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IV. CONCLUDING OBSERVATIONS

CERD

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

Paragraph 566

Keen concern is 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 being committed against foreign workers, especially foreign women domestic servants, and all appropriate measures should be taken to ensure that they are not subjected to any racial discrimination.

- Republic of Korea, CERD, A/51/18 (1996) 48 at paras. 319 and 320.

Paragraph 319

The adoption of administrative guidelines on the protection of foreign industrial trainees in order to ensure them protection on an equal basis with national and legally registered foreign workers is in the spirit of article 5 of the Convention.

Paragraph 320

In that regard, it is noted that the Government is considering the creation 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.

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

Paragraph 406

Concern is expressed with regard to allegations that members of minority nationalities may not enjoy the same working conditions as persons of Han origin.

Paragraph 419

The 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

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and favourable remuneration.

- Namibia, CERD, A/51/18 (1996) 67 at para. 503.

Affirmative measures should be adopted to overcome vestiges of the past that still hamper the possibilities for black people, including vulnerable groups among them, to have access to secondary and higher education and to enjoy just and favourable conditions of work in the private sector.

- 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 fully guarantee 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.

- Republic of Korea, CERD, A/54/18 (1999) 14 at paras. 57 and 61.

Paragraph 57

Concern is expressed at the vulnerable situation of foreigners with irregular status who live and work in the country, usually under difficult and precarious conditions. Such persons are victims of discrimination, in violation of article 5 of the Convention, notably paragraphs 5 (d) and (e).

Paragraph 61

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

- Costa Rica, CERD, A/54/18 (1999) 24 at para. 193.

Recent manifestations of xenophobia and racial discrimination, largely focused on immigrants, in particular Nicaraguans, are of concern. Concern is expressed about the vulnerable status of refugees and clandestine immigrants, who often live and work in the country in precarious conditions, and who frequently become victims of discrimination in terms of article 5 of the Convention, particularly paragraph 5 (e).

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- The Netherlands, CERD, A/55/18 (2000) 55 at para. 323.

Noting that domestic servants may change employers though not occupation, the government should ensure that the status of domestic servants under immigration law is not exploited by employers.

- Italy, CERD, A/56/18 (2001) 53 at para. 304.

The fact that the *Testo Unico*, the State party's unified legislation on the status of foreigners, creates an obligation for employers to ensure, by means of their own resources, appropriate housing facilities for immigrants and their families for a certain period of time is welcomed.

ICCPR

- Dominican Republic, ICCPR, A/48/40 vol. I (1993) 95 at paras. 460 and 464.

Paragraph 460

The lack of protection afforded to Haitians living or working in the country from such serious human rights abuses as forced labour and cruel, inhuman or degrading treatment is of concern. Concern is also expressed over the fact that the protection of the fundamental human rights of foreigners is subject to reciprocity. The degrading living and working conditions of Haitian labourers and the tolerated practices that effectively restrict their freedom of movement are also of concern. Furthermore, while many Haitian workers have been prevented from leaving their place of work, there have also been incidents of mass expulsions from the country. In this regard, Presidential Decree No. 233-91, which resulted in the mass deportation of Haitian workers under 16 and over 60 years of age, represents a serious violation of several articles of the Covenant.

Paragraph 464

The situation concerning the living and working conditions of Haitian labourers should be addressed as a matter of priority. The State party should ensure the implementation of laws concerning labour standards, including adequate monitoring of working conditions. In this regard, the necessity of strengthening the capacity of the labour inspectorate to effectively monitor the working conditions of Haitian labourers, with a view to ending their slave-like exploitation, is emphasized. Child labourers in particular require a higher level of protection and the relevant international standards should be vigorously applied. There should also be more active enforcement, particularly in the "export zones", of the exercise of trade union rights in conformity with article 22 of the Covenant. Additionally, Presidential Decree No. 233-91 should be abolished rather than merely suspended.

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- Chile, ICCPR, A/54/40 vol. I (1999) 44 at para. 214.

The large number of instances of sexual harassment in the workplace is of concern. A law should be enacted making sexual harassment in the workplace an offence punishable by law.

- 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.

- Trinidad and Tobago, ICCPR, A/56/40 vol. I (2001) 31 at para. 72(12).

In relation to sexual harassment in the workplace, the judicial decision in *Bank Employees' Union v. Republic Banks Ltd, Trade Dispute 17 of 1995* is noted, where it was held that a person had been properly dismissed from his employment where his conduct, on the facts of the case, was properly classified as sexual harassment. The adequacy of judicial remedy should be kept under review and legislation passed if necessary.

- Dominican Republic, ICCPR, A/56/40 vol. I (2001) 54 at para. 78(17).

Concern is expressed over the failure to protect Haitians living or working in the Dominican Republic from serious human rights abuses such as forced labour and cruel, inhuman or degrading treatment. Concern is also expressed over the living and working conditions of Haitian workers and the tolerated practices that restrict their freedom of movement. The State party should give priority to addressing the issue of the working and living conditions of Haitian workers, and ensure that those workers can take advantage of the rights and safeguards laid down in articles 8, 17 and 22 of the Covenant.

ICESCR

- Ecuador, ICESCR, E/1991/23 (1990) 33 at para. 157.

Attention is drawn to the necessity of harmonizing the Labour Code with standards set in international instruments, especially with regard to maternity leave.

- Spain, ICESCR, E/1992/23 (1991) 60 at para. 291.

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In order to comply with the obligations that derive from the Covenant, additional measures should be taken in order to eliminate the disparities in the employment conditions of teachers in public and private schools and the uneven distribution of students in universities resulting in conditions detrimental to the teaching-learning environment.

- Colombia, ICESCR, E/1992/23 (1991) 68 at para. 320.

Concern is expressed at the differences in teachers' pay at private and public teaching institutions. Teachers in the private sector play a key role in giving effect to the right to education and yet they are much less well off than their counterparts in the public institutions.

- Kenya, ICESCR, E/1994/23 (1993) 24 at para. 78.

It is noted with concern that the possibilities of employment creation are extremely limited and, at present, only a small proportion of young persons leaving school can expect to find work. The labour force participation rate is decreasing, as is the level of annual earnings at the minimum wage (in US dollars at the official exchange rate). These minimum wages appear to be far too low to even allow a very modest standard of living. Further, the enforcement of minimum wages does not seem to be adequately secured in practice. Generally, wages have not kept pace with the high rise in the rate of inflation.

- Germany, ICESCR, E/1994/23 (1993) 49 at para. 249.

It is pointed out that concerns about discrimination in 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 and that discrimination in employment on the ground of political opinion should be explicitly prohibited under the law.

- Uruguay, ICESCR, E/1995/22 (1994) 23 at paras. 69, 76 and 80.

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Paragraph 69

The apparent lack of measures to enable workers' and employers' organizations to participate in the discussions on the determination of minimum wages for public-sector employees and agricultural workers for the period 1990-1994 is of concern.

Paragraph 76

The serious deterioration of teachers' salaries in terms of purchasing power, the conflictual nature of relations between teachers and the State and the apparent ineffectiveness of the measures taken to remedy that situation are matters of concern.

Paragraph 80

The State party should take steps with a view to establishing the national minimum wage for agricultural workers and public-sector employees in consultation with employers' and workers' representatives.

- Morocco, ICESCR, E/1995/22 (1994) 28 at para. 114.

Labour laws and regulations are largely ignored or disregarded in the informal and traditional sectors of the economy and the absence or limited presence of labour inspectors in these sectors has impeded the effective implementation of regulations relating to just and favourable conditions of work, including the health and safety of the workplace.

- Belgium, ICESCR, E/1995/22 (1994) 34 at para. 156.

Legislative measures, which are under elaboration, to regulate the access of employers' and workers' organizations to the National Labour Council and other organs should be speedily enacted.

- Mauritius, ICESCR, E/1995/22 (1994) 37 at paras. 173 and 174.

Paragraph 173

Article 6 of the Covenant enshrines the right of everyone to gain his living by work which he freely chooses or accepts. In the light of this provision, the Committee is concerned about certain provisions of the Merchant Shipping Act, No. 28 of 1986, according to which certain breaches of discipline by seamen are punishable by imprisonment (involving an obligation to perform labour), and foreign seamen may be forcibly conveyed on board ships to perform their duties. These provisions are also a subject of concern to the ILO Committee of Experts on the Application of Conventions and Recommendations.

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Paragraph 174

The excessive overtime work in the Export Processing Zones is 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. 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.

- Argentina, ICESCR, E/1995/22 (1994) 47 at paras. 232, 238 and 241.

Paragraph 232

The way in which the "temporary" workers, as they are known in Argentina, are treated is noted with concern, since the measures taken to guarantee their economic, social and cultural rights appear inadequate, particularly in times of growing unemployment.

Paragraph 238

Campaigns to increase awareness of hygiene and safety in the workplace through public campaigns have not proved effective as hygiene and safety in the workplace are frequently below established standards.

Paragraph 241

The Government is urged to analyse the reasons for the lack of effectiveness of its initiatives in the area of safety and hygiene in the workplace and to make greater efforts to improve all aspects of environmental and industrial hygiene and safety.

- Austria, ICESCR, E/1995/22 (1994) 50 at paras. 255 and 261.

Paragraph 255

The standards for the protection of workers concerning limits on the duration of the working day and weekly rest are not always fully met because some areas of the private sector are dilatory in enforcing the relevant legislation.

Paragraph 261

Taking account of the observations made by the ILO Committee of Experts on the Application of Conventions and Recommendations in its 1994 report concerning work done by detainees within prisons for private businesses, the Government of Austria should take measures to improve the level of remuneration and social welfare of such detainees.

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

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 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.

- Republic of Korea, ICESCR, E/1996/22 (1995) 24 at para. 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.

- Philippines, ICESCR, E/1996/22 (1995) 30 at paras. 114 and 128.

Paragraph 114

The situation of Filipino overseas workers, especially women who often face hardship and humiliation, is noted with great concern.

Paragraph 128

On the issue of Filipino overseas workers, it is recognized that the Government cannot control emigration. More can and should be done to inform and educate existing and potential workers about the difficulties they might face abroad and about their rights.

- Suriname, ICESCR, E/1996/22 (1995) 37 at paras. 158 and 165.

Paragraph 158

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The inconsistent protection of the rights of workers, depending on their membership in trade unions, is noted with concern. Workers who are not covered by collective bargaining agreements are not guaranteed a minimum wage, are not covered by occupational safety clauses and receive little or no protection in the event of illness. Women workers who are not members of trade unions receive little or no maternity benefits and may be dismissed if they become pregnant. Further concern is expressed about the inadequate protection of immigrant workers.

Paragraph 165

Legislation should be enacted to protect workers who are not covered by collective bargaining agreements, in order to ensure them a minimum wage, health and maternal benefits, safe working conditions, and other guarantees that meet international standards for conditions of work. The Government is encouraged to extend such protection to immigrant workers.

- Colombia, ICESCR, E/1996/22 (1995) 41 at paras. 183, 190, 198 and 200.

Paragraph 183

The existence of a high number of abandoned children or street children deprived of all their rights (family environment, education, health, housing, etc.) is of concern. The fact that the "Community Mothers Programme", designed to help the children, is insufficiently funded, bearing in mind the important social work accomplished by these women, without appropriate training and work conditions, is also of concern.

Paragraph 190

It is noted that the implementation and monitoring of health and safety measures in the workplace have not reached the desirable level, due to the insufficient number of labour inspectors.

Paragraph 198

The Government should take measures to improve the quality of secondary education and the material conditions of teaching staff.

Paragraph 200

The Government should improve the training of "community mothers" and regularize their work situation, treating them for all purposes as workers in the employ of a third party.

- 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

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conditions for women and at 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 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 the phenomenon through legislative measures and education, and by providing protection to victims of discrimination and violence against women.

- Guatemala, ICESCR, E/1997/22 (1996) 29 at para. 131.

The apparent flagrant disregard of labour laws, the alarming reports of employer impunity, and the lack of respect for minimum wages, conditions of work and unionization, particularly as these issues affect individuals employed in a large number of the farming sectors, are deeply disturbing matters. The ineffectiveness of labour laws in protecting trade-union rights when coupled with the problems of high levels of unemployment and underemployment gives cause for deep concern. Despite the Government's stated policy of undertaking further commitments to strengthen the labour inspectorate and introduce changes in the monitoring and enforcement of labour standards, including through the proposals on economic policy and labour legislation contained in recently signed agreements, the possibilities for ensuring effective implementation of the new proposals continue to give grounds for concern. One aspect of serious concern is the situation of those persons working in the *maquilas* (export sector industries), many of whom are women.

- El Salvador, ICESCR, E/1997/22 (1996) 34 at paras. 162 and 177.

Paragraph 162

Concern is expressed at the adverse consequences for economic, social and cultural rights of the way in which economic adjustment, austerity and privatization programmes have been implemented, especially in the short term. It is noted that working conditions in the duty-free zones have deteriorated and that difficulties have resulted from the inadequacy of resources available to enable the factory inspectorates to enforce legislation on the minimum wage, equal remuneration for men and women, industrial safety and hygiene, and wrongful dismissal.

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

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to enable them to carry out the tasks entrusted to them.

- Guinea, ICESCR, E/1997/22 (1996) 39 at paras. 198 and 203.

Paragraph 198

It is noted that there is a serious unemployment problem in Guinea. For example, unemployment among qualified young people has increased considerably in recent years. According to information received, salaries are too low for the high cost of living, leaving many Guineans to supplement their incomes through additional jobs, as the majority of civil servants are forced to do, quite illegally.

Paragraph 203

It is noted that many children work on farms, in small businesses and as street vendors. Observance of the Covenant requires that the Government implement the Labour Code provisions prohibiting child labour under the age of 16.

- Dominican Republic, ICESCR, E/1997/22 (1996) 44 at paras. 224 and 230.

Paragraph 224

The exploitation of Haitians and their unacceptable living conditions in the *bateye* are of particular concern. In this connection, the Committee has no reason not to accept the veracity of various reports which emphasize the dire predicament of workers in the *bateyes*, especially women workers whose presence there is not administratively recognized and who therefore become vulnerable to extreme exploitation (their wages are 50 per cent lower than men's) and are often deprived of their rights and the most basic health and social services. Both men and women in the *bateyes*, as well as Haitian workers in other sectors of the economy, live in perpetual insecurity and they constitute the principal national group in the Dominican Republic who are subject to deportation in inhuman conditions, often at the whim of employers who take advantage of the State's inaction to exploit the vulnerability of this group.

Paragraph 230

It is noted with alarm that, 30 years after the first industrial park was established in a free-trade zone in the Dominican Republic, unacceptable working conditions and abuses against workers' rights under articles 6, 7 and 8 of the Covenant persist.

- Portugal (Macau), ICESCR, E/1997/22 (1996) 48 at paras. 251 and 257.

Paragraph 251

It is noted with concern that labour regulations are not enforced effectively in Macau, resulting in

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workers having to work under unfavourable and repressive conditions without access to legal recourse. Protective measures on working conditions and social security for non-resident workers are still lacking. Measures protecting the right to strike, the right to organize trade unions and the right to collective bargaining are also lacking.

Paragraph 257

Of further concern is that the Territory does not have a procedure for the determination of minimum wages.

- Finland, ICESCR, E/1997/22 (1996) 55 at paras. 308 and 315.

Paragraph 308

Although it is noted that collective agreements in some sectors of professional activity contain provisions for the determination of minimum wages, it is of concern that no minimum wage is guaranteed by law.

Paragraph 315

Consideration should be given to enacting legislation providing for minimum wages, and their periodic adjustment, so that protection is ensured to workers who are not protected by sectoral collective agreements.

See also:

- Finland, ICESCR, E/2001/22 (2000) 73 at paras. 442 and 455.
- United Kingdom of Great Britain and Northern Ireland (Hong Kong), ICESCR, E/1997/22 (1996) 58 at paras. 342 and 359.

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 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.

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See also:

- Hong Kong Special Administrative Region (China), ICESCR, E/2002/22 (2001) 39 at paras. 177, 190 and 196.
- Russian Federation, ICESCR, E/1998/22 (1997) 27 at paras. 104, 106, 119 and 121.

Paragraph 104

The State party has not taken adequate steps or devoted sufficient funding to find ways of addressing the following issues:

- (a) Dangerous working conditions in many enterprises, including use of dangerous and out-of-date technology, lack of protection for workers and excessively long hours of work;
- (b) The high rate of serious industrial accidents, including an excessive number resulting in death;
- (c) Refusal by some enterprises to compensate workers in cases of workplace injuries;
- (d) An inadequate system for the reporting of unsafe working conditions and accidents, including the absence of a legal framework which protects workers, whether unionized or not;
- (e) Inadequate funding for the labour inspectorate to conduct sufficient inspections to deter and sanction non-compliance by employers;
- (f) The large number of illegal dismissals, which in practice are without remedy;
- (g) The development of large-scale child labour; and
- (h) The refusal of some employers to recognize or deal with new, “alternative” unions and the fact that some employers take adverse action, including dismissal, against union activists.

Paragraph 106

The non-payment of wages, which has led to a large number of strikes, particularly in the State sector, as well as the payment of wages in kind by some employers is of concern. Late payment of wages is similarly unacceptable because it impedes the workers' from meeting their needs and, in an inflationary environment, robs them of the value of the money that has been earned.

Paragraph 119

Comprehensive steps should be taken to ensure safety and health in the workplace and to this end, increased funding of the labour inspectorate should be provided. It is recommended that a framework

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be developed to encourage and protect workers who report inadequate conditions of work. The State party should take steps to accelerate further the development of trade unions by, *inter alia*, removing the practical constraints on the right to freedom of association, to ensure that management is separated from official unions as part of a bargaining unit, and, generally, to enable the unions to function more effectively. A comprehensive strategy should be developed to combat child labour.

Paragraph 121

Immediate steps should be taken to ensure the payment of wages by both the State and private enterprises, and to punish those who have illegally diverted the funds in question for other purposes.

- Peru, ICESCR, E/1998/22 (1997) 33 at paras. 147, 148 and 161.

Paragraph 147

Concern is expressed that many workers do not earn the minimum wage fixed by law. It is of concern that the minimum wage is lower than the cost of the basic shopping basket. The characterization of young people aged 16 to 25 as “apprentices” and their resulting exclusion from coverage by the relevant labour legislation is also a major source of concern.

Paragraph 148

The ineffectiveness of labour legislation to protect trade-union rights, including the right to strike is of concern. As a result, the basic rights of workers are frequently violated.

Paragraph 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. It is stressed that sufficient resources should be allocated to the labour-inspection services to enable them to perform their task properly. The State party should take steps to ensure that the private pension system is not promoted to the detriment of the public pension system, in terms of safeguarding pensioners' acquired rights.

- Libyan Arab Jamahiriya, ICESCR, E/1998/22 (1997) 38 at paras. 184, 185 and 190.

Paragraph 184

Reports that foreigners who have come to work in the State party in connection with the Great

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Man-made River project are living and working in appalling conditions are of concern. Foreign employees in the State party who are accused of infringing disciplinary rules may be punished by penalties of imprisonment which can include compulsory labour. The State party also maintains different rates of payment of pensions for foreign and Libyan workers, which is discriminatory.

Paragraph 185

Concern is expressed at reports that during the second half of 1995, thousands of foreign workers were arbitrarily expelled from the State party and were not given adequate compensation. It is regretted that there is no possibility for a legal or judicial remedy against those expulsions. The justification for this action is that foreign workers were the cause of many of the State party's social problems, such as violent crime, immoral activities, black-market transactions, drug trafficking, trafficking in women and the spread of communicable diseases. Such a rationale is unacceptable and a clear violation of the Covenant.

Paragraph 190

The status and working conditions of foreign workers should be improved without undue delay, and these persons should be treated with dignity and enabled to benefit fully from the rights enshrined in the Covenant.

- Dominican Republic, ICESCR, E/1998/22 (1997) 43 at paras. 216, 218, 219 and 234-236.

Paragraph 216

It is noted that approximately 500,000-600,000 Haitian illegal workers reside in the State party, some of them for one or two generations, without any legal status and any protection of their economic, social and cultural rights. Particular concern is expressed about the situation of the children who do not receive Dominican nationality on the grounds that they are children born of foreigners in transit. It is noted with concern that until now, measures have not been taken to improve the overall situation of illegal workers by regularizing their status and that of their children.

Paragraph 218

Despite steps taken to raise the minimum wage, the minimum wage is not yet sufficient to ensure a decent living for workers and their families, in accordance with article 7 (a) (ii) of the Covenant.

Paragraph 219

Reports of extremely unsatisfactory working conditions in the free-trade zones are of concern. Concern is expressed that workers in the free-trade zones are allegedly discouraged from joining or forming trade unions and that the regulations concerning the right to strike in the Labour Code are not complied with by employers.

Paragraph 234

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The Government is urged to adopt positive measures to improve living conditions in the *bateyes*. The legal status of the *bateyes* should be modified and their relationships with municipalities improved. Sugar cane companies should be required to provide inhabitants of the *bateyes* with basic facilities, such as water and electricity, and with health and social services.

Paragraph 235

With respect to the State party's obligations under article 7 (a) (ii) of the Covenant, it is recommended that the minimum wage be reviewed without delay and be periodically adjusted in order to provide workers with a "decent living for themselves and their families in accordance with the provisions of the ... Covenant". All sectors of activity should be covered by the regulation of the minimum wage, including the sugar cane industry, and inspection mechanisms should be set up and given the means to conduct surveys in this area.

Paragraph 236

It is recommended that workers in the free-trade zones be allowed to form and join trade unions, that their right to strike be acknowledged, that the minimum standards with regard to working conditions be respected, and that inspection mechanisms be set up with full freedom to carry out their tasks in these zones.

- Iraq, ICESCR, E/1998/22 (1997) 50 at para. 278.

The need for the protection of all working minors, including those employed in family undertakings, is stressed.

- Uruguay, ICESCR, E/1998/22 (1997) 67 at paras. 369, 376 and 378.

Paragraph 369

Concern is expressed about the increase in labour-related accidents due to non-compliance with security measures, particularly in the construction sector.

Paragraph 376

The State party is called upon to comply with its obligations under article 7 of the Covenant and, in particular, to take steps towards fixing a national minimum wage indexed to the cost of living in consultation with employers' and workers' representatives. The State party is urged to ensure that its existing legislation in respect of the occupational health and safety of workers is fully implemented and that the labour inspection system is strengthened.

Paragraph 378

The State party should take measures to increase the real salaries of teachers and nurses.

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- Luxembourg, ICESCR, E/1998/22 (1997) 69 at para. 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.

- Saint Vincent and The Grenadines, ICESCR, E/1998/22 (1997) 72 at paras. 423 and 425.

Paragraph 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 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.

Paragraph 425

With respect to article 7 of the Covenant, concern is expressed that legislation in respect of occupational safety and health is significantly outdated. Due to financial constraints labour inspections are not efficiently and regularly conducted and employers do not always report accidents and occupational diseases to Labour Department officers, as they are required. The current minimum wage is insufficient to provide a decent standard of living, and the Wages Council has not reviewed the minimum wage for more than seven years, despite its legal obligation to do so every two years.

- Sri Lanka, ICESCR, E/1999/22 (1998) 22 at paras. 77, 82 and 91.

Paragraph 77

The plight of hundreds of thousands of Sri Lankan women working abroad as domestic helpers, many of them underpaid and treated as virtual slaves, is of concern. It is regretted that the Government has not made a serious effort to assess the negative impact of this phenomenon on children who are left in vulnerable and difficult circumstances without their mothers and to take appropriate remedial measures.

Paragraph 82

It is noted with concern that the current policy allowing industry-specific wage boards to determine minimum wages does not protect workers in the smaller industries which are not part of the wage board system.

Paragraph 91

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The Government should undertake an assessment of the impact on children of the prolonged absence of their mothers working abroad with a view to educating Sri Lankan women in this regard, and to discourage women from leaving the country for employment abroad as domestic helpers, the conditions of which are often deplorable.

- The Netherlands (Antilles), ICESCR, E/1999/22 (1998) 41 at para. 224.

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

- Israel, ICESCR, E/1999/22 (1998) 43 at para. 240.

The rapid growth of unemployment in Israel as a result of which more and more workers are employed in low-paying part-time work where they have little or no legal protection is noted with concern.

- Cyprus, ICESCR, E/1999/22 (1998) 50 at paras. 285, 291, 292 and 294.

Paragraph 285

Domestic workers enjoy little protection against being forced to work unduly long hours. The State party appears not to provide adequate protection against repressive and exploitative measures directed at prostitutes. Such persons are particularly vulnerable because of their fear of retribution from their employers.

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 promulgating the draft regulations concerning the employment and working conditions of pregnant women and nursing mothers and ensuring that they comply with the Covenant.

Paragraph 292

All the necessary steps should be taken to improve understanding of the nature and scope of the problems faced by domestic workers, with a view to implementing fully existing laws. The Committee emphasizes the necessity:

(a) To initiate campaigns to raise awareness of this issue among trade unions, women's organizations and communities in Cyprus to which the domestic workers belong; and

(b) To improve the system of complaints concerning abuse, with a view to protecting fully the rights

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of complainants.

Paragraph 294

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

- Switzerland, ICESCR, E/1999/22 (1998) 59 at para. 367.

Any modification to the statute on civil servants should be formulated in such a way as to safeguard the acquired rights of civil servants, as guaranteed in the Covenant.

- Canada, ICESCR, E/1999/22 (1998) 63 at paras. 407 and 430.

Paragraph 407

It is of concern that the minimum wage is not sufficient to provide an adequate standard of living for a worker and his or her family.

Paragraph 430

The federal, provincial and territorial governments are urged to review their respective "workfare" legislation in order to ensure that none of the provisions violate the right to freely chosen work and other labour standards, including the minimum wage, rights which are not only guaranteed by the Covenant but also by the relevant ILO conventions on fundamental labour rights and labour standards.

- Ireland, ICESCR, E/2000/22 (1999) 33 at para. 140.

The fact that the Merchant Shipping Act of 1894 is still in force, which provides that seafarers absent without permission are to be punished by being forced to work on board ship, is deplored.

- Bulgaria, ICESCR, E/2000/22 (1999) 46 at paras. 232 and 244.

Paragraph 232

The low wages of teachers in the State party is of concern.

Paragraph 244

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The State party should explain the measures it has taken to ensure that all teaching staff enjoy the conditions, including wages, commensurate with their status, in accordance with article 13, paragraph 2 (e) of the Covenant.

- Argentina, ICESCR, E/2000/22 (1999) 49 at paras. 264, 270, 279 and 285.

Paragraph 264

The adoption of legislative reforms by the State party that tend to increase the precariousness of work relationships is of concern. This is evidenced by permitting the adoption of collective agreements that reduce the legal work standards, an increase in the trial period stipulated in work contracts and the generalization of contracts of limited duration.

Paragraph 270

The privatization of labour inspections and control systems is of concern, and it is noted that public campaigns are not an adequate substitute for efficient inspections carried out by public authorities. It is of concern that conditions in workplaces, particularly in the building sector, frequently fail to meet established standards.

Paragraph 279

The State party should examine its legislation with regard to provisions of collective agreements that have detrimental effects such as those lengthening the trial period stipulated in work contracts, or limiting the duration of contracts, and should verify their conformity with articles 6 and 7 of the Covenant.

Paragraph 285

The Government is urged to improve the effectiveness of its measures in the area of safety and hygiene in the workplace, particularly in the construction sector, to increase its efforts to improve all aspects of environmental and industrial hygiene and safety, as well as to ensure that the control and inspection of industrial hygiene and safety are carried out by public authorities.

- Cameroon, ICESCR, E/2000/22 (1999) 56 at paras. 331, 333, 342, 348 and 349.

Paragraph 331

The lack of government action to protect the rights of workers on rural plantations by safeguarding for them just conditions of work is deplored. The replies that such workers were free to negotiate

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the conditions of their employment is of concern, as the Government is obliged under the Covenant to ensure that all workers enjoy favourable conditions of employment, including fair wages, safe conditions of work and a reasonable limitation on working hours.

Paragraph 333

It is regretted that the minimum wage set by the Government is not adequate to enable workers to live above the poverty line, let alone to provide a decent standard of living for themselves and their families.

Paragraph 342

The inadequate salaries earned by teachers and the lack of school buildings and other infrastructure and of services, particularly in rural areas, are of deep concern.

Paragraph 348

The State party is called upon to introduce specific legislation and policies to prohibit domestic violence and sexual harassment in the workplace, with a view to strengthening the protection of women.

Paragraph 349

The State party is urged to take effective measures to protect the rights of workers on rural plantations, to ensure that they enjoy just and favourable conditions of work.

- Mexico, ICESCR, E/2000/22 (1999) 62 at para. 382.

It is regretted that the minimum wage level has not been adjusted upwards despite the positive growth of macroeconomic indicators. At present, about five minimum wages are needed to obtain the officially set basic food basket, in violation of article 7, paragraph (a) (ii) of the Covenant.

- Georgia, ICESCR, E/2001/22 (2000) 30 at paras. 81, 85, 97 and 98.

Paragraph 81

Concern is expressed about the grave problem of poverty with which the Government of Georgia is confronted. Despite the efforts made by the State party, the average minimum wage is still insufficient to ensure an adequate standard of living for large parts of the Georgian population.

Paragraph 85

It is noted with concern that workers in various sectors of the economy have not been paid on time.

Paragraph 97

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The Committee supports the suggestion in the UNDP *Human Development Report Georgia 1999* that the poverty threshold level not be changed in accordance with proposals which the State party has received, as such a change would incorrectly reflect the poverty situation in the country. In this respect, the State party is urged to take adequate measures to ensure that the minimum wage is sufficient to meet the basic needs of the wage earner and his or her family.

Paragraph 98

The State party should take remedial action to ensure that workers in various sectors of the economy are paid on time.

- Italy, ICESCR, E/2001/22 (2000) 34 at paras. 111, 118, 130 and 131.

Paragraph 111

The approval of law No. 53 of 8 March 2000 which recognizes the right of the father, as well as the mother, to take leave from work to care for a child during early infancy is noted with appreciation.

Paragraph 118

Alarm is expressed about the high rate of accidents in the workplace. The attention of the State party is drawn to the concern expressed by the ILO Committee of Experts which has repeatedly drawn the Government's attention to the need to adopt legal regulations and policies on the prevention of accidents in the workplace, and in particular in the ports.

Paragraph 130

The State party is called upon to implement the recommendations made by the ILO Committee of Experts concerning the decentralization of labour inspection.

Paragraph 131

Effective measures should be taken to ensure that workers enjoy safe working conditions. In particular, it is recommended that the State party adopt measures, including legislation, on the prevention of accidents, particularly in the ports, and ratify the ILO Occupational Safety and Health (Dock Work) Convention, 1979 (No. 152). It is also recommended that the State party ratify the Prevention of Major Industrial Accidents Convention, 1993 (No. 174) and the Part-time Work Convention, 1994 (No. 175).

- Egypt, ICESCR, E/2001/22 (2000) 38 at paras. 163 and 178.

Paragraph 163

Deep concern is expressed over reports that children under 12 years of age work more than six hours

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daily in the agricultural sector, which deprives them of their right to education. In addition, reports also claim that children between 8 and 15 years of age work in cotton gins in the Nile Delta under unfavourable conditions without lunch or rest breaks, and have no protection under Egyptian law particularly with regard to work-related injuries and diseases.

Paragraph 178

The State party is urged to take steps towards establishing stronger labour laws in order to protect children from abusive working conditions and to undertake immediate measures towards the eradication of illegal child labour.

- Congo, ICESCR, E/2001/22 (2000) 43 at paras. 204, 210 and 214.

Paragraph 204

The Committee is gravely concerned about a number of labour-related issues in the Congo. As a result of the abrogation of the Constitution, many constitutional provisions concerning the right to work and to just and favourable conditions of work are not in effect, such as provisions prohibiting forced and bonded labour by children under the age of 16 and those providing for reasonable pay, paid holidays, periodic paid vacation and legal limits on allowable hours of work.

Paragraph 210

The State party is urged to adopt a Constitution, in order to ensure that the people of the Republic, and particularly the most vulnerable and marginalized groups of society, enjoy their economic, social and cultural rights. It should also take appropriate measures, to guarantee, *inter alia*, the prohibition of discrimination, the elimination of forced or bonded labour, particularly of children under 16 years of age, and conditions for the enjoyment of the right to work, such as equal pay for equal work for men and women. These issues should be brought to the attention of ILO, with which the Government of the Congo is presently negotiating concerning follow-up measures to recently ratified ILO Conventions and possible technical cooperation programmes.

Paragraph 214

Due attention should be paid to the rehabilitation of the educational infrastructure by allocating the necessary funds for teachers' salaries, teaching materials and school building repairs.

- Jordan, ICESCR, E/2001/22 (2000) 49 at paras. 238, 239 and 253.

Paragraph 238

Concern is expressed that non-Jordanian workers are exempted from minimum wage provisions, are

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denied participation in trade union activities and are excluded from the social security system.

Paragraph 239

The 1996 Labour Code, which does not provide any protection for persons working in family-owned and agricultural enterprises or domestic labour, is of concern. It is precisely with respect to work in these areas that protection is most needed because it often involves hazardous working conditions, and largely female and child workers.

Paragraph 253

The Labour Code should be amended to ensure that workers in family-owned enterprises, agricultural activities and domestic labour are effectively protected, and that inspections extend to these areas.

- Mongolia, ICESCR, E/2001/22 (2000) 53 at para. 270.

Deep concern is expressed about the adverse effects of the prevailing traditional values and practices and of poverty on women. Concern is expressed about discrimination against pregnant women and sexual harassment of women in the workplace. Furthermore, the absence of women at senior levels, both at work and in public office, is of concern.

- Kyrgyzstan, ICESCR, E/2001/22 (2000) 62 at para. 342.

Recent estimates of unemployment reaching 26 per cent are noted with concern. It is regretted that despite the efforts of the Government to raise the statutory minimum wage to match the minimum consumer budget, the minimum wage does not provide a decent standard of living to the worker and his/her dependants. Furthermore, it is noted with regret that the Government is in arrears in payments of pensions and of civil servants' salaries.

- Australia, ICESCR, E/2001/22 (2000) 66 at paras. 382, 383, 391 and 392.

Paragraph 382

It is noted with concern that the Workplace Relations Act of 1996 favours individual negotiation with employers over collective bargaining, thereby reducing the role of the Australian Industrial Relations Commission. Concern is also expressed about the restrictions resulting from the Act with regard to the protection of wages, job security and temporary employment.

Paragraph 383

Homeworkers, who are predominantly women, do not enjoy any form of social protection and are paid substantially lower wages than the minimum wage, which compels them to work excessively

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long hours in order to earn enough to ensure the daily subsistence of their families.

Paragraph 391

The State party should ensure that the legislative provisions concerning job security are strengthened and effectively implemented, especially for the most vulnerable groups, such as fixed-term contract workers, temporary workers and casual workers.

Paragraph 392

Measures should be undertaken to protect homeworkers and to ensure that they receive the official minimum wage, that they benefit from adequate social security and that they enjoy working conditions in conformity with the legislation.

- Finland, ICESCR, E/2001/22 (2000) 73 at paras. 441 and 454.

Paragraph 441

Concern is expressed about the practical enjoyment of labour rights by the so-called "stand-by" workers who allegedly can be laid off without notice.

Paragraph 454

The State party should ensure that legislative provisions concerning job security are effectively implemented, especially as regards the most vulnerable groups, such as part-time, "stand-by" workers and foreigners.

- Morocco, ICESCR, E/2001/22 (2000) 82 at paras. 528, 529, 532, 552 and 553.

Paragraph 528

The continuing delays with regard to the adoption of a new labour code, aiming at the unification of existing labour legislation is regretted. Moreover, concern is expressed that certain issues contained in the draft labour code, such as the minimum age for labour and conditions of child labour, are not in conformity with the relevant ILO Conventions (Nos. 138 and 182 respectively), which the State party has not yet ratified.

Paragraph 529

Concern is expressed that the minimum wage is not sufficient to allow workers to maintain an adequate standard of living for themselves and their families. Moreover, no adequate reason was given for the considerable discrepancy between the minimum wage of industrial workers and that of agricultural workers.

Paragraph 532

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It is of concern that there is no legislation in place which affords protection to those who are employed as domestic workers, especially young girls, who are ill-treated and exploited by their employers.

Paragraph 552

The State party is urged to adopt the draft labour code and to ensure that the provisions thereof are in conformity with articles 6, 7 and 8 of the Covenant, as well as with the relevant ILO conventions to which Morocco is party. In this regard, the State party is strongly encouraged to ratify ILO Conventions Nos. 87 (on trade unions), 138 (on minimum age), 169 (on indigenous and tribal peoples) and 12 (on the worst forms of child labour).

Paragraph 553

Measures should be undertaken to eliminate the existing significant disparity in the minimum wage afforded to the various categories of workers, particularly industrial and agricultural workers. In addition, it is strongly recommended that the minimum wage be established at a level that will better ensure an adequate standard of living for workers and their families, in accordance with article 7 of the Covenant.

- Venezuela, ICESCR, E/2002/22 (2001) 29 at paras. 86, 87, 96 and 97.

Paragraph 86

Concern is expressed about the high rate of unemployment and lack of job security for workers as hiring practices become more flexible driving many workers into the informal sector.

Paragraph 87

Despite the stipulations in article 91 of the Constitution establishing the right of everyone to sufficient wages to support a worker and his family, and by which minimum wages are adjusted every year, concern is expressed that the minimum wage is still far short of meeting workers' basic requirements, and that there are disparities between urban and rural wages.

Paragraph 96

The State party is urged to implement the 1986 Health and Safety Act, which determines safe and healthy conditions of work.

Paragraph 97

The State party should take effective action to reduce the unemployment rate by, *inter alia*, providing training for young people and protection against unwarranted dismissal for workers, and by conducting regular reviews of the minimum wage levels to enable workers to attain an adequate standard of living for themselves and their families.

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- Honduras, ICESCR, E/2002/22 (2001) 33 at paras.122-124, 143, 144, 149 and 152.

Paragraph 122

It is of concern that there is a lack of legislative and administrative measures to control the negative effects of transnational companies' activities on the employment and working conditions of Honduran workers and to ensure compliance with national labour legislation. Examples of such negative impacts are the low-level of wages and the sub-standard working conditions in the *maquilas* (assembly plants), and in particular those employing primarily women workers.

Paragraph 123

Particular concern is expressed about the very low number of labour inspectors and their inability to fulfil their responsibilities adequately due to reported restrictions that limit their access to enterprises and other working places subject to inspection.

Paragraph 124

It is of grave concern that the minimum wage of workers is insufficient to provide for an adequate standard of living in the State party.

Paragraph 143

It is strongly recommended that the State party implement existing legislative and administrative measures to avoid violations of environmental and labour laws by transnational companies.

Paragraph 144

The State party is urged to increase the number of labour inspectors, and to ensure the full exercise of their authority in workplaces.

Paragraph 149

It is recommended that the minimum wage be determined on the basis of criteria of an adequate standard of living in the State party.

Paragraph 152

Given that mining concessions may have a significant impact on the enjoyment of article 12 and other provisions of the Covenant, the Committee recommends that applications for mining concessions be advertised in all the localities where, if granted, they will take place, and that opposition to such applications be allowed within three months (not 15 days) of their publication in the relevant locality, in accordance with principles of procedural fairness.

- Republic of Korea, ICESCR, E/2002/22 (2001) 45 at paras. 215, 222, 227, 228, 230 and 248.

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Paragraph 215

The extended application of the minimum wage to workers in all enterprises is welcomed, whereas the minimum wage had previously been applicable only to workers in enterprises employing over 10 persons.

Paragraph 222

Concern is expressed that the State party did not take into account its Covenant obligations when negotiating with international financial institutions to overcome its financial crisis and restructure its economy. The over-reliance on macro-economic policies has had profound negative effects on the enjoyment of economic, social and cultural rights in that there have been large-scale employee dismissals and lay-offs, the significant deterioration in employment stability, growing income inequalities, an increasing number of broken families and marginalization of a large number of persons.

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.

Paragraph 228

Alarm is expressed at the rising incidence of industrial accidents in recent years, which appears to be the result of a relaxation of the standards governing industrial safety and of the insufficient number of on-site inspectors.

Paragraph 230

The laws governing industrial actions are not transparent and appear to give the authorities inordinate discretion in determining the legality of strikes. In this regard, the approach taken to criminalize strike activities is entirely unacceptable. In addition, the Committee is deeply disturbed by the excessive police force used in recent labour demonstrations that had been set off by massive lay-offs. The Committee considers the combined effect of these circumstances to be a clear negation of the rights provided for in article 8 of the Covenant.

Paragraph 248

It is strongly recommended that the State party reconsider the status of irregular workers and guarantee their rights under the Covenant.

- Bolivia, ICESCR, E/2002/22 (2001) at paras. 270, 271, 288 and 290.

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Paragraph 270

Notwithstanding the impressive number of legal instruments and policies adopted by the State party to ensure gender equality, concern is expressed about the *de facto* inequality between men and women, which is exacerbated by the perpetuation of traditional prejudices and social conditions, such as discrimination in education of the girl child in rural areas. Such discrimination is particularly reflected in the low level of representation of women in public service, the high female illiteracy rate, the unequal wages for work of equal value, and the high proportion of women working under inadequate conditions in the informal sector or as domestic workers.

Paragraph 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.

Paragraph 288

The State party is called upon to ensure just and favourable working conditions to domestic workers, in particular with regard to daily and weekly rest and annual paid vacation, terms of dismissal, social benefits and salary.

Paragraph 290

The State party is urged to ensure that the minimum wage is sufficient to provide an adequate standard of living for the worker and his family.

- Senegal, ICESCR, E/2002/22 (2001) 61 at paras. 345-347, 353, 368 and 369.

Paragraph 345

The minimum wage is not sufficient to provide a decent standard of living for workers and their families.

Paragraph 346

It is of concern that, while half of Senegalese workers are employed in the informal sector, most of them still lack access to basic social services, including social security and health insurance, and work long hours in unsafe conditions.

Paragraph 347

Appropriate measures are not being taken to protect the rights of domestic workers, mostly women and girls, especially with regard to their lack of access to basic social services, their unfavourable working conditions and their wages, which are far below the minimum wage.

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Paragraph 353

There is concern about the increasing number of street children, especially in Dakar, and about the high incidence of child labour, especially in rural areas, and the exploitation of children engaged in agriculture, domestic work, informal trading and other services. The low remuneration that children receive, which is well below the minimum wage is also of concern.

Paragraph 368

Effective action should be taken to reduce the unemployment rate by providing training for young people in urban areas and by conducting regular reviews of the minimum wage levels in order to enable workers to attain an adequate standard of living for themselves and their families.

Paragraph 369

All workers, including domestic workers, should have access to basic social services and should be paid decent wages. Labour regulations governing their hours of work and safe conditions of work should be scrupulously observed.

- Syrian Arab Republic, ICESCR, E/2002/22 (2001) 67 at paras. 407, 409, 412, 425, 426 and 429.

Paragraph 407

It is regretted that the State party has not provided sufficient information on the incidence of child labour. Moreover, there is deep concern that the minimum working age is too low and that children working in family businesses and the agricultural sector are not protected by the relevant labour legislation.

Paragraph 409

Concern is expressed that the minimum wage has not been adjusted in recent years and that it has therefore become insufficient to provide a basic and adequate standard of living for workers and their families.

Paragraph 412

The absence of unemployment benefits is of concern, which runs counter to the obligation under the Covenant to realize progressively the right to just and favourable conditions of work and to social security.

Paragraph 425

The minimum wage should be adjusted from time to time, so that it provides for an adequate standard of living for workers and their families, in conformity with articles 7 and 11 of the Covenant.

Paragraph 426

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The State party should request technical assistance from the ILO for the training of labour inspectors in order to ensure better implementation of labour legislation.

Paragraph 429

All necessary measures should be taken to guarantee - to the maximum of its available resources, as stipulated by article 2 (1) of the Covenant - that an adequate system of social security is maintained, in particular with regard to the payment of unemployment benefits.

- Panama, ICESCR, E/2002/22 (2001) 73 at paras. 451-453 and 468.

Paragraph 451

It is of concern that the minimum wage is not sufficient to provide for the basic needs of the worker's family and that payment of that minimum wage is generally not respected in practice.

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 453

Concern is expressed about the lack of a sufficient number of labour inspectors and the reported widespread use of "blank" contracts and temporary work contracts, which avoid the protection and benefits that the law requires for persons employed under longer-term contracts. Legislation that sets excessively high requirements for the establishment of employer organizations and trade unions or their branches is also of concern.

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. 490, 491, 495, 496, 498, 506 and 507.

Paragraph 490

There is concern about the high level of poverty in the country and the inadequate measures taken to combat it. This is exacerbated by, among other things, privatization policies high unemployment, the low level of pensions and wages, a legal minimum wage which is below the recognized subsistence level, and the scarcity of adequate housing.

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Paragraph 491

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 495

Concern is expressed about the scale of the arrears in the payment of wages and pensions, depriving the people concerned of the means for survival.

Paragraph 496

The high number of accidents owing to inadequate health and safety standards in the workplace and obsolete industrial equipment, particularly in the mining sector, as well as the insufficient efforts of the State party to enforce the existing standards are noted with concern.

Paragraph 498

It is noted with concern that the budgets allocated for education and scientific research have fallen sharply, leading to a deterioration in the quality of education. There is particular concern about obsolete teaching materials and equipment in schools and colleges, and the low levels of remuneration for teachers.

Paragraph 506

The State party is called upon to ensure that employees are remunerated in a timely manner and that legislation on minimum wages is fully enforced.

Paragraph 507

Adequate resources should be allocated for workplace accident prevention programmes, and that it continues to strengthen the resources and powers of the labour inspectorate should continue to be strengthened. It is recommended that the State party consider ratifying the ILO Convention No. 81 (1947) concerning labour inspection in industry and commerce.

- Nepal, ICESCR, E/2002/22 (2001) 83 at paras. 539 and 565.

Paragraph 539

It is of concern that the legal minimum wage is not sufficient to provide a decent standard of living for workers and their families, particularly in the agricultural sector.

Paragraph 565

The minimum wage be determined on the basis of criteria for an adequate standard of living,

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especially for those working in the agricultural sector.

- Japan, ICESCR, E/2002/22 (2001) 90 at paras. 598, 599, 625 and 626.

Paragraph 598

It is of grave concern that excessive working hours are permitted, in both the public and private sectors.

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 625

The necessary legislative and administrative measures should be adopted to reduce working hours in both public and private sectors.

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.

- Germany, ICESCR, E/2002/22 (2001) 97 at paras. 659, 662, 663, 677, 680 and 681.

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 662

The issue of illegal workers, who are employed in the "shadow economy", has not been adequately addressed. Such workers include workers in households, hotel and catering industries, agriculture and the cleaning and building industries, who do not enjoy any rights or protection and do not get paid regularly or adequately.

Paragraph 663

There is concern that prisoners who undertake labour for private companies may be doing so without having expressed their prior consent.

Paragraph 677

The State party is encouraged to continue undertaking measures to ensure that the differences

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between new and old Länder in terms of standard of living, employment and wages for civil servants are decreased.

Paragraph 680

The necessary legislative and administrative measures should be taken to oblige employers to respect labour legislation and to declare the persons they employ, in order to reduce the number of illegal workers who do not enjoy the minimum protection of their rights to social security and health care.

Paragraph 681

Measures should be undertaken to ensure that prisoners working for private companies do so after having expressed their prior consent.

CEDAW

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

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

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

A top-priority policy of creating safe and protected jobs for women should be adopted 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.

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

Paragraph 302

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

Paragraph 303

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

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workplace in the private sector.

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 formed 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.

- Bangladesh, CEDAW, A/52/38/Rev.1 part II (1997) 117 at para. 441.

The poor working conditions of women workers in both the private and the public sector are of concern, particularly with the non-implementation of minimum wage levels and the lack of social and health benefits, including paid maternity leave, and the lack of adequate child-care facilities in the manufacturing sector. The lack of government monitoring of the conditions of women in the informal sector was noted.

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

The absence of efforts to ensure and enforce compliance with wage, benefit and workers' safety laws, including compliance with International Labour Organization Conventions, is of concern. Women's overall high unemployment rate, 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.

- Mexico, CEDAW, A/53/38/Rev.1 part I (1998) 32 at para. 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-

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bearing age are subject to mandatory pregnancy tests as a condition of employment.

- Kyrgyzstan, CEDAW, A/54/38/Rev.1 part I (1999) 15 at para. 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" are matters of concern.

- Greece, CEDAW, A/54/38/Rev.1 part I (1999) 20 at para. 189.

That the legal regulation of sexual harassment in the workplace remains unclear, notwithstanding its high incidence, is a concern.

- China, CEDAW, A/54/38/Rev.1 part I (1999) 26 at para. 286.

The Government is urged to regulate sexual harassment and provide legal remedies for women victims of sexual harassment in the workplace.

- 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. Women seasonal workers find themselves in a particularly precarious situation as regards working conditions, remuneration and childcare.

- Iraq, CEDAW, A/55/38 part II (2000) 66 at paras. 199 and 200.

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

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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 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.

- Cuba, CEDAW, A/55/38 part II (2000) 73 at paras. 263 and 264.

Paragraph 263

There is an insufficient assessment of the question of violence against women, and in particular of domestic violence and sexual harassment in the workplace. That no specific laws are in place to penalize domestic violence and sexual harassment in the workplace is of concern.

Paragraph 264

A comprehensive assessment should be made of the possible incidence of violence against women, including domestic violence and sexual harassment in the workplace, as well as, in case of incidents, the root causes of such violence. The Government should increase public awareness of the need to take measures to prevent such violence, consider launching a zero-tolerance campaign on violence against women, and increase the awareness of public officials and the judiciary about the seriousness of such violence.

- Jamaica, CEDAW, A/56/38 part I (2001) 22 at paras. 229 and 230.

Paragraph 229

The working conditions of female labourers in the free-trade zone areas are of concern.

Paragraph 230

Legislation should be enacted to protect the labour rights of workers in the free-trade zone areas.

- Finland, CEDAW, A/56/38 part I (2001) 29 at paras. 301 and 302.

Paragraph 301

The high level of sexual harassment in the workplace is of concern.

Paragraph 302

All necessary measures should be implemented in order to empower individuals and non-governmental organizations to take action with regard to sexual harassment.

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- Singapore, CEDAW, A/56/38 part II (2001) 51 at paras. 76-78.

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 these 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.

- Guyana, CEDAW, A/56/38 part II (2001) 60 at paras. 168 and 169.

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 also 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.

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 para. 214.

Efforts to eliminate stereotypes relating to traditional areas of employment and education for women

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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.

CRC

- Egypt, CRC, CRC/C/16 (1993) 24 at para. 101.

Specific concern is expressed regarding the very large number of children between 6 and 14 years of age who are enrolled in the labour force and therefore lack, wholly or partly, the possibility to go to school. Although children may to a certain extent contribute to seasonal activities, care should always be taken to ensure that primary education is available to them and that they are not working in hazardous conditions.

- Colombia, CRC, CRC/C/38 (1995) 16 at para. 89.

The rules on the minimum age of employment are below international standards and even then are not enforced. Hazardous child labour, including in mines, is a matter of the deepest concern.

- Iceland, CRC, CRC/C/50 (1996) 23 at para. 141.

The best interest of the child to spend time in his/her family environment may be infringed by the long working hours of parents. Sufficient measures have not been taken to prevent children from being alone at home during their parents' working hours. In this connection, the insufficient availability of places in nursery schools is of concern.

- Finland, CRC, CRC/C/50 (1996) 35 at para. 212.

It is noted with satisfaction that the Government provides a comprehensive social security system and a wide range of welfare services for the benefit of children and their parents, particularly free health care, free education, extended pregnancy leave rights and a large day-care system.

- Lebanon, CRC, CRC/C/54 (1996) 7 at para. 67.

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Further steps should be taken to protect children from hazardous work, including through the adoption of stricter legislation, ratification of all relevant International Labour Organization Conventions and the appointment of a sufficient number of child labour inspectors.

- Zimbabwe, CRC, CRC/C/54 (1996) 13 at para. 102.

The State party should consider the recommendations made by the International Labour Organization in its mission statement of 1993 and, in particular, the prohibition of the employment of young persons below 18 in hazardous activities, as well as making education free and compulsory up to age 15.

- Guatemala, CRC, CRC/C/54 (1996) 31 at para. 213.

That the majority of children of school age are not attending school, but are involved both in the informal and formal work sectors is a concern. Moreover, the inadequacy and ineffectiveness of the measures designed to ensure the establishment of appropriate standards and to monitor the working conditions of children when such activities are compatible with article 32 of the Convention is disturbing. The persistence of child labour and the lack of accurate assessment by the Government of the dimensions of the phenomenon in the country is a serious concern.

- United Kingdom of Great Britain and Northern Ireland (Hong Kong), CRC, CRC/C/57 (1996) 23 at para. 154.

A review should be undertaken of the effectiveness of measures in place to support the policy of promoting and encouraging breast-feeding. The free distribution of powdered milk for babies in hospitals, as well as the compatibility of conditions of employment with the obligation laid down in the Convention to encourage breast-feeding, should form an integral part of such a review.

- Syrian Arab Republic, CRC, CRC/C/62 (1997) 32 at para. 200.

Concern is expressed over the fact that the minimum age for employment of children is too low, that children working in family enterprises are not protected by the relevant provisions of Labour Act No. 91 of 1959, including on the minimum age of employment, the prohibition of night work and other protection measures with regard to harmful occupations. Furthermore, concern is expressed at reports of exploitation of child labour in the agricultural sector and at the lack of means available in rural areas to combat and prevent this phenomenon.

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- Cuba, CRC, CRC/C/66 (1997) 9 at para. 70.

Further measures should be taken to implement the recommendations of the ILO Committee of Experts on the Application of Conventions and Recommendations with respect to the obligations arising from ILO Convention No. 79, which provides for a period of rest at night of at least 12 consecutive hours, including the interval between 10 p.m. and 6 a.m., for young persons under the age of 18.

- Bangladesh, CRC, CRC/C/66 (1997) 22 at para. 147.

The large number of children who are working, including in rural areas, as domestic servants as well as in other areas of the informal sector, is of concern. That children are working in hazardous and harmful conditions, and are often vulnerable to sexual abuse and exploitation, is of concern.

- Lao People's Democratic Republic, CRC, CRC/C/69 (1997) 8 at para. 77.

Further efforts should be taken to prevent and combat economic exploitation of the child or the performing of any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development. Particular attention should be paid to children working in the informal sector and with their families. Furthermore, the age at which compulsory education maybe ended should be harmonized with the minimum age for work, by raising the former to 15. ILO Convention No. 138 concerning the minimum age for employment should be considered for ratification. Technical assistance in this area from the ILO should be considered.

- Libyan Arab Jamahiriya, CRC, CRC/C/73 (1998) 9 at para. 61.

Research should be carried out on the situation of child labour, including the involvement of children in hazardous work, to identify its causes and the extent of the problem.

- Micronesia, CRC, CRC/C/73 (1998) 20 at para. 142.

Efforts should be undertaken to prevent and combat economic exploitation or any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development. Particular attention should be paid to the conditions of children working with their families, in order to protect them. Technical assistance should be considered from UNICEF in this area.

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- Iraq, CRC, CRC/C/80 (1998) 15 at para. 83.

The dramatic increase in the economic exploitation of children over the past few years and the increase in the number of children leaving school, sometimes at an early age, to work to support themselves and their families is of concern. In this regard, the existing gap between the age at which compulsory education ends (12 years old) and the minimum legal age for access to employment (15 years old) is also of concern. Research should be carried out on the situation with regard to child labour in the State party, including the involvement of children in hazardous work, to identify the causes and the extent of the problem. Legislation protecting children from economic exploitation should also cover the informal labour sector. The age at which compulsory education ends should be raised to coincide with the minimum legal age for employment.

- Bolivia, CRC, CRC/C/80 (1998) 22 at para. 115.

The economic exploitation of children and the situation of children working and/or living on the streets remain of concern. The minimum age for access to work should not be lowered. Continued attention should be given to the situation of children involved in hazardous labour, including domestic labour and prostitution, in order to protect them from being exploited and from the negative impact on their development. Research should be undertaken on the issue of children living and/or working on the streets as a basis for adopting appropriate programmes and policies for the protection and rehabilitation of these children and the prevention of this phenomenon.

- Barbados, CRC, CRC/C/87 (1999) 9 at paras. 56 and 58.

Paragraph 56

The insufficient number of child care centres is not enough to serve all children concerned and is of concern. Efforts to provide sufficient numbers of child care services and to consider the possibility of setting up child care facilities at the workplace for public employees, thus facilitating breast-feeding practices, should be continued.

Paragraph 58

The existing legislation is unclear about the exact types and amount of work that are acceptable at different ages, including in connection with children assisting their families with agricultural or domestic tasks. Advantage should be taken of current preparations to ratify ILO Convention No. 138 on Minimum Age for Admission to Employment to review and clarify its own legislation concerning work at different ages in order to maximize the protection of children against economic exploitation.

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- Benin, CRC, CRC/C/87 (1999) 35 at para. 161.

Monitoring mechanisms should be improved to ensure the enforcement of labour laws and protect children from economic exploitation, especially those engaged as domestic workers, agricultural labourers and apprentices. Ratification of ILO Convention No. 138 concerning Minimum Age for Admission to Employment should be considered.

- Venezuela, CRC, CRC/C/90 (1999) 10 at para. 58.

The large number of children still involved in labour activities, particularly in the informal sector, including domestic workers, and in the family context is of concern. The insufficient law enforcement and lack of adequate monitoring mechanisms to address this situation are also matters of concern. The State party should continue working in cooperation with ILO/IPEC for the establishment and implementation of a national plan for the elimination of child labour and all the actions envisaged in the Memorandum of Understanding with ILO/IPEC should be undertaken. The situation of children involved in hazardous labour, especially in the informal sector where the majority of working children are found, deserves special attention. Child labour laws should be enforced, labour inspectorates should be strengthened and penalties should be imposed in cases of violation. Ratification of the new ILO Convention (No. 182) concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour is encouraged.

Paragraph 111

The growing drop-out rates, the reduction in enrolment rates for vocational and technical secondary education - especially among girls - and the deterioration of school infrastructure and of the conditions of service for teachers, including low wages and delays in payment, remain of concern.

Paragraph 122

Technical assistance should be sought from the ILO-IPEC when developing a comprehensive policy to prevent and combat the growing problem of child labour. Efforts to implement the provisions of ILO Convention (No. 138) concerning the Minimum Age for Admission to Employment (1973) should be strengthened and consideration should be given to ratifying ILO Convention No. 182 Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (1999).

See also:

- Honduras, CRC, CRC/C/87 (1999) 26 at para. 127.
- Nicaragua, CRC, CRC/C/87 (1999) 54 at para. 244.
- Russian Federation, CRC, CRC/C/90 (1999) 185 at paras. 111 and 122.

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- Mali, CRC, CRC/C/90 (1999) 43 at para. 225.

The situation of child labour, especially as regards children engaged in domestic and agricultural labour, children engaged in mining and traditional gold-washing and children engaged as apprentices in the informal sector, remains of concern. Monitoring mechanisms should be improved to ensure the enforcement of labour laws and to protect children from economic exploitation. Efforts should be increased to ratify ILO Convention No. 138 concerning Minimum Age for Admission to Employment and the ratification of ILO Convention No. 182 concerning the Elimination of the Worst Forms of Child Labour should be considered.

- Sierra Leone, CRC, CRC/C/94 (2000) 24 at para. 181.

With a view to assuring a better quality of education, the State party is urged to encourage trained teachers who have left the State party to return. The State party should strengthen teacher training courses so as to increase the number and standard of teachers, and invest sufficient resources in the education system to provide adequate school facilities, materials and salaries for teachers.

- Islamic Republic of Iran, CRC, CRC/C/97 (2000) 8 at para. 72.

The large numbers of children involved in child labour is a concern, especially those in the informal sector, such as household enterprises and agriculture, many of whom are working in hazardous conditions.

See also:

- Armenia, CRC, CRC/C/94 (2000) 53 at para. 344.
- Jordan, CRC, CRC/C/97 (2000) 31 at paras. 200 and 203.

Paragraph 200

The required resources should continue to be allocated, human and financial, to repairing and upgrading infrastructure, equipment and teaching materials and improving teachers' salaries, particularly in rural areas.

Paragraph 203

Concern is expressed that the Labour Law does not provide any protection for children working in family enterprises, agricultural activities and as domestic labour, thereby excluding from adequate protection the sectors where child labour in Jordan is concentrated, i.e. the informal sectors, which

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in many cases involves hazardous conditions.

- Norway, CRC, CRC/C/97 (2000) 43 at paras. 253 and 254.

Paragraph 253

The Committee joins the State party in expressing concern at limitations, and the lack of specialization, in the educational background of some teachers and notes that such limitations have a negative impact on education and pupils and are a consequence of numerous factors, including teachers' low salaries.

Paragraph 254

The impact of low teachers' salaries and other factors on education in the State party should be studied and efforts should be made to address the problems identified.

- Kyrgyzstan, CRC, CRC/C/97 (2000) 51 at paras. 322 and 323.

Paragraph 322

Concern is also expressed about children working in the informal sector, especially children from rural backgrounds who may be at special risk, many of whom are working in hazardous conditions. In particular, children involved in tobacco and cotton harvesting often receive no training on safety precautions when working with toxic pesticides and herbicides. There is also concern about child labour in mines in the south.

Paragraph 323

The enforcement of the minimum age for admission to employment should be ensured. Employers should be required to have and produce on demand proof of age of all children working on their premises. A national mechanism to monitor the implementation of standards at State and local levels should be established, and empowered to receive and deal with complaints of violations. Campaigns to inform and sensitize the general public, especially parents and children, of work hazards should be carried out. Also, the ILO Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (No. 182) should be ratified. The State party should seek assistance from, among others, ILO.

See also:

- Tajikistan, CRC, CRC/C/100 (2000) 53 at paras. 315 and 316.

- Finland, CRC, CRC/C/100 (2000) 8 at paras. 73 and 74.

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Paragraph 73

The Committee joins the State party in expressing concern at the lay-off of teachers in some municipalities due to economic factors, which may have an adverse effect on teaching and on the quality of education.

Paragraph 74

The revised school legislation should be implemented in order to ensure equality between the different regions of the country and between the various schools and educational establishments.

- Egypt, CRC, CRC/C/103 (2001) 36 at paras. 244 and 245.

Paragraph 244

Child labour is a matter of concern. Regulations governing working hours and exposure to hazardous conditions for children are not respected nor effectively enforced. In particular, there is no effective inspection and supervision in the private sector, family enterprises, agricultural activities and domestic labour, precisely where child labour in Egypt is concentrated, in many cases involving hazardous conditions. Eighty per cent of child labour is reportedly concentrated in the agricultural sector. Many of these children work long hours in dusty environments, without masks or respirators, receiving little or no training on safety precautions for work with toxic pesticides and herbicides. Moreover, seasonal work in agriculture is reportedly performed by children under 12 in State-run cooperatives (i.e. cotton pest management) despite this being contrary to the law.

Paragraph 245

The State party should establish an effective mechanism to collect disaggregated data on child labour, including violations, to serve as a basis for designing measures and evaluating progress in this area. The minimum age for admission to employment should be enforced. Employers should be required to have, and produce on demand, proof of age of all children working on their premises. The labour inspectorate should be strengthened to ensure effective monitoring and implementation of child labour standards in the private sector, family enterprises, agricultural activities and domestic labour, and it should be empowered to receive and address complaints of violations. The State party should continue its efforts to carry out campaigns to inform and sensitize the general public, especially parents and children, of work hazards and to involve and train employers, workers, members of civic organizations, government officials such as labour inspectors and law enforcement officials, and other relevant professionals. Cooperation with relevant United Nations agencies, such as ILO and UNICEF, and NGOs should be continued. The State party should ratify ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.

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- Lesotho, CRC, CRC/C/103 (2001) 57 at paras. 365 and 366.

Paragraph 365

The State party has labour laws regulating child labour. However, it is noted with concern that a high and increasing number of children, especially boys, are employed as animal herders, street traders, porters and in textile and garment factories. In addition, concern is expressed at the number of children working in potentially dangerous conditions and at the lack of monitoring and supervision of the conditions in which they work.

Paragraph 366

It is recommended that the State party encourage the work of the Law Reform Commission on child labour concerns, that the Commission's child labour recommendations be rapidly implemented, that improvements be made to the monitoring of child labour practices and that the State party ensure that sufficient resources are allocated for this purpose with a view to the effective enforcement of labour laws and the protection of children from economic exploitation. Ratifying ILO Convention No. 182 concerning the Worst Forms of Child Labour should be considered.

- Bhutan, CRC, CRC/C/108 (2001) 85 at para. 481.

A national survey should be conducted on the causes and extent of child labour. The State party should also carry out campaigns to inform and sensitize the general public, especially parents and children, of work hazards.