

Despite affirmative measures taken to eliminate social and economic disparity, black people and mixed-race people (coloureds), who comprise 95 per cent of the population, still face serious discrimination in many areas, such as access to property, education, employment, health care and housing.

- United Kingdom of Great Britain and Northern Ireland, CERD, A/52/18 (1997) 9 at paras. 37, 41 and 49.

Paragraph 37

With respect to the effective enjoyment of the rights provided for in article 5 of the Convention, concern is expressed at remaining instances of racial discrimination in: the field of employment, notably the opportunities for professional promotions; in the private as well as in the public sectors, in the fields of housing and education; in the exercise of stop-and-search powers by the police; and with respect to occurrences of ill-treatment by the police.

Paragraph 41

The "two-week rule" applying to foreign workers, which prohibits them from seeking employment or remaining in Hong Kong more than two weeks after the expiration of their employment contracts, may have discriminatory effects since it applies mostly to domestic workers of Filipino origin. It may leave the workers concerned extremely vulnerable and in precarious conditions.

Paragraph 49

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All necessary measures, including the modification or repeal of the “two-week rule,” should be undertaken to ensure the protection of foreign workers.

See also:

- United Kingdom of Great Britain and Northern Ireland, CERD, A/51/18 (1996) 35 at para. 239.

- Guatemala, CERD, A/52/18 (1997) 14 at para. 83.

It is noted with concern that adequate and proportionate participation of the indigenous population in Parliament, in the public service and in public life at the national level has not been achieved. In particular, members of indigenous communities are under represented among judges and in the administration of justice.

- Bulgaria, CERD, A/52/18 (1997) 39 at para. 282.

Concern is expressed that the economic crisis has affected people from ethnic minorities disproportionately. It is noted that the Roma face *de facto* discrimination in the enjoyment of their economic, social and cultural rights, which increases their vulnerability in a context of economic crisis. Concern is expressed about discrimination against minorities in the workplace, especially for Roma, most of whom have relatively little training and education.

- Panama, CERD, A/52/18 (1997) 46 at paras. 341, 352 and 354.

Paragraph 341

While it is noted that the Canal Zone has a special legal status, it is of concern that workers from Panama are not accorded the same rights as foreign workers employed in that zone.

Paragraph 352

The State party should take appropriate measures to enable indigenous persons to participate in elections and to provide them with equal access to employment in the public service.

Paragraph 354

With regard to the special status of the Canal Zone, the State party should take appropriate measures to ensure that the rights enumerated in the Convention, especially article 5, are enjoyed equally by all residents and workers in that specific area.

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- Norway, CERD, A/52/18 (1997) 77 at paras. 608 and 616.

Paragraph 608

Concern is expressed that foreigners and persons belonging to minority groups may not be sufficiently protected, especially in the fields of labour and housing.

Paragraph 616

The State party should take all appropriate measures to ensure access to work and housing on a non-discriminatory basis, in conformity with the Convention.

- Switzerland, CERD, A/53/18 (1998) 28 at para. 56.

Concern is expressed about the lack of comprehensive legislation to combat discrimination based on race, colour, descent, or national or ethnic origin. Such legislation should include measures to combat racial discrimination in labour relations and housing and, more generally, racial discrimination by any person, group or organization.

- Israel, CERD, A/53/18 (1998) 30 at para. 84.

The State party should reinforce its efforts to reduce the persisting gap between the living standards and the involvement in national affairs of the Jewish majority and the Arab minority. This should be done in a manner consistent with the measures adopted for assisting the integration of Ethiopian Jews. The State party is encouraged to adopt new labour legislation in order to secure the protection against ethnic discrimination of the rights of Palestinians working in Israel on a daily basis. The rights of migrant workers, including undocumented workers, are also a matter of concern.

- The Netherlands, CERD, A/53/18 (1998) 33 at para. 105.

The disproportionately low rate of participation of minorities in the labour market and their increasing unemployment rates, while the rates for the rest of the population are stable, are noted with concern, as are reports of both direct and indirect forms of discrimination in recruitment procedures. Further action should be taken to ensure and promote equal opportunity in economic and social life, in particular as regards education and employment.

- Czech Republic, CERD, A/53/18 (1998) 35 at para. 122.

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It is noted with concern that the State party does not have civil or administrative law provisions expressly outlawing discrimination in employment, education, housing and health care and that there exists no administrative regulation explicitly prohibiting racial discrimination by public institutions and agencies.

- Lebanon, CERD, A/53/18 (1998) 42 at para. 184.

The State party should take all appropriate measures, including those of a legal nature, to guarantee fully access to work and equitable conditions of employment to all foreign workers, including Palestinians. The practice of some employers of withholding passports of foreign workers should be prohibited.

- Austria, CERD, A/54/18 (1999) 13 at para. 34.

The fact that non-citizens are not currently eligible for participation in work councils is of concern.

- Republic of Korea, CERD, A/54/18 (1999) 14 at para. 61.

Further measures against discrimination in the labour conditions of foreign workers should be undertaken. It is recommended that measures be taken to improve the situation of all migrant workers, particularly those with irregular status.

- Peru, CERD, A/54/18 (1999) 21 at para. 156.

With regard to the right to employment, the reports that access to jobs and promotions is often influenced by racial criteria, while certain minor or disparaged jobs are left to persons of indigenous or African origin, are of concern.

- Mauritania, CERD, A/54/18 (1999) 34 at para. 329.

With regard to article 5 of the Convention, allegations are noted to the effect that some groups of the population, especially the black communities, are still suffering from various forms of exclusion and discrimination, especially where access to public services and employment is concerned. It is noted that in some parts of the country, vestiges of practices of slavery and involuntary servitude could still persist.

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- Iraq, CERD, A/54/18 (1999) 35 at para. 348.

Concern is expressed over allegations that the non-Arab population living in the Kirkuk and Khanaquin areas, especially the Kurds, Turkmen and Assyrians, have been subjected by local authorities to measures such as forced relocation, denial of equal access to employment and educational opportunities, and limitations in the exercise of their rights linked to the ownership of real estate.

- Uruguay, CERD, A/54/18 (1999) 41 at para. 429.

With respect to employment, education and housing, the State party should take steps to reduce present inequalities and adequately compensate affected groups and persons for earlier evictions from their houses.

- Australia, CERD, A/55/18 (2000) 17 at para. 41.

Efforts being made to increase spending on health, housing, employment and education programmes for indigenous Australians are acknowledged. Serious concern remains about the extent of the continuing discrimination faced by indigenous Australians in the enjoyment of their economic, social and cultural rights. Serious concern remains about the extent of the dramatic inequality still experienced by an indigenous population that represents only 2.1 per cent of the total population of a highly developed industrialized State. It is recommended that the State party ensure, within the shortest time possible, that sufficient resources are allocated to eradicate these disparities.

- Denmark, CERD, A/55/18 (2000) 22 at paras. 67 and 68.

Paragraph 67

Equal attention should be paid to the economic, social and cultural rights listed in article 5. The level of unemployment among foreigners and the difficult access to employment for members of ethnic minorities are matters of particular concern. Attention is drawn to the fact that, although the State party is not obliged to provide work permits to foreign residents, it has to guarantee that foreigners who have obtained a work permit are not discriminated against in their access to employment.

Paragraph 68

The State party should take all effective measures to reduce unemployment among foreigners and facilitate the professional integration of all persons belonging to ethnic minorities in the public

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administration.

- France, CERD, A/55/18 (2000) 26 at para. 101.

The Committee reiterates its recommendation that when the Government reviews its laws restricting certain occupations to French nationals it ensures that none is discriminatory in effect.

- Malta, CERD, A/55/18 (2000) 29 at para. 129.

Concern is expressed that the Employment Commission of Malta is empowered to consider only allegations of discrimination based on political opinion. The State party should consider expanding the scope of the competence of the Commission to cover all aspects of racial discrimination.

- Spain, CERD, A/55/18 (2000) 34 at para. 167.

With reference to article 5 (e) of the Convention, concern is expressed about reports indicating the prevailing discrimination against persons of foreign origin, particularly in the field of employment.

- Finland, CERD, A/55/18 (2000) 41 at paras. 213 and 217.

Paragraph 213

It is of concern that Roma continue to experience discrimination in the fields of housing, education and employment. The State party take additional measures at the national and municipal levels to improve the situation of the Roma minority, with a view to preventing social exclusion and discrimination against them.

Paragraph 217

Immigrants, refugees and minorities, in particular Roma, have higher rates of unemployment, have difficulties in gaining access to housing and social services and have higher rates of school drop-out. The low number of judicial proceedings initiated related to incidents of racial discrimination, including cases of discrimination in employment is also of concern. The State party should take all necessary measures to alleviate the situation of immigrants, refugees and minorities, in particular Roma, at the national and municipal levels, especially with respect to housing, employment and education.

- Slovakia, CERD, A/55/18 (2000) 47 at para. 263.

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While welcoming the prohibition of discriminatory vacancy announcements, it is recommended that further measures be taken for effective prohibition of discrimination in employment.

- Czech Republic, CERD, A/55/18 (2000) 50 at para. 279.

While the measures taken by the State party for the promotion and the protection of the human rights of the Roma minority are welcomed, concern remains that the Roma population continue to be subjected to discrimination in the fields of housing, education and employment.

- The Netherlands, CERD, A/55/18 (2000) 55 at paras. 317 and 318.

Paragraph 317

While the increase in employment among members of minorities is acknowledged, it is of concern that the unemployment rate among minority groups remains four times higher than among the native Dutch population.

Paragraph 318

The Committee is concerned about insufficient protection against discrimination in the labour market; it regrets the privatization and the planned dissolution of the Women and Minorities Employment Bureau and wonders what institution is going to fulfil the Bureau's task in the future.

- Sweden, CERD, A/55/18 (2000) 57 at para. 341.

Concern remains about the difficult access to employment for members of ethnic minorities. The State party should take all necessary measures to increase its efforts to facilitate the occupational integration of all persons belonging to ethnic minorities into the public administration.

- United Kingdom of Great Britain and Northern Ireland, CERD, A/55/18 (2000) 60 at paras. 353 and 364.

Paragraph 353

The Committee welcomes the use of ethnic monitoring to ascertain the number of persons of particular ethnic and national origins in various kinds of employment and the setting of targets to increase the employment of persons of minority origins in fields where they are under-represented.

Paragraph 364

The high level of unemployment among ethnic minority groups is noted with concern. The State

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party should intensify its efforts to ensure full enjoyment by all of the rights provided in article 5 of the Convention, without discrimination, giving particular attention to the rights to employment, education, housing and health.

- Iceland, CERD, A/56/18 (2001) 32 at para. 149.

The introduction of new curricula for nursery and primary schools, with increased attention to the role of schools in facilitating the integration of children from different cultural backgrounds without the loss of their ties to their own culture is welcomed. The emphasis on the promotion of tolerance is noted, as is the recognition of the need to provide students from different linguistic backgrounds with special education in Icelandic to address educational and employment disparities.

- Japan, CERD, A/56/18 (2001) 34 at para. 173.

With regard to children of foreign nationality residing in Japan, it is noted that elementary and lower secondary education is not compulsory. The position of the State party is that "since the purpose of the primary education in Japan is to educate the Japanese people to be members of the community, it is not appropriate to force foreign children to receive that education." The Committee concurs with the proposition that force is completely inappropriate to secure the objective of integration. However, with reference to articles 3 and 5(e)(v), concern is expressed that different standards of treatment in this respect may lead to racial segregation and the unequal enjoyment of the right to education, training and employment. The State party should ensure that the relevant rights contained in article 5(e) are guaranteed without distinction as to race, colour, or national or ethnic origin.

- Portugal, CERD, A/56/18 (2001) 38 at para. 191.

It is noted with appreciation that Act No. 20/98 allows employers to freely employ any worker residing legally in the State party, regardless of nationality.

- China, CERD, A/56/18 (2001) 44 at para. 248.

Concern continues regarding the situation of foreign domestic workers in the Hong Kong Special Administrative Region, mainly from the Philippines, Indonesia and Thailand, and the existence of certain rules and practices, such as the so-called "two-weeks rule," which may be discriminatory in effect.

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- Cyprus, CERD, A/56/18 (2001) 48 at para. 269.

Concern is expressed at the lack of legal provisions expressly outlawing racial discrimination by private persons in education and employment, and it is recommended that the State party give attention to the development of such legislation.

- Italy, CERD, A/56/18 (2001) 53 at para. 316.

The State party should intensify its efforts and its cooperation with other countries, including the countries of origin, in order to reduce illegal immigration, criminal trafficking and commercial exploitation of human beings. Noting that foreign employees regularly resident in the territory are guaranteed equality of treatment with Italian employees while irregular workers, who make up 30 per cent of the entire non-European Union labour force (and even up to 50 per cent in northern Italy), are subjected to different forms of exploitation, the State party should take all necessary measures to put an end to those illegal practices.

- United States of America, CERD, A/56/18 (2001) 64 at paras. 388, 389 and 398.

Paragraph 388

Recent measures, including the launching in 1997 of the “Initiative on Race,” the establishment of the Minority Business Development Agency under the Department of Commerce in order to redress racial and ethnic discrimination in the industrial market, as well as the efforts made to eliminate the practice of racial profiling, are welcomed and the continuation of such initiatives is encouraged.

Paragraph 389

The continuous increase in the number of persons belonging to, in particular, the African-American and Hispanic communities in fields of employment previously predominantly occupied by Whites is a positive development. The efforts made to promote the employment of persons from minority groups within the police force are particularly welcomed.

Paragraph 398

While noting the numerous laws, institutions and measures designed to eradicate racial discrimination affecting the equal enjoyment of economic, social and cultural rights, concern is expressed about persistent disparities in the enjoyment of, in particular, the right to adequate housing, equal opportunities for education and employment, and access to public and private health care. The State party should take all appropriate measures, including special measures according to article 2, paragraph 2, of the Convention, to ensure the right of everyone, without discrimination as to race, colour, or national or ethnic origin, to the enjoyment of the rights contained in article 5 of the Convention.

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ICCPR

- Ireland, ICCPR, A/48/40 vol. I (1993) 119 at para. 614.

Further measures should be undertaken that are aimed at achieving equality of the sexes, particularly with regard to women in law enforcement, the legal profession and the judiciary.

- Japan, ICCPR, A/49/40 vol. I (1994) 23 at para. 107.

Concern is expressed at discriminatory practices against women that appear to persist in Japan, with regard to remuneration in employment, and it is noted that *de facto* problems of discrimination more generally continue to exist. The situation regarding mentally ill persons has significantly improved, but problems continue regarding access to employment. Legal measures have been taken by the Japanese authorities to forbid those practices and there are comprehensive programmes to promote equal opportunity. However, it appears that a certain gap exists in Japan between the adoption of legislation and the actual behaviour of certain sectors of society. It is noted that recourse for settlement of claims of discrimination against trade-union activists is very protracted.

- Romania, ICCPR, A/49/40 vol. I (1994) 28 at para. 142.

The decrease in the participation of women in public life and in their employment and opportunities in recent years is noted with regret.

- New Zealand, ICCPR, A/50/40 vol. I (1995) 38 at para. 182.

It is regretted that despite improvements, Maori still experience disadvantages in access to health care, education and employment. The proportion of Maori in Parliament and other high public offices, liberal professions and in the senior rank of civil service remains low and is also of concern.

- United Kingdom of Great Britain and Northern Ireland (Hong Kong), ICCPR, A/51/40 vol. I (1996) 13 at para. 59.

It is regretted that the Sexual Discrimination Ordinance is not yet in force and that it limits the damages awarded to women who are subject to sexual discrimination and does not give power to direct the reinstatement of women who have lost their jobs because of sexual discrimination. It is also of concern that the Sexual Discrimination Ordinance has significant exemptions and that it is limited

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in its application to discrimination based on gender and marriage and does not prohibit discrimination on grounds of age, family responsibility or sexual preference.

- Sweden, ICCPR, A/51/40 vol. I (1996) 17 at paras. 85 and 94.

Paragraph 85

It is noted that there remain areas where women are subject to *de facto* discrimination, in particular with regard to equal remuneration. It is noted with concern that in certain areas, in particular in public offices, the situation of women with regard to equal remuneration for work of equal value has significantly deteriorated recently.

Paragraph 94

The Government should continue its efforts to ensure that the principle of equal pay for equal work is effectively implemented.

- Estonia, ICCPR, A/51/40 vol. I (1996) 19 at paras. 111 and 112.

Paragraph 111

Noting that the numerous rights and prerogatives, such as the right to participate in the process of land privatization and the right to occupy certain posts or practise some occupations, are granted solely to Estonian citizens, it is of concern that permanent residents who are non-citizens are thus deprived of a number of rights under the Covenant.

Paragraph 112

It is of concern that the conditions for appointment to or employment in any position in a State or local government agency, in particular the automatic exclusion of persons unable to satisfy the requirements of the written oath of conscience regarding their previous activities (under the former regime), may give rise to an unreasonable restriction on the right of access to public service without discrimination.

- Brazil, ICCPR, A/51/40 vol. I (1996) 44 at paras. 318 and 335.

Paragraph 318

The situation of women who, despite some improvements, continue to be the subject of *de jure* and *de facto* discrimination, including discrimination in access to the labour market, is of concern.

Paragraph 335

Effective enforcement mechanisms should be put in place to prohibit the requirement of pregnancy

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and sterilization certificates and other discriminatory practices in employment.

- Switzerland, ICCPR, A/52/40 vol. I (1996) 19 at paras. 97 and 108.

Paragraph 97

It is noted with concern that in many areas, such as access to higher education and to posts of responsibility, equal remuneration for work of equal value, and participation in household tasks and in the upbringing of children, equality between men and women has not yet been achieved in practice, particularly in the private sector.

Paragraph 108

Measures should be taken by the authorities to combat discrimination against women in practice. In this connection, the importance of educational campaigns to develop awareness of the problem of discrimination is emphasized and all possible measures should be taken, in particular at the social infrastructure level, to make it easier for women who wish to work outside the home to do so. The authorities should also make greater efforts to implement strictly the constitutional and legislative provisions relating to equal pay for men and women for work of equal value, particularly in the private sector.

- Germany, ICCPR, A/52/40 vol. I (1996) 32 at para. 187.

The criteria used to evaluate retaining or dismissing former German Democratic Republic public servants, including judges and teachers, are vague and leave open the possibility of deprivation of employment on the basis of political opinions held or expressed and this is of concern. Therefore, the criteria for dismissing public servants of the former German Democratic Republic should be made more precise so that no public servant will be dismissed on the grounds of political opinions held or expressed by him or her.

- Bolivia, ICCPR, A/52/40 vol. I (1996) 35 at para. 211.

Labour laws do not protect the rights of women adequately, particularly those engaged in domestic work.

- Portugal (Macau), ICCPR, A/52/40 vol. I (1996) 50 at para. 320.

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Despite guarantees of equality in the Constitution and in labour legislation, *de facto* inequalities continue in regard to the situation of women and their remuneration. The persistence of certain traditional attitudes and practices contributes to this inequality and discrimination in the workplace.

- Lithuania, ICCPR, A/53/40 vol. I (1998) 30 at para. 167.

It is of concern that women still suffer from discrimination, especially in the areas of employment and access to leadership positions in politics and society, and that the proposed law on gender equality has not yet been enacted. Concrete measures should therefore be taken to eliminate all discrimination against women and to enhance and reinforce the position of women in society by providing legal remedies for discrimination in all areas, including employment and commercial advertising. Mechanisms should be established to monitor non-discrimination laws, to receive and investigate complaints from victims, and to award compensation where appropriate.

- Finland, ICCPR, A/53/40 vol. I (1998) 40 at para. 263.

The continuing disparity in remuneration between the sexes and the relatively low proportion of women in higher levels of the public service are of concern. Further efforts are necessary to reduce these differentials.

- Israel, ICCPR, A/53/40 vol. I (1996) 45 at para. 308.

Deeply embedded discriminatory social attitudes, practices and laws against Arab Israelis that have resulted in a lower standard of living compared to Jewish Israelis, as is evident in their significantly lower levels of education, access to health care, access to housing, land and employment, are of serious concern. That discrimination against members of the Arab minority appears to be extensive in the private sector is also of concern. The State party is urged to take steps without delay to ensure equality to Arabs and to proceed as soon as possible with the planned formulation of a draft law on discrimination in the private sector and to adopt it at an early date.

- Italy, ICCPR, A/53/40 vol. I (1998) 50 at para. 340.

Structural and cultural problems preventing the full enjoyment by women of equal opportunities in public and political life and in employment remain and equal pay is often not given for work of equal value. Urgent steps should be taken, by way of education, encouragement and legal means, to reduce or eliminate these inequalities.

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- The Former Yugoslav Republic of Macedonia, ICCPR, A/53/40 vol. I (1998) 55 at para. 380.

The principle of equality between men and women is far from being implemented in practice, particularly in the spheres of employment and education, in spite of progress in some areas such as the judiciary. The activities of the Department for the Promotion of Gender Equality and other governmental initiatives to overcome deeply rooted stereotypes and traditions are noted, and further measures to ensure genuine equality should be undertaken without delay.

- Iceland, ICCPR, A/54/40 vol. I (1999) 24 at para. 62.

Efforts to achieve full equality between men and women should be intensified, including in the employment sector. The Committee hopes that the "job evaluation" exercise undertaken under the Ministry of Social Affairs will contribute to eliminating discrimination in the workplace and to implementing fully the principle of equal wage for work of equal value.

- Armenia, ICCPR, A/54/40 vol. I (1999) 29 at para. 111.

Discrimination against women in employment and their under-representation in the conduct of public affairs is of concern. Furthermore, the disproportionate level of unemployment among women is regretted.

- Libyan Arab Jamahiriya, ICCPR, A/54/40 vol. I (1999) 32 at para. 137.

While recognizing the progress achieved as far as equality in the workplace is concerned, much remains to be done to reach full equality, including equal wages.

- Japan, ICCPR, A/54/40 vol. I (1999) 36 at para. 147.

The abolition of restrictions on women's eligibility to take the national public service examination, discriminatory compulsory retirement, and of dismissals on grounds of marriage, pregnancy or childbirth are welcomed.

- Mexico, ICCPR, A/54/40 vol. I (1999) 61 at para. 329.

Measures should be taken to investigate allegations that women seeking employment in foreign

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enterprises are subjected to pregnancy tests and required to respond to intrusive personal questioning, and that some women employees have been administered anti-pregnancy drugs. Such measures should ensure that women whose rights to equality and to privacy have been violated in this way have access to remedies and prevent such violations from recurring.

- Poland, ICCPR, A/54/40 vol. I (1999) 65 at para. 345.

Measures should be taken by the State party to counteract discrimination against women in the employment sector, evident in: low numbers of women holding high technical, managerial or political posts and relatively large numbers occupying less well-rewarded positions; average salaries earned by women which amount to only 70 per cent of those earned by men; the lack of equal remuneration for women for work of equal value; and pregnancy testing by employers.

- Romania, ICCPR, A/54/40 vol. I (1999) 68 at para. 366.

Prompt action should be taken in order to combat discrimination against women, and, in particular, to ensure greater representation of women in politics and government, and more senior positions in the public and private sectors.

- Republic of Korea, ICCPR, A/55/40 vol. I (2000) 29 at para. 140.

In order to ensure compliance with articles 3 and 26 of the Covenant, positive measures must be adopted to guarantee equality of opportunity and conditions of employment for women.

- Portugal (Macau), ICCPR, A/55/40 vol. I (2000) 33 at paras. 169 and 170.

Paragraph 169

Despite guarantees of equality in the Constitution, also reflected in article 25 of the Basic Law and in labour legislation, *de facto* inequalities continue with regard to the status of women and their remuneration.

Paragraph 170

Effective measures should be taken to eliminate inequalities with regard to the status of women and their remuneration.

- Cameroon, ICCPR, A/55/40 vol. I (2000) 36 at paras. 195 and 196.

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Paragraph 195

A high rate of illiteracy among women, unequal educational and employment opportunities for women and a husband's ability to seek a court order to prevent his wife from engaging in certain occupations are matters of concern.

Paragraph 196

The equality of women with men should be ensured, both in education and employment, particularly in employment of the woman's choice, and women should receive equal pay for work of equal value.

- Hong Kong Special Administrative Region (China), ICCPR, A/55/40 vol. I (2000) 40 at paras. 249 and 250.

Paragraph 249

Women are under-represented in public boards and public offices.

Paragraph 250

Positive measures should be adopted to overcome discrimination against women and equal pay for work of equal value should be ensured.

- Mongolia, ICCPR, A/55/40 vol. I (2000) 49 at para. 323.

Many areas of concern remain in relation to discrimination against women and the inability of women fully to enjoy Covenant rights (articles 3 and 26 of the Covenant). In particular, attention has been drawn to employers who discriminate against women in private sector employment and who must not have effective impunity in the face of court judgements.

- Ireland, ICCPR, A/55/40 vol. I (2000) 61 at paras. 441 and 443.

Paragraph 441

Despite the many advances that have been made in regard to the participation of women in all aspects of political, social and economic life, there are continuing inequalities faced by women in Ireland, which are reflected in the under-representation of women in certain occupations and in political life and in the generally lower salaries paid to women as compared with men. The references to women made in article 41 (para. 2) of the Constitution could perpetuate traditional attitudes toward the role of women. In that provision, the State "recognizes that by her life within the home, woman gives to the State a support without which the common good cannot be achieved. The State shall, therefore, endeavour to ensure that mothers shall not be obliged by economic necessity to engage in labour to

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the neglect of their duties in the home.”

Paragraph 443

Exemptions under the Employment Equality Act, which allow religious bodies directing hospitals and schools to discriminate in certain circumstances on the ground of religion in employing persons whose functions are not religious, may result in discrimination contrary to article 26 of the Covenant.

- Kuwait, ICCPR, A/55/40 vol. I (2000) 65 at para. 462.

While commending the State party for recent progress achieved in granting women access to higher education and positions in public life, including the legal profession, it is of continuing concern that the percentage of women in those higher positions remains low and that, while women hold positions as investigative judges, there is not one woman serving as a judge in the courts.

- Australia, ICCPR, A/55/40 vol. I (2000) 71 at para. 505.

It is noted with satisfaction that the status of women in Australian society has improved considerably during the reporting period, particularly in public service, in the general workforce and in academic enrolment, although equality has yet to be achieved in many sectors.

- Denmark, ICCPR, A/56/40 vol. I (2001) 34 at para. 73(15).

Despite continuing efforts by the State party, there remain areas of discrimination against women, notably in respect of employment in the public and private sectors and in applications for asylum.

- Croatia, ICCPR, A/56/40 vol. I (2001) 65 at para. 80(19).

The lack of a comprehensive law prohibiting discrimination in private-sector areas such as employment and housing is of concern. Pursuant to article 2, paragraph 3, and article 26 of the Covenant, the State party has a duty to protect persons against such discrimination. The State party should promulgate a law prohibiting all discrimination and providing effective recourse for all persons against violations of their right to non-discrimination.

See also:

- Venezuela, ICCPR, A/56/40 vol. I (2001) 49 at para. 77(23).
- The Netherlands, ICCPR, A/56/40 vol. I (2001) 76 at para. 82(14).

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The State party's recent attempts through legislation and policy to enhance the participation of ethnic minorities in the labour market, including incentives to the private sector to expand the proportion of the workforce made up of ethnic minorities are welcomed. It is noted, however, that these efforts to secure the rights guaranteed under article 27 of the Covenant have yet to show significant results.

- The Netherlands (Aruba), ICCPR, A/56/40 vol. I (2001) 76 at para. 82(23).

Domestic workers, who are often particularly vulnerable to exploitation as non-Aruban nationals, should have strengthened protection under Aruba's labour laws in order to achieve compliance with the provisions of article 26 of the Covenant. A formal right to sue for breach of contract may well be insufficient in the circumstances of the specific employer-employee relationship. The State party should consider the most appropriate way to ensure adequate legal protection for domestic workers, for example by extending the provisions of the Labour Ordinance to cover this class of workers.

- Czech Republic, ICCPR, A/56/40 vol. I (2001) 83 at para. 83(10).

While noting various recent amendments to legislation to combat discrimination in employment, the lack of monitoring implementation of this legislation is of concern. The high rate of unemployment of Roma, bordering on 70 per cent when the general rate of unemployment is 10 per cent, is also of concern. The State party should adopt measures to ensure the effectiveness of existing legislation against discrimination. The State party should also make greater efforts to provide training to Roma in order to equip them for suitable employment and create job opportunities for them.

- Monaco, ICCPR, A/56/40 vol. I (2001) 89 at para. 84(17).

The special status of Monegasques, who are in a numerical minority in the Principality of Monaco, is noted, and attention is drawn to the distinction made in law between Monegasques and non-Monegasques, particularly in the area of employment and where the exercise of the freedoms of association and assembly is concerned (articles 21, 22 and 26 of the Covenant). The State party should ensure that such distinctions, which in certain cases and circumstances may justify differences in treatment based on objective and reasonable criteria, do not take the form of discrimination.

- Democratic People's Republic of Korea, ICCPR, A/56/40 vol. I (2001) 98 at para. 86(27).

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The low level of representation of women in more senior levels of the public sector is noted with concern. The State party should take measures to implement articles 3 and 26 of the Covenant by improving women's participation in the public sector workforce, especially in senior positions.

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- Islamic Republic of Iran, ICESCR, E/1994/23 (1993) 32 at para. 127.

Concern is expressed over the non-performance of the Government's obligation under article 3 of the Covenant, under which the States parties undertake to ensure the equality of men and women in the enjoyment of all economic, social and cultural rights set forth in the Covenant. In that connection it is found that: the situations in which women are not permitted to study engineering, agriculture, mining or metallurgy or to become magistrates; in which they are excluded from a very large number of specific subjects at university level; and in which they need their husbands' permission to work or travel abroad, are incompatible with the obligations undertaken by the State party under the Covenant.

- Viet Nam, ICESCR, E/1994/23 (1993) 34 at para. 142.

The State party should intensify its efforts to find a better and more effective solution to the problem of the enjoyment of economic, social and cultural rights through internal measures and international cooperation, wherever such cooperation might be appropriate. Particular efforts should be made to solve the problem of school absenteeism and the concentration of child labour at the expense of school attendance, as well as the problem of overwork by married women. Effective measures should also be adopted: to reduce levels of malnutrition, especially among children; to improve the services of the social security system; to ensure the more rapid implementation of the new Labour Code; and, in general, to compensate for the effects on minorities and less privileged social groups of economic adjustments and promote the change to a free market society.

- Germany, ICESCR, E/1994/23 (1993) 49 at paras. 249, 250 and 253.

Paragraph 249

Concerns about discrimination in the employment of teachers of the new Länders have been raised by the ILO Committee of Experts on the Application of Conventions and Recommendations in its 1993 report to the International Labour Conference. In addition, similar concerns have been raised by a non-governmental organization. In that connection, it is recalled that access to and conditions of employment should be based strictly on objective criteria relating to work in accordance with the Covenant and ILO Convention No. 111: Discrimination (Employment and Occupation), 1958.

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Discrimination in employment on the ground of political opinion should be explicitly prohibited under the law.

Paragraph 250

Concern is expressed over the disparity which appears to exist in Germany between men and women with regard to educational achievements and the participation of women in all levels of education and professional careers, despite the efforts made by the German authorities.

Paragraph 253

The German authorities should respect the rights of teachers, professors and other educational personnel of the former German Democratic Republic so that they may continue to exercise their professional activities and participate to the fullest possible extent in cultural life without any discrimination.

- Morocco, ICESCR, E/1995/22 (1994) 28 at paras. 112 and 115.

Paragraph 112

The extent to which women enjoy the rights contained in the Covenant, in particular as regards matters arising under: articles 6 and 7, such as equal remuneration for equal work and employment opportunities; article 10, particularly relating to status of women in the family; and article 13, particularly in relation to the right to education, is of concern.

Paragraph 115

The full enjoyment of trade union rights as provided for under article 8 of the Covenant is of concern. In this regard, it is noted that, although the Constitution guarantees the right of association and the right to form and join trade unions, as well as the right to strike, these rights have on several occasions reportedly been violated in practice. Information has been received on concrete cases of limitations to the right to strike and lack of effective protection of workers against anti-union discrimination including arbitrary dismissal, arrest or physical violence.

- Mauritius, ICESCR, E/1995/22 (1994) 37 at para. 174.

With regard to article 7 of the Covenant, there exists no legislation requiring equal pay for equal work. In this regard, it is of concern that in the agricultural sector of the Mauritian economy, for work of the same value, women are paid lower wages on the stated assumption that their productivity is lower in such labour-intensive work. The excessive overtime work in the Export Processing Zones is also of concern. In these zones the Labour Act does not apply fully, which leaves more than 80,000 workers unprotected. Further concern is expressed about the ineffective enforcement of health and safety standards, as a consequence of which fatal industrial accidents have increased in recent years.

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With regard to around 10,000 foreign workers, mainly in the textile and construction industries, the Government appears to show little willingness to ensure that these people are treated in accordance with article 7 of the Covenant and with the pertinent international labour standards.

- The Gambia, ICESCR, E/1995/22 (1994) 42 at para. 198.

It is noted with concern that income levels of females generally remain below the government minimum wage scale, particularly those of the female labour force working in contract farming production. It is noted that only 20 per cent of the labour force is in effect covered by minimum wage legislation while the remainder is informally employed, chiefly in agriculture.

- Austria, ICESCR, E/1995/22 (1994) 50 at paras. 254 and 258.

Paragraph 254

Despite the considerable legislative efforts made by the State party to ensure equality between the sexes, inequality persists in practice, particularly in the matter of promotion, and sometimes in the provision of social benefits.

Paragraph 258

The Austrian authorities should continue their efforts to ensure *de facto* equality between men and women, especially in the areas of access to employment, remuneration for equal work, working conditions, the right to social security and participation in higher education.

- United Kingdom of Great Britain and Northern Ireland (Dependent Territories), ICESCR, E/1995/22 (1994) 52 at paras. 273, 292 and 301.

Paragraph 273

Insufficient measures have been taken to address the apparent disparities in employment patterns and opportunities of certain minority groups and between men and women. In the latter regard, it is regretted that women are still employed disproportionately in lower-paid occupations.

Paragraph 292

Concern is expressed over the legal and social position of foreign employees known as domestic helpers in Hong Kong. These workers' economic, social and cultural rights are seriously impaired by: the so-called two-week rule, which provides that a worker may neither seek employment nor stay more than two weeks in Hong Kong after the expiration of original employment; by the fact that maximum working hours are not set; and by the discriminatory practice of not being allowed to bring their families to Hong Kong, while professional migrant workers from developed countries are

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allowed to do so.

Paragraph 301

The two-week rule should be repealed and a review of the employment conditions of foreign domestic helpers should be undertaken to provide the full enjoyment of their rights under the Covenant.

See also:

- United Kingdom of Great Britain and Northern Ireland (Hong Kong), ICESCR, E/1997/22 (1996) 58 at para. 335.
- Hong Kong Special Administrative Region (China), ICESCR, E/2002/22 (2001) 39 at paras. 177, 190 and 196.

- Republic of Korea, ICESCR, E/1996/22 (1995) 24 at paras. 74, 81 and 82.

Paragraph 74

Particular concern is expressed about the wage differential between men and women and about other discriminatory practices in the workplace, including an apparently high rate of sexual discrimination in recruitment.

Paragraph 81

It is strongly recommended that, in order to deal with discrimination against women, it is necessary to allocate resources to carry out a range of initiatives in the fields of, *inter alia*, juvenile and adult education, enhanced job opportunities, law reform and the administration of justice. Programmes should be introduced with a view to redressing the imbalances in the status of women in society.

Paragraph 82

The State party should extend the regulations on safety in the workplace and on minimum wages to enterprises with fewer than 10 employees. All improvements in conditions of work should be applied equally to national and non-national workers, and existing discriminatory practices against those non-nationals currently employed should be eradicated.

- Suriname, ICESCR, E/1996/22 (1995) 37 at para. 156.

Women in the State party still do not fully enjoy their economic, social and cultural rights, due in part to traditional customs and attitudes towards women. This situation manifests itself, among other ways, in the forms of violence against women and discrimination in employment.

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- Colombia, ICESCR, E/1996/22 (1995) 41 at para. 186.

Concern is expressed about extensive discrimination against women. For example, it is noted that the wages of women are on average 30 per cent lower than those of men.

- Norway, ICESCR, E/1996/22 (1995) 45 at paras. 223 and 226.

Paragraph 223

Concern is expressed that, although it is effective in the law, equality between men and women especially with regard to remuneration is not yet fully achieved in practice, and that women still experience more obstacles than men in advancing to higher professional positions.

Paragraph 226

The Government should intensify its efforts to ensure that equality between men and women, in particular with regard to labour matters, is effective in practice.

- Mauritius, ICESCR, E/1996/22 (1995) 47 at para. 237.

Despite encouraging developments in legislation, women in the State party continue to occupy a subordinate role in society. This affects their full enjoyment of economic, social and cultural rights, particularly in the area of equal pay for men and women. The explanation of "differentiation but not discrimination" in the agriculture sector is not satisfactory.

- Ukraine, ICESCR, E/1996/22 (1995) 50 at para. 263.

Grave concern is expressed at the lack of practical measures aimed at creating adequate working conditions for women and eliminating discrimination against them. Concern is expressed about the possible discriminatory effects of imposing different retirement ages for men and women, particularly in market economies where one's standard of living and professional fulfilment depend largely on one's employment. The violence perpetrated against women, the generally low professional qualifications of women, and their consequently high representation among low-paid workers and the unemployed are also matters of concern. The Government and the authorities as a whole have not made all necessary efforts to understand and face the phenomenon of discrimination by collecting and analysing relevant data, by trying to eliminate discrimination through legislative measures and education, and by providing protection to victims of discrimination and violence against women.

- Paraguay, ICESCR, E/1997/22 (1996) 22 at paras. 72 and 86.

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Paragraph 72

Concern is expressed at the many forms of discrimination against women. Discrimination in employment is a serious problem, particularly in the form of unequal pay for equal work.

Paragraph 86

An affirmative action policy should be adopted to improve the social status of women, *inter alia*, at the workplace. All necessary measures should be taken for the full implementation of legislation on equal pay and equality of opportunity.

- Spain, ICESCR, E/1997/22 (1996) 27 at para. 100.

Despite the new legislative provisions in force, discrimination continues against women with regard to the right to equal treatment at work, the right to equal pay and access to education.

- El Salvador, ICESCR, E/1997/22 (1996) 34 at paras. 161 and 177.

Paragraph 161

Discrimination against women, both at work and in the home, remains a major problem in Salvadoran society. While efforts have been made to change the legislation, it is emphasized that the law still contains discriminatory provisions, particularly in the Civil and Penal Codes.

Paragraph 177

The State party should take the necessary efforts to implement the Salvadoran legislation on minimum wages, safe and healthy working conditions, equal pay for equal work by men and women, and arbitrary dismissal. To this end, sufficient resources must be allocated to labour inspection services to enable them to carry out the tasks entrusted to them.

- Guinea, ICESCR, E/1997/22 (1996) 39 at para. 199.

It is noted that the unequal treatment of men and women is increasing, particularly in the informal sector of the economy. The Guinean Government should take steps on a national level to implement the principle of equal pay for equal work, which derives from the principle of non-discrimination against women proclaimed in the Covenant, in ILO Convention No. 111 of 1958 concerning Discrimination in Respect of Employment and Occupation, and in the 1990 Constitution.

- Portugal (Macau), ICESCR, E/1997/22 (1996) 48 at paras. 256 and 261.

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Paragraph 256

Although they constitute about 95 per cent of the population in Macau, the requirements for the civil service effectively exclude many persons of Chinese origin who cannot satisfy the condition of being "local" because they lack a necessary language or other qualifications, or for other reasons which cannot be overcome in a short time. It is therefore considered necessary to incorporate persons of Chinese origin into the civil service in order to facilitate a smooth transmission of administration to China.

Paragraph 261

The Portuguese Administration should take affirmative steps to facilitate the integration of persons of Chinese origin into the placement programme of the civil service.

- Belarus, ICESCR, E/1997/22 (1996) 51 at paras. 283 and 290.

Paragraph 283

Concern is expressed at the rise in unemployment, particularly in relation to its disproportionate impact on women. The discrimination against women in appointment to jobs is also of concern.

Paragraph 290

The Government is called upon to adopt legislation and practical steps to combat discrimination against women in employment.

- Finland, ICESCR, E/1997/22 (1996) 55 at paras. 306 and 314.

Paragraph 306

Although equality between men and women is established in the law it is not fully achieved in practice, in particular in relation to equal remuneration, and in general, women continue to encounter more obstacles than men in advancing to higher professional positions.

Paragraph 314

The Government should intensify its efforts to ensure that equality between men and women, in particular with regard to employment and salary matters, is effective in practice.

See also:

- Argentina, ICESCR, E/2000/22 (1999) 49 at para. 265.

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- United Kingdom of Great Britain and Northern Ireland (Hong Kong), ICESCR, E/1997/22 (1996) 58 at paras. 336, 338, 340, 342, 357 and 359.

Paragraph 336

It is of concern that the Sex Discrimination Ordinance does not protect those individuals whose right to work is violated by inappropriate account being taken of their sex lives. It is further considered a serious matter that women above the age of 30 suffer discrimination in employment.

Paragraph 338

The principle of equal pay for work of equal value as elaborated in the non-binding Code of Practice of the Sex Discrimination Ordinance has not been reflected in Hong Kong labour law, thus giving rise to discrimination against women.

Paragraph 340

It is of concern that, in the field of employment, the Sex Discrimination Ordinance provides relatively insufficient remedies owing to the absence of provisions on reinstatement and full-recovery compensation, whereas both of these remedies are foreseen in the Disability Discrimination Ordinance.

Paragraph 342

It is of concern that Hong Kong labour legislation does not provide protection against unfair dismissal and does not provide for a limitation on hours of work, for a paid weekly rest period or for compulsory overtime pay. This situation is a major hindrance to the enjoyment of just and favourable conditions of work.

Paragraph 357

The Sex Discrimination Ordinance should be amended to include provisions on reinstatement in employment and to remove the current maximum amount for recovery compensation.

Paragraph 359

The government policy in relation to unfair dismissal, minimum wages, paid weekly rest time, maximum hours of work and overtime pay rates, should be reviewed with a view to bringing such policy into line with the obligations set forth in the Covenant.

See also:

- Hong Kong Special Administrative Region (China), ICESCR, E/2002/22 (2001) 39 at para. 177.
- Russian Federation, ICESCR, E/1998/22 (1997) 27 at paras. 101 and 117.

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Paragraph 101

Women appear to be disproportionately affected by unemployment and little concrete action has been taken by the State party to discourage discriminatory dismissal or hiring on the basis of sex or to provide meaningful remedies to the victims of such discrimination.

Paragraph 117

Vigorous steps should be taken to ensure the protection of women against sexual discrimination in employment, and victims of sexual discrimination should receive compensation from employers who act illegally.

- Peru, ICESCR, E/1998/22 (1997) 33 at para. 161.

The State party should make the necessary efforts to ensure compliance with the legislation on minimum wage, safety and health in the workplace, and equal pay for equal work for men and women, and to ensure the legal recognition of young people from 16 to 25 years of age as workers.

- Dominican Republic, ICESCR, E/1998/22 (1997) 43 at paras. 214 and 231.

Paragraph 214

Women do not fully enjoy their economic, social and cultural rights under the Covenant with particular reference to: the persistence of a traditional male-dominated society detrimental to gender equality; the lack of protection afforded to women workers who are victims of discrimination in employment or arbitrary dismissal owing to pregnancy; the lack of family-planning services; the high maternal mortality rate; unequal pay between women and men; and the absence of legal recognition of *de facto* marriages.

Paragraph 231

The Government should pursue policies designed to achieve full equality between men and women in all areas of economic, social and cultural life. In particular, a thorough review of domestic legislation should be undertaken with a view to eliminating any remaining discriminatory legal provisions, especially with respect to labour, family, criminal, civil and social security laws. Specific remedies should be made available to women victims of sexual discrimination, and information and education campaigns should be carried out. Positive measures should also be taken to promote the participation of women, on an equal basis with men, in public life, in the labour market and in social and cultural activities.

- Iraq, ICESCR, E/1998/22 (1997) 50 at para. 258.

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With respect to article 3 of the Covenant, concern is expressed about discrimination against women, in law and in practice, in the areas of inheritance rights, freedom of movement, family law, equal remuneration for equal work, and access to employment. It is noted with concern that the unemployment rate is higher among women than among men.

- United Kingdom of Great Britain and Northern Ireland, ICESCR, E/1998/22 (1997) 56 at para. 295.

There continues to exist to a significant degree *de facto* discrimination against women, blacks and other ethnic minorities. It is noted that women continue to occupy a significantly lower percentage of managerial positions, particularly in the private sector, and a disproportionate percentage of lower-paid jobs and part-time work. A substantially higher rate of unemployment among blacks and other ethnic minorities is noted as are their disproportionate numbers in lower-paid jobs. Alarm is expressed that the rate of unemployment among Catholics in Northern Ireland is approximately twice that of Protestants and is substantially above the national rate.

- Uruguay, ICESCR, E/1998/22 (1997) 67 at para. 372.

Concern is expressed about the continued existence in practice of discrimination between men and women in terms of salaries received for equal work.

- Luxembourg, ICESCR, E/1998/22 (1997) 69 at paras. 391 and 400.

Paragraph 391

Concern is expressed that a clear definition of the principle of gender equality is not expressly entrenched in the Constitution. The persistence of inequitable gender disparities, particularly in conditions of work and in salary scales in the private sector, is noted.

Paragraph 400

The State party should take all appropriate measures to ensure equal treatment of men and women in employment, especially in the private sector.

- Saint Vincent and The Grenadines, ICESCR, E/1998/22 (1997) 72 at para. 423.

With respect to article 3 of the Covenant, it is noted that women are accorded low wages, low status and little opportunity for economic development. Moreover, it is noted that obstacles remain for

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women at the tertiary education level, that occupational segregation in the labour market persists, in particular at the decision-making level and in the public sector, and that women have limited access to credit and land ownership.

- Sri Lanka, ICESCR, E/1999/22 (1998) 22 at paras. 75 and 89.

Paragraph 75

Deep concern is expressed at the lack of anti-discrimination mechanisms in the area of employment with regard to women and minority groups. While it is noted that a system of ethnic recruitment quotas is in place in the public sector, there is no effort to ensure that promotions in the public sector and employment in the private sector are free from discrimination. In particular, the concept of equal pay for work of equal value is not applied effectively in Sri Lanka, particularly in the private sector where women have no legal protection against discrimination in employment.

Paragraph 89

The State party should adopt policies and implement relevant measures to combat discrimination in employment against women and minority groups in both the private and public sectors. Particular attention should be paid to the enjoyment by women and men of the right to equal pay for work of equal value.

- Nigeria, ICESCR, E/1999/22 (1998) 27 at para. 108.

It is of concern that women suffer discrimination in the workplace, particularly with respect to access to employment, promotion to higher positions and equal pay for work of equal value.

- Poland, ICESCR, E/1999/22 (1998) 32 at paras. 152 and 161.

Paragraph 152

It is of deep concern that the right to work is not fully enjoyed by women. It is noted that the principle of equal pay for equal work is not being respected. That women earn on average only 70 per cent of the wages earned by men, despite their generally higher levels of education, is deplored. The existence of discriminatory practices such as job advertisements specifying the preferred gender of the employees sought and women candidates for jobs being asked to take pregnancy tests, despite the existence of legislation prohibiting such practices, is also noted.

Paragraph 161

The right to work should be fully protected for women as well as for men on the basis of equal pay for equal work. A study should be undertaken on the subject.

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- The Netherlands, ICESCR, E/1999/22 (1998) 37 at paras. 178-180 and 188-190.

Paragraph 178

The continuing discrimination against women at work is of concern. Their higher rate of unemployment, their lower position on the wage scale and their disproportionate representation in part-time work reveal that the principle of equality established by the law is not effectively enforced.

Paragraph 179

Racial discrimination can be seen to exist in labour matters, contributing to some extent to unemployment among immigrants.

Paragraph 180

A third group suffering from discrimination in the labour market is that of persons 55 to 65 years of age, whose unemployment rate is over 50 per cent.

Paragraph 188

Efforts should be intensified to guarantee men and women equal access to employment and equal wages for work of equal value.

Paragraph 189

The Government should continue its endeavours to root out racial discrimination in the labour market, with a view to facilitating the integration of immigrants and their families into the national life.

Paragraph 190

Measures should be adopted to promote the access of persons between the ages of 55 and 65 to the labour market.

- The Netherlands (Aruba), ICESCR, E/1999/22 (1998) 40 at para. 205.

Efforts should be intensified to guarantee the effective implementation of equality between men and women, particularly with regard to equal wages for work of equal value.

- The Netherlands (Antilles), ICESCR, E/1999/22 (1998) 41 at paras. 216, 219, 222 and 224.

Paragraph 216

The inequalities between men and women, particularly with respect to equal access to employment

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and equal wages for work of equal value, are of concern.

Paragraph 219

The existence of three minimum wage levels on each island is of concern, since such situations may give rise to or reflect discrimination.

Paragraph 222

Efforts to guarantee effective equality between men and women, particularly with regard to equal access to employment and equal wages for work of equal value, should be intensified.

Paragraph 224

Legislation should be promulgated for the standardization of minimum wages throughout the islands.

See also:

- Switzerland, ICESCR, E/1999/22 (1998) 59 at para. 370.
- Portugal, ICESCR, E/2001/22 (2000) 70 at para. 414.

- Israel, ICESCR, E/1999/22 (1998) 43 at paras. 241, 242, 263 and 270.

Paragraph 241

It is noted with regret that more than 72 per cent of persons with disabilities are unemployed. The new Law of Equality for People with Disabilities 1998 has not set any quota for the employment of such persons.

Paragraph 242

The facts that only half of the workers entitled to the minimum wage actually get it, and that foreign workers, Palestinians and "manpower contractor" workers are particularly vulnerable in this regard, are alarming.

Paragraph 263

All necessary steps should be taken to reduce unemployment and to ensure proper enforcement of Israel's protective labour legislation, including assigning additional personnel to enforce such legislation. Special attention should be accorded to enforcing the Minimum Wage Law, the Equal Pay for Men and Women Law, and the Equal Opportunities in Employment Law.

Paragraph 270

Effective measures should be adopted to combat domestic violence against women and to promote equal treatment of women in the field of employment, including in the Government and in education and health.

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- Cyprus, ICESCR, E/1999/22 (1998) 50 at paras. 284, 286, 291 and 294.

Paragraph 284

The continued existence of discrimination between men and women, including inequalities in, among other things, professional opportunities, wages and salaries for work of equal value (especially in the private sector), protection under social security, the transmission of nationality to children and the conferment of refugee status on children (only children of displaced men are so treated), is of concern. This appears to be caused by structural and cultural factors.

Paragraph 286

It is noted with concern that the legal minimum wage does not guarantee an adequate standard of living especially with regard to shop assistants, nurses, clerks and nursery assistants.

Paragraph 291

The State party should intensify its efforts to guarantee the equal enjoyment by men and women of their economic, social and cultural rights, in particular by taking all necessary steps to guarantee fully the principle of equal pay for work of equal value, in particular in the private sector of the economy.

Paragraph 294

Steps should be taken to review the existing minimum wage level.

- Germany, ICESCR, E/1999/22 (1998) 54 at para. 315.

It is noted with alarm that only 12 per cent of public servants in the science and technology sector of the former German Democratic Republic, including teachers, scientists and professionals, have been re-employed and that the rest remain without employment, adequate compensation, or a satisfactory pension plan. It is feared that the majority of the affected people may have been dismissed from their positions for political rather than for professional or economic reasons. It is noted in this connection that the issue of discrimination in the employment of teachers in the new Länder was raised in 1993 by the ILO Committee of Experts on the Application of Conventions and Recommendations. Similar concerns have been raised by German non-governmental organizations.

- Switzerland, ICESCR, E/1999/22 (1998) 59 at paras. 355 and 356.

Paragraph 355

It is of concern that in many areas, such as access to higher education, access to posts of responsibility and equal remuneration for work of equal value, equality between men and women has not yet been achieved in practice.

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Paragraph 356

The relatively high proportion of women in lower-paid jobs and among part-time and "on-call" workers, and also the comparatively low proportion of women in higher education, are regretted.

- Canada, ICESCR, E/1999/22 (1998) 63 at paras. 391, 395, 405 and 428.

Paragraph 391

Of concern is the inadequate legal protection of women's rights guaranteed under the Covenant, such as the absence of laws requiring employers to pay equal remuneration for work of equal value in some provinces and territories, restricted access to civil legal aid, inadequate protection from gender discrimination afforded by human rights laws and the inadequate enforcement of those laws.

Paragraph 395

It is of concern that the newly introduced successive restrictions on unemployment insurance benefits have resulted in: a dramatic drop in the proportion of unemployed workers receiving benefits to approximately half of previous coverage; the lowering of benefit rates; reductions in the length of time for which benefits are paid; and increasingly restricted access to benefits for part-time workers. While the new programme is said to provide better benefits for low-income families with children, the fact is that fewer low-income families are eligible to receive any benefits at all. Part-time, young, marginal, temporary and seasonal workers face more restrictions and are frequently denied benefits, although they contribute significantly to the fund.

Paragraph 405

It is noted with concern that at least six provinces in Canada (including Quebec and Ontario) have adopted "workfare" programmes that either tie the right to social assistance to compulsory employment schemes or reduce the level of benefits when recipients, who are usually young, assert their right to choose freely what type of work they wish to do. In many cases, these programmes constitute work without the protection of fundamental labour rights and labour standards legislation. It is further noted that in the case of the province of Quebec, those workfare schemes are implemented despite the opinion of the Canadian Human Rights Commission and the decisions of the Human Rights Tribunal that those programmes constitute discrimination based on social status or age.

Paragraph 428

The necessary measures should be adopted to ensure the realization of women's economic, social and cultural rights, including the right to equal remuneration for work of equal value.

- Denmark, ICESCR, E/2000/22 (1999) 29 at para. 106.

Although equality between men and women is established in law, it is a concern that it is not fully

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achieved in practice, in particular in the field of equal remuneration, and that, in general, women continue to encounter more obstacles than men in advancing to higher professional positions.

- Ireland, ICESCR, E/2000/22 (1999) 33 at para. 142.

It is noted with regret that despite measures adopted by the State party, the traveller community and the disabled are still discriminated against in various respects, such as employment, education and housing.

- Tunisia, ICESCR, E/2000/22 (1999) 36 at para. 165.

Inequalities between men and women continue to persist, including with regard to access to positions of responsibility and to remuneration, and this is of concern.

- Solomon Islands, ICESCR, E/2000/22 (1999) 40 at paras. 199 and 201.

Paragraph 199

It is noted with concern that, despite a constitutional non-discrimination clause and the recent adoption of a national women's policy, women remain subject to patriarchy. Although women's place and role are respected, their status is nevertheless inferior to that of men. As a consequence, women have limited access to the political and economic life of the country. Women comprise only 3 per cent of administrators and managers and 27 per cent of professional and technical employees. Furthermore, women do not hold any government positions at the ministerial or sub-ministerial level; only one of the 47 members of Parliament is female.

Paragraph 201

The recent downsizing of the public sector, which accounts for almost one third of wage employment, has had significant social repercussions, and it is noted that access to employment in the formal sector is particularly limited for disabled persons.

- Bulgaria, ICESCR, E/2000/22 (1999) 46 at para. 223.

The discrimination against the Roma minority in many aspects of life, including education, work, social benefits and access to land, is deplored. The high rate of unemployment among the Roma minority and the poor quality of education afforded to this group is of concern.

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- Armenia, ICESCR, E/2000/22 (1999) 54 at para. 300.

Despite equality between men and women before the law, there are still discrepancies in practice in the enjoyment of economic, social and cultural rights by men and women. For instance, despite the high level of education enjoyed by women and the high number of professionally qualified women, the unemployment rate of women remains high and there is a relatively low percentage of women in high-level positions, particularly in Parliament.

- Mexico, ICESCR, E/2000/22 (1999) 62 at paras. 383 and 399.

Paragraph 383

Deep concern is expressed about the situation of women workers in the *maquiladoras* (assembly plants), some of whom are subjected to pregnancy tests upon recruitment and at intervals during work, and are dismissed if found to be pregnant.

Paragraph 399

The State party is urged to adopt immediate steps towards the protection of women workers in the *maquiladoras*, including prohibiting the practice of demanding medical certification that prospective workers are not pregnant and taking legal action against employers who fail to comply.

- Georgia, ICESCR, E/2001/22 (2000) 30 at paras. 86, 87 and 99.

Paragraph 86

The fact that there are no legislative provisions ensuring disabled persons access to the labour market is of concern.

Paragraph 87

It is noted with concern that women suffer more than men from unemployment and that they are under-represented in the labour force, especially in public service, including Parliament.

Paragraph 99

The State party should undertake to adopt relevant legislation to ensure that disabled persons have greater access to the labour market.

- Italy, ICESCR, E/2001/22 (2000) 34 at paras. 116 and 129.

Paragraph 116

It is of concern that a large number of the Roma population live in camps lacking basic sanitary

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facilities on the outskirts of major Italian cities. The Roma on the whole live below the poverty line and are discriminated against, especially in the workplace, if and when they find work, and in the housing sector.

Paragraph 129

The State party should step up its efforts to improve the situation of the Roma population, *inter alia* by replacing camps with low-cost houses; by legalizing the status of Roma immigrants; by setting up employment and educational programmes for parents; by giving support to Roma families with children at school; by providing better education for Roma children; and by strengthening and implementing anti-discrimination legislation, especially in the employment and housing sectors.

- Kyrgyzstan, ICESCR, E/2001/22 (2000) 62 at paras. 346 and 358.

Paragraph 346

It is noted with concern that the unemployment rate among women is high, and that women predominantly work in spheres characterized by low wages.

Paragraph 358

The Government is advised to step up its efforts to promote the rights of women in employment.

- Portugal, ICESCR, E/2001/22 (2000) 70 at para. 413.

Concern is expressed about cases of intolerance and discrimination with regard to Roma people, refugees and immigrants. It is noted with concern that foreign workers cannot enrol in the vocational guidance and training courses to which Portuguese workers are entitled.

- Finland, ICESCR, E/2001/22 (2000) 73 at para. 440.

It is regretted that despite the many initiatives taken by the State party to combat racial discrimination, racist attitudes prevail among the population, perpetuating discrimination against minorities and foreigners, especially in employment.

- Belgium, ICESCR, E/2001/22 (2000) 77 at paras. 473 and 485.

Paragraph 473

Concern is expressed about the persistent gap between the unemployment rates of men and women and the discrepancy between them with regard to wages.

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Paragraph 485

More active measures should be taken to address the inequality of employment between men and women and the discrepancy in wages between them, as well as to promote women's access to all levels of the labour market.

- Venezuela, ICESCR, E/2002/22 (2001) 29 at para. 85.

The discrimination against indigenous people is deplored, particularly with regard to access to landownership, housing, health services and sanitation, education, work and adequate nutrition.

- Honduras, ICESCR, E/2002/22 (2001) 33 at paras. 121, 139 and 140.

Paragraph 121

Concern is expressed about the persisting discrimination against indigenous populations, especially in the fields of employment and the protection of traditional ancestral and agricultural lands.

Paragraph 139

The State party is urged to implement existing legislation vigorously and to incorporate a gender perspective in legislation, with a view to ensuring greater equality of men and women, especially in the areas of employment, labour conditions and representation in public services and administration.

Paragraph 140

The economic, social and cultural rights of indigenous populations as a distinct minority group should be recognised and more effective protection against discrimination, especially in the field of employment, health and education should be ensured.

- Hong Kong Special Administrative Region (China), ICESCR, E/2002/22 (2001) 39 at para. 197.

Legislation should be enacted on equal pay for work of equal value as provided for in the Covenant.

- Republic of Korea, ICESCR, E/2002/22 (2001) 45 at paras. 226 and 227.

Paragraph 226

The continued unequal status of women is noted with deep concern. Persisting problems include the traditional preference for sons, which is manifested in a high incidence of induced abortions of girl fetuses that threaten the reproductive rights of women; the patriarchal head of family system ("ho-ju")

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as defined in law; the high incidence of domestic violence; the relatively low access by women to tertiary education; discrimination against women and sexual harassment in the workplace; and a large gap in the average salaries paid to women and to men.

Paragraph 227

Information from independent sources indicate that "irregular" workers are distinguished from "regular" workers, although they often perform the same tasks, in that irregular workers receive lower wages, pension benefits, unemployment and health benefits and job security. It is noted that the proportion of irregular workers to the general labour force has grown to half, the great majority of them being women.

- Bolivia, ICESCR, E/2002/22 (2001) 52 at para. 271.

The Committee deplores the *de jure* discrimination of salaried domestic workers established in Chapter II of the General Labour Code, with regard to daily and weekly rest and annual paid vacation, dismissal, social benefits and salary. Further, it is of concern that domestic workers are subject to ethnic, class, gender and other discrimination.

- Togo, ICESCR, E/2002/22 (2001) 57 at para. 316.

The occurrence of societal discrimination on the basis of ethnicity by all ethnic groups is a matter of grave concern, particularly the discrimination between southerners and northerners, which is evident in private sector hiring, buying patterns, and the *de facto* ethnic segregation in urban neighborhoods. These north-south tensions have regularly been the cause of eruptions of violence of a clearly interethnic character.

- Senegal, ICESCR, E/2002/22 (2001) 61 at paras. 342, 360, 366 and 384.

Paragraph 342

The State party is not taking appropriate measures to address discrimination against women with regard to access to employment.

Paragraph 360

There is concern that the State party is no longer always hiring trained teachers, but employs unskilled teachers as volunteers at lower wages.

Paragraph 366

Immediate measures should be taken to address the problem of discrimination against women in

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access to employment and to monitor closely, both in the private and public sectors, the implementation of the law on maternity leave.

Paragraph 384

The State party should review its current practice of employing unskilled teachers instead of hiring trained ones.

- Panama, ICESCR, E/2002/22 (2001) 73 at paras. 449, 450, 452, 466 and 468.

Paragraph 449

Notwithstanding the important number of legal instruments and other measures adopted to ensure gender equality, there is concern about the flagrant inequality of wages for equal work and about the significantly higher rates of unemployment among women.

Paragraph 450

Notwithstanding the absence of legal discrimination and the rights granted to indigenous communities by the Constitution, there is deep concern about the persisting disadvantage faced in practice by members of indigenous communities and, in particular, about the marked disparities in the levels of poverty, literacy, access to water, employment, health, education and other basic social services.

Paragraph 452

The limited applicability of labour laws in the Colón Free Zone and the resulting limits on the protection of workers against dismissal or trade union activity are matters of concern. High rates of unemployment in the surrounding area are also of concern.

Paragraph 466

The State party should consider ratifying the ILO Convention No. 169 (1989) concerning indigenous and tribal peoples in independent countries. Particular attention should be paid to improving poverty and literacy rates and access to water, employment, health, education and other basic social services for indigenous peoples.

Paragraph 468

Effective measures should be taken to combat the high rates of unemployment, in particular for women and in the area surrounding the Colón Free Zone. It is also recommended that the limited applicability of labour laws in the Colón Free Zone be reviewed.

- Ukraine, ICESCR, E/2002/22 (2001) 78 at paras. 491 and 509.

Paragraph 491

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Concern continues to be expressed at the situation of women in society and the insufficient measures taken to eliminate discrimination against them. Most low-paid workers and 80 per cent of the unemployed are women. They are also frequently victims of violence in the family and of sexual harassment in the workplace.

Paragraph 509

All appropriate measures should be adopted to prevent and combat incidents of domestic violence and sexual harassment, as well as appropriate measures to reduce unemployment among women.

- Nepal, ICESCR, E/2002/22 (2001) 83 at paras. 533, 558 and 562.

Paragraph 533

Concern is expressed about the *de facto* inequality that exists between men and women in the Nepalese society, despite legislative guarantees of equality. The low representation of women in public service, the high female illiteracy rate and unequal wages for equal work are further noted with concern.

Paragraph 558

Existing legislation on gender equality should be implemented more vigorously, and a gender equality perspective should be incorporated in legislation, with a view to ensuring greater equality of men and women, especially in the areas of family, employment, labour conditions and representation in public services and administration.

Paragraph 562

Legislation and programmes should be effectively enforced in order to put an end to discrimination, in particular with regard to access to housing, work and education, against persons belonging to the Dalits and the liberated *Kamaiyas*.

- Japan, ICESCR, E/2002/22 (2001) 90 at paras. 592, 594, 596, 597, 599, 604, 621, 623, 624, 626 and 631.

Paragraph 592

The persisting *de jure* and *de facto* discrimination against minority groups in Japanese society is of concern, particularly, against the Buraku and Okinawa communities, the indigenous Ainu people and people of Korean descent, especially in the fields of employment, housing and education.

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Paragraph 594

Concern is expressed about widespread discrimination against women and the *de facto* inequality that still exists between men and women in Japanese society in professional and decision-making positions, in political representative bodies, public services and administration, and in the private sector.

Paragraph 596

The continuing *de facto* inequality in wages between men and women for work of equal value is of concern, particularly, the persisting practice in many enterprises of employing women primarily in the clerical services, with little or no chance of promotion to the professional ranks. These inequalities persist despite legislative, administrative and other measures, such as the 1997 amendment to the Equal Employment Opportunity Law.

Paragraph 597

It is of concern that the State party has not ratified certain significant ILO Conventions, such as Conventions No. 105 (1957) concerning the abolition of forced labour, No. 111 (1958) concerning discrimination (employment and occupation) and No. 169 (1989) concerning the indigenous and tribal peoples in independent countries.

Paragraph 599

Concern is expressed that from the age of 45, workers run a greater risk of having their salaries reduced or even being laid off without adequate compensation.

Paragraph 604

It is of concern that discrimination against persons with disabilities continues to exist in law and practice, particularly in relation to labour and social security rights.

Paragraph 621

The State party is urged to implement more vigorously existing legislation and to adopt new legislation with an appropriate gender perspective, with a view to ensuring greater equality of men and women, especially in the fields of employment, labour conditions, wages and representation in higher positions in political representative bodies, public services and administration.

Paragraph 623

The State party should continue to address the issue of *de facto* inequality between men and women regarding wages for work of equal value by more actively implementing existing legislation, such as the Equal Employment Opportunity Law, and relevant administrative and other programmes and policies, such as the guidelines concerning employment management differentiated by career track, as referred to by the ILO, and by adopting appropriate new measures to that effect.

Paragraph 624

The State party should ratify ILO Conventions No. 105 (1957) concerning the abolition of forced

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labour, No. 111 (1958) concerning discrimination (employment and occupation) and No. 169 (1989) concerning indigenous or tribal peoples in independent countries.

Paragraph 626

Measures should be taken to ensure that workers over the age of 45 years maintain their previous levels of wages and job security.

Paragraph 631

Discriminatory provisions in statutes should be abolished and a law should be adopted against all kinds of discrimination relating to persons with disabilities. Further, the State party is urged to continue and speed up progress enforcing the employment rate for persons with disabilities in the public sector that is provided in legislation.

- Germany, ICESCR, E/2002/22 (2001) 97 at paras. 659, 661, 668, 677, 679 and 686.

Paragraph 659

Despite the great efforts made to narrow the gap between the new and the old Länder, considerable differences continue to exist, particularly in terms of generally lower standards of living, a higher unemployment rate, and lower wages for civil servants in the new Länder.

Paragraph 661

Concern is shared with the ILO about the persisting impediments to women in German society, in terms of promotion in employment and equal wages for work of equal value, both in the private and public sectors, and especially in federal bodies and academic institutions, despite the efforts to give a new impetus to the equal participation of women in the labour market.

Paragraph 668

The shortage of child day care institutions constitutes an obstacle to women's equal participation in the labour market, as well as the efforts to promote gender equality.

Paragraph 677

The State party is encouraged to continue undertaking measures to ensure that the differences between new and old Länder in terms of standard of living, employment and wages for civil servants are decreased.

Paragraph 679

The necessary measures should continue to be undertaken, including legislative and administrative ones, to ensure that women enjoy full and equal participation in the labour market, particularly in terms of promotion and equal wages for work of equal value.

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Paragraph 686

The availability of child day care institutions should be increased, especially in the western Länder.

CEDAW

- Madagascar, CEDAW, A/49/38 (1994) 45 at para. 236.

As a matter of priority, obstacles to female employment need to be identified and addressed by the Government. This will help change the false conception of women's capabilities and their role in the field of employment.

- Zambia, CEDAW, A/49/38 (1994) 63 at para. 362.

The lack of women's access to formal employment and the difficulties encountered by women working in the informal sector in general and from governmental officials are of concern.

- New Zealand, CEDAW, A/49/38 (1994) 111 at paras. 660 and 661.

Paragraph 660

Women's annual income was not equal to men's, particularly because of their need to accommodate family responsibilities. Although the Government took measures to improve women's income, it abolished pay equity legislation during the reporting period. More efforts need to be taken to alleviate the burden on women in that respect.

Paragraph 661

In the field of employment more affirmative action needs to be taken by the Government, in cooperation with the private sector, to help women cope with both family and work responsibilities. Such affirmative action would help integrate women into full-time employment and avoid limiting their participation in the workforce to part-time or lower-paid jobs.

- Tunisia, CEDAW, A/50/38 (1995) 52 at para. 268.

In higher education, women are concentrated in specific areas of studies and therefore in professions which have low return or fewer job opportunities. Women need to be encouraged to join scientific fields in order to have better chances of employment.

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- Finland, CEDAW, A/50/38 (1995) 71 at para. 393.

The relative absence of women from high decision-making professional and administrative positions in both the public and private sectors (the glass-ceiling phenomenon), is of concern, though the recent legislation mandating 40 per cent representation of both sexes in governmental appointed bodies at national and local levels is noted.

- Peru, CEDAW, A/50/38 (1995) 79 at para. 440.

High unemployment rates among women are matters of concern. It has forced women to seek employment in the informal sector without access to credit, social benefits and other supportive infrastructure.

- Norway, CEDAW, A/50/38 (1995) 89 at para. 491.

The high number of women working part-time and the pay differentials, which are also reflected in pensions, are of concern.

- Russian Federation, CEDAW, A/50/38 (1995) 99 at para. 548.

Concern is expressed over the fact that women's unemployment has increased ninefold and that it hit women with low- and high-level training equally. Concern is also expressed about the fact that women received on average 30 per cent less pay than men.

- Australia, CEDAW, A/50/38 (1995) 116 at para. 600.

The Government's policy of encouraging part-time work among women is of concern. Women need access to full-time work to achieve independent status and to improve their economic situation.

- Japan, CEDAW, A/50/38 (1995) 120 at para. 636.

The Government of Japan should ensure that the private sector complies with the provisions of the Equal Employment Opportunity Act and should report on the measures taken to address the indirect discrimination faced by women, both in terms of promotion and wages in the private sector.

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- Cyprus, CEDAW, A/51/38 (1996) 9 at paras. 43 and 61.

Paragraph 43

The State party's reservation as to the exclusion of women from the military is noted with concern.

Paragraph 61

Additional measures should be taken through local and international law-enforcement authorities to combat the international trafficking and sexual exploitation of women. The Government is encouraged to persist in its efforts to regulate the employment of foreign artists and entertainers, and to prosecute cases of criminal offences. Education, training and support should be provided to migrant women to facilitate their entry into other occupations in the formal labour market.

- Ethiopia, CEDAW, A/51/38 (1996) 19 at para. 150.

The low representation of women at the higher decision-making levels is noted with concern. The effectiveness of programmes formulated and adopted without the involvement of women at those levels is doubtful. The efficiency of any measures to eradicate poverty, as long as the percentage of women in Government remains as low as it is at present, is also doubtful.

- Belgium, CEDAW, A/51/38 (1996) 22 at paras. 187, 190 and 191.

Paragraph 187

The high number of women working part-time as compared to men and the hidden discrimination this represents are of concern.

Paragraph 190

Measures should be taken to balance the number of women and men working part-time.

Paragraph 191

To address the wage gap, job re-evaluation and reclassification should be explored, with a view to upgrading women's job categories.

- Cuba, CEDAW, A/51/38 (1996) 26 at para. 226.

An empirical study is needed to determine whether women are paid the same wages as men for work of equal value and to document occupational segregation and its relationship to income.

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- Ukraine, CEDAW, A/51/38 (1996) 32 at paras. 286 and 288.

Paragraph 286

Concern is expressed over sexual stereotyping and overprotective labour legislation. Protective labour laws have the sole effect of restricting women's economic opportunities, and are neither legitimate nor effective as a measure for promoting women's reproductive health. Women should have a right to free choice of employment.

Paragraph 288

It is of concern that the rate of women's economic activity has declined significantly in recent years. Women constitute 80 to 90 per cent of the unemployed. This is due to the reduction of the public sector as the main employer of women and the non-recruitment of women by the emerging private sector.

- Morocco, CEDAW, A/52/38/Rev.1 part I (1997) 11 at para. 65.

Discrimination is not limited to the private sphere but also affects the public realm. Blatant inequalities can be observed in women's recruitment, wages and leave entitlements, as well as in legal restrictions on women's, but not men's, employment, which reflects stereotypical attitudes regarding appropriate work for women.

- Slovenia, CEDAW, A/52/38/Rev.1 part I (1997) 15 at paras. 105, 106, 115 and 116.

Paragraph 105

That women are clustered in certain jobs and professions and at certain job levels is noted with concern. The feminization of the medical profession and the low wages in that sector are also noted. The high number of young unemployed women who are looking for a first job is alarming. Failure to find such employment might confine women to the role of homemaker. In that context, it is unfortunate that market economies tend to favour male employees who, by virtue of traditional roles and work allocation, are deemed to be unencumbered by family responsibilities.

Paragraph 106

Concern is expressed over the fact that temporary work for women might be institutionalized and that women would thus be marginalized in the labour market and become victims of indirect discrimination. Occupational health standards for women might result in discrimination against women in employment.

Paragraph 115

Revised labour legislation should contain equality and anti-discrimination provisions and strong

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sanctions for non-compliance. Also recommended are temporary special measures with concrete numerical goals and timetables in order to overcome employment segregation. The adoption of parental leave legislation in which part of the leave must be taken by the father is strongly recommended.

Paragraph 116

The Government is encouraged to create assistance programmes for women who wish to start their own businesses, to educate banks and other relevant institutions about women's capacities in that area, to create specific government-subsidized employment opportunities for young women, and to address their unemployment with specific measures, including quotas related to their percentage of the unemployed population.

- Turkey, CEDAW, A/52/38/Rev.1 part I (1997) 24 at paras. 190 and 202.

Paragraph 190

The high number of women in rural areas working in family enterprises is of particular concern. Since their work is not recognized in the formal economy, they do not receive social security benefits and their access to health services is limited.

Paragraph 202

Adequate measures should be taken to: provide skills training, retraining, credit facilities or other support services that will provide employment opportunities or self-employment for urban migrant workers; correct occupational segregation through concrete measures; and provide the necessary protection to working women to ensure their safety and healthy conditions of work.

- Denmark, CEDAW, A/52/38/Rev.1 part I (1997) 34 at para. 267.

Temporary special measures should be maintained and strengthened, particularly in the areas of reducing unemployment among women, ensuring that women and men receive equal pay for work of equal value, increasing women's participation in private-sector decision-making, increasing the number of female university professors and researchers, and encouraging men to devote more time to child care and housework. Such initiatives should include quantitative targets, time limits for their achievement, specific measures and sufficient budgetary resources.

- Philippines, CEDAW, A/52/38/Rev.1 part I (1997) 38 at paras. 296 and 297.

Paragraph 296

The Government is urged to adopt a top-priority policy of creating safe and protected jobs for women

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as a viable economic alternative to the current unemployment of women and their participation as subcontractors and, in the informal sector, as workers in free-trade zones, as prostitutes or as overseas contract workers.

Paragraph 297

The Government should ensure that its economic policy does not lead to marginalization and exploitation, such that women are encouraged to seek overseas employment to the detriment of society.

- Armenia, CEDAW, A/52/38/Rev.1 part II (1997) 78 at paras. 56, 58 and 62.

Paragraph 56

The high rate of unemployment (over 60 per cent according to the report), the occupational segregation of women in low-paying sectors and the small number of women in positions at the senior management level are matters of concern.

Paragraph 58

The paternalistic restrictions imposed by the labour laws, which were aimed at protecting maternity and resulted in the legal limitation of women's employment opportunities and choices, are noted with concern.

Paragraph 62

Temporary special measures should be taken to create employment opportunities for women, including special credit and loan programmes for women entrepreneurs.

- Israel, CEDAW, A/52/38/Rev.1 part II (1997) 87 at paras. 162, 165, 166, 176 and 179.

Paragraph 162

It is of concern that non-Jewish women enjoy poorer health, resulting in very high maternal and infant mortality rates. There are also fewer employment opportunities available to them.

Paragraph 165

The existing marked disparity between the average earnings of women and men in many sectors and that women are also disproportionately represented in part-time employment are matters of concern.

Paragraph 166

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Concern is expressed over the fact that many more women than men work in the informal sector and perform unpaid work, thereby prospectively limiting their access to benefits associated with the formal sector.

Paragraph 176

Measures should be intensified to guarantee the exercise of human rights to non-Jewish women, including those living in the rural areas, particularly in relation to health, education and employment. Further, the participation of Arab women in the civil service and in decision-making posts should be increased.

Paragraph 179

Satellite accounts should be used to evaluate the value of unpaid work and they should be incorporated into the national accounts.

- Luxembourg, CEDAW, A/52/38/Rev.1 part II (1997) 92 at para. 217.

The gap between women and men in the labour force, particularly in the context of part-time work, should be examined.

- Antigua and Barbuda, CEDAW, A/52/38/Rev.1 part II (1997) 97 at paras. 255 and 268.

Paragraph 255

The low level of occupational achievement by educated women and male dominance in technical and professional fields on the one hand, and the concentration of women in the lower-paid service sector, including the tourist industry, on the other, are of concern.

Paragraph 268

International Labour Organization (ILO) Convention No. 100 concerning Equal Remuneration for Men and Women Workers for Work of Equal Value should be considered for ratification and the necessary measures should be taken for its implementation.

- Argentina, CEDAW, A/52/38/Rev.1 part II (1997) 101 at paras. 300, 302, 303, 308 and 313.

Paragraph 300

The very low number of women occupying managerial posts in the private sector is of concern.

Paragraph 302

Concern is expressed over the fact that there are no regulations governing the labour relations of

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domestic employees.

Paragraph 303

Concern is expressed over the fact that there are no regulations to penalize sexual harassment in the workplace in the private sector.

Paragraph 308

Efforts should be made to increase the number of women pursuing technical careers and occupying positions considered to be a male preserve, and to ensure that men share with women the task of caring for the children.

Paragraph 313

Labour relations of domestic employees should be regulated.

- Australia, CEDAW, A/52/38/Rev.1 part II (1997) 111 at para. 396.

New legislation on industrial relations providing for the negotiation of individual contracts between employer and employee might have a disproportionately negative impact on women. Part-time and casual workers, of whom women form a disproportionate share, are usually in a weaker position than other workers to negotiate favourable working agreements, in particular with regard to benefits. The reservation to the Convention with regard to paid maternity leave, and Australia's non-ratification of ILO Convention No. 103 concerning maternity protection, remain a concern for women workers with family responsibilities.

- Azerbaijan, CEDAW, A/53/38/Rev.1 part I (1998) 7 at para. 61.

The growing percentage of unemployment among women and that no measures have been introduced to address that situation are of concern.

- Czech Republic, CEDAW, A/53/38/Rev.1 part I (1998) 16 at para. 195.

The prevailing wage disparities between women and men and the segregation of women in low-paying and low skilled work, which have been some of the results of privatization and economic rationalization, are of concern.

- Bulgaria, CEDAW, A/53/38/Rev.1 part I (1998) 19 at para. 254.

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Temporary special measures should be adopted in all necessary areas, particularly in the areas of employment and political decision-making, to accelerate the *de facto* situation of equality for women. Further consideration should be given to the nature and role of affirmative action.

- Indonesia, CEDAW, A/53/38/Rev.1 part I (1998) 24 at paras. 292 and 299.

Paragraph 292

Concern is expressed over the information provided which demonstrates that women are still employed in lower-paid and lower-skilled work. Concern is also expressed over the predominant view which appears to be that married women might provide supplemental income for a family, with very little emphasis on the right of women to develop careers of their own.

Paragraph 299

The extent of unemployment amongst women, particularly those from female-headed households, in light of the current economic crisis, is of serious concern. The wage disparities between female and male workers; job segregation in the workforce, with women disproportionately occupying low-skilled and low-paying jobs; as well as women's unequal access to social security, employment and health benefits, are also of concern.

- Dominican Republic, CEDAW, A/53/38/Rev.1 part I (1998) 28 at paras. 333, 336 and 344.

Paragraph 333

The economic consequences of women's poverty are of deep concern. Women's migration to urban areas and to foreign countries renders them susceptible to sexual exploitation, including trafficking and sex tourism, and prostitution. The lack of job creation for women in growth sectors, including in the tourism industry, contributes to the high percentage of women migrating abroad in search of work. Considering the high level of poverty among women, and especially of women-headed households, concern is expressed over the fact that no affirmative action measures are being taken to support women's efforts to break the cycle of poverty.

Paragraph 336

The absence of efforts to ensure and enforce compliance with wage benefits and workers' safety laws, including compliance with International Labour Organization Conventions, is of concern. Women's overall high unemployment rate, and the particularly insecure situation of domestic workers and single mothers are also of concern. Further concern is expressed over the fact that women often have higher levels of education than men but are paid less than men for work of equal value.

Paragraph 344

The Government is urged to improve the collection and use of data disaggregated by sex, so that the

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strong factual basis for the picture of the *de facto* situation of women in all areas covered by the Convention may be maintained and measures targeted more carefully to specific groups. Areas related to women's health, work, employment, wages and benefits, to the types and incidence of violence against women and the impact of measures against violence against women should receive particular emphasis. Data should also be disaggregated by age, and by other criteria such as urban/rural.

- Mexico, CEDAW, A/53/38/Rev.1 part I (1998) 32 at paras. 391 and 416.

Paragraph 391

The situation of women workers in factories where, according to information received from various sources, Mexican labour legislation, particularly legislation on the reproductive rights of women workers, is being violated is of concern. Reference is also made to the situation in certain areas where the principle of equal salary for work of equal value is not applied and where women of child-bearing age are subject to mandatory pregnancy tests as a condition of employment.

Paragraph 416

Action should be taken against employers who discriminate against women on the grounds of pregnancy. The women concerned should be supported, and society sent a clear signal that such discrimination is not to be tolerated.

- Slovakia, CEDAW, A/53/38/Rev.1 part II (1998) 55 at paras. 75, 76, 87, 89, 90 and 93.

Paragraph 75

Concern is expressed over the fact that the definitions of affirmative action and temporary special measures as outlined in the Convention have been misunderstood and misinterpreted by the Government to be protective measures. While legislation and institutional structures are essential to the advancement of women's status, they are not sufficient to address the ongoing preference for men in employment and politics. While it is recognized that establishing quotas and other temporary special measures to promote women is often controversial, they have been shown to address effectively structural discrimination against women in politics and employment and to accelerate *de facto* equality of women.

Paragraph 76

The Government should reconsider its position on temporary special measures and should take note of the information and practice developed internationally on structural discrimination. Such discrimination can be eliminated through temporary special measures. Such measures are recommended, combined with numerical goals of a minimum of 30 per cent presence of women and timetables to ensure women's increased presence in political parties and in all sectors, segments and at all levels of employment.

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Paragraph 87

The highly segregated labour market, which is accompanied by low pay for women, is of concern. The segregation of women and men into different employment sectors is not a valid justification for unequal pay between women and men. Job descriptions that link “physically demanding” elements to male physical strength and to higher pay for men are of concern as they may be based on one-sided understanding of those elements. These descriptions may underestimate other physically demanding elements found in women’s work, thereby discriminating against women in terms of pay.

Paragraph 89

Although social services are available for children aged two years and above, there are no social services available for women with children under the age of two years. Furthermore, the decrease in pre-school childcare is particularly detrimental to women’s equal opportunity in the employment market since, owing to lack of childcare, they have to interrupt their employment careers, which again has negative effects on their employment status, pay and promotion.

Paragraph 90

The Government should provide options to women who have children and choose to work, that include the establishment of and access to public day-care facilities. Further funding and support of pre-school child-care centres at both the local and national levels to ensure women the opportunity to work is also recommended.

Paragraph 93

The absence of development programmes for rural women to assist them in obtaining the skills and resources necessary to become competitive in the labour market is of concern.

- South Africa, CEDAW, A/53/38/Rev.1 part II (1998) 58 at paras. 131, 132 and 136.

Paragraph 131

The chronic high rate of unemployment for women and the insufficient implementation of article 11 of the Convention is of serious concern. Given the large number of self-employed women and of women domestic/household workers, the level of their protection, including through insurance or social security schemes, raises grave concerns, as does the move towards regulated flexibility in employment legislation.

Paragraph 132

The Government is urged to focus, as a matter of priority, on creating income-generating activities for women. Existing efforts, including the use of quotas in job-creation schemes, such as the

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community-based public works programme, should be expanded into areas where the number of unemployed women workers is particularly high.

Paragraph 136

Special programmes for vulnerable groups of women in rural areas, including education and employment, should be implemented. The national machinery for women is encouraged to work actively on matters of land reform policy and problems of rural women to ensure their active participation in those areas.

- United Republic of Tanzania, CEDAW, A/53/38/Rev.1 part II (1998) 66 at para. 231.

Although legislation is in place to ensure equality between women and men, women's human rights are often violated. Although some temporary special measures have been introduced to ensure the participation of women in policy-making, the number of women in the Parliament and local authorities is still very small. The fact that more women than men are confined to low-paid, insecure jobs with no legal protection is further noted.

- New Zealand, CEDAW, A/53/38/Rev.1 part II (1998) 68 at paras. 265, 268, 269 and 274.

Paragraph 265

The existing legislative and *de facto* framework for women in the formal labour market, including pay equity, employment contracts and women's family responsibilities, constitutes a serious impediment to the full implementation of the Convention.

Paragraph 268

Noting that there is an increase of women in part-time or casual work and an insufficient number of full-time jobs for women, concern is expressed over the fact that the impact on women of economic restructuring in the country continues to be insufficiently addressed by the Government. Concern is also expressed that legislation which emphasizes individual employment contracts, rather than collective agreements, constitutes a major disadvantage for women in the labour market due to their dual responsibilities to work and family.

Paragraph 269

The impact of existing free-market legislation on women's ability to compete on an equal basis with men in the labour market and the benefits that women derived from the favourable economic situation of recent years should be assessed. The Government should recognize maternity as a social function which must not constitute a structural disadvantage for women with regard to their employment rights.

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Paragraph 274

Further efforts, including through legislation and innovative policies, should be undertaken to reduce the gender pay gap. The impact of the Privacy Act on women's ability to seek redress in court for discriminatory unequal pay should be examined. The Government should also consider developing an "equal pay for work of comparable value" strategy, and should reinstate respective legislative measures.

- Peru, CEDAW, A/53/38/Rev.1 part II (1998) 72 at paras. 333 and 334.

Paragraph 333

The situation of women in the area of employment is concerning. Attention is drawn to the need for programmes and projects designed to increase the access of the working female population to the labour force and to increase the number of women in all occupational categories, since they are currently concentrated mainly in commerce, services and jobs where the pay is extremely low. Many women are underpaid and they are paid less than men for work of equal value.

Paragraph 334

Greater efforts should be made to achieve the principles of equal pay and equal pay for work of equal value, to educate women so as to enable them to enter the labour force, to provide training and re-training programmes so as to encourage women to gain access to non-traditional jobs, to guarantee their right to social security and thus to ensure that women are able to be active elements in the development of the country.

- Republic of Korea, CEDAW, A/53/38/Rev.1 part II (1998) 76 at paras. 378 and 379.

Paragraph 378

Concern is expressed over: (a) Sexual harassment in the workplace; (b) Insufficient social protection of female workers in the private sector; (c) Occupational segregation, including concentration in traditional female occupations; (d) Lack of employment opportunities for highly qualified women, as well as the wage differential between women and men; (e) Insufficient support to women entrepreneurs, particularly in non-traditional areas; (f) The situation of women in agriculture, especially of elderly women, and in rural areas; and (g) Early lay-off and an increase in the number of part-time women workers.

Paragraph 379

The Committee recommends: (a) Provision of statistical data on the growing number of part-time workers in social protection schemes; (b) Implementation of the principle of equal pay for work of equal value and recognition of women's unpaid work; (c) Provision of equal social protection for women in both the public and private sectors including extension of paid maternity leave to the

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private sector to bridge the gap between the working conditions in these sectors; (d) Ratification of International Labour Organization conventions, especially Conventions 110 and 111; (e) Elimination of gender-restrictive recruitment and advertisements; (f) Awareness-raising campaigns and training programmes to encourage the reporting and elimination of sexual harassment in the workplace.

- Algeria, CEDAW, A/54/38/Rev.1 part I (1999) 12 at para. 88.

Temporary incentives with quantitative targets aimed at increasing women's employment in both the public and private sectors should be implemented along with the creation of childcare centres and kindergartens in sufficient numbers to allow women to reconcile their family and professional responsibilities. Unemployed women should be required to participate in traineeships and retraining programmes, including in non-traditional areas, and should benefit from job-creation measures to a degree proportional to the unemployment rate for women.

- Kyrgyzstan, CEDAW, A/54/38/Rev.1 part I (1999) 15 at paras. 123 and 133.

Paragraph 123

In light of the linkage of violence with poverty, the introduction of measures aimed at improving the economic status of women, including retraining for income-generating occupations, is recommended.

Paragraph 133

The conditions of work and job security of the growing number of women who are entering the informal sector as agents in what is referred to as the "women's suitcase economy" or "women's shuttle economy," is of concern.

- Liechtenstein, CEDAW, A/54/38/Rev.1 part I (1999) 18 at para. 162.

The highly segregated labour market and the concentration of women in low-paid employment and part-time work are matters of concern.

- Greece, CEDAW, A/54/38/Rev.1 part I (1999) 20 at para. 204.

The Government is urged to assess, in a comprehensive manner, the changing realities of women's work and develop policies that aim at structural and long-term improvements in the employment situation of women. Particular attention should be paid to supporting women who work without pay in family enterprises and on family farms. The Government should also address the issue of women migrant workers.

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- China, CEDAW, A/54/38/Rev.1 part I (1999) 26 at para. 298.

The Government is urged to analyse, from a gendered perspective, the effects of its economic policies, and to take steps to mitigate and counteract their negative effects on women. In addition to enforcing existing labour laws, the Government is invited to increase women's means of redress against discrimination and inequality at work, including by promoting the recognition of women's right to participate in workers' organizations and their right to strike.

- China (Hong Kong), CEDAW, A/54/38/Rev.1 part I (1999) 26 at para. 330.

The adoption of temporary special measures aimed at improving *de facto* equality between women and men is recommended to increase the number of women in non-traditional areas of education, especially in science, technology and engineering, and to promote women from junior and auxiliary positions in teaching and academia to senior positions. The Government is urged to address the perpetuation of gender stereotypes and to allocate adequate resources for gender studies programmes.

- Colombia, CEDAW, A/54/38/Rev.1 part I (1999) 33 at paras. 388 and 389.

Paragraph 388

Appropriate measures should be taken to improve the status of working women, including through the establishment of child-care centres and the introduction of training programmes to promote the integration of women into the labour force and to diversify their participation, through the implementation of legislative measures and through greater efforts to achieve equal pay for work of equal value.

Paragraph 389

It is of concern that, although maternity protection is ensured by law and provision is made for maternity leave in the relevant legislation, the law is sometimes broken and women must meet certain requirements in order to have access to jobs, such as undergoing pregnancy tests.

- Belize, CEDAW, A/54/38/Rev.1 part II (1999) 49 at para. 55.

The Government is encouraged to implement a single minimum wage. A national childcare policy should also be developed to support working mothers. The Government is urged to assess the reasons for women's lower earnings, and for their voluntary departure from the labour market, with a view to adopting adequate measures to reverse this trend. The Government is also encouraged to intensify

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its programmes for women entrepreneurs, including access to loans, credits and skill development, as well as to ensure that educational and vocational training opportunities for girls include non-traditional and emerging areas of the economy, such as the information and communications field. The Government is also invited to ensure that women can fully exercise their right to unionize, and that all applicable legislation in this regard is enforced, including in special economic zones.

- Georgia, CEDAW, A/54/38/Rev.1 part II (1999) 53 at paras. 106 and 110.

Paragraph 106

Comprehensive measures aimed at improving women's economic status through training and retraining, and at introducing quotas for women in the governmental job creation schemes should be implemented. Programmes to encourage women to participate in modern sectors of the national economy, as well as in entrepreneurship, are also recommended.

Paragraph 110

Existing occupational health standards should be amended and all such standards that directly or indirectly discriminate against women should be repealed.

- Nepal, CEDAW, A/54/38/Rev.1 part II (1999) 57 at para. 156.

The Government is urged to adopt labour legislation prohibiting wage discrimination. The Government should also introduce special measures to encourage women to participate in all sectors of employment, develop special credit facilities for women to enable them to establish small enterprises and introduce special measures to encourage women to participate in all sectors of employment.

- Ireland, CEDAW, A/54/38/Rev.1 part II (1999) 60 at paras. 181, 182 and 184.

Paragraph 181

It is of concern that almost no women over the age of 50 years are in paid employment. It is also a concern that women hold the majority of part-time jobs and earn less than men, and that little progress is being made in assessing and valuing work of comparable value.

Paragraph 182

The Government is urged to ensure that legislation and policies create the structural and systemic framework that will lead to women's long-term participation in the labour force on a basis of equality with men. In particular, the Government should take further measures to reduce the pay gap in women's earnings, taking into account developments that have refined the concepts of equal pay for

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work of comparable value, and to assess the impact of cultural stereotypes and women's reproductive responsibilities on the continuing pay gap.

Paragraph 184

The Government is urged to monitor and review its work and family life policies and legislation so as to ensure that they create incentives and opportunities for women and men to share equally paid work outside the home and unpaid family work. It is recommended that such regulations and policies be accompanied by awareness-raising and educational efforts aimed at changing attitudes concerning women's traditional roles and responsibilities for child and family care. It is also recommended that parental leave regulations be assessed with a view to providing for paid parental leave so as to create an incentive for men to take advantage of their legal entitlements.

- Chile, CEDAW, A/54/38/Rev.1 part II (1999) 64 at para. 230.

It is of concern that many women employed by small businesses and in the informal sector earn low wages, making it difficult for them to enter the current social insurance system. It is also of concern that women seasonal workers find themselves in a particularly precarious situation as regards working conditions, remuneration and childcare.

- Spain, CEDAW, A/54/38/Rev.1 part II (1999) 67 at para. 260.

The Government is urged to monitor carefully the impact of legislation governing part-time work and its potential for unintentionally trapping women in this type of employment. The Government is also urged to assess continuously the adequacy of its incentive programmes for women entrepreneurs and to monitor the need for comprehensive programmes providing information, training, economic incentives and skills development to ensure success for women in small and medium-sized enterprises.

- United Kingdom of Great Britain and Northern Ireland, CEDAW, A/54/38/Rev.1 part II (1999) 71 at para. 308.

The Government should use its new employment policies to address the pay gap between women's and men's earnings, taking into account developments that have refined the concepts of equal pay for equal work and for work of comparable value. The Government should also assess the impact of cultural stereotypes and women's reproductive responsibilities on the continuing pay gap. In this regard, the Government is invited to pursue its efforts towards providing men more opportunities to take on roles traditionally assumed by women and to continue to review and rationalize maternal and parental leave and benefits.

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- India, CEDAW, A/55/38 part I (2000) 7 at paras. 66, 67, 75 and 80-83.

Paragraph 66

That the fundamental rights recognized in the Constitution can be enforced only against state actors and in the event of inaction on the part of the state, is of concern. The private sector, where a great number of women are employed, which is expanding in a period of transition to market economic policies, is not covered by Constitutional standards.

Paragraph 67

The introduction of a sex discrimination act to make the standards of the Convention and the Constitution applicable to non-state action and inaction is recommended.

Paragraph 75

The Government is urged to enforce laws preventing discrimination against Dalit women and prohibiting the *devadasi* system, and to introduce affirmative action programmes in such areas as education, employment and health so as to provide life chances to Dalit women and girls and create an environment conducive to their progress. The Government is called upon to set a time-frame for those interventions.

Paragraph 80

The low participation of qualified women in the administration and the judiciary, including family courts and *lok adalats* or conciliation tribunals, is of concern.

Paragraph 81

The Government is urged to take affirmative action to increase women's participation in the judiciary and *lok adalats*.

Paragraph 82

Significant disparities in economic activity rates for men and women are of concern. The practice of debt bondage and the denial of inheritance rights in land result in gross exploitation of women's labour and their impoverishment.

Paragraph 83

The Government should enforce laws on bonded labour and provide women with self-employment opportunities and minimum wages in home-based production and the non-formal sector.

- Jordan, CEDAW, A/55/38 part I (2000) 16 at paras. 160, 175, 184 and 185.

Paragraph 160

The increasing trend in women's participation in the labour force, which contributes to women's empowerment and strengthens their participation in public life in general, is noted with satisfaction.

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Paragraph 175

The Government is called upon to amend the Personal Status Code to recognize women's rights to choice of family name, occupation, as well as their rights upon divorce and with regard to their responsibilities as parents.

Paragraph 184

The fact that women make up only 13.6 per cent of the paid labour force, a situation that appears to be largely due to social constraints rather than discriminatory legislation, is of concern. Restrictive employment legislation in the area of night work and regulations on jobs banned to women reinforce women's difficulties in obtaining paid employment. Although Jordan has ratified ILO Convention No. 100 on equal pay for work of equal value, concern is expressed that there continues to be a wage gap to women's disadvantage. The difference in entitlement to maternity leave in the public and private sectors is also a matter of concern.

Paragraph 185

The Government is called upon to review its legislation and policy in the employment sector to facilitate full implementation of article 11 of the Convention. The Government is also called upon to review ILO recommendations concerning maternity leave, to adapt its national situation to these recommendations and to consider coverage of such leave through social insurance schemes in order to prevent private employers from discriminating against women in recruitment.

- Democratic Republic of the Congo, CEDAW, A/55/38 part I (2000) 21 at paras. 225, 226 and 231.

Paragraph 225

Concern is expressed about *de jure* and *de facto* discrimination against women with regard to the right to work, particularly the requirement of the husband's authorization of a wife's paid employment and reduction of pay during maternity leave.

Paragraph 226

The Government is urged to amend discriminatory laws in the sphere of employment in accordance with article 11 of the Convention.

Paragraph 231

The Government is urged to pay the greatest attention to the needs of rural women and to ensure that they benefit from the policies and programmes adopted in all spheres, including recognition of their status as agricultural employees who should benefit from the rights accorded by labour law.

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- Burkina Faso, CEDAW, A/55/38 part I (2000) 25 at paras. 258, 279 and 280.

Paragraph 258

The Government is commended on the fact that, as a result of the revision of the Labour Code in 1992, the principle of equality has been confirmed and a definition of discrimination has been established.

Paragraph 279

It is of concern that although the laws prohibit all discrimination against women at the level of employment, men and women are segregated and differentiated at the time of recruitment and in the allocation of responsibilities, as well as in levels of remuneration.

Paragraph 280

The State party should ensure strict respect for labour laws and take measures to eliminate discrimination in employment, in both the public and private sectors.

- Germany, CEDAW, A/55/38 part I (2000) 29 at paras. 299, 307, 308 and 311-316.

Paragraph 299

The Government is commended on its wide-ranging legislative and policy initiatives, and the programmes and projects aimed at giving effect to the constitutional guarantee of equal rights of women and men. The Government is commended on its women and work programme aimed at ensuring women's equal participation in all sectors of society. The Government's extensive use of temporary special measures, in accordance with article 4 (1) of the Convention, for the realization of *de facto* equality for women, is also welcomed.

Paragraph 307

It is of concern that, although a series of measures has been adopted, the implementation of the Convention for women living in the new *Laender* continues to lag behind that with regard to those living in the old *Laender*. The fact that women in the new *Laender* used to enjoy full employment but now account for 20.7 per cent of the unemployed, is of concern. That is a disproportionately high percentage compared to that of unemployed men in the new *Laender* as well as to the overall unemployment rate of women in Germany.

Paragraph 308

The Government is urged to continue its targeted efforts to improve the situation of women in the new *Laender* in the area of work and employment, as well as their overall social well-being.

Paragraph 311

Concern is expressed at the continuing disadvantages women face in many aspects of work and the economy. The persistence of the wage gap between women and men, notwithstanding women's high educational achievements, with women earning on average 77 per cent of men's earnings, is of

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particular concern. It is of concern that, in 1997, although women accounted for 42.1 per cent of the gainfully employed population, they comprised 88 per cent of the persons working in part-time employment and 55.9 per cent of the unemployed. It is a matter of concern that those differences are indicative of the persistence of indirect discrimination against women in the labour market. The fact that part-time work tends to be in low-skilled employment, offering fewer opportunities for professional advancement, is also of concern.

Paragraph 312

The Government is called upon to ensure that the definition of discrimination contained in article 1 of the Convention, in particular the Convention's prohibition of indirect discrimination, is fully integrated into its legislation, especially its labour legislation. In this regard, the Government's intention to prepare a report on equal pay which will examine the primary causes of wage discrimination, is welcomed. The State party should examine existing formulae for the determination of equal work and work of equal value, with a view to developing guidelines or directives to assist the partners in collective wage bargaining in determining comparable wage structures in sectors dominated by women. The Government is urged to monitor closely the impact of its new programme on women and work so as to ensure that it achieves its stated aims of advancing equal opportunities of women and men in the working world and in the family and does not perpetuate gender stereotypes.

Paragraph 313

Concern is expressed at the persistence of stereotypical and traditional attitudes about the roles and responsibilities of women and men in private and in public life. That persistence is reflected in women's predominance in part-time work, their main responsibility for family and caring work, occupational segregation, men's extremely low participation in parental leave, at 1.5 per cent of those taking parental leave in 1997, and the taxation of married couples. It is of concern that measures aimed at the reconciliation of family and work entrench stereotypical expectations for women and men.

Paragraph 314

The impact of measures aimed at reconciliation of work and family responsibilities should be studied so as to create a firm basis for policies and programmes that will accelerate change and eradicate stereotypical attitudes. The State party is urged to develop more programmes and policies targeted at men to accelerate the changing of attitudes and behaviour. The State party should consider the introduction of non-transferable parental leave for fathers to increase the number of men that share responsibility for childcare and child-rearing. The Government is also urged to improve the availability of care places for school-age children to facilitate women's re-entry into the labour market. The State party should assess the current legal provisions on the taxation of married couples ("splitting") and its impact on the perpetuation of stereotypical expectations for married women.

Paragraph 315

Concern is expressed over the limited efforts and measures in place to extend women's equal rights and equal opportunities into the private sector.

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Paragraph 316

The Government is called upon to increase its legislative and regulatory efforts to ensure that women are protected against all forms of discrimination in the private sector and to increase measures aimed at achieving *de facto* equality. The Government is also encouraged to intensify its interaction with the private sector, including through incentives and other non-legislative measures, as well as with unions and with women's organizations to achieve that goal.

- Belarus, CEDAW, A/55/38 part I (2000) 34 at paras. 351, 359, 360, 365 and 366.

Paragraph 351

The Government is commended for recognizing the difficult economic situation women face in Belarus, in particular with regard to women's employment and the incidence of poverty among women. The efforts undertaken by the Government to alleviate the situation are also commended.

Paragraph 359

It is of concern that the country's legislation, in particular with regard to women's role in the labour market, appears to be overly protective of women as mothers and thus creates further obstacles to women's participation in the labour market.

Paragraph 360

A comprehensive legislative review should be undertaken so as to ensure that the full meaning of article 1 of the Convention is reflected in the country's Constitution and legislation. The Government is further urged to create adequate remedies for women to obtain easy redress from direct and indirect discrimination, especially in the area of employment. The Government should also improve women's access to such remedies, including access to courts, by facilitating legal aid to women and embarking on legal literacy campaigns.

Paragraph 365

Concern is expressed at the economic situation of women, which is characterized by poverty and unemployment, displacement of women from the labour market and even from sectors previously dominated by women. Re-employed women hold positions below their levels of education and skills. Concern is also expressed over the fact that women are employed predominantly in low paying jobs and that a wage gap between women and men persists.

Paragraph 366

The Government is urged to establish a legislative basis that ensures women equal access to the labour market and equal opportunities to work and to create protection against direct and indirect discrimination with regard to access and opportunities. The Government should implement unemployment policies targeted at women. In particular, measures to facilitate women's entry into growth sectors of the economy, rather than into traditionally female-dominated employment, are recommended.

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- Luxembourg, CEDAW, A/55/38 part I (2000) 38 at paras. 396, 397, 408 and 409.

Paragraph 396

The legislation of July 1998 requiring the appointment of equality officers in enterprises with at least 15 employees is welcomed. The law on implementation of the national action plan on employment, which introduced the right to non-transferable parental leave of six months for every parent, covered by State benefits, is also welcomed.

Paragraph 397

The fact that the law of July 1998 now provides the legal basis for instituting affirmative action for women in the private sector is welcomed.

Paragraph 408

Concern is expressed at the lack of equality of opportunity of women in the labour market, as expressed in the relatively low percentage of women in the labour force (37 per cent of the active population), the wage gap between women and men, the higher number of women in part-time work, the ongoing segregation of the labour market and the stereotypical attitudes that tend to portray men as heads of households and breadwinners and women primarily as mothers and homemakers. That there is insufficient understanding of the structural causes that perpetuate the wage gap is also of concern, as women's work remains undervalued compared with men's work.

Paragraph 409

Studies should be undertaken on the causes of the wage gap to improve the factual basis for labour negotiations where collective wages are set. The Government is also urged to analyse the projects now underway to broaden women's participation in the labour market so that the findings can be used for the development of comprehensive policies and legislation to secure the gains made by women in this area.

- Republic of Moldova, CEDAW, A/55/38 part II (2000) 56 at paras. 105-108.

Paragraph 105

While women's high educational levels are noted, the predominance of women in low-level educational sectors is of concern. The lack of statistical information concerning women's representation in various fields of teaching, and in administrative and high-level posts at all levels of education, is also of concern.

Paragraph 106

The Government is called upon to implement temporary special measures, in accordance with article 4, paragraph 1, of the Convention, to accelerate women's representation in educational decision-making.

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Paragraph 107

Concern is expressed over the situation of women in the labour market, including women's unemployment levels, job segregation and the fact that, because of lack of opportunity at home, many women seek employment abroad, often without obtaining work permits. That the country's protective labour laws may create obstacles to women's participation in the labour market is also of concern.

Paragraph 108

Legislation should be put in place prohibiting both direct and indirect discrimination against women in the labour market, and guaranteeing to women equal opportunities in accordance with article 11 of the Convention and relevant ILO conventions ratified by the State party. The Government should consider establishing an equal opportunities ombudsman to monitor implementation of such legislation, and with the power to receive complaints about violations. It is also recommended that the Government review protective legislation with a view to reducing barriers for women in the labour market. Labour market and employment policies should target explicitly those groups of women who are particularly disadvantaged by the impact of transition. The Government is invited to increase measures to adopt the sharing of family responsibilities between spouses. Sexual harassment in the workplace should be covered by legislation that is fully implemented.

- Lithuania, CEDAW, A/55/38 part II (2000) 61 at paras. 138, 139 and 142-145.

Paragraph 138

The persistence of traditional stereotypes regarding the role of men and women in the family, in employment and in society is of concern. Further concern is expressed about the lack of targeted educational programmes, mass media campaigns and temporary special measures in education, employment and politics to eliminate these stereotypes.

Paragraph 139

The Government should design and implement comprehensive programmes in education and the mass media in order to promote roles and tasks of women and men in all sectors of society. The draft Code of Advertising Ethics should be amended in order to cover not only the prohibition of the promotion of discrimination against women and men, or of the alleged superiority of one sex over the other, but also of the more subtle utilization of and support for traditional role stereotypes in the family, in employment and in society.

Paragraph 142

Concern is expressed about the situation of women in the labour market, and in particular about the fact that the official unemployment statistics do not take account of the hidden unemployment of women or of their informal employment and underemployment. While the official overall unemployment rate of women is slightly lower than that of men, such general statistics hide the fact that there tends to be a higher number of women among the long-term and the higher-educated unemployed, and in the older age groups that more women than men are unemployed.

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Paragraph 143

The Government should design and implement specific targeted programmes for different groups of unemployed women, addressing their training needs in different employment areas with a view to future-oriented jobs. The monitoring of the increasing number of women's businesses in regard to their viability is also recommended.

Paragraph 144

The fact that the position of women in the labour market is characterized by discrimination, in particular of women with children, and by a strong occupational segregation with a concomitant wage differential, is noted with concern.

Paragraph 145

Efforts should be made to eliminate occupational segregation through efforts in education, training and retraining. There should be additional wage increases in female-dominated sectors of public employment to decrease the wage differential in comparison with male-dominated sectors.

- Iraq, CEDAW, A/55/38 part II (2000) 66 at paras. 198-201.

Paragraph 198

Educational and training opportunities should be broadened for girls and young women at the secondary and tertiary levels and in technical fields. Particular attention should be given to ensuring that girls and women have equal access to new specializations, including the opportunity to acquire skills and knowledge to participate on a basis of equality with men in the labour market and in the future reconstruction of the country.

Paragraph 199

Concern is expressed about women's low participation in the labour market, and the absence of a law establishing minimum wages, which makes it extremely difficult to determine whether women are being paid equal pay for work of equal value. It is of concern that the flexibility granted to employers in labour relations has a negative impact on women's employability and security of employment. Differences in maternity benefits granted to women in the public and the private sector are also a cause of concern.

Paragraph 200

The Government should ensure that women do not bear a disproportionate portion of the economic difficulties facing the country. In particular, non-discriminatory labour legislation should be put in place and be effectively enforced. The Government should also ensure that women's reproductive function does not lead to discrimination against them in employment, job security and social benefits.

Paragraph 201

The fact that sanctions have had a negative impact on women and children in areas such as health care, nutrition, employment and other basic social services, is recognized. Nevertheless, concern is

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expressed at the failure of the Government to put in place specific and targeted measures to address these problems.

- Austria, CEDAW, A/55/38 part II (2000) 70 at paras. 219, 227, 233-235 and 239.

Paragraph 219

The imminent withdrawal of the reservation to article 7 of the Convention in respect of women and the military is welcomed. At the same time, the Government is called upon to make efforts to withdraw the reservation to article 11 of the Convention in respect of night work.

Paragraph 227

The situation of migrant women is of concern. Work permits should be attained by migrant women on an equal basis with migrant men and the conditions needed for their integration into the economic and social life of Austrian society should be established.

Paragraph 233

In the area of women's employment, it is of concern that women continue to remain segregated in low-paid jobs in the labour market.

Paragraph 234

Action should be taken to decrease the wage discrepancy between female-dominated jobs and male-dominated jobs, especially in the private sector. The Federal Government is also urged to adopt a proactive comprehensive policy, with appropriate budgetary allocations as incentives to provincial and local authorities, so as to develop childcare facilities that enable women's equal participation in the labour force.

Paragraph 235

The State party should strengthen the powers of the Equal Treatment Commission in order to allow it to be more effective in its efforts to combat discriminatory practices and to guarantee equal opportunity and treatment for women in the workplace.

Paragraph 239

The lack of data disaggregated by sex on the impact of policies and programmes, is of concern. The Government should improve the collection of data to assess the nature and outcome of equal treatment cases in the labour courts.

- Cuba, CEDAW, A/55/38 part II (2000) 73 at paras. 256, 269 and 270.

Paragraph 256

The increases, since 1996, in the women's employment rate in the civil-State sector, which has reached 43.6 per cent, women's participation in the National Assembly at 27.6 per cent, in leadership

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positions at 32.3 per cent, and in technical and professional mid- and higher-level posts at 66.1 per cent, are welcomed. The fact that women constitute 60 per cent of the judiciary is also welcomed. The improvements in women's socio-economic situation as a result of the country's sustained economic recovery in recent years are welcomed as well.

Paragraph 269

While recognizing the increase since 1996 in women's employment rate in the civil-State sector, it remains of concern that women make up a higher percentage of the unemployed and that obstacles to their full integration in all sectors of the labour market persist, in particular in the joint venture and tourism industries.

Paragraph 270

Temporary special measures targeted at women should be implemented to reduce the level of unemployment and of disparities in access to some sectors of the labour market. Such measures should ensure that women benefit equally from the country's economic recovery. Efforts should be increased to create new opportunities for women in non-traditional and high-growth areas, including in new information and communications areas and in the service sector, and to strengthen efforts to ensure that they can take full advantage of the mixed economy, in accordance with their high levels of education and skills.

- Romania, CEDAW, A/55/38 part II (2000) 77 at paras. 310, 312 and 313.

Paragraph 310

While the number of women working in the education sector is high, it is of concern that the percentage of women in administrative and decision-making positions in this sector is low.

Paragraph 312

The situation of women in the labour market, especially women's higher unemployment rates, the decrease in women's share in the economically active population and the concentration of women particularly in low-paid occupational areas and sectors, are matters of concern. Concern is also expressed over the high percentage of women working as unpaid family workers, especially in rural areas.

Paragraph 313

The Government's labour market and employment policies should explicitly address the situation of women workers in order to ensure that women do not carry a disproportionate share of the burden of the transition to a market-based economy. Urgent targeted measures should be put in place to facilitate women's entry into new growth sectors of the economy, including women's entrepreneurship, and to ensure that women's health and retirement benefits are protected. The Government is encouraged to ensure that women can take full advantage of jobs created by foreign investment, ensuring non-discriminatory protection of their rights. The Government should adopt, as a matter of priority, a forward-looking equal opportunities law that extends to the private sector

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and includes the creation of a specific office of ombudsman for equal opportunities for women, with powers to receive complaints of violations of the laws on equal opportunities and to investigate discriminatory situations experienced by women.

- Kazakhstan, CEDAW, A/56/38 part I (2001) 10 at paras. 99-102.

Paragraph 99

While noting with appreciation the high level of education among women in a wide range of disciplines, the low representation of women in senior decision-making positions, as well as in highly paid jobs, is of concern.

Paragraph 100

The Government is encouraged to analyse the correlation between the high level of educational attainments of women and their income levels. Measures to accelerate the representation of women at all levels of decision-making should be introduced. The Government is urged to implement the planned curriculum reform and revision of textbooks in order to combat the traditional attitudes towards women, and to help create an enabling environment for promoting women's presence in high-level and well-paid positions.

Paragraph 101

The situation of women in the labour market is of concern, in particular with the high level of women's unemployment and discrimination in recruitment and dismissal. It is also of concern that the present structuring of the social benefits system and the protective labour legislation might create additional obstacles to the employment of women in the labour market, especially in the process of transition to a market economy.

Paragraph 102

The State party is urged to enforce appropriate legislation and to ensure equal opportunities for women and men in the public and private sectors of the labour market. The structuring of the social benefits system and of protective legislation should be reviewed with a view to reducing the barriers against the participation of women in the labour market. Also, training and retraining programmes should be designed and implemented for different groups of unemployed women according to their percentage of the unemployed population and their skills and education. Wage increases in female-dominated sectors are further recommended, in order to decrease the wage differentials between those and male-dominated sectors.

- Uzbekistan, CEDAW, A/56/38 part I (2001) 18 at paras. 163, 171 and 182-184.

Paragraph 163

The Government is commended for its efforts to maintain a high level of education and for its employment policies towards women. The measures of the Government to promote women

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entrepreneurs are noted with appreciation.

Paragraph 171

Temporary special measures should be utilized according to article 4, paragraph 1, of the Convention, in order to increase the number of women in decision-making levels in government, governmental bodies, public administration and State-owned enterprises.

Paragraph 182

The State party's efforts to keep women in the labour market are recognized, but concern is expressed over the existing occupational segregation in the labour market and the considerable wage differential between men and women, especially the gap between female- and male-dominated sectors of employment. The high level of unemployment is of serious concern. Concern is also expressed over indirect discrimination in the recruitment, promotion and dismissal of women. The absence of statistical data on wages disaggregated by sex is noted.

Paragraph 183

Equal opportunities for women and men in the labour market should be ensured, including through the use of temporary special measures. Regular reviews of legislation should be conducted with a view to reducing the barriers for women in the labour market. Special training and retraining programmes for different groups of unemployed women should be designed and implemented.

Paragraph 184

The problem of occupational segregation should be addressed and the principle of equal pay for work of equal value should be implemented.

- Jamaica, CEDAW, A/56/38 part I (2001) 22 at para. 212.

The Government should reform existing legislation and create new legislation to protect the equal rights of women and men in regard to labour, social, family and property.

- Mongolia, CEDAW, A/56/38 part I (2001) 26 at paras. 271 and 272.

Paragraph 271

The high unemployment level of women is of concern.

Paragraph 272

The Government should establish a legislative basis that ensures women equal access to the labour market and equal opportunities to work and prevents direct and indirect discrimination in employment. Unemployment policies should be implemented that aim to reduce the unemployment of women.

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- Finland, CEDAW, A/56/38 part I (2001) 29 at paras. 297-300.

Paragraph 297

Continuing discrimination in employment is of concern. In particular, the wage gap that exists between women and men, owing primarily to the “horizontal” and “vertical” gender segregation of the labour market, is of concern.

Paragraph 298

Efforts should be increased to eliminate stereotypes in women’s education, biased perceptions in job evaluations and pay relating to traditional areas of employment for women. In particular, efforts to encourage cross-vocational training in typical female and male-dominated areas and to address the issue of the negative impact on women of policies of time-fixed contracts are recommended. The increase of incentives for men to use their rights to parental leave and to set up stronger monitoring mechanisms for the plans under the Equality Act are also urged.

Paragraph 299

Concern is expressed over the low percentage of women in high-ranking posts in many areas, particularly in academia, where the presence of women has been declining as they move up the academic ladder and where they currently hold only 18.4 per cent of professorships. The current system of hiring professors by invitation, instead of open competition, places women at a disadvantage.

Paragraph 300

Efforts should be made to facilitate an increase in the number of women in high-ranking posts. Proactive measures should be adopted to encourage more women to apply for high-ranking posts and temporary special measures, such as quotas, should be implemented where necessary.

- Andorra, CEDAW, A/56/38 part II (2001) 49 at paras. 45 and 46.

Paragraph 45

The situation of women in employment is of concern. The highly segregated labour market and the large percentage of women in low-paid jobs and in unpaid family labour are also matters of concern. Further concern is expressed at the wide gap in pay between women and men, that women may not receive equal pay for work of equal value, and the fact that there is no specific legislation which prohibits discrimination in employment in general, and which guarantees equal pay for work of equal value, in particular.

Paragraph 46

The situation of women with respect to paid employment and unpaid family labour should be consistently monitored. The State party should consider the introduction of legislation on equal employment opportunities and for positive action as provided in article 4.1 of the Convention. The State party should avail itself of existing research and practice with regard to equal pay for work of

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equal and comparable value in order to overcome pay inequity.

- Singapore, CEDAW, A/56/38 part II (2001) 51 at paras. 73, 76-78, 81, 82, 85, 86 and 93.

Paragraph 73

Deep concern is expressed regarding the reservations to articles 2, 9, 11, paragraph 1, and 16 of the Convention.

Paragraph 76

Persons in confidential, managerial and executive posts should be brought within the coverage of the Employment Act. The capacity for individual bargaining, and the existence of better working conditions in these sectors do not justify the absence of legal protection and the reservation to article 11.

Paragraph 77

The failure to extend the Employment Act to domestic workers results in discrimination against women domestic workers and denial of legal protection. There is also concern that the requirement of their current employer's consent to transfer employment deters such workers from reporting grievances to governmental authorities.

Paragraph 78

The Employment Act should be amended so that it covers certain sectors and the reservation to article 11 should be withdrawn.

Paragraph 81

Concern is expressed that foreign domestic workers are prohibited from working during criminal proceedings against their employers, and that this forces such workers to leave Singapore without waiting to receive compensation from them. Concern is also expressed that this may reduce the chances of conviction because evidence from these workers will not be available.

Paragraph 82

The prohibition against working during criminal proceedings against their employers should be lifted and appropriate measures taken to enable domestic workers to give evidence against their employers before leaving Singapore.

Paragraph 85

It is of concern that disparities between women's and men's wages may be due to discriminatory attitudes of employers and to gender-stereotyped job and workplace evaluation.

Paragraph 86

The issue of wage differentials between women and men should be reviewed, including through

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consideration of existing research on the concept of equal pay for work of equal value, both in the public and private employment sectors. The Government is also urged to remedy the situation in the public employment sector where applicable and to initiate sensitization campaigns to encourage social partners to address this issue.

Paragraph 93

The maximum quota on the number of women medical students should be removed and childcare arrangements and flexible working hours provided, so as to encourage and enable women doctors to pursue their profession.

- Guinea, CEDAW, A/56/38 part II (2001) 55 at paras. 132 and 133.

Paragraph 132

Stereotypical attitudes regarding the role of women and men in society are reflected in the low representation of women in decision-making bodies, including the National Assembly, the Government and the judiciary. It is noted that the Government has not applied the temporary special measures provided for in article 4, paragraph 1, of the Convention.

Paragraph 133

The concept of temporary special measures should be applied to increase the number of women in decision-making at all levels and in all areas. Efforts to promote women to positions of power should be strengthened by organizing special training programmes for women and by conducting awareness-raising campaigns on the importance of women's participation in decision-making at all levels.

- Guyana, CEDAW, A/56/38 part II (2001) 60 at paras. 166-169.

Paragraph 166

It is of concern that women do not seek legal redress when they suffer discrimination in employment because they are deterred by the delays in litigation caused by the enormous backlog of civil cases.

Paragraph 167

Employment arbitration should be provided as an option and measures taken to prevent delays in litigation. Measures should be taken to increase women's awareness and understanding of their rights and legal aid facilities provided, where possible, in cooperation with non-governmental organizations.

Paragraph 168

While there seems to be a policy on maternity leave, there is concern that women continue to be discriminated against on the grounds of pregnancy and maternity, particularly in the private sector, where contractual arrangements are made to circumvent the existing laws. Law enforcement is dependent upon prosecution by the Chief Labour Officer; this does not appear to provide effective remedies.

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Paragraph 169

Laws and policies on maternity should be brought in conformity with the Convention. A national policy for the private and public sectors should be developed that includes minimum mandatory and paid maternity and parental leave, and effective sanctions and remedies should be provided for violation of laws on maternity leave. Training programmes for the staff of the Labour Office should be established to facilitate prosecution and ensure the effective enforcement of existing laws for both the public and private sectors.

- The Netherlands, CEDAW, A/56/38 part II (2001) 63 at paras. 203-205, 207, 213, 214 and 216-218.

Paragraph 203

Concern is expressed that the policy of balanced division of paid work and unpaid care has not produced the expected results, since the burden of unpaid care still falls mainly upon women. There is also concern that women who work outside the home devote twice as much time as men to unpaid work, and that there are still insufficient child-care places.

Paragraph 204

The policy of balanced division of paid work and unpaid care should be reviewed. Also, greater efforts should be devoted to the development of additional programmes and policies to encourage men to share family and caring responsibilities. In addition, the availability of sufficient childcare places and an uninterrupted, long school day should be ensured.

Paragraph 205

Despite the efforts made, there is continuing discrimination against immigrant refugee and minority women who suffer from multiple discrimination, based both on their sex and on their ethnic background, in society at large and within their communities, particularly with respect to education, employment and violence against women.

Paragraph 207

There is concern about the lack of information on the *de facto* situation of women of ethnic and minority communities in respect to their access to education, employment and health services.

Paragraph 213

Although efforts undertaken by the Government to solve the problem of discrimination faced by women at the workplace through all of the legislative measures aimed at improving women's economic status are acknowledged, concern is expressed over continuing discrimination in employment and business enterprises. Concern is also expressed with the "horizontal" and "vertical" gender segregation of the labour market, and the concentration of women in part-time employment. It is also of concern that, in the private sector, women earn on average 23 per cent less than men, although when adjusted in the light of the work they do and their personal characteristics, this differential is reduced to 7 per cent.

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Paragraph 214

Efforts to eliminate stereotypes relating to traditional areas of employment and education for women should be increased. Efforts to improve the conditions for working women so as to enable them to choose full-time employment, rather than part-time employment in which they are currently over-represented, are recommended. The discrimination that part-time workers face in relation to overtime should also be eliminated.

Paragraph 216

The low presence of women in high-ranking posts in all areas is of concern, particularly in academia where, according to 1996 figures, women hold only 5 per cent of professorships.

Paragraph 217

The low participation of women in political and public life is of concern. In the present Government, women hold 26.75 per cent of posts in ministries whereas, according to 1998 figures, only 7.5 per cent of posts at the level of ambassador, permanent representative and consul-general are filled by women.

Paragraph 218

Efforts should be made to facilitate an increase in the numbers of women in high-ranking posts, including in decision-making in politics, the economy and academia. Proactive measures should be adopted to encourage more women to apply for these posts and, where necessary, temporary special measures should be implemented, as provided for in article 4, paragraph 1, of the Convention.

- Viet Nam, CEDAW, A/56/38 part II (2001) 68 at paras. 248, 270 and 271.

Paragraph 248

The country's ongoing economic transformation is considered to pose special challenges to the realization of gender equality - in particular in the areas of women's employment and education of girls and young women - which can undermine the progress achieved in realizing equality between women and men. The Government's social development programme is also considered to be hampered by the 1997 economic crisis in Asia. Continuing poverty poses a significant obstacle to the implementation of the Convention.

Paragraph 270

The retirement ages for women and men differ and this has negative effects on women's economic well-being. There is also concern that the retirement age is negatively affecting the access of rural women to land.

Paragraph 271

The existing legal provisions regarding the retirement age of women and men should be reviewed, with a view to ensuring that women are entitled to continue productive employment on an equal basis with men.

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- Nicaragua, CEDAW, A/56/38 part II (2001) 72 at paras. 306 and 307.

Paragraph 306

It is of concern that women workers have been replaced by men in both the formal and informal sectors of the economy, that men's wages are three times greater than those of women and that the rates of unemployment and underemployment of women are high. Concern is also expressed at the indirect discrimination against women because they have limited access to credit owing to their lack of collateral.

Paragraph 307

Measures should be taken to improve the status of working women, including the introduction of training programmes to promote the integration of women into the labour force and to diversify their participation; the establishment of childcare centres; improved access to credit, with special emphasis on rural women; and greater efforts to achieve equal pay for work of equal value.

- Sweden, CEDAW, A/56/38 part II (2001) 76 at paras. 340, 341 and 344-351.

Paragraph 340

While the Government has taken significant steps to address discrimination against women in the workplace through the passage of the Gender Equality Act and the establishment of the Equal Opportunities Ombudsman, concern is expressed that the wage gap between women and men, in both the public and private sectors, has not narrowed during the past 10 years. This disparity is linked to the persistence of gender segregation in the labour market.

Paragraph 341

Policies and active measures should be adopted to accelerate the eradication of pay discrimination against women, including job evaluations, collection of data, further study of the underlying causes for the wage gap and provision of increased assistance to social partners in collective wage bargaining, in particular in determining wage structures in sectors dominated by women.

Paragraph 344

While the Government is commended for the impressive advances made by women in terms of representation in decision-making in politics, women's representation in executive and decision-making positions in the private economic sector, as well as on central governmental boards and boards of government-controlled companies, continues to be low. Concern is also expressed about the low representation of women as chairs of local and municipal boards.

Paragraph 345

Steps should be taken to facilitate options insofar as employment of women in the private sector is concerned, through the implementation of temporary special measures in accordance with article 4, paragraph 1, wherever possible. Measures should be taken to increase the representation of women

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in decision-making positions in all sectors, including central governmental boards, county and municipal boards, particularly as chairs of those boards, and in government-controlled companies.

Paragraph 346

The low level of women's representation in the judiciary is a matter of concern.

Paragraph 347

A procedure should be adopted that ensures that women are not discriminated against when appointments to the judiciary are made.

Paragraph 348

While noting the high number of women in the lower ranks of the foreign service, concern is nevertheless expressed about the low level of representation of women in the higher echelons of the service, in particular in ambassadorial posts.

Paragraph 349

Current policies to increase the representation of women in the foreign service, particularly as ambassadors, should continue and measures should be taken to ensure that women in the foreign service are not disadvantaged in terms of posting to locations requiring senior staff.

Paragraph 350

Despite the high achievement of women in tertiary education, there are very few women professors in the universities and this is of concern. There also appears to be an imbalance in the access of women, as compared to men academics, to research grants and other resources.

Paragraph 351

The State party is urged to facilitate, by means of its policies, an increase in the number of women in high-ranking posts at universities and to ensure that women professors are not discriminated against regarding access to resources, including research grants.

CRC

- Islamic Republic of Iran, CRC, CRC/C/97 (2000) 8 at para. 71.

The State party should review discriminatory employment policies (i.e. issuance of work permits) which affect the capacity of refugee families, particularly Afghan refugees, to support themselves.

See also:

- Jordan, CRC, CRC/C/97 (2000) 31 at para. 202.