

WORK - WORKING CONDITIONS

IV. CONCLUDING OBSERVATIONS, CONTINUED

CERD

- Costa Rica, CERD, A/57/18 (2002) 21 at para. 78.

78. The Committee is...concerned at the living and working conditions of immigrants, most of them from Nicaragua, who may become victims of discrimination in terms of article 5 of the Convention. The Committee recommends that the State party continue its efforts to ensure the rights of the immigrant population as regards discrimination on the grounds of race or ethnic or national origin...

- Switzerland, CERD, A/57/18 (2002) 46 at para. 256.

256. The Committee is...concerned about the situation of travellers, including Roma and Jenish, in Switzerland and hopes that efforts will continue to be made to improve their living and working conditions.

- Lebanon, CERD, A/59/18 (2004) 18 at paras. 80 and 83.

80. The Committee welcomes the measures taken with regard to foreign workers, in particular order No. 5 of the Ministry of Labour dated 17 January 2003, concerning regulation of the work of agencies that recruit domestic employees. The Committee further notes the adoption by the Ministry of Labour of order No. 142/1 of 20 November 2003, pending the amendment of the labour code. It welcomes the decisions by courts declaring illegal the confiscation of passports by employers.

...

83. While welcoming the measures taken to improve the protection of migrant workers, the Committee remains concerned at the situation of migrant workers in practice, in particular domestic workers, who do not benefit fully from the protection of the labour code. Furthermore, the Committee regrets that insufficient information was provided as to how the bill for the establishment of a new labour code would affect migrant workers and whether it would provide any specific protection against discrimination on the grounds specified in the Convention.

The Committee urges the State party to take all necessary measures to extend full protection to all migrant workers, in particular domestic workers...In addition, the Committee recommends that the State party ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families of 1990.

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- Libyan Arab Jamahiriya, CERD, A/59/18 (2004) 21 at para. 107.

107. The Committee is concerned at information that anti-Black sentiment and racially motivated acts against foreign workers have an adverse impact on their employment situation and terms and conditions of employment.

The Committee recommends that the State party ensure that foreign workers are not discriminated against in employment on the basis of their colour or their ethnic or national origin.

- Bahrain, CERD, A/60/18 (2005) 22 at para. 85.

85. The Committee is concerned about allegations of substantial prejudice against women migrant domestic workers, in particular those coming from Asia, especially as regards their working conditions, and about the fact that these women do not benefit from the protection of the Labour Code.

In light of its general recommendation XXX and of its general recommendation XXV on gender-related dimensions of racial discrimination, the Committee requests the State party to take effective measures to prevent and redress the serious problems commonly faced by female domestic workers, including debt bondage, passport retention, illegal confinement, rape and physical assault, and to report on measures taken for the protection of their rights.

- Ireland, CERD, A/60/18 (2005) 30 at para. 138.

138. The Committee is concerned about reported instances of exploitation of foreign workers by some employers and of violations of labour regulations prohibiting discrimination (art. 5).

The Committee, recalling its general recommendation XXX on discrimination against non-citizens, encourages the State party to ensure full practical implementation of legislation prohibiting discrimination in employment and in the labour market. In this context, the State party could also consider reviewing the legislation governing work permits and envisage issuing work permits directly to employees.

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- Luxembourg, CERD, A/60/18 (2005) 40 at para. 199.

199. The Committee is concerned that a number of non-nationals are illegally employed in Luxembourg, and are thus exposed to abuse by their employers.

In the light of its general recommendation XXX, the Committee encourages the State party to take practical steps to prevent and redress the serious problems faced by non-citizen workers, ensuring that any employers who recruit illegal workers are punished.

- Iceland, CERD, A/60/18 (2005) 51 at para. 268.

268. While noting that the issuance of temporary work permits to employers of foreign workers rather than to the employees themselves serves to better oversee the situation of the labour market, and that copies of such permits indicating the expiry date are handed out to the employees, who may change jobs during the period covered by the permit, the Committee is concerned that this situation may lead to breaches of the labour rights of temporary foreign workers (art. 5, para. (e) (i)).

Recalling its general recommendation XXX (2004) on discrimination against non-citizens, the Committee recommends to the State party that it strengthen legal safeguards to prevent such breaches and to ensure that foreign workers are protected against discrimination, in particular in relation to working conditions and work requirements.

- Venezuela (Bolivarian Republic of), CERD, A/60/18 (2005) 71 at para. 381.

381. The Committee notes with concern that, according to the report by the State party, the indigenous peoples of the upper Orinoco and the Casiquiare and Guainia-Río Negro basins have problems of various kinds. More particularly, in the centres of illegal gold prospecting, there is evidence that indigenous children and adolescents are subjected to labour exploitation and the worst forms of child labour, including servitude and slavery, child prostitution, trafficking and sale.

The Committee recommends that the State party adopt urgent measures to tackle this situation...

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ICCPR

- Mali, ICCPR, A/58/40 vol. I (2003) 47 at para. 81(18).

(18) While welcoming the various programmes adopted by the State party, the Committee is very concerned about the situation of migrant girls leaving the countryside for the towns to work as domestic servants and who, according to some reports, work an average of 16 hours a day for very low or non-existent wages, are often the victims of rape and ill-treatment, and may be forced into prostitution (article 8).

The State party should intensify its efforts to punish those responsible for the exploitation of these migrant girls. The State party should adopt and develop appropriate complaint and protection mechanisms...

- Portugal, ICCPR, A/58/40 vol. I (2003) 56 at para. 83(19).

(19) The Committee notes with concern that, despite numerous protective legislative measures, the proportion of juvenile workers has increased in Portugal since 1998 and that no statistics have been gathered regarding the worst forms of child labour (art. 24).

The State party should intensify its efforts to eliminate child labour, conduct studies on the existence of the worst forms of child labour and strengthen the effectiveness of its supervisory system in this area...

- El Salvador, ICCPR, A/58/40 vol. I (2003) 61 at paras. 84(13) and 84(15).

(13) The Committee is concerned about various reports of threats received by the Procurator in the performance of her duties.

In the light of article 2 of the Covenant, the Committee urges the State party to support the Office of the Procurator and provide it with full institutional backing so as to ensure its independence, and furnish the requisite physical and human resources for the Office to be fully operational. It also recommends the State party to take additional steps to guarantee the security of all Office officials in the performance of their functions.

...

(15) While noting the efforts made by the State party to combat domestic violence, the Committee notes with concern that violence against women persists: this raises questions under article 9 of the Covenant. The Committee is also concerned at the high proportion of women within the National Civil Police [PNC] who have been subjected to violence.

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The State party should take steps to ensure compliance with the Domestic Violence Act. The Committee also trusts that the institutional plan to incorporate the gender perspective within PNC will be put into effect.

- Israel, ICCPR, A/58/40 vol. I (2003) 64 at para. 85(9).

(9) The Committee notes the efforts by the State party to provide better conditions for migrant workers. It welcomes the amendment to the Foreign Workers Law and the increase in penalties imposed on employers for non-compliance with the law. It also welcomes free access to labour courts for migrant workers and the provision of information to them about their rights in several foreign languages.

- Uganda, ICCPR, A/59/40 vol. I (2004) 47 at para. 70(20).

(20) The Committee has observed with concern the forced employment of children in activities harmful to their health and well-being, as well as the ineffectiveness of the measures adopted to deal with this problem (arts. 8 and 24).

The State party should adopt measures to avoid the exploitation of child labour and to ensure that children enjoy special protection, in accordance with article 24 of the Covenant. It should also provide for effective sanctions against those involved in such practices.

- Thailand, ICCPR, A/60/40 vol. I (2005) 83 at paras. 95(21) and 95(23).

(21) The Committee is concerned about the significant proportion of children, often stateless or of foreign nationality, in the State party who engage in labour and, as explained by the delegation, are often victims of trafficking (arts. 8 and 24).

The State party should strengthen the enforcement of the existing legislation and policies against child labour...The State party should make every effort, including preventive measures, to ensure that children who engage in labour do not work under conditions harmful to them and that they continue to have access to education. The State party should take action to implement policies and legislation for the eradication of child labour, *inter alia* through public-awareness campaigns and education of the public on the protection of the rights of children.

...

(23) The Committee is concerned about the lack of full protection of the rights of registered and unregistered migrant workers in Thailand, particularly with regard to liberty of

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movement, access to social services and education, and access to personal documents. The deplorable conditions in which migrants are obliged to live and work indicate serious violations of articles 8 and 26 of the Covenant. The Committee notes that ethnic minorities and migrants from Myanmar are particularly vulnerable to exploitation by employers as well as to deportation by the Thai authorities...

The State party must take measures to effectively implement the existing legislation providing for the rights of migrant workers. Migrant workers should be afforded full and effective access to social services, educational facilities and personal documents, in accordance with the principle of non-discrimination. The State party should consider establishing a governmental mechanism to which migrant workers can report violations of their rights by their employers, including illegal withholding of their personal documents...

ICESCR

- Sweden, ICESCR, E/2002/22 (2001) 106 at paras. 727-729 and 738-740.

727. The Committee is concerned that domestic work is not adequately regulated in national law.

728. The Committee takes note that the State party has maintained its reservation with regard to article 7 (d) of the Covenant concerning the right to remuneration for public holidays.

729. The Committee notes that the State party has not ratified ILO Convention No. 131 (1970) concerning minimum wage fixing, with special reference to developing countries, and that it has no intention to do so, on the ground that the minimum wage is settled by means of collective agreements or individual contracts.

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738. The Committee recommends that the State party ensure that domestic work is adequately regulated, so that domestic workers enjoy the same legal protection as other employees.

739. The Committee recommends that the State party withdraw its reservation to article 7 (d) of the Covenant.

740. The Committee invites the State party to reconsider its position towards the ratification of ILO Convention No. 131 (1970) concerning minimum wage fixing.

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- Colombia, ICESCR, E/2002/22 (2001) 110 at paras. 763, 765, 784 and 786.

763. The Committee is concerned about the reduction in the budget for of the Colombian Family Welfare Institute's Community Mothers Programme, which provides care for nearly 1.3 million children. It deplores the fact that "community mothers" are not yet recognized as workers and do not receive the minimum wage.

...

765. The Committee is concerned that the national minimum wage is not sufficient to ensure an adequate standard of living for workers and their families. The Committee is also concerned that there is still a large disparity between the wages of men and women, particularly in the commercial sector, and that according to the Presidential Advisory Office on Women's Equity, women's wages in general are 25 per cent lower than men's.

...

784. The Committee reiterates the recommendation made in its concluding observations on the third report of Colombia that the employment status of "community mothers" should be regularized by treating them as workers, so that they are entitled to the minimum wage.

...

786. The Committee calls upon the State party to ensure that the minimum wage enables the workers and their families to have an adequate standard of living. It also urges the State party to adopt a policy of equal pay for work of equal value as provided for in the Covenant to reduce the wage gap between men and women.

- France, ICESCR, E/2002/22 (2001) 121 at paras. 866, 868 and 879.

866. The Committee is concerned about the increased job insecurity, even under positive economic conditions, due to, for example, involuntary part-time employment and the risk of losing employment altogether, which is said to have contributed to an increased rate of suicide among the population of working age.

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868. The Committee notes with regret that the State party has not yet ratified ILO Conventions No. 117 (1962) concerning basic aims and standards for social policy or No. 174 (1993) concerning the prevention of major industrial accidents.

...

879. The Committee strongly recommends that the State party ratify ILO Conventions No. 117 (1962) concerning basic aims and standards for social policy and No. 174 (1993) concerning the prevention of major industrial accidents.

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- Croatia, ICESCR, E/2002/22 (2001) 125 at paras. 888, 901 and 908.

888. The Committee notes with satisfaction that many of the pre-independence laws and post-independence transitional measures are being amended or superseded by new laws that better conform to international human rights principles...[T]he Committee welcomes the recent amendment of former article 210 of Labour Act No. 758/95, by which failure by an employer to pay salaries to his or her employees within 30 days is now recognized as a valid ground for the employees to go on strike.

...

901. The Committee is concerned about the deterioration in the general standard of living in the State party, which has ensued in part from economic instability, high levels of unemployment, non-payment of salaries of many workers, the unrecovered pension payments made by Croatians prior to independence and the destruction during the war of vital infrastructure and settlements that have not yet been reconstructed. The Committee is concerned that some reconstruction efforts appear to have been disproportionately benefiting certain ethnic groups.

...

908. The Committee recommends that the State party take measures to make sexual harassment in the workplace a prosecutable offence.

- Ireland, ICESCR, E/2003/22 (2002) 29 at paras. 129, 131, 140 and 142.

129. The Committee is concerned about the persistence of discrimination against persons with physical and mental disabilities, especially in the fields of employment, social security benefits, education and health. The Committee is particularly concerned that people with disabilities, including those working in sheltered workshops, do not have the status of employees and therefore do not qualify for the minimum wage arrangements; if, however, they do benefit from minimum wage arrangements, they are liable to lose their rights to free medical care.

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131. The Committee is concerned about the inadequacy of the minimum wage and welfare payment levels set by the State party in relation to its obligations under articles 7, 9 and 11 of the Covenant.

...

140. The Committee recommends that the State party conduct and complete as soon as possible a thorough review of the sheltered workshops for the disabled and consider adopting measures, legislative or otherwise, allowing people with disabilities to work with full employment status and to retain the right to free medical care.

...

142. The Committee urges the State party to reconsider its methods of fixing the minimum

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wage and welfare payment levels so as to ensure they conform to the State party's obligations under articles 7, 9 and 11 of the Covenant.

- Benin, ICESCR, E/2003/22 (2002) 34 at paras. 171 and 190.

171. The Committee is particularly concerned at the fact that 80 per cent of workers work in the informal sector, and are therefore not registered and not covered by social security.

...

190. The Committee recommends the State party to take whatever action is necessary to reduce the proportion of the population working in the informal sector and ensure that the social security system offers workers adequate coverage and minimum pensions.

- United Kingdom of Great Britain and Northern Ireland, ICESCR, E/2003/22 (2002) 39 at paras. 218 and 236.

218. The Committee is concerned that the national minimum wage is not set at a level that provides all workers with an adequate standard of living in accordance with article 7, paragraph (a)(ii), and article 11 of the Covenant. The Committee is also concerned that the minimum wage protection does not extend to workers under 18 years of age. The Committee considers that the minimum wage scheme is discriminatory on the basis of age, as it affords a smaller proportion of the minimum wage to persons between 18 and 22 years of age.

...

236. The Committee urges the State party to ensure that the level of the national minimum wage is determined with due regard to the requirements of an adequate standard of living. Moreover, the Committee recommends that the minimum wage protection be extended to workers under 18 years of age and that the scheme be applied in a non-discriminatory manner to persons between 18 and 22 years of age.

- Trinidad and Tobago, ICESCR, E/2003/22 (2002) 45 at paras. 266, 289 and 291.

266. The Committee is concerned that the minimum wage is not sufficient to provide a decent standard of living for workers and their families.

...

289. The Committee recommends that the State party review the minimum wage level in order to enable workers to attain an adequate standard of living for themselves and their families.

...

291. The Committee recommends that legislation preventing workers from striking be

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reviewed in the light of the State party's international commitments and that the requirements for trade unions membership be lowered, in order to facilitate more constructive and meaningful dialogue between workers and employers. The Committee also urges the State party to ensure that mechanisms for monitoring conditions at work are provided with sufficient human and financial resources to enable them to protect the rights of workers effectively.

- Slovakia, ICESCR, E/2003/22 (2002) 50 at paras. 317 and 330.

317. The Committee is especially concerned that the minimum wage is not sufficient to provide a decent standard of living for workers and their families.

...

330. The Committee urges the State party to ensure that the minimum wage enables all workers to secure a decent standard of living for themselves and their families.

See also:

- Poland, ICESCR, E/2003/22 (2002) 54 at paras. 361 and 383.
- Estonia, ICESCR, E/2003/22 (2002) 68 at paras. 498 and 521.

- Poland, ICESCR, E/2003/22 (2002) 54 at paras. 359, 362, 381 and 384.

359. The Committee is...concerned that there are no specific regulations against sexual harassment in the State party...

...

362. The Committee is also concerned about the inadequacies in enforcing occupational safety laws and regulations in the State party, resulting in a relatively high number of accidents in the workplace.

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381. The Committee...reiterates its previous recommendation to the State party that sexual harassment be prohibited by law...

...

384. The Committee reiterates its previous recommendation to the State party to intensify its efforts at ensuring that occupational safety legislation is properly implemented, especially by allocating sufficient resources to the State Labour Inspectorate and imposing effective sanctions with respect to violations of safety regulations.

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- Georgia, ICESCR, E/2003/22 (2002) 59 at paras. 414, 415, 423, 432, 433 and 441.

414. The Committee is...deeply concerned about the extremely low level of salaries in the State party, including the minimum wage which is far below the minimum level of subsistence. Moreover, the Committee reiterates its concern that employees in various sectors of the economy are often not paid on time.

415. The Committee regrets that the existing legislation does not give sufficient powers to labour inspectors to carry out their responsibilities, particularly in the private sector. The Committee also regrets the lack of adequate resources for the Labour Inspectorate.

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423. The Committee expresses deep concern about the insufficiency of material and technical resources, medication, hygienic and sanitary conditions and food in hospitals, as well as about the low wages of the medical staff...

...

432. The Committee strongly recommends that the State party intensify steps to ensure the right to work and the right to just and favourable conditions of work, in particular more timely payment of wages, and to establish the minimum wage at a level adequate for the requirements of the minimum level of subsistence.

433. The Committee urges the State party to improve the legislation concerning labour inspections, in particular with regard to the private sector, and to provide more resources to the Labour Inspectorate.

...

441. The Committee urges the State party to undertake effective measures to improve the living and working conditions in hospitals, [and] ensure adequate wages for the medical staff...

- Luxembourg, ICESCR, E/2004/22 (2003) 24 at paras. 81 and 93.

81. The Committee is concerned about the situation of prisoners who work for private companies and recalls that under ILO Convention No. 29 (1930) concerning forced or compulsory labour, when a private company is involved with work carried out by a prisoner, the latter must consent to such work and the conditions of work (including wages and social security) must be close to those of a free employment relationship.

...

93. The Committee recommends that the State party ensure that a prisoner may only perform work for a private company when such work has been consented to and the labour conditions are close to those of a free working relationship as regards wages and social security.

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- Brazil, ICESCR, E/2004/22 (2003) 28 at paras. 130 and 154.

130. In spite of the State party's successful efforts to release many workers from forced labour, the Committee is deeply concerned about the persistence of forced labour in Brazil, which is often close to slavery, particularly in the rural areas.

...

154. The Committee urges the State party to implement its National Plan for the Eradication of Slave Labour and to undertake urgent measures in this regard, especially through the imposition of effective penalties.

- New Zealand, ICESCR, E/2004/22 (2003) 35 at paras. 180 and 199.

180. The Committee welcomes the Employment Relations Act 2000 which facilitates collective bargaining, strengthens the role of trade unions and introduces measures of protection against harassment and discrimination in the workplace. The Committee also welcomes the State party's indication of the imminent ratification of ILO Convention No. 98 (1949) concerning the Application of the Principles of the Right to Organise and to Bargain Collectively.

...

199. The Committee encourages the State party to take measures to increase awareness of the possibility of bringing complaints before the Employment Relations Authority or the national Human Rights Commission in cases of employment disputes.

- Iceland, ICESCR, E/2004/22 (2003) 39 at paras. 217, 224 225, 233 and 234.

217. The Committee notes with appreciation the new Act on Maternity/Paternity Leave and Parental Leave which reconciles family life and work, provides for time for parents to devote to their children, and promotes the sharing of parental responsibilities and gender equality in the labour market.

...

224. While taking note of the measures undertaken by the State party to promote access to employment and improve the working environment for persons with disabilities, the Committee is concerned about the lack of disaggregated statistical data on people with disabilities in employment in its third periodic report as well as in the dialogue with the State party's delegation.

225. The Committee notes with concern that, in spite of the measures undertaken by the

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State party to reduce the frequency of occupational accidents both on land and at sea, particularly accidents involving seamen employed on fishing vessels, there is still a relatively high rate of accidents.

...

233. The Committee urges the State party to continue its efforts to implement current policies and programmes aimed at improving access to employment and improving the working conditions of people with disabilities...

234. The Committee urges the State party to enhance its efforts to reduce the frequency of occupational accidents both on land and at sea by raising awareness of the importance of preventive measures and, in particular, by providing training to seamen in matters relating to vessel stability and the use and treatment of hoisting equipment. In this regard, the Committee also recommends that the State party ratify ILO Conventions No. 174 (1993) concerning the Prevention of Major Industrial Accidents and No. 81 (1947) concerning Labour Inspection in Industry and Commerce.

- Israel, ICESCR, E/2004/22 (2003) 42 at para. 251.

251. The Committee welcomes the improvements in the conditions for foreign workers, allowing them to change employers for the legal duration of their stay, prohibiting employers from withholding workers' passports, as well as the regulations regarding the system of compulsory health insurance for these foreign workers.

- Republic of Moldova, ICESCR, E/2004/22 (2003) 49 at paras. 302, 304, 306, 323, 326 and 328.

302. The Committee notes with concern that the State party faces serious problems of corruption, which have a negative effect on the full exercise of the rights covered by the Covenant. The Committee is also concerned that low salaries of civil servants and judges may obstruct the effective implementation of measures to combat corruption.

...

304. The Committee is concerned about the high rates of unemployment, particularly among young people, women and the Roma population. The Committee notes with great concern, in this regard, that the lack of employment opportunities and low salaries have prompted massive emigration of people in the active and working age, a majority of whom work abroad illegally without social insurance and legal protection.

...

306. The Committee is concerned that the minimum wage in the State party is not sufficient to provide workers with a decent living for themselves and their families in contravention

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of articles 7 and 11 of the Covenant.

...

323. The Committee urges the State party to strengthen its efforts to combat corruption, including by ensuring the effective functioning of the Anti-Corruption Committee and to work towards ensuring better remuneration for civil servants and judges.

...

326. The Committee recommends that the State party strengthen its efforts to improve job opportunities for young people, women and the Roma population. It also recommends that the State party seek to conclude international agreements with a view to ensuring the social protection of migrant workers and, in particular, to acceding to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

...

328. The Committee urges the State party to increase its efforts to establish a national minimum wage that would be sufficient to ensure an adequate standard of living for workers and their families according to articles 7 and 11 of the Covenant. Moreover, the State party should introduce a mechanism to determine and regularly adjust the minimum wage in proportion to the cost of living as envisaged in the draft legislation on the subsistence level.

- Yemen, ICESCR, E/2004/22 (2003) 55 at paras. 354-356 and 373-375.

354. The Committee regrets the absence of a minimum wage.

355. The Committee is concerned about the gap in wages between men and women even if they perform the same work under the same conditions and specifications.

356. The Committee notes with concern that significant segments of society, particularly self-employed and agricultural workers, are not covered by the social security system.

...

373. The Committee recommends that the State party establish a system of adequate remuneration which is sufficient to ensure a decent living for workers and their families, in accordance with article 7 of the Covenant.

374. The Committee recommends that the State party undertake effective measures to ensure in practice the principle of equal remuneration for work of equal value.

375. The Committee urges the State party to undertake measures to make its social security system more comprehensive so as to include all workers and their families. In this regard, the Committee encourages the State party to ratify ILO Convention No. 102 (1952) concerning Minimum Standards of Social Security.

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- Guatemala, ICESCR, E/2004/22 (2003) 59 at paras. 407-409, 425-427 and 437.

407. Notwithstanding the measures taken by the State party to decentralize and expand labour inspection services, the Committee is concerned that labour inspections are not carried out regularly, especially in rural areas.

408. The Committee is...concerned about sexual harassment of women in the workplace.

409. The Committee is concerned that only 15 per cent of the population are covered by the Guatemalan Social Security Institute and that there is a considerable disparity in the coverage of workers in rural and urban areas. The Committee also notes that the State party has not yet ratified ILO Convention No. 102 (1952) concerning Minimum Standards of Social Security.

...

425. The Committee urges the State party to verify and ensure the fulfilment of labour legislation concerning occupational health and safety conditions, including through regular inspections.

426. The Committee urges the State party to amend all its relevant legislation in order to define sexual harassment as a crime and to take effective measures to combat the crime.

427. The Committee recommends that the State party take all necessary measures to ensure that the coverage of the national social security system is significantly extended to include rural and domestic workers and their families. The Committee also recommends that the State party ratify ILO Convention No. 102 (1952).

...

437. ...The Committee recommends that the State party broaden its intercultural bilingual education and allocate adequate funds and human resources to the Department of Intercultural Bilingual Education, and improve the working conditions of teachers by paying them better salaries and providing them with training as well as hiring additional teachers to cover rural areas fully.
- Russian Federation, ICESCR, E/2004/22 (2003) 64 at paras. 459-462, 471, 487-490 and 499.

459. The Committee notes with concern that the informal economy in the State party has grown considerably and that illegal migration of labour is widespread, which means that a large number of people work without legal and social protection.

460. The Committee remains concerned about the low level of wages in the State party, with an estimated 32.8 per cent of workers earning wages equal to or below the subsistence

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level. The Committee notes that the situation is aggravated by the persistent problem of wage arrears. The low level of the minimum wage is also a cause of concern since it remains well below the minimum subsistence level and is inadequate to provide workers with a decent living for themselves and their families (arts. 7 and 11 of the Covenant).

461. The Committee remains concerned about the high incidence of serious accidents in the workplace in the State party.

462. The Committee is concerned about the difference in wages between men and women as well as about working conditions for women. It is also concerned about sexual harassment of women in the workplace.

...

471. The Committee is concerned about reports indicating maltreatment of conscripts in the armed forces as well as their sub-standard living conditions and lack of access to adequate food and health care.

...

487. The Committee recommends that the State party strengthen its efforts to protect the human rights of workers in the informal labour market with a view to creating the conditions for unimpeded implementation of migrants' rights, and protecting migrants' legal rights and interests as indicated in the State party's report (para. 69). The Committee also encourages the State party to consider ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

488. The Committee urges the State party to take effective measures to raise wages, prevent wage arrears, and ensure the implementation of article 133 of the Labour Code, which, in line with the Covenant, stipulates that the minimum wage must not be lower than the worker's minimum subsistence level.

489. The Committee urges the State party to ensure that adequate funds are allocated for the prevention of accidents in the workplace and to strengthen the resources and powers of the labour inspectorate so as to ensure that sanctions are imposed on employers who fail to observe safety regulations.

490. The Committee recommends that the State party undertake effective measures, including through affirmative action, to improve the working conditions for women and to ensure equal pay for work of equal value. The Committee also recommends that the State party enact legislation criminalizing sexual harassment in the workplace.

...

499. The Committee calls upon the State party to ensure that mechanisms are in place to ensure the enjoyment of basic rights of conscripts, including their access to adequate food and health care.

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- Democratic People's Republic of Korea, ICESCR, E/2004/22 (2003) 71 at paras. 523, 524, 543 and 544.

523. The Committee is concerned that the right to work may not be fully assured in the present system of compulsory State-allocated employment, which is contrary to the right of the individual to freely choose his/her career or his/her workplace.

524. The Committee is concerned about information according to which citizens of the Democratic People's Republic of Korea who travel abroad without a passport in quest of employment and better living conditions are sent to labour camps upon return to their country.

...

543. The Committee encourages the State party to take legislative measures to guarantee the right of everyone to choose his/her career and workplace.

544. The Committee recommends that the national legislation be reviewed in order to eliminate penalties against persons having travelled abroad in quest of employment and better living conditions.

- Lithuania, ICESCR, E/2005/22 (2004) 18 at paras. 79, 80, 101 and 102.

79. The Committee notes with concern the low level of the minimum wage, which is inadequate to provide workers with a decent living for themselves and their families, and the lack of a system of indexation and regular adjustment of the minimum wage to the cost of living.

80. The Committee is deeply concerned about the increase in the number of occupational accidents in the State party since 2001.

...

101. The Committee urges the State party to work towards ensuring that the minimum wage is sufficient to provide workers and their families with a decent standard of living. Moreover, the State party should introduce a mechanism to regularly index and adjust the minimum wage to the cost of living on a regular basis.

102. The Committee urges the State party to take effective measures to prevent occupational accidents, including by strengthening the labour inspectorate in order to ensure that employers who fail to observe safety regulations are sanctioned.

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- Kuwait, ICESCR, E/2005/22 (2004) 29 at paras. 188-193 and 207-213.

188. The Committee notes with concern the absence of a minimum wage in the private sector. It is also concerned that minimum wage in the public sector is not applicable to non-Kuwaiti citizens.

189. The Committee is deeply concerned about the unfair terms of employment and working conditions of migrant workers.

190. The Committee is also deeply concerned about the situation of domestic workers, in particular migrant workers who are excluded from the application of the Labour Code. These workers are subjected to conditions not dissimilar to forced labour, are insufficiently remunerated and are often unable to benefit from their right to rest. They are also sometimes deprived of their freedom of movement because their passports are held by their employers.

191. The Committee notes with concern the limitations with regard to the right to join trade unions for non-national workers, and about the restrictive legal limitations on the right to strike.

192. While noting that Kuwait has a sound social insurance scheme, the Committee is concerned that it does not cover work accidents and occupational diseases.

193. The Committee is concerned that non-Kuwaiti workers in Kuwait are excluded from the social insurance scheme.

...

207. The Committee urges the State party to establish a minimum wage in the private sector that will enable workers and their families, especially non-Kuwaiti citizens, to enjoy a decent standard of living. The Committee also recommends that the minimum wage in the public sector should apply without discrimination to both Kuwaiti and non-Kuwaiti citizens. The Committee recommends that the State party ratify ILO Convention No. 131 (1970) concerning Minimum Wage Fixing, with Special Reference to Developing Countries.

208. The Committee urges the State party to take effective measures to improve the terms of employment and the working conditions of migrant workers, *inter alia*, by strengthening the financial and human resources of the labour inspectorate in order to ensure that employers who fail to observe the terms of employment and the safety regulations are sanctioned. The Committee recommends that the State party ratify ILO Convention Nos. 122 (1964) concerning Employment Policy and 174 (1993) concerning the Prevention of Major Industrial Accidents.

209. The Committee urges the State party to take all possible steps to ensure that the Labour

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Code is adopted and implemented without further delay.

210. The Committee recommends that the State party include the subject of domestic workers in the Labour Code and undertake all the necessary measures to eliminate practices amounting to forced labour. The Committee also recommends that those who violate labour legislation be sanctioned and that the victims of such violations be compensated.

211. The Committee strongly recommends that the State party liberalize the limitations on the right to strike and extend the right to join trade unions to all workers, including migrant workers, in line with article 8 of the Covenant.

212. The Committee encourages the State party to extend social insurance to cover work accidents and occupational diseases.

213. The Committee urges the State party to continue to carry out studies and undertake measures to ensure that social insurance benefits are accorded to non-Kuwaiti workers so that they are put on a fair and equal footing with Kuwaiti workers with regard to the right to social security. In this regard, the Committee encourages the State party to ratify ILO Convention No. 102 (1952) concerning Minimum Standards of Social Security.

- Spain, ICESCR, E/2005/22 (2004) 34 at paras. 236-238 and 253-255.

236. The Committee is concerned about the precarious situation of the large number of persons employed under short-term temporary contracts (around 30 per cent of the total number of wage earners).

237. The Committee is concerned about the high number of occupational accidents in the State party, and that the number of accidents has increased by more than 50 per cent between 1996 and 2002. It notes that the incidence of occupational accidents is highest among workers on temporary contracts.

238. The Committee expresses concern about the vulnerable situation of domestic workers, a majority of whom are immigrants.

...

253. The Committee urges the State party to reinforce measures to reduce the proportion of workers on temporary contracts, including strengthening incentives for employers to offer their employees open-ended contracts.

254. The Committee urges the State party to take effective measures to prevent accidents in the workplace, including by strengthening the labour inspectorate in order to ensure that

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employers who fail to observe safety regulations are sanctioned.

255. The Committee urges the State party to take effective measures to improve the protection of domestic workers, so as to bring the rights and benefits afforded to domestic workers in line with those afforded to other workers.

- Ecuador, ICESCR, E/2005/22 (2004) 39 at paras. 283-285, 288, 306-308 and 313.

283. The Committee is particularly concerned that the minimum wage is not sufficient to provide a decent living for workers and their families and that in practice such a minimum wage is not always paid.

284. The Committee is concerned about the insufficient enforcement of health and safety regulations for workers in the State party, particularly in small mines and in banana plantations, and about the high number of occupational accidents. The Committee is also concerned that labour inspections are not carried out regularly, especially in rural areas.

285. The Committee is concerned that the Labour Code in the State party limits, to a required minimum of 30 workers, the right to set up a trade union section or a staff association designed to create a labour union section. The Committee is deeply concerned about the wide extent of temporary contracts and subcontracting, and of the obstacles these phenomena have created to the exercise of workers' trade union rights. The Committee also regrets the limitations to the right to strike contained in the Ecuadorian Labour Code.

...

288. The Committee, while recognizing the efforts of the State party towards combating child labour, deplores the practice of child labour in the State party, especially in agriculture and domestic work.

...

306. The Committee urges the State party to take the necessary measures in order to ensure that the minimum wage enables workers and their families to enjoy an adequate standard of living and that the minimum wage standard is effectively enforced.

307. The Committee urges the State party 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. The Committee also urges the State party to adopt measures to protect workers from the occupational hazards resulting from the use of toxic and other dangerous substances in the banana-growing and small mines sectors.

308. The Committee urges the State party to take immediate legislative or other measures necessary to ensure that all workers, including the subcontracted and temporary ones, are

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able to exercise their trade union rights.

...

313. The Committee strongly urges the State party to take all possible measures, legislative and otherwise to address effectively the persistent problem of child labour, particularly in agriculture and domestic work.

- Malta, ICESCR, E/2005/22 (2004) 45 at paras. 345-347 and 363-365.

345. The Committee notes with concern the high number of industrial accidents in the State party.

346. The Committee is concerned that the Industrial Relations Act unduly restricts the right to strike by providing for a compulsory arbitration procedure in industrial labour disputes.

347. The Committee notes with concern that the State party has not ratified a number of international labour conventions in the area of labour rights and social security, including Conventions No. 102 (1952) concerning Minimum Standards of Social Security, No. 117 (1962) concerning Basic Aims and Standards of Social Policy, No. 118 (1962) concerning Equality of Treatment of Nationals and Non-Nationals in Social Security and No. 122 (1964) concerning Employment Policy.

...

363. The Committee recommends that the State party strengthen measures taken to prevent accidents in the workplace and to ensure that the labour inspectorate has adequate resources and powers to enforce and effectively monitor compliance with safety regulations. It also encourages the State party to ratify ILO Convention No. 174 (1993) concerning the Prevention of Major Industrial Accidents.

364. The Committee encourages the State party to review the legislation on industrial labour disputes with a view to removing the compulsory arbitration procedure, in conformity with the observations made in 2002 by the ILO Committee of Experts on the Application of Conventions and Recommendations, with reference to ILO Convention No. 87 (1948) concerning Freedom of Association and Protection of the Right to Organise.

365. The Committee encourages the State party to ratify ILO Conventions Nos. 102 (1952), 117 (1962), 118 (1962) and 122 (1964).

- Italy, ICESCR, E/2005/22 (2004) 54 at para. 448.

448. The Committee recommends that the State party expedite the ratification procedures

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for ILO Convention No. 174 (1993) concerning the Prevention of Major Industrial Accidents.

- Azerbaijan, ICESCR, E/2005/22 (2004) 59 at paras. 485 and 511.

485. While noting the efforts taken by the State party to increase the minimum wage, the Committee is concerned that the current minimum wage is still insufficient to provide a decent standard of living for workers and their families. The Committee is further concerned that in practice the minimum wage is not always enforced, given the large percentage of the population who work in the informal sector.

...

511. The Committee urges the State party to continue to take the necessary measures to ensure that the minimum wage enables workers and their families to enjoy an adequate standard of living and that the minimum wage standard is enforced. The Committee further encourages the State party to establish an effective system of indexation and regular adjustment of the minimum wage to the cost of living.

- Chile, ICESCR, E/2005/22 (2004) 67 at paras. 545, 547, 568 and 571.

545. The Committee notes with concern that section 381 of the Labour Code provides for the possibility of the replacement of striking workers. Furthermore, the Committee is concerned that essential services in which strikes may be prohibited are too broadly defined in section 384.

...

547. The Committee is concerned that the legislative progress started 10 years ago to include sexual harassment as a specific punishable offence has still not been completed.

...

568. The Committee encourages the State party to ensure that judicial authorities and members of political parties are not restricted in their trade union rights under article 8 of the Covenant. The State party is also encouraged to review section 381 of the Labour Code, which provides for the possibility of the replacement of striking workers, and section 384, and gives a too broad definition of essential services in which strikes may be prohibited.

...

571. The Committee recommends that the State party accelerate the adoption of the draft bill making sexual harassment a punishable offence.

- Zambia, ICESCR, E/2006/22 (2005) 19 at paras. 87-89, 94, 98, 110, 111, 116 and 121.

87. The Committee is concerned that the current minimum wage is not sufficient to provide

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an adequate standard of living for workers and their families and that it is available to few workers, given the large proportion of the population working in the informal sector.

88. The Committee is also concerned about the restriction of the right to form trade unions, particularly the prohibition on forming more than one trade union per industry.

89. The Committee is concerned about the limits on the right to strike and, in particular, the procedural requirements which make it difficult to effectively exercise the legal right to strike in the State party. The Committee is equally concerned about the broad definition of the concept of “essential services”, which exceeds the ILO definition by including fire fighting, sewerage and certain mining operations.

...

94. The Committee expresses its deep concern regarding the persistent and widespread problem of child labour, in particular children working in hazardous occupations such as small-scale mining operations and stone-crushing.

...

98. The Committee is concerned about...the brain drain of health professionals due to poor working conditions in the health sector.

...

110. The Committee recommends that the State party take effective actions and measures to ensure that the minimum wage enables workers and their families to enjoy an adequate standard of living and that the minimum wage standard is effectively enforced. The Committee further recommends that the State party establish an effective system of indexation by regularly reviewing minimum wage levels in order to enable workers to attain an adequate standard of living for themselves and their families.

111. The Committee recommends that the State party take appropriate legislative measures to enable workers to form trade unions, ensure the effective exercise of the right to strike and limit the scope of its definition of “essential services”.

...

116. The Committee strongly urges the State party to strengthen its legislative and other measures and to improve its monitoring mechanisms so as to address effectively the persistent problem of child labour, particularly in small-scale mining operations and stone-crushing.

...

121. The Committee requests the State party to allocate a higher percentage of its GDP to the health sector and to improve the working conditions of health professionals.

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- China, ICESCR, E/2006/22 (2005) 25 at paras. 151-154 and 179-183.

151. The Committee is gravely concerned about the use of forced labour as a corrective measure, without charge, trial or review, under the “Re-education through Labour” (*laodong jiaoyang*) programme.

152. The Committee expresses its deep concern regarding children working in hazardous occupations such as mining, often in precarious conditions that fall short of labour safety standards. The Committee is also of the view that the “work study” (*qingong jianxue*) programme for schoolchildren constitutes exploitative child labour, in contradiction of the provisions of articles 6 and 7 of the Covenant, and ILO Convention No. 182 (1999) concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, to which China is a party.

153. The Committee is deeply concerned about the insufficient implementation of existing labour legislation in the State party that has resulted in overall poor working conditions, including excessive working hours, lack of sufficient rest breaks and hazardous working conditions. The Committee notes with concern that the problem is especially acute for migrant workers. The Committee is also alarmed by the high incidence of serious occupational accidents in the State party, particularly in the mining sector.

154. The Committee is concerned that the low level of wages, particularly in rural areas and in the west of the country is insufficient to provide a decent standard of living for workers and their families. The Committee notes that the situation is aggravated by the persistent problem of wage arrears, especially in the construction sector.

...

179. The Committee recommends that the State party reinforce its programmes designed to reduce unemployment and, in this regard, to target on a priority basis the most affected groups and regions. The Committee urges the State party to strengthen the enforcement of the existing protection for workers under its labour laws... The Committee recommends that the State party consider ratifying ILO Convention No. 2 (1919) concerning Unemployment.

180. The Committee recommends that the State party abolish the use of forced labour as a corrective measure, and amend or repeal the relevant provisions of its legislation to bring them into line with the provisions of article 6 of the Covenant. In this connection, the Committee recommends that the State party consider ratifying ILO Convention No. 29 on forced or compulsory labour.

181. The Committee urges the State party, as a matter of priority, to strengthen its efforts to effectively enforce its legislation prohibiting unlawful employment of children. The Committee also urges the State party to make every effort, including the adoption of

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preventive measures, to ensure that those children who engage in labour do not work under conditions that are harmful to them. The Committee further encourages the State party to consider withdrawing the “work study” (*qingong jianxue*) programme from its school curriculum.

182. The Committee urges the State party to take immediate steps to ensure effective and equal application of its current labour legislation for the protection of the rights of all workers, including migrant workers, to just and favourable conditions of work as enshrined in article 7 of the Covenant. The Committee further recommends that the State party ensure the right to decent work and to provide sufficient resources to the labour inspectorate to enable regular and independent inspections of safety and health conditions in all sectors and to ensure that employers who fail to observe safety regulations are duly sanctioned. In this connection, the Committee recommends that the State party consider ratifying ILO Convention No. 81 (1947) concerning Labour Inspection in Industry and Commerce.

183. The Committee urges the State party to continue to take necessary measures to ensure that the minimum wage enables workers and their families to enjoy an adequate standard of living and that the minimum wage standard is effectively enforced, particularly in rural areas and in western areas. The Committee further encourages the State party to establish a wage enforcement mechanism that periodically adjusts minimum wages to the cost of living, facilitate the redress of wage claims and take sanctions against employers who owe wages and overtime pay and impose fines and penalties on their workers.

- China (Macao Special Administrative Region), ICESCR, E/2006/22 (2005) 38 at paras. 239 and 239.

239. The Committee is concerned that no legislation exists to criminalize sexual harassment in the workplace.

...

249. The Committee urges the Macao Special Administrative Region to consider enacting legislation to criminalize sexual harassment in the workplace.

- Serbia and Montenegro, ICESCR, E/2006/22 (2005) 41 at paras. 277-279, 286, 304-306 and 313.

277. The Committee is...concerned that many persons, especially Roma, internally displaced persons and refugees, work in the informal economy or in the low-income sector without adequate working conditions and social security coverage.

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278. The Committee notes with concern that only a small number of workers are unionized in the private sector and that the registration of trade unions is subject to strict requirements, including authorization by the Minister of the Interior, who has the power to dissolve trade unions.

279. The Committee is equally concerned about the broad definition of the concept of “essential services”, including professions such as teachers and postal workers. The Committee is also concerned that the right to strike can only be exercised if strict conditions are met, and that participation

...

286. The Committee notes with concern that many Roma children below the minimum working age of 15 years work in the informal economy without being covered by the labour code’s special provisions on protection of minors.

...

304. The Committee requests the State party to intensify its efforts to reduce the unemployment rate, including through the implementation of its National Employment Strategy 2005-2010, to promote employment of persons belonging to vulnerable groups through special measures, for example, special training, the removal of physical barriers limiting workplace access by persons with disabilities, and wage subsidies or other incentives for employers...

305. The Committee recommends that the State party remove from its legislation any unjustified registration requirements and grounds for dissolving trade unions.

306. The Committee requests the State party to limit the scope of its definition of “essential services” and to ensure that the exercise of the right to strike does not lead to the suspension of social security rights.

...

313. The Committee recommends that the State party ensure the protection of minors against economic and social exploitation and to take all necessary measures to combat and punish employment of children below the age of 15.

- Norway, ICESCR, E/2006/22 (2005) 48 at paras. 340 and 358.

340. The Committee is concerned at the high incidence of accidents in the fishing and offshore petroleum industries.

...

358. The Committee encourages the State party to strengthen its efforts to ensure safe working conditions for workers in the fishing and offshore petroleum industries.

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- Fiji, CEDAW, A/57/38 part I (2002) 9 at paras. 56 and 57.

56. The Committee notes with concern that women do not receive equal wages for work of equal value and are denied equal access to employment and promotion. Furthermore, the working conditions of women, particularly in the tax-free zones, contravene article 11 of the Convention. The Committee also notes with concern that pregnancy leave is not mandatory.

57. The Committee recommends the very early adoption of the Industrial Relations Bill and Equal Opportunity legislation and a repeal of outdated labour laws. Legal reforms should make pregnancy leave mandatory and deal with sexual harassment in the workplace. The Committee calls upon the State party to promote the adoption of a code of ethics for investors, including in the tax-free zones.

- Trinidad and Tobago, CEDAW, A/57/38 part I (2002) 19 at paras. 153 and 154.

153. The Committee is concerned that, although domestic workers are entitled to a minimum wage under the new Minimum Wage Order, they are not included within the definition of "worker" in the Industrial Relations Act.

154. The Committee calls upon the State party to bring domestic workers within the definition of "worker" in the Industrial Relations Act.

- Uruguay, CEDAW, A/57/38 part I (2002) 23 at paras. 198 and 199.

198. The Committee notes that although Uruguayan women are highly educated and have a high rate of labour-market participation, this is not reflected in their employment status and conditions, particularly with respect to private-sector pay. Furthermore, the Committee is concerned at the high proportion of women in the service sector, especially personal services, an area in which pay is traditionally low.

199. The Committee recommends that both in the public and in the private sector the State party endeavour to ensure strict compliance with labour legislation, and take action to eliminate discrimination in employment and with respect to pensions and private-sector pay, as well as promoting participation by women in sectors traditionally regarded as male.

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- Sri Lanka, CEDAW, A/57/38 part I (2002) 31 at paras. 290-293.

290. The Committee is concerned about the low level of women's economic participation, the high unemployment rate of women, the complete lack of protection for women working in the informal sector, such as domestic service and the lack of enforcement of laws to protect women workers in the export processing zones. The Committee is also concerned that no data is available on the wage gap between women and men.

291. The Committee urges the State party to take all the necessary measures to increase the economic participation of women and ensure that women have equal access to the labour market and equal opportunities to, and at, work. The Committee calls on the State party to provide adequate protection and ensure enforcement of labour laws for the benefit of all women workers in all areas. The Committee recommends...that the State party take measures to ensure that a gender perspective is incorporated into all labour policies.

292. The Committee is concerned about the increasing number of women who migrate from Sri Lanka in search of work and find themselves in situations where they are vulnerable. Despite the progressive and protective measures taken by the State party, including mandatory registration and insurance coverage, these women are often subjected to abuse and sometimes death.

293. The Committee urges the State party to ensure the full and effective enforcement of the measures taken to protect women migrant workers, including preventing the activities of illegal employment agencies and ensuring that insurance covers the disabled and jobless after they return to Sri Lanka.

- Portugal, CEDAW, A/57/38 part I (2002) 35 at para. 320.

320. The Committee welcomes the 1998 revision of the Penal Code which made violence against women a public offence, rendered police investigation of such offences mandatory and criminalized sexual harassment in the workplace.

- Russian Federation, CEDAW, A/57/38 part I (2002) 40 at paras. 383-386.

383. The Committee is deeply concerned at the deteriorating situation of women in employment and that women are the overwhelming majority of workers in lower level and low-paying jobs in the various parts of the public sector. It is concerned that women experience significant discrimination in the private sector, and have a low share of the high-paying jobs in that sector. It is also concerned that women constitute the majority of the long-

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term unemployed.

384. The Committee urges the enactment of an equal employment opportunity law, prohibiting discrimination in hiring, promotion, employment conditions and dismissal, requiring equal pay for work of equal value and providing for effective enforcement procedures and remedies. It recommends that such legislation include temporary special measures, with time-bound targets, in accordance with article 4, paragraph 1, of the Convention, to increase the number of women in higher-level jobs in the public and private sectors.

385. While noting the State party's policy of protecting women against unsafe working conditions, the Committee is concerned that 12 per cent of women work in conditions which do not meet health and safety standards. It is also concerned about the exclusion of women of childbearing age from a list of 456 jobs, which may result in the effective exclusion of women from certain employment sectors. The Committee notes that the list is under reconsideration and also notes that employers may employ women in the prohibited jobs if the necessary standards are in place.

386. The Committee recommends that the State party require all employers to conform to the mandated standards, which would allow both women and men to work in proper conditions of health and safety. Bearing in mind article 11.3 of the Convention, it recommends continued review of the list of prohibited jobs, in consultation with women's non-governmental organizations, with a view to reducing their number.

- Suriname, CEDAW, A/57/38 part II (2002) 82 at paras. 51, 59 and 60.

51. ...The Committee notes with concern that, according to a 1998 study, 50 per cent of women indicated that there was sexual harassment in the workplace and one third of the women experienced sexual harassment at work.

...

59. The Committee expresses concern at discriminatory practices and certain legal labour provisions that could lead to discrimination against women workers with regard to reproductive health and maternity and notes that, in the civil service, women are discriminated against when entering into marriage or becoming pregnant. It notes that regulations on flexible working hours are lacking and that the employer has the right to decrease the number of vacation days during the year in which maternity leave is enjoyed.

60. The Committee recommends that the State party remove discriminatory labour legislation in accordance with article 11 of the Convention and ensure that women workers have working conditions and social security benefits equal to those enjoyed by men, as well

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as protection for maternity without discrimination under article 4, paragraph 2 of the Convention.

- Saint Kitts and Nevis, CEDAW, A/57/38 part II (2002) 90 at paras. 91, 99 and 100.

91. The Committee commends the State party on the establishment of a Code of Ethics and Standards within the Labour Code to regulate the activities of foreign companies which wish to operate in Saint Kitts and Nevis.

...

99. The Committee is particularly concerned that, although women have a higher level of education than men, this has not been translated into promotion of women to senior posts in the public and private sectors and/or increased economic returns for women, who continue to be concentrated mainly in the informal sector and in the jobs that pay the least.

100. The Committee recommends the adoption of legislation which guarantees equal pay for work of equal value. It also recommends that measures should be taken to deal with the situation of unemployed women, and the large number of women who work in the informal sector, with a view to their inclusion in the formal sector, and access to social benefits.

- Belgium, CEDAW, A/57/38 part II (2002) 95 at paras. 138, 161 and 162.

138. The Committee commends the State party on introducing the rape law of 4 July 1989, the royal ordinances for the protection of workers against sexual harassment of 19 September 1992 and 9 March 1995, the law on human trafficking of 13 April 1995 and the law to combat violence between partners of 24 November 1997...

...

161. The Committee is concerned about the continuing high level of unemployment among women, the high number of women in part-time and temporary jobs and the wage discrimination faced by women.

162. The Committee calls upon the State party to intensify its measures to increase women's employment, to make sure that women have access to full-time and permanent jobs if they wish, and to promote equal pay for work of equal value.

- Tunisia, CEDAW, A/57/38 part II (2002) 102 at paras. 194, 195, 200 and 201.

194. The Committee is concerned that there is a lack of systematic data collection on violence against women, including domestic violence, violence against women in detention

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centres and prisons, and sexual harassment in the workplace and in other institutions. The Committee is concerned that no specific legislation has been enacted to combat domestic violence and sexual harassment...

195. ...In the light of its general recommendation 19, the Committee requests the State party to enact specific legislation on domestic violence, including marital rape, and sexual harassment...

...

200. The Committee is concerned at the low level of women's labour force participation and at the lack of information regarding its causes. The Committee welcomes Act No. 83-112, which prohibits discrimination on the basis of sex with regard to public entities, but is concerned that such legislation does not extend to the private sector...

201. The Committee urges the State party to adopt appropriate measures to ensure women's equal access to paid employment. The Committee also urges the State party to adopt and enforce appropriate legislation to ensure equal opportunities for women and men in the public and private sectors of the labour market, and to prevent direct and indirect discrimination in employment...

- Zambia, CEDAW, A/57/38 part II (2002) 107 at paras. 248 and 249.

248. The Committee expresses concern at the high rate of unemployment among women. It also expresses concern at disparities between women's and men's wages, sexual harassment, and the lack of social security for women.

249. The Committee urges the State party to introduce temporary special measures in accordance with article 4, paragraph 1, of the Convention in creating employment opportunities for women. Efforts should be made to expand the community-based public workers programme into areas where the number of unemployed women is particularly high. The Committee calls on the State party to review its legislation and policy in the employment sector to facilitate full implementation of article 11 of the Convention.

- Ukraine, CEDAW, A/57/38 part II (2002) 114 at paras. 293 and 294.

293. While noting with appreciation the high level of education among women, the Committee expresses its concern about the situation of women in the labour market, including the high rate of unemployment among women and the strong occupational segregation with a concomitant wage differential... It is further concerned that the State party's protective labour laws restricting women's participation in night work and other

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areas, may create obstacles to women's participation in the labour market.

294. The Committee urges the State party to ensure equal opportunities for women and men in the labour market, including through the use of temporary special measures in accordance with article 4, paragraph 1, of the Convention... It also recommends that efforts be made to eliminate occupational segregation, including through education, training and retraining. There should be additional wage increases in female-dominated sectors of public employment to close the wage gap between these and male-dominated sectors. The Committee recommends that the State party conduct regular reviews of legislation, in accordance with article 11, paragraph 3, of the Convention, with a view to reducing the number of barriers that women face in the labour market...

- Uganda, CEDAW, A/57/38 part III (2002) 164 at paras. 135, 136, 143 and 144.

135. The Committee expresses concern about the high incidence of violence against women, such as domestic violence, rape, including marital rape, incest, sexual harassment in the workplace and other forms of sexual abuse of women...

136. The Committee urges the State party to place high priority on comprehensive measures to address violence against women and girls in accordance with its general recommendation 19 on violence against women...

...

143. The Committee expresses concern...at the high rate of unemployment among women, disparities between the wages of men and women, even in the public sector, disparities in social security and the lack of legal protection for women against sexual harassment at the workplace... It is also concerned that legislation required by article 40 of the Constitution to provide the right to work under satisfactory and safe and healthy conditions, equal pay for equal work, paid leave and maternity protection have still to be enacted.

144. The Committee...urges the State party to enact legislation to protect the rights of persons in employment which complies with the provisions of article 11 of the Convention... The Committee recommends that the State party introduce specific legislation, with accessible procedures and compensation for victims, and penalties for perpetrators, to address sexual harassment in the workplace.

- Guatemala, CEDAW, A/57/38 part III (2002) 171 at paras. 186 and 187.

186. The Committee expresses concern that, while the human rights of women are explicitly recognized in a number of laws, there does not appear to be wide awareness among women

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of their rights under these laws or the means by which those laws can be enforced. The Committee notes that, despite the introduction of protections and social security rights in the area of labour, including domestic workers and those working in the *maquila* industries, this legislation is not complied with or enforced and that some employers in this industry require women seeking employment to undergo pregnancy tests. The Committee notes that non-enforcement of such labour legislation constitutes “discrimination of effect” as defined in article 1 of the Convention.

187. The Committee calls upon the State party to ensure that State authorities implement all current legislation concerning women’s human rights, in particular labour legislation through proactive investigations of alleged violations of female workers’ rights and take measures to strengthen the enforcement powers of labour inspection authorities. The Committee further urges the State party to take appropriate measures, including the promotion of stronger private sector codes of conduct, to ensure compliance with existing legislation, in particular with regard to the rights of women enshrined in the Convention, which forms part of Guatemalan law. The Committee also calls upon the State party to take steps to raise awareness among women of their legal rights and the means by which those rights can be enforced.

- Greece, CEDAW, A/57/38 part III (2002) 184 at paras. 277 and 278.

277. The Committee is concerned about the absence of specific legal provisions and measures to address sexual harassment, especially in the workplace.

278. The Committee urges the State party to take all necessary measures, including introducing specific legislation, in order to empower women to take action with regard to sexual harassment.

- Mexico, CEDAW, A/57/38 part III (2002) 205 at paras. 441 and 442.

441. The Committee expresses its concern about the poor conditions of employment of Mexican women, particularly the wage discrimination, the vertical and horizontal segregation to which they are exposed and the inadequate social benefits they receive. The Committee is especially concerned about women working in the informal sector, including domestic workers, and those employed in the *maquila* industry whose basic labour rights are not respected; in particular, the Committee is concerned about the pregnancy test demanded by employers which exposes women to the risk of being let go or fired in the event that it proves positive.

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442. The Committee recommends that the State party speed up the adoption of the reforms that must be made in the Labour Act, including the prohibition of discrimination against women, in an effort to ensure their participation in the labour market on a footing of genuine equality with men. It also urges the State party to give effect to the labour rights of women in all sectors. To that end, it recommends that the State party strengthen and promote the role of INMUJERES in negotiating the Labour Act so as to give special attention to the needs of women workers and to implement the principle of equal pay for work of equal value and prohibit the requirement of a pregnancy test for *maquiladora* workers.

- Peru, CEDAW, A/57/38 part III (2002) 212 at paras. 478 and 479.

478. The Committee notes with concern that gender-based discrimination persists in the labour market, including limited and low-level job access for women and their reduced access to resources and new technologies. The Committee is also concerned about wage discrimination and vertical and horizontal segregation. The Committee is concerned at the precarious conditions of women working in the informal sector and at part-time work, who have no labour protection, no access to social security and no due respect for their labour rights. It is also of concern to the Committee that legislation preventing discrimination in employment appears to be based on criminal penalties only and that appropriate civil remedies do not exist.

479. The Committee recommends that the necessary measures should be taken to guarantee implementation of the provisions of article 11 of the Convention and application of the International Labour Organization Conventions, in particular those on non-discrimination in employment and equal remuneration for women and men. The Committee recommends that measures should be taken to eliminate occupational segregation, in particular through education and training.

- Congo, CEDAW, A/58/38 part I (2003) 29 at paras. 166, 167, 172 and 173.

166. The Committee expresses concern about the high incidence of violence against women and the apparent lack of clear policies and programmes to address this violation of women's human rights. It is particularly concerned about domestic violence, rape, including marital rape; sexual harassment in the workplace and in institutions of learning; and other forms of sexual abuse of women.

167. The Committee urges the State party to accord priority attention to the adoption of comprehensive measures to address violence against women and girls in accordance with its general recommendation 19 on violence against women. The Committee calls on the State

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party to enact or review, as appropriate, legislation on domestic violence, including marital rape, and legislation concerning all forms of sexual harassment as soon as possible in order to ensure that violence against women and girls constitutes a criminal offence, that women and girls who are victims of violence or sexual harassment have access to immediate means of redress and protection and that perpetrators are prosecuted and punished. The Committee recommends gender-sensitive training for parliamentarians, the judiciary and public officials, particularly law enforcement personnel, and health service providers. It also recommends the establishment of counselling services for victims of violence and sexual harassment; the implementation of public awareness campaigns through the media and public education programmes; and the adoption of a zero-tolerance policy on all forms of violence against women.

...

172. The Committee is concerned that there is unequal access to the labour market and that women are confined to work in agriculture and the informal sectors, which are related to low incomes and wages. The Committee is further concerned at the lack of social benefits and a regulatory framework to protect women's human rights within these sectors.

173. The Committee urges the State party to take all possible measures to ensure that women have access to the labour market on an equal basis with men. The Committee recommends that the State party take measures to provide a regulatory framework for the informal sector.

- Kenya, CEDAW, A/58/38 part I (2003) 35 at paras. 211 and 212.

211. The Committee expresses concern at the continued prevalence of violence against women. It is particularly concerned about domestic violence, sexual harassment in the workplace and in institutions of learning, and other forms of sexual abuse of women.

212. The Committee urges the State party to accord priority attention to the adoption of comprehensive measures to address violence against women and girls, taking into account its general recommendation 19 on violence against women. The Committee calls on the State party to enact or review, as appropriate, legislation on all forms of violence against women, including domestic violence, as well as legislation concerning all forms of sexual harassment, in order to ensure that women and girls who are victims of violence and sexual harassment have access to protection and effective redress and that perpetrators of such acts are prosecuted and punished. The Committee also recommends gender-sensitive training for public officials, particularly law enforcement personnel, the judiciary and health services providers. It also recommends the establishment of shelters and counselling services for victims of violence and sexual harassment.

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- El Salvador, CEDAW, A/58/38 part I (2003) 41 at paras. 269 and 270.

269. The Committee notes with particular concern the precarious employment conditions of women working in *maquila* industries, where their human rights are frequently violated, especially insofar as safety and health are concerned.

270. The Committee urges the State party strictly to enforce labour legislation in *maquila* industries, including their supervision and monitoring, especially occupational safety and health measures...

- Luxembourg, CEDAW, A/58/38 part I (2003) 47 at para. 295.

295. The Committee commends the State party for adopting new laws in support of the goal of gender equality: the law on pensions, which plays a key role in preventing poverty among older people, particularly women; the law with respect to the burden of proof in cases of discrimination on the basis of sex; the law concerning protection for workers who are pregnant, have recently given birth or are breastfeeding; and the law on protection from sexual harassment in the workforce.

- Canada, CEDAW, A/58/38 part I (2003) 53 at paras. 365, 366, 373 and 374.

365. While noting the improvement regarding the *de facto* situation of live-in caregivers through formal employment contracts, the Committee is concerned that the caregivers are allowed into the country only as temporary residents, they do not receive adequate social security and having to live in the homes of their employers may subject them to exploitation and abuse.

366. The Committee urges the State party to take further measures to improve the current live-in caregiver programme by reconsidering the live-in requirement, ensuring adequate social security protection and accelerating the process by which such domestic workers may receive permanent residency.

...

373. The Committee notes with concern the lack of women's *de facto* equality in the labour market, including the fact that, owing to their unpaid tasks in the family, a large percentage of them work in part-time jobs, marginal jobs and self-employment arrangements, which often do not carry adequate social benefits.

374. The Committee recommends that the State party monitor closely the situation of

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women's non-standard jobs and to introduce employment-related measures which will bring more women into standard employment arrangements with adequate social benefits.

- Costa Rica, CEDAW, A/58/38 part II (2003) 86 at paras. 62-65.

62. The Committee notes with concern that although the Constitution guarantees the right to work and the principle of non-discrimination in the employment sphere, norms and practices still exist that discriminate against working women, and that there is a wage gap, to the disadvantage of women, which has greater impact in the private sector than in the civil service; it also notes with concern the precarious working and living conditions of women domestic workers, including migrant workers, as well as of salaried women workers, rural women, women in the informal sector and indigenous women.

63. The Committee requests the State party to continue promoting the approval of the reforms to the Labour Code contained in the draft Law on Gender Equity... The Committee also requests the State party to adopt the legislative, administrative or other measures needed to ensure that women domestic workers, including migrant workers, temporary wage earners, women in the informal sector and rural and indigenous women have access to social security and other employment benefits, including paid maternity leave.

64. The Committee notes with concern that some groups of women workers do not benefit from the application of the Act on Sexual Harassment in the Workplace and in Teaching, particularly in the private sector.

65. The Committee requests the State party to promote adequate regulations under the Act on Sexual Harassment in the Workplace and in Education in order to show that it is complied with without exception and duly implemented by the private sector.

- Brazil, CEDAW, A/58/38 part II (2003) 93 at paras. 124 and 125.

124. The Committee is concerned about discrimination against women in the labour market, where women earned significantly less than men in all states, irrespective of their skills or education. It is concerned that the poor conditions of employment of women, in general, including vertical and horizontal segregation, are compounded by race and ethnicity. The Committee is particularly concerned about the precarious situation of domestic workers, the vast majority of whom are denied rights that other categories of workers enjoy, such as mandatory limitation of the workday.

125. The Committee recommends that measures be taken to guarantee implementation of

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article 11 of the Convention and the application of relevant International Labour Organization conventions, in particular those on non-discrimination in employment and equal remuneration for equal work and work of equal value for women and men. It recommends that measures be taken to eliminate occupational segregation, in particular through education and training. The Committee calls on the State party to bring all domestic workers within the bounds of its labour legislation.

- Morocco, CEDAW, A/58/38 part II (2003) 101 at paras. 168 and 169.

168. The Committee is concerned that there is a lack of specific legislation to eliminate violence against women and girls, including domestic violence, and violence against domestic workers.

169. The Committee recommends that the State party expedite the adoption and implementation of a national strategy to combat violence against women. This would include the collection of sex-disaggregated data on all forms of violence, research into the extent of violence against women and girls including domestic violence and the adoption of specific legislation on domestic violence. In the light of its general recommendation 19, the Committee calls upon the State party to ensure that all forms of violence against women are prosecuted and punished adequately and that victims have immediate means of redress and protection. The Committee requests the State party to ensure the full sensitization and training of law enforcement officials, the judiciary and the public on all forms of violence against women and girls. The Committee also urges the State party to take steps towards the protection of domestic workers and to ensure that restrictions on child labour are enforced.

- Ecuador, CEDAW, A/58/38 part II (2003) 122 at paras. 323 and 324.

323. Although labour legislation exists, the Committee notes with concern the lack of a general employment policy giving priority attention to women, the failure to apply labour legislation and the persistence of inequalities, manifested in particular by a gap between men's and women's salaries. The Committee is especially concerned at the persistent high rate of child labour in Ecuador.

324. The Committee recommends that the necessary steps should be taken to guarantee that the provisions of article 11 of the Convention are enforced and that the relevant International Labour Organization conventions ratified by Ecuador are applied, in particular concerning the prohibition of discrimination in employment, the prohibition of child labour and equal pay for women and men. It recommends the adoption of a gender-sensitive employment plan and labour code and the prohibition of child labour.

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- Japan, CEDAW, A/58/38 part II (2003) 130 at paras. 352, 369 and 370.

352. The Committee notes with appreciation the law reform undertaken by the State party in several areas, including the revision of the Equal Employment Opportunity Law that prohibits discrimination against women from recruitment to retirement and obliges managers to give consideration to the prevention of sexual harassment in the workplace; the 2001 revision of the Child Care and Family Care Leave Law that prohibits disadvantageous treatment of employees because of their taking childcare leave...

...

369. The Committee is concerned at the existing wage gap between women and men, stemming largely from the difference in type of work, horizontal and vertical employment segregation as expressed by the two-track employment management system, and the lack of understanding regarding the practice and the effects of indirect discrimination as expressed in governmental guidelines to the Equal Employment Opportunity Law. The Committee is further concerned by the high percentage of women in part-time work and by women who are “dispatch workers”, whose salaries are lower than those working in a regular situation. The Committee is deeply concerned about the difficulties faced primarily by women in reconciling their personal and family lives with professional and public responsibilities.

370. The Committee urges the State party to amend its guidelines to the Equal Employment Opportunity Law and to increase its efforts towards accelerating the achievement of *de facto* equal opportunities for women and men in the labour market through, *inter alia*, the use of temporary special measures in accordance with article 4, paragraph 1, of the Convention. The Committee recommends that efforts be made to eliminate occupational segregation, both horizontal and vertical, through, *inter alia*, education and training, effective enforcement mechanisms and systematic monitoring of progress. The Committee recommends that measures allowing for the reconciliation of family and professional responsibilities be intensified, that equal sharing of domestic and family tasks between women and men be promoted, and that changes to the stereotypical expectations of women’s roles in the family and labour market be encouraged.

- New Zealand, CEDAW, A/58/38 part II (2003) 138 at paras. 411, 412, 417 and 418.

411. While acknowledging the efforts undertaken by the State party to address discrimination faced by women in the labour market, the Committee is concerned that women remain disadvantaged in the labour market, that prerequisites and criteria [to] qualify for paid parental leave may add to women’s difficulties in entering the labour market and that the level of benefits does not provide an incentive for men to take up parental leave. The Committee is concerned about the persistence of a gender pay gap, occupational segregation,

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the high number of women in part-time work and in temporary jobs, affecting their eligibility for paid maternity leave, and the low wages paid to women. The Committee is also concerned about the difficulties women face in reconciling their personal and family lives with their professional and public responsibilities.

412. The Committee recommends that the State party ensure equal opportunities for women and men in the public and private sectors, including through the use of temporary special measures in accordance with article 4, paragraph 1, of the Convention. It also recommends that the State party design and implement targeted job-training programmes for different groups of unemployed women. The Committee further recommends that efforts be made to eliminate occupational segregation, through education and training, the application of the principle of equal pay for work of equal and comparable value, and the promotion of additional wage increases in female-dominated sectors of employment. The Committee recommends that the State party consider further amending the Parental Leave and Employment (Paid Parental Leave) Amendment Act with a view to ensuring that pregnancy under no circumstances creates an obstacle for women entering the labour market, and to removing the specific time limit which is required to qualify for paid parental leave, and to increasing the benefits level so that men are encouraged to take parental leave.

...

417. The Committee is concerned that women who complain about sex discrimination, including sexual harassment, in the workplace run a serious risk of being dismissed.

418. The Committee recommends that the State party take measures to ensure that women who file complaints against sexual harassment have a legal right to remain in their job

- Bhutan, CEDAW, A/59/38 part I (2004) 21 at paras. 121 and 122.

121. The Committee is concerned that no specific legislation has been enacted to combat domestic violence and sexual harassment in the workplace...

122. ...In the light of its general recommendation 19, the Committee requests the State party to enact legislation on domestic violence and sexual harassment as soon as possible...

- Kyrgyzstan, CEDAW, A/59/38 part I (2004) 28 at paras. 155 and 156.

155. The Committee expresses concern about the situation of women in the labour market, including the concentration of women in traditional spheres of employment, in low-paying jobs and in the informal sectors; the wage differentials between women and men; women's rising unemployment rate; and the employment of women in unfavourable working

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conditions.

156. The Committee urges the State party to ensure equal opportunities for women and men in the labour market through, *inter alia*, temporary special measures, in accordance with article 4, paragraph 1, of the Convention and general recommendation 25...It recommends that efforts be strengthened to eliminate occupational segregation, both horizontal and vertical; to narrow and close the wage gap between women and men; and to ensure that both women and men work under proper conditions of health and safety...

- Nigeria, CEDAW, A/59/38 part I (2004) 49 at paras. 297 and 298.

297. The Committee is concerned about the continuing prevalence of violence against women and girls, including domestic violence and sexual harassment in the workplace. The Committee notes with concern that a bill on violence against women proposed in 2002 has yet to be acted on by the National Assembly.

298. The Committee urges the State party to place high priority on putting in place comprehensive measures to address all forms of violence against women in the family and in society and to recognize that such violence constitutes a violation of the human rights of women under the Convention, and in the light of general recommendation 19 on violence against women. The Committee calls upon the State party to speed up its efforts at adoption of legislation on violence against women, including domestic violence and sexual harassment, and to ensure that all forms of violence against women are prosecuted and punished with the required seriousness and speed. The Committee stresses that all women victims of violence should have access to protection and effective means of redress. The Committee recommends gender-sensitive training for public officials, in particular for law enforcement personnel, the judiciary and health service providers, and the establishment of shelters and other services for victims of violence and sexual harassment. The Committee invites the State party to take awareness-raising measures through the media and public education programmes to make such violence socially and morally unacceptable.

- Germany, CEDAW, A/59/38 part I (2004) 62 at paras. 388, 389, 394 and 395.

388. While noting the agreement to promote the equal opportunities of women and men in private industry, the Committee expresses concern at the high level of long-term unemployment of women, the increase in the number of women in part-time work and in low-paid and low-skilled jobs, the continuing wage discrimination women face and the discrepancy between their qualifications and occupational status...

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389. The Committee calls upon the State party to intensify its efforts to increase women's *de facto* equal opportunities in the labour market, including their access to full-time employment, *inter alia*, through the use of temporary special measures in accordance with article 4, paragraph 1, of the Convention and general recommendation 25, and to promote equal pay for work of equal value...

...

394. The Committee is concerned about the situation of migrant and minority women, including Sinti and Roma women, who suffer from multiple forms of discrimination based on sex, ethnic or religious background and race, and at the vulnerability of some of these women to trafficking and sexual exploitation. The Committee regrets the lack of specific information provided in the reports with regard to their access to health, employment and education, as well as various forms of violence committed against them and, in particular, data and information about forced marriages. The Committee is also concerned about the situation of some foreign women domestic workers in the households of diplomats.

395. The Committee urges the State party to take effective measures to eliminate discrimination against migrant and minority women, both in society at large and within their communities, and to respect and promote their human rights, through effective and proactive measures, including awareness-raising programmes. The Committee recommends that the State party continue to undertake research on the situation of migrant and minority women and girls...The Committee also recommends that the State party intensify efforts to protect the human rights of foreign women domestic workers in diplomatic households.

- Malta, CEDAW, A/59/38 part II (2004) 111 at paras. 109 and 110.

109. The Committee is concerned that women are severely underrepresented in the labour market in general and in senior and decision-making positions in particular. Furthermore, the Committee notes with concern the strong occupational segregation, both horizontal and vertical, the concentration of women in part-time jobs, and the persistent wage gap between women and men...

110. The Committee urges the State party to ensure that women have *de facto* equal opportunities in the labour market. Efforts should be made to eliminate occupational segregation in the public and private sectors through skills training and encouraging women to work in non-traditional fields and by the utilization of temporary special measures in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation 25. The Committee further requests the State party to address the wage gap, *inter alia*, through job evaluation systems...

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- Bangladesh, CEDAW, A/59/38 part II (2004) 134 at paras. 241, 242 and 251-254.

241. The Committee expresses concern that, despite the adoption of the Prevention of Women and Children Repression Act, 2000, the Acid Control Act, 2002, and the Acid Crime Control Act, 2002, violence against women, including domestic violence, rape, acid throwing, dowry-related violence, fatwa-instigated violence, and sexual harassment in the workplace, continues to exist. The Committee is also concerned that women who are threatened by or subjected to such violence are placed in “safe custody” in shelter homes without their consent.

242. The Committee urges the State party to accord priority attention to the adoption of a comprehensive approach to address violence against women and girls, taking into account its general recommendation 19 on violence against women. The Committee calls on the State party to ensure the effective implementation of the existing legislation to combat all forms of violence against women and to adopt specific legislation on domestic violence within a clear time frame, in order to ensure that women and girls who are victims of violence and sexual harassment have access to protection and effective redress, and perpetrators of such acts are effectively prosecuted and punished. The Committee also recommends gender-sensitive training on violence against women for public officials, particularly law enforcement personnel, the judiciary and health services providers...It calls on the State party to establish shelters where women who are threatened by or subjected to violence can be accommodated on a voluntary basis. The Committee also calls on the State party to take measures towards changing social, cultural and traditional attitudes that remain permissive of violence against women.

...

251. While welcoming the lifting of the ban on overseas employment of women domestic workers which had been imposed in 1998, the Committee is concerned about the vulnerability of Bangladeshi women migrant workers whose rights are not adequately protected by the State party.

252. The Committee recommends the adoption of a comprehensive gender-sensitive migration policy and the conclusion of bilateral and multilateral agreements with destination countries, in order to ensure the promotion and protection of the human rights of Bangladeshi women migrant workers. The Committee also urges the State party to strengthen its information activities so as to ensure that potential women migrants are fully aware of their rights, as well as of the potential risks of such employment.

253. The Committee expresses concern about the poor working conditions women endure in both the formal and informal sectors of the economy. It is particularly concerned about the persistence of wage disparities between women and men, and about the lack of childcare facilities for working mothers. It is also concerned that women working in the private sector

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and industry do not enjoy the same maternity leave benefits of women working in the public sector.

254. The Committee recommends that the State party establish a monitoring mechanism to ensure the enforcement of legislation requiring employers to provide equal pay for equal work, ensure that maternity leave is available in all public and private employment, especially through the enactment of a law on maternity leave, and expand the number of crèches available for working mothers.

- Dominican Republic, CEDAW, A/59/38 part II (2004) 141 at paras. 302, 303, 306 and 307.

302. The Committee notes with concern the increase in the rate of unemployment among women, which is three times the rate among men, the persistent wage gap between men and women and the lack of information on the causes of this discrepancy. The Committee is also concerned about the lack of public knowledge of the rights of female domestic workers and the lack of compliance with those rights in accordance with the provisions of Act No. 103-99 on Male and Female Domestic Workers amending the Labour Code. It is particularly concerned that compliance with the rights of female domestic workers is being left to the discretion of the employer and that there may be non-compliance in cases where the female domestic workers are hired by private companies.

303. The Committee urges the State party to ensure *de facto* equal opportunity for men and women in the labour market through a review of labour legislation to ensure that it is consistent with article 11 of the Convention and is implemented in compliance thereof. It particularly recommends that the State party take the necessary action to guarantee equal pay for women and men in both the public and private sectors by developing policies and measures to that end, including through job evaluations, collection of data, further study of the underlying causes of the wage gap and provision of increased assistance for social partners in collective bargaining, in particular in determining wage structures in sectors dominated by women. With respect to the rights of female domestic workers, the Committee urges the State party to take practical measures to monitor closely and enforce compliance with Act No. 103-99 and assess its effectiveness. It recommends the adoption of legislative, administrative and other measures guaranteeing access to social security and other labour benefits, including paid maternity leave, for female domestic workers, temporary employees and workers in the informal and rural sectors.

...

306. The Committee is deeply concerned about the situation of women working in the free-trade zones, who make up 53 per cent of the total workforce in this sector, in view of the persistence of discriminatory practices, such as the exclusion of women on the grounds of pregnancy, compulsory pregnancy tests as a condition for employment and the incidence of

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violent acts such as sexual harassment in contravention of Article 209 of the Penal Code, which protects women from sexual harassment in the workplace, and in contravention of Act No. 24-97, which protects women against all types of violence. The Committee also is concerned about the working conditions of women in the free-trade zones, which violate health and industrial safety regulations.

307. The Committee recommends that steps be taken to ensure the implementation of labour legislation in free-trade zones, in accordance with article 11 of the Convention and to prohibit, subject to the imposition of sanctions, dismissal on the grounds of pregnancy. The Committee also recommends the institution of measures for the implementation and enforcement of legislation on sexual harassment and other forms of violence against women, in order to guarantee the protection of women employed in free-trade zones and the punishment of the perpetrators.

- Spain, CEDAW, A/59/38 part II (2004) 149 at paras. 350 and 351.

350. The Committee is concerned about the continuing high level of unemployment among women that is reported twice that of men, the high number of women in part-time and temporary jobs as well as the wage discrimination faced by women. Furthermore, the Committee is concerned at the high proportion of women in the service sector, indicating a sex-segregated labour market with a negative impact on women's wages.

351. The Committee calls upon the State party to intensify its measures to increase women's employment, to make sure that women have access to full-time and permanent jobs if they wish, and to promote equal pay for equal work and work of equal value. It also calls upon the State party to promote participation by women in sectors traditionally regarded as male and *vice versa*.

- Argentina, CEDAW, A/59/38 part II (2004) 155 at paras. 374, 375, 378 and 379.

374. The Committee is concerned about the poor working conditions women endure in both the formal and informal sectors of the economy. It is particularly concerned about the persistence of wage disparities between women and men, which are discriminatory, and about the lack of social benefits and services for women. The Committee is concerned that in the prevailing situation of economic difficulty and uncertainty, women may face even greater obstacles than usual in claiming their rights and taking steps against discriminatory practices and attitudes in their employment and economic activities.

375. The Committee urges the State party to make all necessary efforts to ensure the

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enforcement of legislation requiring employers to provide equal pay for equal work, as well as efforts to ensure that women receive adequate social benefits and services. It also calls on the State party to ensure full adherence to existing legislation so that women can use means of redress without fear of reprisals from employers.

...

378. The Committee expresses concern about the increase in the incidence of violence against women, including domestic violence and sexual harassment in the workplace, which might be correlated to the crisis in the country. The Committee is also concerned that perpetrators of acts of violence are often unpunished.

379. The Committee urges the State party to ensure that a comprehensive approach is taken to address violence against women and girls, taking into account its general recommendation 19 on violence against women. This must include the effective implementation of the existing legislation, at the provincial level, to combat all forms of violence against women. In addition, the Committee urges the State party to consider enacting a law, at the federal level and applicable to the entire territory of the country, aimed at combating and eradicating violence against women and at ensuring that women who are victims of violence and sexual harassment have access to protection and effective redress, that perpetrators of such acts are effectively prosecuted and punished and that women are effectively protected against reprisals. The Committee also recommends that the State party launch a national public-awareness campaign on violence, against women and the social and moral unacceptability of such violence especially in the current difficult time the country is experiencing, and increase its efforts to provide gender-sensitive training on violence against women as a violation of women's human rights for public officials, particularly law enforcement personnel, the judiciary and health-service providers.

- Samoa, CEDAW, A/60/38 part I (2005) 9 at paras. 54 and 55.

54. The Committee is concerned about the situation of women in the employment sector and their lower level of participation in the labour force. The Committee is concerned that existing legislation is discriminatory or has significant gaps with respect to articles 11 and 13, such as lack of provisions on equal pay for work of equal value, on protection against discrimination on the basis of pregnancy and against sexual harassment in the workplace. The Committee is also concerned about the extremely limited provision of paid maternity leave in the private sector and the lack of adequate childcare services.

55. The Committee calls upon the State party to bring its legislation into compliance with article 11 of the Convention without delay and to ensure compliance with such legislation. The Committee also requests the State party to step up its efforts to address the impediments women face in entering the labour force and to implement measures to promote the

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reconciliation of family and work responsibilities between women and men. The Committee also urges the State party to use temporary special measures in accordance with article 4, paragraph 1, of the Convention and general recommendation 25 so as to enhance implementation of article 11 of the Convention...

- Paraguay, CEDAW, A/60/38 part I (2005) 44 at paras. 285 and 286.

285. While taking note of the amendments to the Labour Code in regard to domestic workers, the Committee remains concerned about the lack of enforcement of the Code in the public and private sectors, the poor working conditions for women in the informal sector, the low participation of women in the formal labour market, persistent wage disparities between women and men, and discriminatory practices *vis-à-vis* domestic workers, such as workdays of 12 hours and remuneration below the minimum wage. The Committee is particularly concerned about the high number of girls performing domestic work without remuneration.

286. The Committee urges the State party to put in place effective monitoring mechanisms to ensure the enforcement of existing legislation, particularly as it applies to domestic workers. It also urges the State party to implement temporary special measures in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation 25 in order to increase the number of women in the formal workforce. The Committee requests the State party to address the issue of girls performing domestic work by bringing its legislation and policies into line with its obligations under International Labour Organization Conventions No. 138 and No. 182, concerning respectively the minimum age of 14 years for admission to employment and the elimination of the worst forms of child labour. It also encourages the State party to implement awareness-raising campaigns through the media and public education programmes on the situation of girls performing domestic work. The Committee urges the State party to address the underlying causes of the high incidence of girls performing domestic work.

- Italy, CEDAW, A/60/38 part I (2005) 51 at paras. 326, 327, 332 and 333.

326. While noting the sharp increase in the employment rate among women, the Committee is concerned about the serious disadvantages women face in the labour market, including the underrepresentation of women in senior positions, the concentration of women in certain low-wage sectors and in part-time work, the considerable wage gap between men and women and the lack of implementation of the principle of equal pay for work of equal value. While noting that Law 53/2000 recognizes the right of both parents to take leave from work to care for a child during early infancy, the Committee is concerned that a very small percentage of men take advantage of this opportunity.

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327. The Committee urges the State party to accelerate and ensure equal opportunities for women and men in the labour market through, *inter alia*, temporary special measures in accordance with article 4, paragraph 1, of the Convention and general recommendation 25, and to ensure equal pay for work of equal value. It also recommends that the State party extend full social security benefits to part-time workers, the majority of whom are women, and take measures to eliminate occupational segregation, in particular through education and training. The Committee further urges the State party to give women more access to full-time employment and to improve the availability of affordable childcare facilities, and encourage men, including through awareness-raising, to take equal responsibility for childcare.

...

332. The Committee is concerned that certain groups of women, including Roma and migrant women, remain in a vulnerable and marginalized situation, especially in regard to education, employment, health and participation in public life and decision-making. The Committee is particularly concerned about the impact of Law 189/2002, which imposes far-reaching restrictions on migrant women workers, and about the absence of laws and policies concerning asylum-seekers and refugees, including lack of recognition of gender-related forms of persecution in determining refugee status.

333. The Committee urges the State party to take effective measures to eliminate discrimination against vulnerable groups of women, including Roma and migrant women, and to enhance respect for their human rights through all available means, including temporary special measures in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation 25...The Committee also encourages the State party to revisit the provisions of Law 189/2002 with a view to removing the current restrictions on migrant women, and to adopt laws and policies which recognize gender-related forms of persecution in the determination of refugee status.

- Lebanon, CEDAW, A/60/38 part II (2005) 109 at paras. 109 and 110.

109. The Committee notes with concern that, despite law reform in the field of employment, women remain disadvantaged in the labour market, which is characterized by strong occupational segregation and the persistence of a gender wage gap.

110. The Committee requests the State party to step up its efforts to eliminate occupational segregation and to ensure equal opportunities for women and men in the labour market. It also recommends that the State party establish a monitoring mechanism to ensure the enforcement of legislation requiring employers to provide equal pay for work of equal value. The Committee requests that effective measures be taken to support the reconciliation of family and professional responsibilities and to promote the sharing of domestic and family

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responsibilities between women and men.

- Ireland, CEDAW, A/60/38 part II (2005) 151 at paras. 394 and 395.

394. While acknowledging the initiatives taken by the State party to foster women's participation in employment, including the Equal Opportunities Childcare Programme, 2000-2006, the Committee is concerned that women remain disadvantaged in the labour market. It is particularly concerned that they are concentrated in part-time and low-paid work and that the pay gap between women and men, although recently reduced, is still significant. The Committee is further concerned about the precarious situation of migrant domestic workers, the vast majority of whom are women, who are excluded from the protection against discrimination extended to employees under the Equality Act, 2004.

395. The Committee recommends that further measures allowing for the reconciliation of family and professional responsibilities be adopted and implemented, including the provision of affordable childcare, and that the equal sharing of domestic and family tasks between women and men be promoted. It also recommends that the State party adopt policies and concrete measures to accelerate the eradication of pay discrimination against women and to work towards ensuring *de facto* equal opportunities for women and men in the labour market. The Committee calls on the State party to ensure that women domestic workers, including migrant women, are duly protected against discrimination.

CRC

- Qatar, CRC, CRC/C/111 (2001) 59 at paras. 320 and 321.

320. The Committee is seriously concerned at the hazardous situation of children involved in camel racing. In particular, it is concerned that sometimes very young children are involved; are trafficked, particularly from Africa (i.e. the Sudan) and South Asia; and are denied education and health care; and that such involvement produces serious injuries, even fatalities. It concurs with the ILO Committee of Experts on the Application of Conventions and Recommendations which has previously indicated that the employment of children as camel jockeys constitutes dangerous work under article 3 (1) of ILO Convention No. 138.

321. The Committee recommends that the State party in accordance with article 32 of the Convention and the ILO Worst Forms of Child Labour Convention, 1999 (No. 182), which the State party has ratified:

- (a) Take immediate and effective steps to ensure the implementation of article 32 of the

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Convention and ILO Convention No. 182, taking into account ILO Recommendation No. 190;

(b) Implement - in compliance with all international labour standards - the recommendations of the Committee established by the Supreme Council of Family Affairs to examine the issue of children in camel racing;

(c) Continue to strengthen its efforts to undertake a regional initiative in this regard, including bilateral and multilateral cooperation; and

(d) Seek assistance from ILO.

- Lebanon, CRC, CRC/C/114 (2002) 11 at paras. 85 and 86.

85. While noting the measures taken by the State party in this sector, including raising the minimum age for employment, the Committee is concerned that despite stricter laws on child labour, a high percentage of working children are involved in activities which represent a danger to their health and development. The Committee welcomes the collaboration with ILO/IPEC in combating and preventing child labour.

86. The Committee recommends that the State party:

(a) Continue and strengthen its cooperation with ILO/IPEC and carry out campaigns to inform and sensitize the general public, especially parents and children, of work hazards, as well as strengthen labour inspections and law enforcement; and

...

- Mozambique, CRC, CRC/C/114 (2002) 65 at paras. 313 and 314.

313. Noting the measures taken by the State party to assess the causes of child labour and to assess existing legislation setting the minimum age of labour at 15 and regulating the work of children aged 15 to 18 and scope of child labour, the Committee is concerned that:

...

(d) Child labourers are the victims of economic exploitation and work in very poor conditions, including without insurance or social security benefits, with very low wages, for long hours and in dangerous and/or abusive conditions;

...

314. The Committee recommends that the State party:

...

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(c) Make every effort to ensure that children do not work in conditions that are harmful to them and that they receive appropriate wages and other work-related benefits, with particular reference to article 32 of the Convention;

...

(e) Ratify ILO Conventions 138 concerning the Minimum Age for Admission to Employment and 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.

(f) Ensure the implementation and enforcement of all domestic and international legal protections for children in this regard.

See also:

- Sudan, CRC, CRC/C/121 (2002) 53 at paras. 282 and 283.
- Guinea-Bissau, CRC, CRC/C/118 (2002) 12 at paras. 41, 42, 80 and 81.

41. The Committee is deeply concerned that budget allocations for services such as health and education are extremely low. In addition, sole dependence on foreign assistance raises concerns as to the sustainability of the required resources. The Committee notes, further, that teachers and many other State employees often do not receive their salaries.

42. With a view to the State party's strengthening of its implementation of article 4 of the Convention, and in the light of articles 2, 3, and 6, the Committee recommends that the State party:

...

(c) Ensure the payment of salaries to State employees whose work is essential for the respect of children's rights.

...

80. While noting the efforts underway to address this concern, the Committee is concerned that, as noted by the State party in its report, the economic exploitation of children is extremely serious and growing worse (paras. 250-253) and that, in particular (para. 142), the numbers of children working in the non-formal sector are increasing and that children are often compelled to perform the same work as adults, in highly difficult and dangerous conditions.

81. The Committee recommends that the State party make every effort to:

...

(c) Ensure that working children above the age of 14 benefit from adequate and full protection, including with regard to conditions of work and pay;

...

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(e) Ratify and implement ILO Conventions 138 concerning the Minimum Age for Admission to Employment and 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.

- United Arab Emirates, CRC, CRC/C/118 (2002) 90 at paras. 406 and 407.

406. Despite noting some efforts by the State party, the Committee is seriously concerned at the hazardous situation of children involved in camel racing. In particular, it is concerned that very young children are sometimes involved; that children are trafficked, particularly from Africa and South Asia for this purpose; that children are denied education and health care; and that such involvement produces serious injuries, even fatalities. It concurs with the ILO Committee of Experts on the Application of Conventions and Recommendations, which has previously indicated to the State party that the employment of children as camel jockeys constitutes dangerous work under article 3, paragraph 1, of ILO Convention No. 138.

407. In accordance with article 32 of the Convention and ILO Conventions Nos. 138 and 182, which the state party has ratified, the Committee recommends that the State party:

(a) Take immediate and effective steps to ensure the implementation of article 32 of the Convention on the Rights of the Child and ILO Convention Nos. 138 and 182, taking into account ILO Recommendations Nos. 146 and 190;

(b) Undertake awareness-raising campaigns on trafficking in countries of origin and strengthen cooperation with those countries;

(c) Undertake a regional initiative (e.g. through the Gulf Cooperation Council) in this regard, including bilateral and multilateral cooperation; and

(d) Seek assistance from the ILO and UNICEF.

- United Kingdom of Great Britain and Northern Ireland, CRC, CRC/C/121 (2002) 23 at paras. 147 and 148.

147. The Committee is concerned that the national minimum wage does not apply to young workers above the minimum age of employment, and that therefore they can be at risk of being economically exploited. The Committee notes that policies with regard to minimum wage reflect programmes of the State party aimed at encouraging young people to study and improve their skills. Nevertheless, the Committee is concerned that these policies may discriminate against children who must work.

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148. The Committee recommends that the State party reconsider its policies regarding the minimum wage for young workers in light of the principle of non-discrimination.

- Ukraine, CRC, CRC/C/121 (2002) 70 at paras. 357 and 358.

357. The Committee, while noting the creation of the Ministry of Labour and Social Policy in 1996, which is responsible for monitoring compliance with the labour legislation, particularly in respect of children, remains concerned that there is inadequate enforcement of the Ukrainian Labour Code, in particular with regard to hazardous and forced labour, and that a large number of children are reported to be working, particularly in the informal sector.

358. The Committee recommends that the State party:

(a) Undertake a national survey on the causes and extent of child labour with a view to adopting and implementing a national plan of action to prevent and combat child labour;

(b) Continue efforts to protect all children from economic exploitation and from performing 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 or social development.

- Burkina Faso, CRC, CRC/C/121 (2002) 103 at paras. 479 and 480.

479. While noting with appreciation the ratification by the State party of ILO Conventions No. 138 concerning the Minimum Age for Admission to Employment and No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour and the ongoing programme with the International Programme for the Elimination of Child Labour (ILO/IPEC) the Committee is deeply concerned at the fact that child labour in the State party is widespread and that children may be working long hours at young ages, which has a negative effect on their development and school attendance.

480. The Committee encourages the State party to continue its collaboration with ILO/IPEC. In addition, the Committee recommends that the State party strengthen the implementation of its labour laws and increase the number of labour inspectors.

- Romania, CRC, CRC/124 (2003) 49 at paras. 254 and 255.

254. The Committee is encouraged by the ongoing efforts of the State party, in cooperation with ILO and others, aimed at addressing the problem of child labour in Romania. However,

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the Committee is concerned that the number of children working in the city streets, in rural areas and in households is still high, and that:

...

(b) Some children entitled to work do so in very poor conditions, including without insurance or social security benefits, for very low wages, for long hours, and in dangerous and/or abusive conditions.

255. The Committee recommends that the State party, in accordance with article 32 of the Convention and ILO Conventions Nos. 138 concerning the Minimum Age for Admission to Employment and 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, which the State party has ratified:

(a) Take immediate and effective steps to ensure the implementation of article 32 of the Convention and ILO Conventions Nos. 138 and 182, taking due account of the ILO Minimum Age Recommendation, 1973 (No. 146) and the Worst Forms of Child Labour Recommendation, 1999 (No. 190);

(b) Continue its cooperation with IPEC, as well as strengthen its cooperation with and support for NGOs working in this area.

- Czech Republic, CRC, CRC/C/124 (2003) 78 at paras. 379 and 380.

379. The Committee welcomes the ratification by the State party of ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour. The Committee notes with concern that ILO Convention No. 138 remains unratified, that there are no programmes or activities for the prevention and protection of children against economic exploitation, and that statistical data are lacking. Furthermore, the Committee is concerned that many children, including those under 15 years of age and as young as 7 years, perform regular labour in agriculture, family enterprises and as models.

380. The Committee recommends that the State party:

...

(b) Continue efforts to protect all children from economic exploitation through the establishment of an effective mechanism for inspection;

(c) Protect all children above 15 years from performing any work that is likely to be hazardous, to interfere with the child's education, or to be harmful to the child's health or physical, mental or social development;

...

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- Haiti, CRC, CRC/124 (2003) 95 at paras. 446-449.

446. The Committee is deeply concerned at the high number of under-age children who work long hours, which has a negative effect on their development and school attendance.

447. The Committee recommends that the State party:

(a) Strengthen the implementation of its labour laws and increase the number of labour inspectors;

(b) Ratify ILO Conventions Nos. 138 concerning the Minimum Age for Admission to Employment and 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour;

(c) Seek technical assistance from, among others, ILO.

448. The Committee is deeply concerned at the situation of child domestic workers (*restaveks*), in particular at the low age (12 years), contained in article 341 of the Labour Code, at which children can be placed with families, taking into account that, in practice, even younger children are involved. The Committee notes with concern that these children, most of them girls, are forced to work long hours under harsh conditions and without being paid, and are subjected to ill-treatment and abuse, including sexual abuse.

449. The Committee recommends that the State party urgently:

(a) Repeal article 341 of the Labour Code and ensure observance of a minimum age for employment of 15 years;

(b) Take all the necessary measures to prevent and end under-age employment through a comprehensive strategy, notably by holding debates and awareness campaigns, providing guidance and support to the most vulnerable families, and addressing the root causes of the phenomenon;

(c) Properly investigate cases of violence, through a child-sensitive judicial procedure, and apply sanctions to perpetrators;

(d) Ensure that *restaveks* are offered services for their physical and psychological recovery and social reintegration, including access to education.

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- Solomon Islands, CRC, CRC/C/132 (2003) 58 at paras. 323, 324, 329, 330, 335 and 336.

323. The Committee is deeply concerned:
...
(c) That medical staff have not received their salaries for extended periods, which has led many doctors to seek employment overseas;
...
324. The Committee urgently recommends that the State party:

(a) Allocate funds to hospitals and health-care services on a priority basis in order to restore the health services to an operational level;

(b) Ensure that doctors, nurses and other medical personnel are able to resume work as soon as possible;
...
329. The Committee is concerned that:

(a) Some schools have remained closed for several weeks in the recent past due to non-payment of teachers' salaries;
...
330. The Committee recommends that the State party:

(a) Allocate the necessary funds to schools in order to avoid disruption of schooling;
...
335. The Committee is concerned that:

(a) Many children under 15 are working, often in very poor conditions and for long hours;

(b) In order to overcome extreme poverty, many parents and families require children to work, as illustrated by the prevalence of young girls working as domestics, sometimes within the extended family;

(c) The prevalence of child labour prevents many children from attending school.

336. The Committee recommends that the State party:

(a) Ensure the implementation and enforcement of all domestic and international legal protection for children in this regard, in close collaboration with ILO/IPEC;

(b) Make greater efforts to reduce the number of children working in the formal and informal sectors, with particular emphasis on younger children;

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(c) Make every effort, including taking preventive measures, to ensure that those children who do work do so in accordance with international standards, do not work under conditions which are harmful to them, receive appropriate wages and other work-related benefits and continue to have access to formal education;

(d) Ratify ILO Conventions No. 138 concerning the Minimum Age for Admission to Employment and No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.

- Jamaica, CRC, CRC/C/132 (2003) 86 at paras. 444 and 445.

444. The Committee notes the preliminary assessment of the worst forms of child labour in Jamaica (ILO/IPEC, November 2001) and the State party's expressed intention to ratify the ILO Minimum Age Convention (No. 138) and the Worst Forms of Child Labour Convention (No. 182). However, the Committee remains concerned about the actual child labour situation and notes the scarcity of data with regard to child labour.

445. The Committee recommends that the State party:

(a) Take further measures to assess the scope and nature of economic exploitation of children in all sectors and take the necessary measures to reduce and eliminate child labour, in close cooperation with ILO, including by introducing a separate legal provision prohibiting the employment of children under the age of 18 in hazardous work, i.e. work that is likely to be harmful to the child's full and holistic development;

(b) Take action to implement all policies and legislation relevant to child labour, *inter alia* through campaigns and education for the public on protection of the rights of children;

(c) Ratify and implement ILO Conventions Nos. 138 and 182.

- Indonesia, CRC, CRC/C/137 (2004) 8 at paras. 104 and 105.

104. The Committee welcomes the establishment of the National Plan of Action on the Elimination of the Worst Forms of Child Labour as well as the State party's ratification of ILO Conventions No. 138 and No. 182 in 1999 and 2000, respectively. Nevertheless, it remains concerned at the high number of children, many of them under 15, still working in the informal sector, on fishing platforms, in factories, as domestic servants, on plantations, in the shoe, food and toy industries, in the mining and quarrying sector, and on the streets.

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105. The Committee recommends that the State party:

(a) Ensure that the National Commission on the Elimination of the Worst Forms of Child Labour reach and protect children employed in the informal sector, in particular domestic workers, prostituted children and children engaged in other types of exploitative labour;

(b) Ensure that the National Plan of Action against the Elimination of the Worst Forms of Child Labour is allocated sufficient resources and that its implementation is appropriately monitored.

- Armenia, CRC, CRC/C/137 (2004) 36 at paras. 237 and 238.

237. The Committee notes with appreciation the information provided by the State party's delegation that Armenia plans to ratify International Labour Organization (ILO) Conventions No. 138, concerning the Minimum Age for Admission to Employment and No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour following the adoption in 2004 of a new Labour Code. The Committee reiterates its concern that child labour is a problem in the State party, with an increasing number of children dropping out of school and taking up work in the informal sector, especially in agriculture. The Committee is concerned that there is little awareness in Armenia of the negative consequences of child labour and that there are inadequate measures to address this issue.

238. The Committee recommends that the State party ensure the effective implementation of the minimum age for admission to employment, set at 16 in the Labour Code, and of other provisions prohibiting heavy and hazardous work for children under 18. Employers should be required to have and produce on request 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 address complaints of violations. The Committee recommends that the State party undertake a national survey on the nature and extent of child labour. The Committee also recommends that the State party carry out campaigns to inform and sensitize the general public, especially parents and children, to work hazards; and to involve and train employers', workers' and civic organizations, government officials, such as labour inspectors and law enforcement officials, and other relevant professionals. The State party should seek cooperation with relevant United Nations agencies, such as ILO and UNICEF, and NGOs in this regard. The Committee also encourages the State party to ratify ILO Conventions Nos. 138 and 182 as soon as possible.

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- Germany, CRC, CRC/C/137 (2004) 51 at paras. 281 and 282.

281. The Committee notes the decision of the Constitutional Court of 24 September 2003 (2 BvR 1436/02, Case Ludin) but is concerned at laws currently under discussion in some of the Länder aiming at banning schoolteachers from wearing headscarves in public schools, as this does not contribute to the child's understanding of the right to freedom of religion and to the development of an attitude of tolerance as promoted in the aims of education under article 29 of the Convention.

282. The Committee recommends that the State party take educational and other measures aimed at children, parents and others to develop a culture of understanding and tolerance, particularly in the area of freedom of religion, conscience and thought by, *inter alia*, avoiding measures which single out a particular religious group.

- India, CRC, CRC/C/137 (2004) 75 at paras. 450 and 451.

450. The Committee notes the tenth Plan for the National Child Labour Project but is extremely concerned at the large numbers of children involved in economic exploitation, many of whom are working in hazardous conditions, including as bonded labourers, especially in the informal sector, in household enterprises, as domestic servants and in agriculture. The Committee is further very concerned that minimum age standards for employment are rarely enforced and appropriate penalties and sanctions are not imposed to ensure that employers comply with the law.

451. The Committee recommends that the State party:

(a) Ensure the full implementation of the Child Labour (Prohibition and Regulation) Act, 1986, the Bonded Labour (System Abolition) Act, 1976 and the Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993;

(b) Amend the Child Labour Act, 1986 so that household enterprises and government schools and training centres are no longer exempt from prohibitions on employing children;

(c) Promote community-based programmes for the prevention of child labour;

(d) Ratify ILO Conventions No. 138 concerning the Minimum Age for Admission to Employment, and No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour;

(e) Strengthen its efforts to raise awareness of the public at large, especially parents and

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children, of work hazards and to involve and train employers, workers and civic organizations, government officials, such as labour inspectors and law enforcement officials, and other relevant professionals; and

(f) Continue its collaboration with ILO/IPEC.

- Rwanda, CRC, CRC/C/140 (2004) 36 at paras. 223 and 224.

223. The Committee welcomes the adoption of the new Labour Code, Law No. 51/2001 of 31 December 2001, but is nevertheless deeply concerned that child labour in the State party is widespread, particularly in the informal sector where children work as domestic workers, and that children may be working long hours at young ages, which has a negative effect on their development and school attendance.

224. In the light of article 32 and other related articles of the Convention, the Committee recommends that the State party:

(a) Undertake a comprehensive study to assess the situation of child labour;

(b) Amend the existing legislation to harmonize it with the various international instruments that have been ratified by the State party, including ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour;

(c) Provide adequate human and other resources and training to the labour inspectorate and other law enforcement agencies in order to further strengthen their capacity to effectively monitor the full implementation of child labour legislation; and

(d) Seek assistance from ILO/IPEC and UNICEF.

- Myanmar, CRC, CRC/C/140 (2004) 81 at paras. 442 and 443.

442. The Committee notes that the 1993 Child Law prohibits child labour, but is deeply concerned that economic exploitation is extremely widespread in Myanmar and that children may be working long hours at young ages, with very negative impacts on their development and school attendance. While noting the adoption of a joint Plan of Action for the Elimination of Forced Labour with ILO, the appointment in 2002 of an ILO Liaison Officer and the recent appointment of the ILO Facilitator, the Committee is extremely concerned at practices of forced labour among children, notably those organized by the armed forces.

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443. In line with its previous recommendations ([CRC/C/15/Add.69], paras. 42 and 43), the Committee strongly recommends that the State party:

(a) Adopt and implement a comprehensive national plan of action to prevent and combat child labour;

(b) Amend, where necessary, and strengthen the implementation of the labour laws, notably through prosecution of those who make use of forced labour, and increase the number and quality of labour inspectors;

(c) Consider ratifying and implementing the ILO Minimum Age Convention, 1973 (No. 138) and the Worst Forms of Child Labour Convention 1999 (No. 182);

(d) Continue to seek assistance from ILO through the joint Plan of Action for the Elimination of Forced Labour, the ILO Liaison Officer and the ILO Facilitator, whose work should begin without delay, ensuring that clear and effective communication is reinstated with ILO.

- Kyrgyzstan, CRC, CRC/C/143 (2004) 50 at paras. 300 and 301.

300. The Committee welcomes the recent creation of the Coordination Council on Child Labour (in 2004), but remains concerned about the prevalence of child labour in Kyrgyzstan and the lack of official data in this regard. The use of children as workers by State institutions, and in particular by State educational establishments, is a matter of concern to the Committee.

301. The Committee recommends that the State party:

(a) Take steps to improve the labour conditions of children who are allowed to work and enforce the provisions of the Minors' Rights (Protection and Defence) Act with regard to child labour; and

(b) Take immediate and effective steps to eliminate the practice in State institutions, in particular in educational institutions, of requiring children to work for the profit of these institutions.

- Antigua and Barbuda, CRC, CRC/C/143 (2004) 93 at paras. 512 and 513.

512. The Committee notes with appreciation the State party's ratification in September 2002

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of the Worst Forms of Child Labour Convention, 1999 (No. 182). The Committee expresses concern, however, about the atmosphere of complacency, which may reduce efforts to prevent and eliminate child labour.

513. The Committee recommends that the State party make every effort, including taking preventive measures, to ensure that those children who engage in lawful domestic work do not work under conditions that are harmful to them and continue to have access to education, and that unlawful work is prevented and eliminated. The Committee further recommends that the State party take action to implement all policies and legislation relevant to child labour, *inter alia* through campaigns and education for the public on the protection of the rights of children.

- Luxembourg, CRC, CRC/C/146 (2005) 36 at paras. 159, 213 and 214.

159. The Committee notes with appreciation:

...

(d) The following legislative measures:

...

(iii) Protection of Young Workers Act of 23 March 2001, transposing into national legislation European Directive 94/33 on the protection of young people at work;

(iv) Act of 1 August 2001 on the protection of pregnant workers and workers who have recently given birth or are breastfeeding;

...

213. While welcoming the many legislative and other measures taken by the State party to combat and raise awareness of the problem of sexual exploitation, trafficking in persons and child pornography, the Committee is concerned that the conditions of work for women and girls arriving in Luxembourg to work in the entertainment sector are such that they may be exposed to the risk of prostitution and trafficking in human beings.

214. In the light of article 34 and other related articles of the Convention, the Committee recommends that the State party continue and strengthen its efforts to identify, prevent and combat trafficking in children for sexual and other exploitative purposes, including by undertaking studies to assess the nature and magnitude of the problem and allocating sufficient resources to addressing it.

- Belize, CRC, CRC/C/146 (2005) 59 at paras. 357 and 358.

357. The Committee welcomes the ILO-funded pilot project to address child labour

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problems, but remains concerned at the high rate of working children in Belize and the negative consequences resulting from the exploitation of child labour, such as school dropouts and the negative effects on health caused by harmful and hazardous work. The Committee notes with particular concern the high number of child rural workers and regrets the lack of adequate data on child labour in the country.

358. In the light of ILO Conventions No. 138 concerning Minimum Age for Admission to Employment and No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour and the relevant provisions of the Convention on the Rights of the Child, the Committee recommends that the State party ensure the full implementation of the child labour provisions, including the provision of non-formal education and training, in order to ensure the development of children to their full potential; take all necessary measures to prevent child labour, including in rural areas, *inter alia*, by extending the ILO-funded project to those parts of the country, as well as to urban areas; and improve the monitoring of child labour in the country. The Committee encourages the State party to strengthen its cooperation with ILO and its International Programme on the Elimination of Child Labour (IPEC) in this respect.

- Bahamas, CRC, CRC/C/146 (2005) 77 at paras. 425 and 426.

425. The Committee appreciates the progress made by the State party in addressing the issue of child labour, including the adoption of the Employment Act in 2001. However, the Committee is concerned at the relatively high prevalence of child labour in the State party and the insufficient protection from hazardous forms of work involving children between 14 and 18 years of age.

426. The Committee recommends that the State party establish a definition of hazardous work, in conformity with the rules set out in ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, and explicitly prohibit the employment of children between 14 and 18 years in work that is likely to harm their health, safety and morals. It further recommends that the State party take the necessary measures to improve the effectiveness of the labour inspectorate and other forms of monitoring child labour in order to ensure full compliance with the rules of the Employment Act 2001 regarding working conditions for children from 14 to 18 years of age.

- Togo, CRC, CRC/C/146 (2005) 104 at paras. 572 and 574.

572. The Committee is further concerned about:

...

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(c) The low level of qualification of teachers;

...

574. The Committee recommends that the State party:

...

(c) Ensure that teachers are adequately trained and paid;

...

- Bolivia, CRC, CRC/C/146 (2005) 121 at paras. 652 and 653.

652. While welcoming the measures taken by the State party to combat the worst forms of child labour, including through cooperation with ILO-IPEC, the Committee expresses its deep concern at the widespread occurrence of child labour in the State party and at the absence of rights-based policies to protect the rights of children and adolescents involved in child labour. The Committee is particularly concerned about the large number of child domestic workers, who are vulnerable to abuse, and about children working in mines, on sugar cane plantations and in other hazardous conditions.

653. The Committee urges the State to strengthen measures to combat child labour. It recommends, in this regard, that the State party formulate, in a participatory manner, a strategy and plan of action to eliminate the worst forms of child labour as well as to safeguard the rights of working children. The Committee also recommends that the State party strengthen the labour inspectorate to ensure the effective implementation of child labour laws, including the prohibition against employing children under the age of 18 in harmful or hazardous work. The State party is encouraged to give priority to children working in the sugar cane and mining industries and to child domestic workers, with special attention to the rights of the girl child, and to continue to seek assistance from ILO-IPEC in this respect.

- Nigeria, CRC, CRC/C/146 (2005) 135 at paras. 737-739.

737. The Committee notes with appreciation the State party's ratification of the ILO Convention No. 138 concerning Minimum Age for Admission to Employment and the ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour in October 2002. However, it remains concerned at the significant number of children in Nigeria working as domestic servants, in plantations, in the mining and quarrying sector, and as beggars on the streets. The Committee is also concerned that exploitation and abuse commonly take place in the context of extended family fostering and apprenticeship.

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738. The Committee is also gravely concerned by the reports of forced child labour taking place in the State party. While acknowledging efforts made by the State party and United Nations agencies to reduce this phenomenon, the Committee regrets that the outcomes of such efforts have been poor.

739. The Committee recommends that the State party:

(a) Continue and strengthen its efforts to eliminate child labour, in particular by addressing the root causes of child economic exploitation through poverty eradication and to develop a comprehensive child labour monitoring system in collaboration with NGOs, community-based organizations, law enforcement personnel, labour inspectors and ILO-IPEC;

(b) Make every effort, including preventive measures, to ensure that those children who do work do so in accordance with international standards, do not work under conditions which are harmful to them, receive appropriate wages and other work-related benefits and continue to have access to formal education and other developmental opportunities; and

(c) Take action to implement all policies and legislation relevant to child labour, *inter alia*, through awareness-raising and educational campaigns for the public on the protection of the rights of children.

- Saint Lucia, CRC, CRC/C/150 (2005) 10 at paras. 91 and 92.

91. The Committee is concerned that the State party has no provisions for the classification of hazardous and non-hazardous work, as well as regulations guiding the conditions of employment. The Committee is also concerned about child labour in the informal economy in urban areas.

92. The Committee recommends that the State party adopt a comprehensive legal framework for children engaged in the workforce which is in compliance with article 32 of the Convention on the Rights of the Child as well as the Worst Forms of Child Labour Convention, 1999 (No. 182). The Committee further recommends that the State party ratify the Minimum Age Convention, 1973 (No. 138).

- Nepal, CRC, CRC/C/150 (2005) 66 at paras. 284 and 371-375.

284. The Committee notes the adoption of the following laws aimed at enhancing the implementation of the Convention: (a) the Child Labour (Prohibition and Regularization) Act in 2000, which defines hazardous work and prohibits the employment of children under

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the age of 16 and (b) the *Kamaiya* Prohibition Act in 2002, which codified the emancipation of bonded labourers, penalized employers engaged in *Kamaiya* labour practices, and established governmental *Kamaiya* relief funds.

...

371. The Committee notes with satisfaction the various efforts taken by the State party to eliminate the worst forms of child labour, in cooperation with the civil society actors, the donor community, and most notably, the International Labour Organization, including ratification of relevant ILO Conventions and national laws..., the planned adoption of a National Master Plan and of the Time Bound Programme.

372. Nevertheless, the Committee remains gravely concerned about the significant proportion of children in the State party who engage in labour, which is often full-time, and extremely hazardous. The Committee is also concerned that the enforcement of domestic legislation in this area remains weak. The Committee is concerned about the shortage of labour inspectors due to the State party's lack of financial resources. The Committee is also concerned that even though a large majority of the population, including children, work in the informal economy, the Child Labour Act which prohibits unlawful employment of children applies only to formal sectors of the economy.

373. While welcoming the abolition in 2000 of the *Kamaiya* system of bonded labour and the enactment in 2002 of the *Kamaiya* Prohibition Act, the Committee is concerned that a large number of *Kamaiya* children remain unreleased and continue to work as bonded labourers, and that many thousands of *Dalit* bonded labourers (*haliya*), including children, are reported to be working in agriculture in Western Nepal and in the plains. The Committee is particularly concerned that they continue to face serious difficulties in the areas of the right to housing, land, work and education.

374. The Committee recommends the State party to strengthen the enforcement of the existing legislation and policies to eradicate the practice of bonded labour by children. The Committee also urges the State party to make every effort, including taking preventive measures, to ensure that those children who engage in labour do not work under conditions which are harmful to them and that they continue to have access to education. The Committee urges the State party to amend the Master Plan for Child Labour, Child Labour Act and other relevant legislation so that the necessary regulation of child labour applies to all areas of work, including the informal sector of the economy. The Committee further recommends the State party to take action to fully implement all policies and legislation relevant to child labour, *inter alia*, through public awareness campaigns and education for the public on the protection of the rights of children.

375. Furthermore, the Committee recommends the State party to strengthen the implementation of the *Kamaiya* Prohibition Act, and to take effective measures to ensure the

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social integration of the emancipated *Kamaiya* workers...

- Ecuador, CRC, CRC/C/150 (2005) 91 at paras. 453 and 454.

453. While welcoming the measures taken by the State party to combat the worst forms of child labour, the Committee is deeply concerned at the high number of children between the age of 5 and 15 working in the State party. It is also concerned, as noted by the State party, that approximately 4,000 children are involved in mining work, and that a substantial number of children works in the banana sector.

454. The Committee urges the State party to continue to strengthen its legislative and other measures to combat child labour. In this regard, the Committee recommends that the State party:

(a) Effectively implement its domestic legislation and programmes to progressively eradicate child labour with the active participation of working children;

(b) Improve and enhance the human and financial capacity of the labour inspection system to effectively implement the child labour laws, including the prohibition against employing children in harmful and hazardous work;

(c) Provide former child workers with appropriate recovery, education and vocational training opportunities.

- Mongolia, CRC, CRC/C/150 (2005) 113 at paras. 573-576.

573. The Committee notes with appreciation the efforts made by the State party to better safeguard the right of the child to be protected from the exploitation of child labour, such as the ratification of the ILO Convention No. 138 (1973) concerning minimum age for admission to employment, in 2002 and No. 182 (1999) concerning worst forms of child labour, in 2001, the adoption of the Labour Code provisions in 1999, which establish a minimum age for employment as 16, and the adoption of the list of workplaces forbidden to employment of minors, in 1999, as well as the signing of a Memorandum of Understanding with the ILO's International Programme on the Elimination of Child Labour (IPEC) in 1999 and participation in the IPEC activities.

574. Notwithstanding the positive steps taken by the State party, the Committee is concerned at the high rate of working children in Mongolia and the various kinds of negative consequences resulting from the exploitation of child labour, including the school dropouts

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and negative impacts on health caused by the harmful and hazardous work. The high number of child domestic and rural workers and children working in very harmful conditions in gold and coal mines give cause for serious concerns.

575. Furthermore, the Committee is concerned at the hazardous situation of children increasingly involved and exploited in traditional horse racing, which has undergone considerable changes from traditional sports to profitable businesses with child-abusive and exploitative features. In particular, it is concerned, that children, sometimes as young as 8 years old, are involved and that such involvement can generate serious injuries, even fatalities.

576. The Committee recommends that the State party take immediate and effective measures:

- (a) To ensure the full implementation of child labour provisions, including the prohibition against employing children in harmful or hazardous work, and the effective prevention of child labour, including child domestic labour and child rural labour, by implementing article 32 of the Convention on the Rights of the Child and ILO Conventions Nos. 138 (1973) and 182 (1999), which the State party has ratified, and by taking into account ILO recommendations Nos. 146 and 190;
- (b) To improve the monitoring of child labour in the country by increasing the number of trained labour inspectors;
- (c) To ensure that working children have access to quality education, including vocational and non-formal education and that they are given sufficient time off to enjoy their right to education as well as to rest, leisure and recreational activities;
- (d) To influence public attitudes on child labour by undertaking awareness-raising campaigns, particularly for children, parents and other caregivers, on various kinds of negative consequences resulting from the exploitation of child labour, including child domestic labour and rural labour;
- (e) To address the issue of child jockeys in traditional horse racing by undertaking a comprehensive study to assess the nature and extent of exploitation of children in the horse-racing business and by explicitly prohibiting the employment of children under the age of 16 as jockeys in these races in line with the minimum age for work set in the labour law;
- (f) To continue to seek assistance from ILO/IPEC.

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- Nicaragua, CRC, CRC/C/150 (2005) 132 at paras. 644 and 646.

644. The Committee is concerned about:

...

(c) The lack of adequate training of teachers, teachers' low salaries, which may lead to loss of motivation, high turnover rates, migration abroad and little interest in professional development.

...

646. The Committee encourages the State party to:

...

(f) Strengthen efforts at teacher training, address the issue of teachers' salaries and expand recruitment of qualified ones;

...

- Yemen, CRC, CRC/C/150 (2005) 161 at paras. 795 and 796.

795. The Committee notes the various measures adopted by the State party in order to address the problem of child labour, including the establishment of a child labour unit within the Ministry of Social Affairs and Labour and the appointment of a national coordinator for the International Labour Organization International Programme on the Elimination of Child Labour (IPEC). However, the Committee remains deeply concerned about:

(a) The high prevalence of child labour and the fact that the phenomenon is widely accepted in society; and

(b) The fact that many child labourers, notably children working as domestic servants, are very vulnerable to abuse, including sexual abuse, and completely lack protection.

796. The Committee recommends that the State party:

(a) Continue to strengthen its efforts to eradicate child labour, in particular by addressing the root causes of economic exploitation through poverty eradication and access to education;

(b) Ensure the effective implementation of the ILO Convention No. 138 (1973) concerning the minimum age for admission to employment as well as the ILO Convention No. 182 (1999), in particular by taking measures to ensure that no child under 18 is involved in hazardous work, establishing clear regulations for light work for children under 15, and ensuring proper registration of employees of all working children in line with the suggestions by the ILO Committee of Experts;

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(c) Undertake a study to address the problems faced by children working in the informal sector, including those working as domestic servants and ensure their rights to education, health and family links; and

(d) Develop a comprehensive child labour monitoring system in collaboration with NGOs, community-based organizations and ILO/IPEC.