

## **WORK - RIGHT TO WORK**

### **IV. CONCLUDING OBSERVATIONS**

#### **CERD**

- United Kingdom of Great Britain and Northern Ireland, CERD, A/46/18 (1991) 49 at para. 209.

It is necessary for the State party to make increased efforts to improve the situation of members of ethnic minorities with regard to education, employment, housing and economic standing.

- Australia, CERD, A/46/18 (1991) 58 at para. 245.

The situation of the Aboriginal and Torres Strait Islander people requires further affirmative action. Improvements are particularly needed in the areas of education, employment, housing, land rights and health services.

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

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

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

It is noted with concern that in spite of various measures taken by the authorities, the rate of unemployment affecting ethnic minorities remains very high.

- Norway, CERD, A/49/18 (1994) 37 at para. 264.

The State party should review its measures for guaranteeing the economic and social rights of naturalized immigrants and resident aliens of minority ethnic or national origin, with particular reference to the rights to work and to housing.

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- Canada, CERD, A/49/18 (1994) 47 at para. 329.

Measures should be undertaken to ban racist organizations, to improve the employment and health situation of aboriginal people, to speed up negotiations on aboriginal land claims, to enforce remedies existing under the law, and to protect immigrants, especially those of African and Asian origin, against discrimination.

- Guatemala, CERD, A/50/18 (1995) 58 at para. 310.

Concern is expressed that conditions of extreme poverty and social exclusion are endured, in particular by the indigenous Maya Quiche population. Such conditions adversely affect the enjoyment of the rights guaranteed under article 5 of the Convention such as the right to own property, the right to work, the right to form and join trade unions, and the right to housing, public health and education.

- Denmark, CERD, A/51/18 (1996) 17 at para. 76.

Equal attention should be paid to the economic, social and cultural rights listed in article 5, notably the rights to work, housing, health, education, training and access to services for the general public, including hotels, restaurants, cafés and places of entertainment such as discotheques.

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

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

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

### *Paragraph 235*

Concerning the treatment of foreigners, serious concern is expressed that the proposed Asylum and Immigration Bill would alter the status of many persons living in the United Kingdom in an adverse and discriminatory manner. This Bill, if enacted, would, *inter alia*, prohibit employers from employing persons who are in the process of appealing a decision which rejected their petition to remain. It would also deny a number of social services to persons who have been granted permission to remain in the United Kingdom, including asylum-seekers, and others who have been granted permanent leave

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to stay but have not been naturalized. It is a matter of deep concern that most of the affected persons would be persons belonging to ethnic minorities.

### *Paragraph 242.*

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

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

### *Paragraph 41*

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

### *Paragraph 49*

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

### *See also:*

- United Kingdom of Great Britain and Northern Ireland, CERD, A/51/18 (1996) 35 at para. 253.
- Poland, CERD, A/52/18 (1997) 62 at paras. 473 and 478.

### *Paragraph 473*

With regard to article 5 of the Convention, concern is expressed that the right to work and to housing of persons belonging to minorities may not be sufficiently protected from racial discrimination in the current period of economic transition.

### *Paragraph 478*

The State party should take measures to more fully guarantee economic, social and cultural rights, as defined in article 5 (e), for minority groups, including the right to work and to housing, and should adopt a comprehensive programme of action to promote and protect the rights of the Roma population.

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- Norway, CERD, A/52/18 (1998) 77 at para. 608.

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

- Israel, CERD, A/53/18 (1998) 30 at para. 83.

The State party is encouraged to adopt new labour legislation in order to secure the protection against ethnic discrimination of the rights of Palestinians working in Israel on a daily basis. The rights of migrant workers, including undocumented workers, are also a matter of concern.

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

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

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

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

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

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

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

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

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- Romania, CERD, A/54/18 (1999) 30 at para. 282.

The situation of Roma is a subject of particular concern since no improvements have been noted in the high unemployment rates and the low educational level traditionally predominant among members of this minority; this contributes to the continued unacceptable prevalence of the negative and stereotyped image of the minority in the rest of society. Given its disadvantaged situation in society, particular concern is caused by the absence of economic and social measures of the kind envisaged in article 2 (2) of the Convention in favour of this minority.

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

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

- Azerbaijan, CERD, A/54/18 (1999) 46 at para. 497.

The State party should utilize all available means, including international cooperation, to ameliorate the situation of displaced persons and refugees, especially regarding their access to education, employment and housing, pending their return to their houses under conditions of safety.

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

### *Paragraph 67*

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

### *Paragraph 68*

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

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- France, CERD, A/55/18 (2000) 26 at para. 100.

The State party should ensure the effective protection of the exercise, without discrimination, of the rights to work and to housing, in both the public and private sectors, and to provide compensation to victims of racial discrimination.

- Slovakia, CERD, A/55/18 (2000) 47 at para. 264.

In light of the fact that the Roma are among the populations hardest hit by unemployment because of inadequate skill levels and low levels of education, the State party should ensure that the National Employment Plan contains adequate job-training initiatives, and implement affirmative action programmes to improve the employment situation among the Roma in various levels of employment.

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

The high level of unemployment among ethnic minority groups is noted with concern. The State party should intensify its efforts to ensure full enjoyment by all of the rights provided in article 5 of the Convention, without discrimination, giving particular attention to the rights to employment, education, housing and health.

- China, CERD, A/56/18 (2001) 44 at para. 246.

While noting efforts to facilitate integration and naturalization of Indo-Chinese refugees in mainland China, it of concern that different standards of treatment are applied to Indo-Chinese asylum-seekers on the one hand, and asylum-seekers of other national origins on the other, notably with regard to the rights to work and education...The State party should take the necessary measures to ensure that all refugees and asylum-seekers receive equal treatment. To this end, the adoption of formal legislative or administrative provisions should be considered in order to implement objective criteria for the determination of refugee status.

- United States of America, CERD, A/56/18 (2001) 64 at para. 398.

While noting the numerous laws, institutions and measures designed to eradicate racial discrimination affecting the equal enjoyment of economic, social and cultural rights, concern is expressed about

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persistent disparities in the enjoyment of, in particular, the right to adequate housing, equal opportunities for education and employment, and access to public and private health care. The State party should take all appropriate measures, including special measures according to article 2, paragraph 2, of the Convention, to ensure the right of everyone, without discrimination as to race, colour, or national or ethnic origin, to the enjoyment of the rights contained in article 5 of the Convention.

### ICCPR

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

The situation regarding mentally ill persons has significantly improved, but problems continue regarding access to employment. Legal measures have been taken by the Japanese authorities to forbid those practices and there are comprehensive programmes to promote equal opportunity. However, it appears that a certain gap exists in Japan between the adoption of legislation and the actual behaviour of certain sectors of society.

- Jordan, ICCPR, A/49/40 vol. I (1994) 41 at para. 232.

It is regretted that, although some improvement has been achieved as regards the status of women, the State party has not embarked on all the necessary reforms to combat the factors still impeding equality between men and women. It is noted with concern that the Constitution does not guarantee the principle of non-discrimination on the basis of sex, and that there are still gender disparities in law or practice with regard to such issues as status within the family, inheritance rights, the right to leave the country, the acquisition of Jordanian nationality, access to work and participation in public life.

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

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

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

While noting various recent amendments to legislation to combat discrimination in employment, the lack of monitoring implementation of this legislation is of concern. The high rate of unemployment

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of Roma, bordering on 70 per cent when the general rate of unemployment is 10 per cent, is also of concern. The State party should adopt measures to ensure the effectiveness of existing legislation against discrimination. It should also adopt further legislation in fields not covered by the current legislation in order to ensure full compliance with articles 2(3) and 26 of the Covenant. The State party should also make greater efforts to provide training to Roma in order to equip them for suitable employment and create job opportunities for them.

### ICESCR

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

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

- Canada, ICESCR, E/1994/23 (1993) 28 at para. 110.

It is of concern that in some court decisions and in recent constitutional discussions, social and economic rights have been described as mere "policy objectives" of governments rather than as fundamental human rights. The evidence received indicating that some provincial governments in Canada appear to take the position in courts that the rights in article 11 of the Covenant are not protected, or only minimally protected, by the Charter of Rights and Freedoms is also of concern.

- Islamic Republic of Iran, ICESCR, E/1994/23 (1993) 32 at paras. 126, 127 and 129.

#### *Paragraph 126*

The following concerns are expressed over the situation of certain minority groups, which have not been satisfactorily answered in the course of the present session: the situation of the Kurds and the disparities that exist between the different ethnic and economic groups in the enjoyment of their rights to education, to work, to travel, to housing and to the enjoyment of cultural activities.

#### *Paragraph 127*

Concern is expressed by the non-performance of the Government's obligation under article 3 of the Covenant, under which the States parties undertake to ensure the equality of men and women to the



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enjoyment of all economic, social and cultural rights set forth in the Covenant. In that connection the situations: in which women are not permitted to study engineering, agriculture, mining or metallurgy or to become magistrates; in which they are excluded from a very large number of specific subjects at university level; and in which they need their husbands' permission to work or travel abroad are incompatible with the obligations undertaken by the State party under the Covenant.

### *Paragraph 129*

The Government of Iran is invited to undertake necessary steps, both legislative and practical, in order to ensure that the rights enunciated in the Covenant are able to be exercised without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, especially in the case of ethnic or religious minorities. It is noted that the obligation to ensure equal opportunity for women warrants particular attention, especially in relation to the right to work, family related rights and the right to education.

- Lebanon, ICESCR, E/1994/23 (1993) 39 at paras. 174 and 176.

### *Paragraph 174*

The disruptions in the Lebanese economy and the resulting high rate of unemployment are of concern.

### *Paragraph 176*

The problem of unemployment should be addressed without delay. Government employees should be accorded the right to form and join trade unions in accordance with the provisions of the Covenant.

- Senegal, ICESCR, E/1994/23 (1993) 51 at para. 260.

The extent to which women enjoy the rights contained in the Covenant, particularly with respect to articles 6 and 7, is of concern. While noting that some progress has been achieved in this regard, there are continuing impediments to equality of access to employment. The significantly lower literacy rates for women as well as certain cultural practices, which seriously compromise their opportunities for employment and advancement, are of particular concern.

- Mauritius, ICESCR, E/1995/22 (1994) 37 at para. 173.

Article 6 of the Covenant enshrines the right of everyone to gain his living by work which he freely chooses or accepts. In the light of this provision, the Committee is concerned about certain provisions of the Merchant Shipping Act, No. 28 of 1986, according to which certain breaches of discipline by seamen are punishable by imprisonment (involving an obligation to perform labour), and foreign

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seamen may be forcibly conveyed on board ships to perform their duties. These provisions are also a subject of concern to the ILO Committee of Experts on the Application of Conventions and Recommendations.

- Austria, ICESCR, E/1995/22 (1994) 50 at para. 260.

The State party should carefully monitor the possible effects of unemployment and reduced social welfare services on the realization of economic, social and cultural rights, in particular for the most vulnerable groups in society, and should take the necessary measures to mitigate their adverse repercussions.

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

### *Paragraph 292*

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

### *Paragraph 301*

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

### *See also:*

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

- Sweden, ICESCR, E/1996/22 (1995) 35 at para. 145.

The Government is encouraged to continue to take adequate measures to ensure that the reduction of its social welfare programmes does not result in a violation of the State party's obligations under

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the Covenant. In this connection, particular attention should be paid to fighting unemployment and to ensuring the same degree of welfare for all segments of society, as well as to speeding up the social integration of immigrants.

- Ukraine, ICESCR, E/1996/22 (1995) 50 at para. 271.

The civil status of repatriated members of minorities, especially the Crimean Tatars, should be regularized as soon as possible. Steps should be taken immediately to reintegrate them fully into the region and to guarantee their rights to work and to an adequate standard of living, as defined in articles 6 and 11 of the Covenant. Every effort should be made to obtain international assistance towards this end.

- Algeria, ICESCR, E/1996/22 (1995) 54 at paras. 294 and 295.

### *Paragraph 294*

It is deplored that fundamental freedoms such as the right to work, to education, to freedom of movement, and the right freely to choose a spouse are not fully guaranteed for women.

### *Paragraph 295*

Great concern is expressed at the high rate of unemployment, which could exceed 30 per cent in 1995. It is noted that this rate is continually increasing.

- Spain, ICESCR, E/1997/22 (1996) 27 at para. 109.

The Government should continue to devise and apply all possible measures to curb the present rate of unemployment. In that context, the State party should retain the integration of women and young people in the labour market as a priority policy.

- El Salvador, ICESCR, E/1997/22 (1996) 34 at para. 176.

Particular attention should be paid to the problem of unemployment. Measures should be taken to ensure that as few jobs as possible are sacrificed and that social protection and vocational rehabilitation programmes are guaranteed for persons who lose their jobs.

- Guinea, ICESCR, E/1997/22 (1996) 39 at para. 198.

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

- Portugal (Macau), ICESCR, E/1997/22 (1996) 48 at para. 254.

It is noted with concern that no special programme exists to help the physically and mentally disabled to facilitate their access to employment, education and public facilities.

- Finland, ICESCR, E/1997/22 (1996) 55 at para. 307.

It is of concern that the level of unemployment remains high, especially among young people, immigrants and refugees.

### *See also:*

- Denmark, ICESCR, E/2000/22 (1999) 29 at para. 107.
- United Kingdom of Great Britain and Northern Ireland (Hong Kong), ICESCR, E/1997/22 (1996) 58 at paras. 336, 341, 356 and 357.

### *Paragraph 336*

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

### *Paragraph 341*

Concern is expressed over the extent of unemployment or underemployment as a result of rapid economic restructuring. In this connection, the significant numbers of women who are thereby forced out of the labour force and must sometimes resort to precarious activities are of concern.

### *Paragraph 356*

More effective measures should be undertaken to retrain those who have lost employment or are underemployed as a result of economic restructuring.

### *Paragraph 357*

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

- Russian Federation, ICESCR, E/1998/22 (1997) 27 at paras. 101, 105 and 120.

### *Paragraph 101*

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

### *Paragraph 105*

It is noted with concern that the State party is ill-equipped to deal with the problem of unemployment, which now affects between 3 million and 7 million persons. The criteria for eligibility for unemployment benefits, the system for detecting fraudulent benefits applications, and the low amount of such benefits all appear to be in need of reconsideration. Moreover, services to assist the unemployed to obtain employment, including information and retraining services, need to be developed more fully.

### *Paragraph 120*

The State party should develop and improve its policy for helping the unemployed to find work and to receive unemployment benefits.

- Libyan Arab Jamahiriya, ICESCR, E/1998/22 (1997) 38 at paras. 186 and 192.

### *Paragraph 186*

Concern is expressed that foreigners who are working in the State party with valid work permits and subsequently become HIV-positive are usually deported. This action is discriminatory and inconsistent with the provisions of the Covenant.

### *Paragraph 192*

Foreign workers who are employed in the State party with valid work permits should not be deported if they become HIV-positive while in the country. The State party should not treat the HIV/AIDS problem as one essentially relating to foreigners and it should take energetic steps by way of a publicity campaign in the media to inform its population of the nature of the disease, its modes of transmission and what steps can be taken to avoid contracting it.

- Iraq, ICESCR, E/1998/22 (1997) 50 at paras. 258 and 275.

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### *Paragraph 258*

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

### *Paragraph 275*

It is recommended that Law No. 104 of 1981 and the Penal Code, which provide for compulsory labour in cases of expression of political opinions or ideological opposition to the political, social or economic system, for breach of labour discipline or for participation in strikes, be reviewed and brought into conformity with article 6, paragraph 1, of the Covenant and ILO Convention No. 29 (Forced Labour Convention, 1930).

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

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

- Azerbaijan, ICESCR, E/1998/22 (1997) 61 at para. 336.

Concern is expressed at the high level of unemployment, including hidden unemployment, and the absence of details concerning national and local employment programmes or other clear strategies to address the problem. A large proportion of unemployed persons have found a means of sustenance in the informal sector, which appears to have surpassed the formal economy in volume. Regrettably, there appear to be attempts on the part of the Government to eradicate the informal sector.

- Saint Vincent and The Grenadines, ICESCR, E/1998/22 (1997) 72 at paras. 424 and 433.

### *Paragraph 424*

Concern is expressed about the high official rate of unemployment in the State party (19.8 per cent in 1991 - 22.1 per cent for women and 18.4 per cent for men).

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### *Paragraph 433*

In view of the high rate of unemployment in the State party, hope is expressed that the Government will shortly be able to establish a scheme for the provision of unemployment benefits.

- Nigeria, ICESCR, E/1999/22 (1998) 27 at para. 112.

The Government's policy of retrenchment aimed at dismissing up to 200,000 employees in the public sector, without adequate compensation is of concern. It is noted with concern that in 1997 the military Governor of the State of Kaduna issued a decree dismissing 22,000 workers of the Kaduna State civil service when they went on strike.

- Poland, ICESCR, E/1999/22 (1998) 32 at para. 153.

It is noted that despite the efforts of the Government, there is a high unemployment rate in the State party. The large numbers of unemployed and underemployed persons, particularly youth in rural areas, are of concern. The high unemployment figures may be partly attributable to the "grey" and "black" markets, where people work with no formal contract and pay little or no taxes and which is encouraged in large part by high employment taxes.

- Israel, ICESCR, E/1999/22 (1998) 43 at paras. 244, 263 and 265.

### *Paragraph 244*

The severe consequences of closure on the Palestinian population are noted with grave concern. Workers from the occupied territories are prevented from reaching their workplaces, depriving them of income and livelihood and the enjoyment of their rights under the Covenant.

### *Paragraph 263*

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

### *Paragraph 265*

The State party should respect the right to self-determination as recognized in article 1, paragraph 2, of the Covenant, which provides that "in no case may a people be deprived of its own means of subsistence". Closure restricts the movement of people and goods, cutting off access to external markets and to income derived from employment and livelihood.

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- Germany, ICESCR, E/1999/22 (1998) 54 at paras. 313, 315 and 328.

### *Paragraph 313*

It is noted that unemployment is still particularly high in Germany and that it is twice as high in the East as in the West. In this connection, it is noted with regret that women and foreigners are most affected by this high level of unemployment.

### *Paragraph 315*

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

### *Paragraph 328*

The State party should implement various educational programmes for young people and other vulnerable groups, especially those intended to create employment and to improve the level of employment in eastern Germany.

- Switzerland, ICESCR, E/1999/22 (1998) 59 at paras. 349, 364 and 369.

### *Paragraph 349*

The freedom to exercise a lucrative activity is not synonymous or co-terminous with the right to work.

### *Paragraph 364*

The cantonal laws should be further harmonized, to ensure due respect for the provisions of the Covenant, particularly with regard to fundamental rights such as the right to work, education and culture.

### *Paragraph 369*

All possible measures should be taken, in particular at the social infrastructure level, to make it easier for women who wish to work outside the home to do so.

- Canada, ICESCR, E/1999/22 (1998) 63 at paras. 405, 410 and 430.



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### *Paragraph 405*

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

### *Paragraph 410*

The crisis level of homelessness among youth and young families is of concern as over 90 per cent of single mothers under 25 live in poverty. Unemployment and underemployment rates are also significantly higher among youth than among the general population.

### *Paragraph 430*

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

- Denmark, ICESCR, E/2000/22 (1999) 29 at para. 115.

The State party should take all corrective measures to reduce the level of unemployment of young people, foreign nationals, immigrants and refugees.

- Tunisia, ICESCR, E/2000/22 (1999) 36 at paras. 166 and 177.

### *Paragraph 166*

With respect to article 6 of the Covenant, it is of concern that despite the priority given to job creation in national development plans, a high level of unemployment of approximately 15.6 per cent persisted in 1998, of which approximately 40 per cent consisted of persons unemployed for over one year.

### *Paragraph 177*

Attention should be paid to unemployment, particularly long-term unemployment, and the State party is encouraged, when reviewing its vocational training programmes or establishing new institutions of higher learning, to take into consideration the needs of the economy so as to maximize the

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employment potential of graduates.

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

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

- Bulgaria, ICESCR, E/2000/22 (1999) 46 at paras. 227 and 242.

### *Paragraph 227*

It is regretted that there is no legal prohibition of dismissal from employment on grounds of pregnancy.

### *Paragraph 242*

The State party should prohibit dismissal on the grounds of pregnancy.

- Argentina, ICESCR, E/2000/22 (1999) 49 at paras. 260 and 278.

### *Paragraph 260*

Concern is expressed about the very high unemployment rate in the State party (almost 15 per cent) and in particular about the large number of the “new poor”, who had traditionally belonged to the middle classes.

### *Paragraph 278*

The Government is urged to adopt more effective measures to reduce unemployment. Furthermore, it should ensure that the economic, social and cultural rights of temporary workers are effectively respected.

- Cameroon, ICESCR, E/2000/22 (1999) 56 at para. 335.

The increasing incidence of poverty and unemployment in the State party, especially among the most vulnerable groups, such as minority groups and the elderly, and among the rural population is of concern.

- Mexico, ICESCR, E/2000/22 (1999) 62 at para. 380.

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The persisting plight of indigenous populations is of concern, particularly those of Chiapas, Guerrero, Veracruz and Oaxaca, who have limited access to, *inter alia*, health services, education, work, adequate nutrition and housing.

- Italy, ICESCR, E/2001/22 (2000) 34 at para. 139.

A national strategy and plan of action should be drawn up to address the significant problems relating to school drop-outs and youth unemployment.

- Egypt, ICESCR, E/2001/22 (2000) 38 at paras. 160 and 173.

### *Paragraph 160*

The Committee is disturbed about the apparent inability of the Government to address the acute problem of unemployment in Egypt as well as the uncertainty of workers' rights as guaranteed under article 8 of the Covenant.

### *Paragraph 173*

The State party is strongly urged to seek assistance, including international cooperation, in order to collect the statistics and information necessary to formulate effective strategies to address problem areas such as unemployment, poverty, housing and forced evictions.

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

### *Paragraph 204*

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

### *Paragraph 210*

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

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Government of the Congo is presently negotiating concerning follow-up measures to recently ratified ILO Conventions and possible technical cooperation programmes.

- Jordan, ICESCR, E/2001/22 (2000) 49 at para. 237.

The persistence of relatively high levels of unemployment and poverty in the country is noted with concern.

- Mongolia, ICESCR, E/2001/22 (2000) 53 at para. 267.

The Committee is aware that the State party is currently experiencing great difficulties in the process of transition to a market economy. These difficulties are due, *inter alia*, to the sudden interruption of economic links with the former Soviet Union, and the discontinuance of various types of assistance previously received, which accounted for almost 30 per cent of GDP in 1990. This influenced the closure or downsizing of State enterprises and gave rise to great increases in unemployment and to a serious lowering of standards of living. The concurrent deterioration in the State party's terms of trade in international markets and the Asian economic crisis further aggravated Mongolia's economic situation. It is acknowledged that problems related to these matters seriously hamper the State party's ability to comply with its obligations under the Covenant.

- Sudan, ICESCR, E/2001/22 (2000) 57 at para. 313.

Grave concern is expressed about the considerable number of internally displaced persons, many of whom are women and abandoned children, who have migrated from the war zones in the south to the north, where they live in abject poverty and without adequate shelter or employment.

- Kyrgyzstan, ICESCR, E/2001/22 (2000) 62 at paras. 342 and 346.

### *Paragraph 342*

Recent estimates of unemployment reaching 26 per cent are noted with concern.

### *Paragraph 346*

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

- Belgium, ICESCR, E/2001/22 (2000) 77 at paras. 474 and 486.

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### *Paragraph 474*

Concern is expressed about considerable unemployment among young people. The State party has not sufficiently addressed the long-term unemployment of persons over 45 years of age, nor the situation of those who have been forced into early retirement.

### *Paragraph 486*

The State party is encouraged to combat unemployment among young people and the long-term unemployment of workers over the age of 45, through appropriate vocational and technical training.

- Morocco, ICESCR, E/2001/22 (2000) 82 at para. 552.

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

- Venezuela, ICESCR, E/2002/22 (2001) 29 at paras. 84, 86 and 97.

### *Paragraph 84*

The Committee is concerned that the non-issue of personal documentation to refugees and asylum-seekers by the State authorities seriously hinders their enjoyment of economic, social and cultural rights, including the rights to work, health and education. This situation prompted a decision by the Inter-American Commission on Human Rights in March 2001 ordering protective measures for 287 Colombian refugees.

### *Paragraph 86*

The high rate of unemployment and lack of job security for workers are matters of concern as hiring practices become more flexible driving many workers into the informal sector.

### *Paragraph 97*

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

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

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173 and 191.

### *Paragraph 173*

The programme for training unskilled and unemployed workers, with the objective of finding employment for them, is commended. It is noted with appreciation that the Employers Training Board conducts training programmes for unskilled women and provides them with allowances during training courses.

### *Paragraph 191*

The reservation on article 6 and the interpretative declaration replacing the former reservation on article 8 should be withdrawn.

- Bolivia, ICESCR, E/2002/22 (2001) 52 at para. 287.

Programmes should be adopted and implemented to increase technical and professional training opportunities, job opportunities and to reduce unemployment.

- Senegal, ICESCR, E/2002/22 (2001) 61 at paras. 344, 360, 368 and 384.

### *Paragraph 344*

There is concern about the high unemployment rate, especially among the young people living in Dakar.

### *Paragraph 360*

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

### *Paragraph 368*

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

### *Paragraph 384*

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

- Syrian Arab Republic, ICESCR, E/2002/22 (2001) 67 at para. 406.

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The relatively high unemployment rate in the State party is of concern, which has been estimated to be between 10 and 25 per cent, and it is regretted that the delegation was not able to provide sufficient statistical data to clarify this point of concern.

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

### *Paragraph 452*

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

### *Paragraph 468*

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

- Nepal, ICESCR, E/2002/22 (2001) 83 at paras. 536, 541, 545, 563, 567 and 570.

### *Paragraph 536*

Concern is expressed about the high unemployment and underemployment rates and about the lack of skills-oriented education.

### *Paragraph 541*

It is regretted that there are provisions in the existing legislation whereby "moral turpitude", a term which is not defined with sufficient precision and which can lead to arbitrary interpretations, constitutes a valid ground for removal, dismissal or disqualification from employment in the civil service.

### *Paragraph 545*

It is noted with concern that only Tibetans who arrived in Nepal before 1990 and the Bhutanese are recognized as refugees by the authorities. It is further noted that while the Tibetan refugees benefit from appropriate treatment, the Bhutanese refugees are not allowed to work, are not allowed freedom of movement outside their refugee camps, and do not have access to the same health and educational facilities as Nepalese citizens.

### *Paragraph 563*

Effective action should be taken to reduce the unemployment rate by providing skills-oriented education and training, particularly in the agricultural sector.

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### *Paragraph 567*

The State party is urged to define with more precision the term "moral turpitude", so that it cannot be used arbitrarily as a ground for removal, dismissal or disqualification from employment in the civil service.

### *Paragraph 570*

The State party should acknowledge people other than those from Tibet and Bhutan as refugees and provide the same kind of treatment to all refugees.

- Germany, ICESCR, E/2002/22 (2001) 97 at paras. 660 and 678.

### *Paragraph 660*

Concern is expressed about the high levels of unemployment that continue to persist, especially among the youth. The problem of youth unemployment is particularly grave in the new Länder, resulting in the migration of young persons to the old Länder. There is further concern that vocational training programmes for youth are not adequately adapted to their needs.

### *Paragraph 678*

Immediate and necessary measures should be taken to continue to address the high level of unemployment, especially among the youth and, in particular, in the Länder faced with higher levels of unemployment. The State party should provide incentives for young persons to stay and work in their own regions.

- Israel, ICESCR, E/2002/22 (2001) 103 at para. 704.

Deep concern is expressed about the continuing gross violations of economic, social and cultural rights in the occupied territories, especially the severe measures adopted to restrict the movement of civilians between points within and outside the occupied territories, severing their access to food, water, health care, education and work.

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- Madagascar, CEDAW, A/49/38 (1994) 45 at paras. 235 and 236.

### *Paragraph 235*

Education and training are considered the springboard to development. In giving females education and training, care must be taken not to concentrate on traditional female occupations to avoid



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stereotyping and also to give them the opportunity of having better-paid occupations.

### *Paragraph 236*

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

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

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

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

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

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

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

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

Concern is expressed over the fact that women's unemployment has increased ninefold and that it equally hit women with little as well as with high level training. The fact that women receives on average 30 per cent less pay than men is also of concern.

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

Concern is expressed over the Government's policy to encourage part-time work among women. Women need access to full-time work to achieve independent status and to improve their economic situation.

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- Cyprus, CEDAW, A/51/38 (1996) 9 at para. 61.

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

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

The low representation of women at the higher decision-making levels is noted with concern. The effectiveness of programmes formulated and adopted with the involvement of women at those levels is doubtful. The efficiency of any measures to eradicate poverty as long as the percentage of women in Government remains as low as it is at present is also doubtful.

- Ukraine, CEDAW, A/51/38 (1996) 32 at para. 288.

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

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

### *Paragraph 105*

The high number of young unemployed women who are looking for a first job is alarming. Failure to find such employment might confine women to the role of homemaker. In that context, account is taken of the unfortunate fact that market economies tend to favour male employees who, by virtue of traditional roles and work allocation, are deemed to be unencumbered by family responsibilities.

### *Paragraph 106*

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

### *Paragraph 116*

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

- Saint Vincent and the Grenadines, CEDAW, A/52/38/Rev.1 part I (1997) 21 at para. 139.

The very high rate of unemployment among women, which increases their vulnerability to domestic violence, is of concern. Concern is also expressed over the fact that the Government has not made use of affirmative action to redress that problem.

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

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

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

A top-priority policy of creating safe and protected jobs for women should be adopted as a viable economic alternative to the current unemployment of women and their participation as subcontractors and, in the informal sector, as workers in free-trade zones, as prostitutes or as overseas contract workers.

- Armenia, CEDAW, A/52/38/Rev.1 part II (1997) 78 at para. 56.

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

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

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

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- Argentina, CEDAW, A/52/38/Rev.1 part II (1997) 101 at para. 308.

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

- Australia, CEDAW, A/52/38/Rev.1 part II (1997) 111 at para. 397.

The continuing adverse situation of Aboriginal and Torres Strait Islander women is of concern. Major causes of concern include a higher incidence of maternal mortality, lower life expectancy, reduced access to the full range of health services, a high incidence of violence, including domestic violence, and high unemployment rates. Their situation, as well as that of migrant women, is further compromised by an apparent rise in racism and xenophobia.

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

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

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

### *Paragraph 292*

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

### *Paragraph 299*

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

- Dominican Republic, CEDAW, A/53/38/Rev.1 part I (1998) 28 at paras. 333, 336 and 342.

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### *Paragraph 333*

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

### *Paragraph 336*

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

### *Paragraph 342*

Efforts to mainstream a gender perspective in all government reforms should be continued. Priority areas for targeted actions for women should also be identified. The reduction and elimination of illiteracy, the creation of jobs and the implementation of labour legislation and reforms are suggested for such priority attention.

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

### *Paragraph 89*

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

### *Paragraph 90*

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

### *Paragraph 93*

The absence of development programmes for rural women to assist them in obtaining the skills and

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resources necessary to become competitive in the labour market is of concern.

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

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

- New Zealand, CEDAW, A/53/38/Rev.1 part II (1998) 68 at para. 268.

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

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

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

- Kyrgyzstan, CEDAW, A/54/38/Rev.1 part I (1999) 15 at para. 134.

Comprehensive measures aimed at the improvement of women's economic status should be introduced, particularly through a review of the taxation legislation relating to small businesses and the expansion of micro-credit programmes involving commercial and agricultural banks, in order to ensure gainful and secure employment for women.

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- Belize, CEDAW, A/54/38/Rev.1 part II (1999) 49 at para. 52.

The consequences of the Church-State system of education on girls' and young women's right to education are a serious concern. In this regard, the concern is that schools are free to expel girls from school because of pregnancy, and that only a few secondary schools allow girls to continue their education after pregnancy. This violates not only the Convention but also the Constitution of Belize. Under the same system, schools are allowed to dismiss unwed teachers who become pregnant. This is also in violation of the Convention.

- Jordan, CEDAW, A/55/38 part I (2000) 16 at para. 174.

It is noted that a woman's right to choose a family name, a profession or occupation, rights upon divorce and rights and responsibilities as a parent are not recognized in the Personal Status Code.

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

### *Paragraph 225*

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

### *Paragraph 226*

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

- Germany, CEDAW, A/55/38 part I (2000) 29 at paras. 307, 308 and 318.

### *Paragraph 307*

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

### *Paragraph 308*

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

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### *Paragraph 318*

The Government is requested to undertake a comprehensive assessment of the situation of foreign women, including their access to education and training, work and work-related benefits, health care and social protection. The Government is also urged to strengthen its efforts for the social integration of foreign women through educational and employment services, and through awareness-raising of the population.

- Belarus, CEDAW, A/55/38 part I (2000) 34 at paras. 354, 365 and 366.

### *Paragraph 354*

The negative effects of the ongoing transition of the country to a market-based economy and the resulting levels of women's unemployment and poverty are considered major impediments to the full implementation of the Convention.

### *Paragraph 365*

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

### *Paragraph 366*

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

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

### *Paragraph 408*

Concern is expressed at the lack of equality of opportunity of women in the labour market, as expressed in the relatively low percentage of women in the labour force (37 per cent of the active population), the wage gap between women and men, the higher number of women in part-time work, the ongoing segregation of the labour market and the stereotypical attitudes that tend to portray men as heads of households and breadwinners and women primarily as mothers and homemakers.



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### *Paragraph 409*

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

- Republic of Moldova, CEDAW, A/55/38 part II (2000) 56 at paras. 107 and 108.

### *Paragraph 107*

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

### *Paragraph 108*

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

- Lithuania, CEDAW, A/55/38 part II (2000) 61 at paras. 142 and 143.

### *Paragraph 142*

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

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### *Paragraph 143*

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

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

### *Paragraph 199*

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

### *Paragraph 200*

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

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

### *Paragraph 256*

The increases, since 1996, in the women's employment rate in the civil-State sector, which has reached 43.6 per cent, women's participation in the National Assembly at 27.6 per cent, in leadership positions at 32.3 per cent, and in technical and professional mid- and higher-level posts at 66.1 per cent, are welcomed. The fact that women constitute 60 per cent of the judiciary is also welcomed. The improvements in women's socio-economic situation as a result of the country's sustained economic recovery in recent years are welcomed as well.

### *Paragraph 269*

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

### *Paragraph 270*

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

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

### *Paragraph 312*

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

### *Paragraph 313*

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

- Kazakhstan, CEDAW, A/56/38 part I (2001) 10 at paras. 101 and 102.

### *Paragraph 101*

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

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### *Paragraph 102*

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

- Uzbekistan, CEDAW, A/56/38 part I (2001) 18 at paras. 182, 183, 189 and 190.

### *Paragraph 182*

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

### *Paragraph 183*

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

### *Paragraph 189*

Concern is expressed over the situation of rural women, who comprise 60 per cent of all women in Uzbekistan, including their access to health-care services, education and income-generating activities.

### *Paragraph 190*

Attention should be paid to the specific situation of rural women and special strategies, policies and programmes should be developed that are aimed at the economic empowerment of rural women, ensuring their access to capital and productive resources, as well as to health care services and educational and social opportunities.

### *See also:*

- Viet Name, CEDAW, A/56/38 part II (2001) 68 at paras. 268 and 269.

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

### *Paragraph 271*

The high unemployment level of women is of concern.

### *Paragraph 272*

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

- Singapore, CEDAW, A/56/38 part II (2001) 51 at paras. 77, 78, 81 and 82.

### *Paragraph 77*

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

### *Paragraph 78*

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

### *Paragraph 81*

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

### *Paragraph 82*

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

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

### *Paragraph 306*

It is of concern that women workers have been replaced by men in both the formal and informal sectors of the economy, that men's wages are three times greater than those of women and that the

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rates of unemployment and underemployment of women are high. Concern is also expressed at the indirect discrimination against women because they have limited access to credit owing to their lack of collateral.

### *Paragraph 307*

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

## CRC

- Yugoslavia (Serbia and Montenegro), CRC, CRC/C/50 (1996) 17 at para. 86.

It appears that the rejection by the population of the Government's decision to apply a uniform education system and curriculum has been followed by the summary dismissal of 18,000 teachers and other education professionals and to more than 300,000 school-aged children not attending school. The subsequent development of a parallel system of education has resulted in further detrimental effects, including the closure of schools and the harassment of teachers.

- South Africa, CRC, CRC/C/94 (2000) 81 at para. 422.

The challenges faced by the State party in overcoming the legacy of apartheid are noted. This continues to have a negative impact on the situation of children and to impede the full implementation of the Convention. In particular, note is taken of the vast economic and social disparities that continue to exist between various segments of society as well as the relatively high levels of unemployment and poverty which adversely affect the full implementation of the Convention and remain challenges for the State party.

- Burundi, CRC, CRC/C/100 (2000) 17 at paras. 137 and 138.

### *Paragraph 137*

Noting current efforts, concern is expressed about the situation of children with physical and mental disabilities, and in particular about the limited specialized health care, education and employment possibilities available for them.

### *Paragraph 138*

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The situation of children with disabilities should be reviewed in terms of their access to suitable health care, education services and employment opportunities and a programme of action be established to address all areas of concern.