

## WORK - RIGHT TO WORK

### IV. CONCLUDING OBSERVATIONS, CONTINUED

#### CERD

- Belgium, CERD, A/57/18 (2002) 17 at para. 55.

55. The Committee is concerned about the difficulties of access to employment and housing of members of ethnic minorities. The Committee recommends that the State party take all necessary measures to facilitate the occupational integration, in both the public and private sectors, and the access to housing, of persons belonging to ethnic minorities...

- Croatia, CERD, A/57/18 (2002) 24 at para. 97.

97. The Committee expresses concern at the continued practice of segregation of Roma children within the educational system and at the reports of discrimination against the Roma regarding access to employment, health, political representation and citizenship rights...The Committee...encourages the State party to reinforce its efforts to train and recruit Roma teachers and to prevent discrimination against the Roma in access to employment, health, political representation and citizenship rights.

- Denmark, CERD, A/57/18 (2002) 27 at para. 120.

120. The Committee commends the State party for having instituted programmes, such as the language training programme for unemployed persons with insufficient knowledge of the Danish language; the strengthening of the Public Employment Services placement activities in relation to refugees and immigrants; and the "ice-breaker" programme. However, despite overall improvements, it is concerned about the disproportionately high level of unemployment among foreigners, particularly groups of immigrants of non-European and non-North American descent. The State party is reminded that although it is not obliged to provide work permits to foreign residents, it should guarantee that foreigners who are entitled to a work permit are not discriminated against in their access to employment.

- Republic of Moldova, CERD, A/57/18 (2002) 41 at para. 220.

220. With regard to the constitutional and legal provisions aimed at the protection of the rights of persons belonging to ethnic minority groups, the Committee recommends that the State party take measures to guarantee more fully for ethnic minority groups, economic, social and cultural rights, as defined in article 5 (e) of the Convention, including the rights to

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work and to adequate housing...

- Estonia, CERD, A/57/18 (2002) 60 at para. 357.

357. The Committee remains concerned by the situation of the Russian minority residing in Estonia, *inter alia* in relation to issues under article 5 of the Convention, especially economic, social, and cultural rights, including the right to employment, health care, and education. The Committee is particularly concerned about double discrimination against women based on gender and on national or ethnic origin.

- Hungary, CERD, A/57/18 (2002) 63 at para. 383.

383. The Committee is concerned at the proportionately higher unemployment rate among the Roma population. The Committee recommends that the State party strictly apply existing anti-discriminatory provisions in that field and ensure in particular that Roma have fair access to professional training programmes and to professional activities.

- New Zealand, CERD, A/57/18 (2002) 69 at para. 422.

422. While noting the programmes and projects initiated by the State party...the Committee remains concerned about the continuing disadvantages that Maori, Pacific Island people and other ethnic communities face in the enjoyment of social and economic rights, such as the rights to employment, housing, social welfare, and health care. The State party is invited to devote priority attention to this issue and to continue to encourage active and effective participation by Maori in the search for solutions such as the Maori Mental Health Strategic Framework adopted in May 2002, with a view to further reducing these disadvantages.

- Poland, CERD, A/58/18 (2003) 35 at para. 162.

162. The Committee welcomes the State party's efforts to implement the comprehensive programme to guarantee the rights of the Roma population in the Malopolska region and encourages the State party to extend the programme to other regions of the country, taking into account general recommendation XXVII (57) of 16 August 2000 concerning discrimination against Roma. It further recommends that the State party pay particular attention to the rights to housing and to employment of the Roma population...

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- Czech Republic, CERD, A/58/18 (2003) 65 at para. 384.

384. The Committee notes the efforts under way to facilitate access to the labour market by individuals experiencing difficulties in finding employment, including the Roma, asylum applicants and other marginalized groups. However, the unemployment rate among the Roma remains disproportionately high and continues to be an issue of concern for the Committee. This concern is compounded by the information relating to the practice of usury and its negative economic and social consequences for the Roma.

The Committee urges the State party to continue and intensify poverty reduction and employment programmes for the Roma, and also to consider establishing a functional loan system for socially weak sections of the population, including the Roma, as an alternative to usury. In this respect, the Committee encourages the State party to take due account of the situation of Roma Women, in accordance with its general recommendation XXVII.

- Latvia, CERD, A/58/18 (2003) 75 at para. 451.

451. The Committee expresses concern with regard to the restrictions imposed upon non-citizens in the field of employment.

The Committee urges the State party to reduce the list of occupations restricted to citizens and to keep it under review, with a view to ensuring that the enjoyment of the right to work is not unduly limited.

- Republic of Korea, CERD, A/58/18 (2003) 83 at para. 489.

489. The Committee welcomes legislation adopted in July 2003 establishing the Employment Permit System, which provides foreign workers with the same labour protection as domestic workers...

- Malawi, CERD, A/58/18 (2003) 93 at para. 559.

559. The Committee expresses concern over the State party's reservations to the 1951 Convention relating to the Status of Refugees which, in particular, reduce the protection offered to refugees in the field of employment, access to property, right of association, education and social security.

The Committee welcomes the draft Refugee Act, which reflects the intention of the State

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party to withdraw these reservations, and encourages the State party to give high priority to this process...

- Lebanon, CERD, A/59/18 (2004) 18 at para. 84.

84. While acknowledging the political factors related to the presence of Palestinian refugees in Lebanon, the Committee reiterates its concern with regard to the enjoyment by the Palestinian population present in the country of all rights stipulated in the Convention on the basis of non-discrimination, in particular access to work, health care, housing and social services as well as the right to effective legal remedies...

The Committee urges the State party to take measures to ameliorate the situation of Palestinian refugees with regard to the enjoyment of the rights protected under the Convention, and at a minimum to remove all legislative provisions and change policies that have a discriminatory effect on the Palestinian population in comparison with other non-citizens.

- Nepal, CERD, A/59/18 (2004) 24 at paras. 127 and 133.

127. The Committee remains deeply concerned at the persistence of the *de facto* caste-based discrimination and the culture of impunity that apparently permeates the higher strata of a hierarchical social system. In particular, it is concerned at information on the existence of segregated residential areas for Dalits, social exclusion of inter-caste couples, restriction to certain types of employment, and denial of access to public spaces, places of worship and public sources of food and water...

The Committee recommends that the State party, as a matter of priority, take measures to prevent, prohibit and eliminate private and public practices that constitute segregation of any kind, and make determined efforts to ensure the practical and effective implementation of these measures...

...

133. The Committee is concerned that, although the system of agricultural bonded labour known as *Kamaiya* was abolished in July 2000, the emancipated *Kamaiyas* are facing many problems, including lack of housing, land, work and education for their children.

The Committee recommends that the State party ensure effective enforcement of the Bonded Labour Prohibition Act 2002 and programmes adopted to put an end to the practice and discrimination against *Kamaiyas*.

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- Spain, CERD, A/59/18 (2004) 32 at para. 167.

167. The Committee...notes with satisfaction the extensive measures taken in the social, economic, cultural and other spheres in connection with the Gypsy community, including *inter alia*:

(a) The further implementation of the Gypsy Development Programme, aimed at promoting access for members of the Gypsy community - on terms of equality with the rest of the population - to public education, health, housing, employment;

...

- Sweden, CERD, A/59/18 (2004) 41 at para. 226.

226. While the Committee is encouraged by the State party's affirmation that Sweden is a country of immigration and that integration policies to counteract the social exclusion experienced by some persons born abroad are a priority, it remains concerned at the persistence of discriminatory attitudes faced by persons of immigrant origin in certain areas, such as the labour market, housing and access to public services.

The Committee encourages the State party to pursue and strengthen its efforts in these areas, in accordance with article 5 (e) and (f) of the Convention.

- Mauritania, CERD, A/59/18 (2004) 61 at para. 344.

344. The Committee notes with concern that, according to some reports, several thousand black Mauritanian refugees remain in Mali and Senegal. It remains concerned at reports that many of the refugees who have returned to Mauritania have not recovered their property or their jobs.

The Committee recommends that the State party take practical measures to encourage the return of black Mauritanian refugees remaining in Mali and Senegal and their full reintegration into Mauritanian society...

- Slovakia, CERD, A/59/18 (2004) 70 at para. 386.

386. While the Committee recognizes the efforts made in the field of employment - including the recent adoption of the amended Labour Code, which prohibits discrimination in its section 13 - it is alarmed by *de facto* discrimination against Roma as well as by the very high rate of

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unemployment among members of the Roma community.

The Committee recommends that the legislation prohibiting discrimination in employment and all discriminatory practices in the labour market be fully implemented in practice and that further measures be taken, in particular by focusing on professional training, to reduce unemployment among the Roma community.

- Bahrain, CERD, A/60/18 (2005) 22 at para. 86.

86. The Committee notes with concern the reportedly disparate treatment of and discrimination faced by members of some groups, in particular the Shia, that may be distinguishable by virtue of their tribal or national origin, descent, culture or language; the Committee is especially concerned about apparently disparate opportunities that are afforded to such groups.

The Committee recommends that the State party ensure that everyone, without distinction as to race, colour, or national or ethnic origin, enjoys the rights to work and to health and social security, adequate housing and education in accordance with article 5 (e) (i), (iii), (iv) and (v) of the Convention.

- France, CERD, A/60/18 (2005) 26 at para. 107.

107. The Committee is...concerned at the unfavourable situation faced by immigrants and population groups of immigrant origin in the field of employment and education, despite the State party's substantial efforts in this area.

The Committee encourages the State party to follow the recommendations set out in the Court of Audit's report on employment and education for immigrants and population groups of immigrant origin. The Committee draws the State party's attention to its general recommendation XXV on gender-related dimensions of racial discrimination, and also invites it to bear more specifically in mind, in all measures which are adopted or planned, the situation of women, who sometimes fall victim to twofold discrimination.

- Ireland, CERD, A/60/18 (2005) 30 at para. 145.

145. While noting the efforts made so far by the State party with regard to the situation of members of the Traveller community in the field of health, housing, employment and education, the Committee remains concerned about the effectiveness of policies and measures

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in these areas (art. 5 (e)).

The Committee recommends to the State party that it intensify its efforts to fully implement the recommendations of the Task Force on the Traveller community, and that all necessary measures be taken urgently to improve access by Travellers to all levels of education, their employment rates as well as their access to health services and to accommodation suitable to their lifestyle.

- 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.

- Turkmenistan, CERD, A/60/18 (2005) 61 at para. 319.

319. The Committee is concerned that, according to some information, and in the light of paragraph 2(e) of General Assembly resolution 59/206 of 22 December 2004, national and ethnic minorities face severe restrictions on their participation in the labour force, in particular in public sector employment. It is particularly disturbed about reports relating to the removal of many non-ethnic Turkmen from State employment and to “third generation tests” imposed on persons wishing to access higher education and public sector employment (arts. 2 and 5).

The Committee invites the State party to verify whether “third generation tests” exist and to ensure the right to work without discrimination based on national or ethnic origin...

- Venezuela (Bolivarian Republic of), CERD, A/60/18 (2005) 71 at para. 379.

379. Bearing in mind the State party’s efforts, the Committee reiterates its concern at the persistence of profound structural social and economic inequalities which have an impact on

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the enjoyment of human rights, particularly economic and social rights, and affect Afro-descendants and indigenous peoples.

The Committee encourages the State party to step up its efforts to improve the economic and social rights situation of Afro-descendants and indigenous people, such as the right to housing, the right to health and sanitation services, the right to work and the right to adequate nutrition, in order to combat racial discrimination and eliminate structural inequalities.

### **ICCPR**

- Togo, ICCPR, A/58/40 vol. I (2002) 36 at paras. 78(21) and 78(22).

(21) The Committee notes with great concern that the Individuals and Family Code, which has been under review since 1999, still contains provisions that discriminate against women, particularly with respect to the minimum age for marriage, the choice of the matrimonial home and freedom to work; that it authorizes polygamy and designates the husband as head of the family; and that it upholds the primacy of particularly discriminatory customary laws relating to marriage and succession.

The State party should bring the Individuals and Family Code into line with articles 3, 23 and 26 of the Covenant and bear in mind, in this regard, the concerns expressed by non-governmental organizations active in the field of women's rights.

(22) The Committee is worried about continuing discrimination against women and girls with respect to access to education, employment, inheritance and political representation in Togo. Moreover, as the State party itself has acknowledged, certain cultural practices, as well as women's unawareness of their rights, give rise to many violations of women's rights.

The State party should eliminate all forms of discrimination against women, increase its efforts to educate girls and make the population more aware of women's rights, and carry out new programmes with a view to giving women access to employment and political posts.

- Estonia, ICCPR, A/58/40 vol. I (2003) 41 at para. 79(16).

(16) While welcoming the abolition of the requirement of proficiency in the Estonian language for standing as a candidate in elections and the assertion by the delegation that the use or size of advertisements and signs in other languages is not restricted, the Committee is concerned at the practical implementation of Estonian language proficiency requirements, including in the private sector, and the effect this may have on the availability of employment



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to the Russian-speaking minority...

The State party is invited to ensure that, pursuant to article 27 of the Covenant, minorities are able in practice to enjoy their own culture and to use their own language. It is also invited to ensure that legislation related to the use of languages does not lead to discrimination contrary to article 26 of the Covenant.

- Mali, ICCPR, A/58/40 vol. I (2003) 47 at para. 81(13).

(13) The Committee states its concern about reports that women do not enjoy rights on an equal basis with men as regards political participation and access to education and employment.

The State party should strengthen its efforts to promote the situation of women in the areas of political participation, access to education and access to employment...

- Germany, ICCPR, A/59/40 vol. I (2004) 39 at paras. 68(19) and 68(21).

(19) The Committee reiterates its concern that adherence to certain religious organizations or beliefs constitutes one of the main grounds for disqualifying individuals from obtaining employment in the public service and that this may in certain circumstances violate the rights guaranteed in articles 18 and 25 of the Covenant.

The State party should comply fully with its obligations under the Covenant in this respect.

...

(21) The Committee is concerned that the Roma continue to suffer prejudice and discrimination, in particular with regard to access to housing and employment...

(a) The State party should intensify its efforts to integrate Roma communities in Germany in a manner respectful of their cultural identity, in particular through the adoption of positive action with regard to housing, employment and education.

...

- Lithuania, ICCPR, A/59/40 vol. I (2004) 52 at para. 71(8).

(8) While welcoming the adoption of the Programme for Roma Integration into Lithuanian Society and the oral information provided by the delegation on the achievements of the first phase of the Programme, the Committee continues to be concerned about the social and

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economic situation of the Roma minority and its impact on the full enjoyment of their rights under the Covenant. It notes that the Roma continue to suffer from discrimination, poverty and unemployment, and play no part in the public life of the State party (arts. 26 and 27).

The State party should provide the Committee with an assessment of the results of the first phase of the Programme, including detailed information on its outcome and achievements and the extent to which it has improved the social and economic conditions of the Roma minority. The Committee also encourages the State party to take this assessment into account in designing and implementing the second phase of the Programme.

- Serbia and Montenegro, ICCPR, A/59/40 vol. I (2004) 68 at paras. 75(18) and 75(24).

(18) The Committee is concerned about the lack of full protection of the rights of internally displaced persons in Serbia and Montenegro... It expresses its concern with regard to high levels of unemployment and lack of adequate housing, as well as with regard to the full enjoyment of political rights...

...[I]nternally displaced persons should be afforded full and effective access to social services, educational facilities, unemployment assistance, adequate housing and personal documents, in accordance with the principle of non-discrimination.

...

(24) The Committee is concerned that widespread discrimination against the Roma persists with regard to all areas of life. The Committee is particularly concerned about the deplorable social and economic situation of the Roma minority, including access to health services, social assistance, education and employment which has a negative impact on the full enjoyment of their rights under the Covenant (arts. 2, 26, 27).

The State party should take all necessary measures to ensure the practical enjoyment by the Roma of their rights under the Covenant, by urgently implementing all strategies and plans to address discrimination and the serious social situation of the Roma in Serbia and Montenegro.

- Thailand, ICCPR, A/60/40 vol. I (2005) 83 at para. 95(22).

(22) Notwithstanding the corrective measures taken by the State party, most notably through the Central Registration Regulations 1992 and 1996, to address the issue of statelessness among ethnic minorities, including the Highlanders, the Committee remains concerned that a significant number of persons under its jurisdiction remain stateless, with negative consequences for the full enjoyment of their Covenant rights, as well as the right to work and

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their access to basic services, including health care and education...

The State party should continue to implement measures to naturalize the stateless persons who were born in Thailand and are living under its jurisdiction...

### ICESCR

- Colombia, ICESCR, E/2002/22 (2001) 110 at paras. 764 and 785.

764. The Committee is deeply concerned about the rapid growth of the unemployment rate. The Committee is particularly concerned that unemployment affects mainly young people and women.

...

785. The Committee encourages the State party to take steps to reduce its high unemployment rate and to address in particular the problem of unemployment of young people and women.

- Algeria, ICESCR, E/2002/22 (2001) 116 at paras. 818 and 834.

818. The Committee is deeply concerned about the high rate of unemployment in the State party, which has been estimated at over 29 per cent.

...

834. The Committee urges the State party to formulate an effective strategy to address the acute problem of unemployment and to adopt and implement guidance and training programmes so as to ensure that young people and the unemployed can secure employment.

- France, ICESCR, E/2002/22 (2001) 121 at paras. 853, 855, 866 and 877.

853. The Committee welcomes the State party's recent efforts to address the problem of social exclusion in the State party, *inter alia*, by the adoption of Framework Law No. 98-657 of 29 July 1998 to combat social exclusion, particularly targeting the right to work, the right to housing and the right to health.

...

855. The Committee notes with appreciation the efforts made by the State party to address unemployment by creating new jobs and by establishing programmes to improve access to the labour market, such as the *projet d'action personnalisée* follow-up programme for the unemployed and the *trajet d'accès à l'emploi* programme, which is especially aimed at young persons.

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...

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.

...

877. The Committee recommends that the State party undertake urgent steps to address the problem of job insecurity, as well as the serious problem of suicides related to it...

- Croatia, ICESCR, E/2002/22 (2001) 125 at paras. 895, 906 and 915.

895. The Committee is deeply concerned about the scale of unemployment in the State party, which creates conditions in which the right to work cannot be enjoyed by a considerable part of the population, particularly in those areas with large numbers of returnees. The Committee is also concerned about reports of discrimination in employment on the basis of gender, age and ethnic origin.

...

906. The Committee encourages the State party to continue its efforts to reduce unemployment and promote entrepreneurship. In so doing, the State party should ensure that all such measures, including training of prospective employees and placement of job-seekers with potential employers, are undertaken in a non-discriminatory manner.

...

915. The Committee recommends that the State party reinforce its efforts to address the high level of unemployment.

- Jamaica, ICESCR, E/2002/22 (2001) 130 at paras. 932, 935 and 945.

932. The Committee notes with concern the disproportion in the levels of unemployment of women: 33,600 women are unemployed as against 11,000 men. Furthermore, the Committee is concerned that 75 per cent of the unemployed reported that they have no recognized educational or vocational qualifications, thus diminishing their chances for employment.

...

935. The Committee expresses its concern about the situation of boys in the State party, where serious problems exist such as increasing rates of school dropout, juvenile criminality and delinquency, a high suicide rate, drug addiction and unemployment among the youth.

...

945. The Committee recommends that the State party provide proper vocational training and education for men and women in order to enhance their employment opportunities, and formulate work creation strategies and policies aimed specifically at women in the labour

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force.

- Czech Republic, ICESCR, E/2003/22 (2002) 25 at paras. 78, 81, 95 and 100.

78. The Committee is concerned about the recent decision of the State party to continue to apply, in violation of its obligations under article 2, paragraph 2, and article 6 of the Covenant, the "lustration" laws.

...

81. The Committee is alarmed about the increasing rate of unemployment, particularly among women, the Roma and other vulnerable groups.

...

95. The Committee urges the State party to repeal the "lustration" laws.

...

100. The Committee calls upon the State party to take effective action to reduce the unemployment rate, in particular among Roma people, women and other vulnerable groups.

- Benin, ICESCR, E/2003/22 (2002) 34 at paras. 168 and 187.

168. The Committee is concerned at the high unemployment rate in the State party, which especially affects young people, and the dismissals resulting from the privatization or liquidation of a number of national enterprises.

...

187. The Committee urges the State party to take more effective action to reduce unemployment, especially where it affects young people, and to prevent mass dismissals or ensure that they are accompanied by social support measures.

- Trinidad and Tobago, ICESCR, E/2003/22 (2002) 45 at paras. 264 and 287.

264. The Committee is concerned about the high rate of unemployment in Trinidad and Tobago, in particular among young people between 15 and 19 years old.

...

287. The Committee recommends that the State party to take effective action to reduce unemployment among young people by providing further vocational training opportunities.

- Slovakia, ICESCR, E/2003/22 (2002) 50 at paras. 314, 316, 327 and 329.

314. The Committee is deeply concerned about discrimination against Roma people in the

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fields of employment, housing, health care and education. Although the State party acknowledges this fact, the legislative and administrative measures undertaken by the State party to improve the socio-economic conditions of the Roma are still insufficient to address the problem...

...

316. The Committee is alarmed about the high rate of unemployment and, in particular, the large disparities in employment between the different regions of the country, as well as between urban and rural areas. The Committee is also concerned that unemployment among Roma people is steadily increasing and, in some cases, has risen above 80 per cent.

...

327. The Committee urges the State party to take concrete measures, including the adoption of a comprehensive anti-discrimination law, in accordance with article 2, paragraph 2, of the Covenant, to combat and eliminate discrimination against minority groups, in particular against Roma people.

...

329. The Committee calls upon the State party to take effective measures, including increasing the resources allocated to reducing the unemployment rate, in particular among women, Roma people and other disadvantaged and marginalized groups, especially in rural areas.

- Poland, ICESCR, E/2003/22 (2002) 54 at paras. 357 and 379.

357. The Committee is concerned about the high level of unemployment in the State party, which has steadily increased since the consideration of its last periodic report and which currently affects over 17 per cent of the active population. The Committee notes with concern that rural areas are particularly affected in this regard as a result of the restructuring of the public sector in the field of agriculture.

...

379. In order to tackle unemployment, the Committee urges the State party to intensify its efforts to implement the relevant national plans of action with a view to adapting the workforce to a changing labour market and providing alternative sources of income for workers affected by restructuring programmes, particularly in the heavy industry and agricultural sectors.

- Georgia, ICESCR, E/2003/22 (2002) 60 at paras. 415 and 432.

415. The Committee is gravely concerned about the high unemployment rate in the State party, particularly in urban areas and among young people, despite the measures adopted to create jobs and to encourage entrepreneurship in the country...The Committee further

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expresses concern about the slow process of re-establishing incentives to motivate the labour force to seek employment.

...

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.

- Solomon Islands, ICESCR, E/2003/22 (2002) 65 at paras. 455 and 467.

455. The Committee is...concerned that 45 per cent of the population aged 14 and above are involved in unpaid work, as pointed out in the State party's initial report (E/1990/5/Add.50, para. 26). The Committee is further concerned at the high rate of unemployment and underemployment in the State party, especially among women and young people.

...

467. The Committee...urges the State party to design and implement a national job-creation programme and to provide vocational training, in particular to women and young people. The Committee recommends that the State party encourage the establishment of small businesses, including through the creation of accessible credit schemes.

- Estonia, ICESCR, E/2003/22 (2002) 68 at paras. 489, 495 and 517.

489. The Committee notes with satisfaction the recent reduction in unemployment. According to information supplied by the delegation, the unemployment rate has been reduced from 14.8 per cent, at the beginning of 2001 to 9.4 per cent in the second quarter of 2002. The Committee also commends the State party on its targeted efforts to combat unemployment among high-risk groups, including those affected by long-term unemployment, young people, people with disabilities and rural women.

...

495. The Committee expresses its concern that unemployment rates are higher in certain regions of the State party than in others and that the unemployment rate for ethnic minorities is around 16.6 per cent, which is well above the national average of around 9.9 per cent. The Committee also notes with concern the high rate of unemployment among older women and single mothers.

...

517. The Committee urges the State party to intensify its efforts to encourage investment and development in the regions of Estonia with the highest unemployment rate with a view to providing employment for workers affected by restructuring programmes, particularly in the heavy industry and agrarian sectors.

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- Luxembourg, ICESCR, E/2004/22 (2003) 24 at paras. 80 and 92.

80. The Committee notes with concern that, despite the good overall employment situation, there has been a recent increase in unemployment, which seems mainly to affect young people.

...

92. The Committee recommends that the State party intensify its efforts to reduce the unemployment rate among young people.

### *See also:*

- New Zealand, ICESCR, E/2004/22 (2003) 35 at paras. 185 and 197.

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

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.

...

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...

- Israel, ICESCR, E/2004/22 (2003) 42 at paras. 262, 263, 276, 278 and 279.

262. The Committee deeply regrets the refusal of the State party to provide in its second periodic report additional information on the living conditions of population groups other than Israeli settlers in the occupied territories as requested in its 2001 concluding observations. The Committee continues to be gravely concerned about the deplorable living conditions of the Palestinians in the occupied territories, who - as a result of the continuing occupation and subsequent measures of closures, extended curfews, roadblocks and security checkpoints - suffer from impingement of their enjoyment of economic, social and cultural rights enshrined in the Covenant, in particular access to work, land, water, health care, education and food.

263. The Committee expresses its concern about the general increase in unemployment in the State party, which rose from 6.7 per cent in 1996 to 10.5 per cent in 2002, as well as



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about the significant increase in unemployment of the non-Jewish sectors: 13.5 per cent for the Arab sector and more than 15 per cent for the Bedouin sector. The Committee also expresses concern about the rate of unemployment in the occupied territories, which is over 50 per cent as a result of the closures that have prevented Palestinians from working in Israel.

...

276. The Committee urges the State party to undertake effective measures to combat discrimination against persons with disabilities, especially by providing access to public facilities and promoting access to basic services and employment, with particular attention to persons with disabilities from the Arab sector.

...

278. ...The Committee...calls upon the State party to give full effect to its Covenant obligations and, as a matter of the highest priority, to undertake to ensure safe passage at checkpoints for Palestinian medical staff and people seeking treatment, the unhampered flow of essential foodstuffs and supplies, free movement to places of employment, and the safe conduct of students and teachers to and from schools.<sup>23/</sup>

279. The Committee recommends that the State party take effective measures to reduce the rate of unemployment, and pay particular attention to reducing the inequalities between the Jewish and non-Jewish sectors with respect to employment. The Committee further recommends that the State party ensure that workers living in the occupied territories are permitted to continue to work in Israel.

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### Notes

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<sup>23/</sup> [*Official Records of the Economic and Social Council*], 1999, Supplement No. 2 (E/1999/22-E/C.12/1998/26), chap. IV, para. 265.

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

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.

...

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

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on the Protection of the Rights of All Migrant Workers and Members of Their Families.

- Guatemala, ICESCR, E/2004/22 (2003) 59 at paras. 403, 405, 415, 421, 423 and 433.

403. The Committee is concerned about the persisting discrimination against indigenous peoples, with regard to access to, *inter alia*, landownership, work, education, health services and adequate nutrition and housing.

...

405. The Committee is concerned about the high level of unemployment, in particular among indigenous peoples. In this regard, the Committee takes note that the State party has not yet ratified ILO Convention No. 2 (1919) concerning Unemployment.

...

415. The Committee is concerned about the negative effects of the coffee crisis on rural employment and standard of living.

...

421. The Committee recommends that the State party increase its efforts to combat discrimination against indigenous peoples, in particular in the areas of employment, health services, landownership, adequate nutrition, housing and education.

...

423. The Committee urges the State party to increase its efforts to combat unemployment by strengthening technical and professional training programmes and by adopting policies aimed at facilitating investments that create jobs. The Committee encourages the State party to ratify ILO Convention No. 2 (1919).

...

433. The Committee encourages the State party to reorient its agricultural policies and to implement its social plan to combat the coffee crisis through measures that ensure access to adequate nutrition, health care, subsidized housing and employment opportunities for those affected by the crisis.

- Russian Federation, ICESCR, E/2004/22 (2003) 64 at paras. 454, 457, 458, 482, 485 and 486.

454. The Committee is concerned about reports of cases where the lack of registration of place of residence and other identity documents in practice places limitations on the enjoyment of rights, including work, social security, health services and education. The Committee is also concerned about reports that some groups of people, including the homeless and the Roma, face particular difficulties in obtaining personal identification documents, including registration of residence.

...

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457. The Committee remains concerned about the relatively high rates of unemployment in the State party, particularly among young people, women, people of pre-pensionable age and persons with disabilities. It also notes with concern the significant regional disparities, with unemployment rates ranging from 32.4 to 56.5 per cent in the nine worst affected regions.

458. The Committee notes with concern that the employment of persons with disabilities has significantly decreased in recent years. The Committee regrets that two important tax benefits, which served as incentives for hiring persons with disabilities and which were commended by the Committee in its previous concluding observations,<sup>28/</sup> have been removed.

...

482. The Committee urges the State party to ensure that the lack of residence registration and other personal identity documents do not become an obstacle to the enjoyment of economic, social and cultural rights.

...

485. The Committee urges the State party to ensure that programmes to promote employment are targeted to the regions and groups that are most affected.

486. The Committee recommends that the State party take effective measures to promote the integration of persons with disabilities into the labour market, including by strengthening the system of job quotas for them, or by providing penalty payments for non-employment.

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### Notes

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<sup>28/</sup> [*Official Records of the Economic and Social Council, 1998, Supplement No. 2*] (E/1998/22-E/C.12/1997/10), chap. IV, para. 93.

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- Democratic People's Republic of Korea, ICESCR, E/2004/22 (2003) 71 at paras. 523, 527, 543 and 547.

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.

...

527. The Committee is concerned about information according to which some segments of the population are still suffering hardship because of the period of reconstruction and reform and may be in need of extra support from the public authorities.

...

543. The Committee encourages the State party to take legislative measures to guarantee

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the right of everyone to choose his/her career and workplace.

...

547. The Committee invites the State party to explore the possibility of increasing in due course the budgetary allocations for social expenditure, as well as public assistance for people in need, and of enabling persons looking for employment, particularly women, to find jobs on the territory of the Democratic People's Republic of Korea.

- Lithuania, ICESCR, E/2005/22 (2004) 18 at paras. 77, 78, 99 and 100.

77. The Committee is concerned that unemployment rates remain high, with significant regional disparities. It also notes with concern the rise in long-term unemployment and the large share of young people below 25 among the unemployed.

78. The Committee regrets the lack of information on the integration of people with disabilities in the labour market and expresses its concern that the incentives for employing people with disabilities are limited.

...

99. The Committee urges the State party to continue and strengthen its efforts to combat unemployment in the context of the Programme for Increasing Employment in the Republic of Lithuania for 2001-2004, targeting, on a priority basis, the most affected regions and the disadvantaged and marginalized groups.

100. The Committee recommends that the State party take effective measures under the National programme for the social integration of the Disabled for 2003-2012 to promote the integration of people with disabilities into the labour market, including through providing incentives to employers and strengthening the system of job quotas for people with disabilities.

- Spain, ICESCR, E/2005/22 (2004) 34 at paras. 232, 235, 249 and 252.

232. The Committee is concerned that, in spite of the existence of a range of programmes at the national and regional levels aimed at improving the situation of the Roma (Gypsy) population, including the Second National Plan of Action for Social Inclusion (2003-2005) and the Gypsy Development Programme, the Roma remain in a vulnerable and marginalized situation in the State party, especially with regard to employment, housing, health and education.

...

235. The Committee is concerned that the level of unemployment remains high (11.3 per cent), particularly among young people and women (15.7 per cent as compared to 8.1 per

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cent among men). The high rate of long-term unemployment, particularly affecting persons above the age of 40, unemployment among the Roma, well above the national average, and significant regional disparities in unemployment, ranging from 5.23 per cent in Navarra to 20.19 per cent in Andalucía (data for 2002), are also causes of concern.

...

249. The Committee encourages the State party to continue and strengthen its efforts to address the situation of the Roma population, increasing at the same time the involvement of Roma associations in the planning and implementation of such programmes...

...

252. The Committee recommends that the State party continue strengthening programmes to reduce unemployment targeting the most affected regions and groups. It also recommends that the State party take further measures to make it easier for women to reconcile work and family life. The Committee encourages, in this regard, the State party to improve childcare facilities for children under the age of 3.

- Malta, ICESCR, E/2005/22 (2004) 45 at paras. 341, 342, 359 and 360.

341. The Committee notes with concern the trend of rising youth unemployment rates and the rise in long-term unemployment.

342. While noting the measures taken by the State party to promote the rights of persons with disabilities, the Committee is concerned about the lack of incentives for employers to hire such persons.

...

359. The Committee recommends that the State party strengthen measures to tackle the problem of long-term unemployment and unemployment among young people.

360. The Committee recommends that the State party continue and strengthen its efforts to promote the integration of persons with disabilities into the labour market...

- Denmark, ICESCR, E/2005/22 (2004) 49 at paras. 389 and 400.

389. The Committee is concerned about the level of long-term unemployment, affecting men aged 55-59, and the high rate of unemployment among immigrants, refugees, new college graduates and women, which are well above the national average.

...

400. The Committee recommends that the State party continue strengthening programmes to reduce unemployment targeting the most affected groups, including immigrants, refugees, men in the age group 55-59, new college graduates and women. It also recommends that the

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State party take further measures to assist men and women to reconcile professional and family life.

- Italy, ICESCR, E/2005/22 (2004) 54 at paras. 434, 435, 455 and 456.

434. The Committee is concerned that women with children face increased difficulties in finding and keeping a job, partly due to the lack of services for small children.

435. Reiterating its concluding observations on Italy's third periodic report, the Committee remains concerned about the plight of Roma immigrants living in camps with poor housing, unhygienic sanitary conditions, limited employment prospects and inadequate educational facilities for their children.

...

455. The Committee strongly recommends that the State party extend the network of affordable, accessible and available childcare services.

456. The Committee urges the State party to step up its efforts to build more permanent housing settlements for the Roma immigrants and take all the necessary measures to promote their integration into local communities, offer them job opportunities and make adequate educational facilities available to their children.

- Azerbaijan, ICESCR, E/2005/22 (2004) 59 at paras. 482, 483, 508 and 509.

482. While acknowledging the efforts made by the State party to reduce unemployment, including the adoption in 2004 of the Programme for Socio-Economic Development of the Regions of Azerbaijan for 2004-2008, the Committee is concerned about the persistently high unemployment in the State party, in particular among women, youths, refugees and internally displaced persons.

483. The Committee is concerned about the lack of legislative provisions ensuring access of persons with disabilities to the labour market.

...

508. The Committee recommends that the State party continue strengthening programmes to reduce unemployment, targeting on a priority basis the most affected groups...The Committee recommends that the State party consider ratifying ILO Convention No. 2 (1919) concerning Unemployment.

509. The Committee recommends that the State party adopt relevant legislation and necessary administrative measures to ensure greater access to the labour market and an

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adequate working environment for persons with disabilities.

- Chile, ICESCR, E/2005/22 (2004) 67 at paras. 543 and 564.

543. The Committee notes with concern that the labour-force participation of women remains among the lowest in Latin America (35 per cent in 2002). The Committee notes in this regard the range of barriers to the full integration of women in the labour force identified by the State party in its written replies to the Committee's list of issues.

...

564. The Committee recommends, in line with the observations made in 2003 by the ILO Committee of Experts on the Application of Conventions and Recommendations on Convention No. 111 (1958) concerning Discrimination in Respect of Employment and Occupation, that the State party explicitly repeal provisions in labour legislation which are no longer applied.

- Zambia, ICESCR, E/2006/22 (2005) 19 at paras. 86 and 109.

86. The Committee is concerned about the high level of unemployment and the absence of details concerning national and local employment programmes or other clear strategies to address this problem. It also notes that a large proportion of unemployed persons are forced to find employment in the informal sector.

...

109. The Committee urges the State party to undertake and implement employment action plans which could gradually reduce employment in the informal sector.

- China, ICESCR, E/2006/22 (2005) 25 at paras. 149 and 179.

149. The Committee notes with concern the increasing rate of unemployment in the State party, particularly in rural areas.

...

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.

- Serbia and Montenegro, ICESCR, E/2006/22 (2005) 41 at paras. 274-277 and 302-304.

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274. The Committee expresses its deep concern about the uncertain residence status of and the limited access by refugees, returnees from third countries and internally displaced persons, including internally displaced Roma, to personal identification documents, which are a requirement for numerous entitlements such as eligibility to work, to apply for unemployment and other social security benefits, or to register for school.

275. The Committee regrets the absence of a law on gender equality as well as the low representation of women in government offices and in the parliaments of both Republics and of the State Union.

276. The Committee is concerned about the high unemployment rate in Serbia and in Montenegro, especially among women, persons with disabilities, Roma and internally displaced persons.

277. The Committee is equally 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.

...

302. The Committee calls on the State party to assist refugees, returnees and internally displaced persons by facilitating the procedures necessary to obtain personal documents, including birth certificates, identity cards and work booklets, to enable them to enjoy their economic, social and cultural rights.

303. The Committee recommends that, in addition to the establishment of a Council on Gender Equality in Serbia and of the Office for Gender Equality in Montenegro, the State party expedite the adoption of a law on gender equality with a view to ensuring greater access for women to positions of responsibility in the Government and public employment sectors.

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...

- Norway, ICESCR, E/2006/22 (2005) 48 at paras. 338 and 355.

338. The Committee is concerned about problems faced by persons of immigrant background, in particular women, in accessing the labour market. The Committee notes in



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this regard the limited effect of the measures taken so far by the State party to increase the immigrants' participation in the labour market.

...

355. The Committee encourages the State party to continue and strengthen its measures to overcome the obstacles faced by persons of immigrant background, in particular women, in accessing the labour market.

### CEDAW

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

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. 200 and 201.

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...

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

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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...

- 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. The Committee is concerned that women are not able to receive adequate retraining to compete in the market. It is further concerned that the State party's protective labour laws restricting women's participation in night work and other 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. The Committee recommends that the State party design and implement special training and retraining programmes for different groups of unemployed women... 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. It also recommends that effective measures allowing for the reconciliation between family and professional responsibilities be strengthened and that the sharing of domestic and family tasks between women and men be promoted.

- Armenia, CEDAW, A/57/38 part III (2002) 150 at paras. 56 and 57.

56. The Committee expresses concern at the higher level of women's unemployment than men's... It is concerned that there is no equal employment opportunities legislation, providing appropriate civil and criminal remedies for discrimination in hiring, promotion, dismissal and sexual harassment in the public and private sectors. The Committee is also concerned that some of the protective provisions for women in employment are formulated in a way that perpetuates disadvantageous stereotypes.

57. The Committee recommends that the State party adopt equal employment opportunities legislation. The Committee also recommends the setting up of training programmes aiming to facilitate women's employment and urges the State party to collate sex-disaggregated data on all aspects of women's employment, and especially wages, so as to address the employment situation in an informed way. In addition, the Committee recommends that the State party review its protective legislation in order to address any negative impact it may

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have on women's employment.

- Czech Republic, CEDAW, A/57/38 part III (2002) 157 at paras. 99 and 100.

99. While welcoming the high labour force participation rate of women and the legislative reforms in the area of employment, including the amendments to the Employment Act, the Labour Code, the Act on Wages and the Act on Salaries, the Committee expresses concern about the situation of women in the labour market, including women's high unemployment rate as compared with that of men and the strong vertical and horizontal segregation and wage differentials between women and men. The Committee is concerned at the lack of enforcement mechanisms and thus at the lack of *de facto* enforcement of the equal opportunity standards which have been introduced by law.

100. The Committee urges the State party to ensure *de facto* equal opportunities for women and men in the labour market through, *inter alia*, 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, horizontal and vertical, through, *inter alia*, education, training and retraining and enforcement mechanisms... The Committee recommends that measures allowing for the reconciliation between family and professional responsibilities be strengthened and that the equal sharing of domestic and family tasks between women and men be promoted...

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

143. The Committee expresses concern...at the high rate of unemployment among women... It also expresses concern that the draft national employment policy, which promotes equal employment opportunities for men and women, has still not been adopted...

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 also urges the State party to adopt the draft national employment policy. It further urges the State party to introduce temporary special measures in accordance with article 4, paragraph 1, of the Convention to create employment opportunities for women...

- Barbados, CEDAW, A/57/38 part III (2002) 177 at paras. 245 and 246.

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245. While acknowledging the State party's social policy, which has introduced services and programmes, including the Poverty Eradication Fund, to boost entrepreneurial activities and increase self-employment and create more employment among women and youth, the Committee is concerned at the feminization of poverty and, in particular, that women head approximately 44.4 per cent of households.

246. The Committee recommends that the State party ensure that governmental policies to eradicate poverty are sustainable, incorporate a gender perspective and do not marginalize women.

- Greece, CEDAW, A/57/38 part III (2002) 184 at paras. 281-284, 295 and 296.

281. The Committee is concerned about the limitations women face in gaining access to employment in the police and the fire brigade.

282. The Committee recommends that the law governing women's employment in police and the fire brigade be reviewed in order to eliminate discrimination against women.

283. While noting a major decline in unemployment during 1999-2001, especially among women, the Committee expresses concern that women, especially young women holding university diplomas, still constitute the majority of the unemployed in the State party...

284. The Committee urges the State party to continue developing policies and adopting proactive measures to increase the employment rate of women, in particular young women...

...

295. The Committee is concerned about the marginalization of Muslim women with regard to education, employment, and by the non-application of the general law of Greece to the Muslim minority on matters of marriage and inheritance, resulting particularly in the practice of polygamy and repudiation...

296. The Committee urges the State party to accelerate its efforts aimed at improving Muslim women's education and employment opportunities. The Committee also urges the State party to increase the awareness of Muslim women of their rights and remedies and to ensure that they benefit from the provisions of Greek law.

- Argentina, CEDAW, A/57/38 part III (2002) 196 at paras. 358 and 359.

358. The Committee is concerned at the precarious nature of women's employment, in

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particular the situation of unemployed women in the informal sector.

359. The Committee recommends that the State party should make all necessary efforts to guarantee compliance with the labour legislation and protect women from the violation of their basic labour rights and from discriminatory dismissals.

- Albania, CEDAW, A/58/38 part I (2003) 13 at paras. 74, 75, 78 and 79.

74. The Committee is concerned about the higher unemployment rate among women than among men. The Committee is concerned that women are not able to receive adequate training and retraining to compete in the job market. The Committee is concerned about discrimination in hiring women, especially in the emerging private sector.

75. The Committee urges the State party to ensure 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 the State party design and implement special training and retraining programmes for different groups of unemployed women. It also recommends that effective measures allowing for the reconciliation of family and professional responsibilities be strengthened and that the sharing of domestic and family responsibilities between women and men be promoted...

...

78. While welcoming the use of minimum targets for women candidates by some political parties in local elections, the Committee is concerned about the low representation of women in high-level elected and appointed bodies, including as members of Parliament, as high-ranking officials within the executive bodies of the Government, the judiciary and civil and diplomatic service, and within local government bodies.

79. The Committee urges the State party to take measures, including improvements in the election law, to increase the representation of women in elected and appointed bodies through, *inter alia*, the implementation of temporary special measures, in accordance with article 4, paragraph 1, of the Convention, in order to realize women's right to participation in all areas of public life, particularly at high levels of decision-making. The Committee recommends that the State party increase its efforts in offering or supporting training programmes for current and future women leaders and carry out awareness-raising campaigns regarding the importance of women's participation in political decision-making.

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

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.

- Luxembourg, CEDAW, A/58/38 part I (2003) 47 at para. 297.

297. The Committee welcomes the support for enterprises that have adopted special measures to increase women's participation in the workforce, including the obligation to negotiate equality plans and create equality delegates in private enterprises.

- Canada, CEDAW, A/58/38 part I (2003) 53 at paras. 361, 362, 373, 374, 379 and 380.

361. While appreciating the federal Government's efforts to combat discrimination against aboriginal women, including the pending amendment to the Canadian Human Rights Act, and to achieve substantive equality for them, the Committee is seriously concerned about the persistent systematic discrimination faced by aboriginal women in all aspects of their lives. The Committee is concerned that aboriginal women, among other highly vulnerable groups of women in Canada, are over-concentrated in lower-skill and lower-paying occupations, they constitute a high percentage of those women who have not completed secondary education, they constitute a high percentage of women serving prison sentences and they suffer high rates of domestic violence...

362. The Committee urges the State party to accelerate its efforts to eliminate *de jure* and *de facto* discrimination against aboriginal women both in society at large and in their communities, particularly with respect to the remaining discriminatory legal provisions and the equal enjoyment of their human rights to education, employment and physical and psychological well-being...

...

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

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do not carry adequate social benefits.

374. The Committee recommends that the State party monitor closely the situation of women's non-standard jobs and to introduce employment-related measures which will bring more women into standard employment arrangements with adequate social benefits.

...

379. The Committee is concerned that, while the report cites laudable efforts at expanding and improving childcare under all governments, there is no information, except for Quebec, indicating whether the available childcare places meet the demand and are affordable.

380. The Committee recommends that the State party further expand affordable childcare facilities under all governments...

- Brazil, CEDAW, A/58/38 part II (2003) 93 at paras. 110 and 111.

110. The Committee is concerned about the impact of poverty on Brazilian women of African descent, indigenous women, female heads of household and other socially excluded or marginalized groups of women and about their disadvantaged position with respect to access to education, health, basic sanitation, employment, information and justice.

111. The Committee urges the State party to ensure that its poverty eradication measures give priority attention to Brazilian women of African descent, indigenous women, female heads of household and other socially excluded or marginalized groups of women through adequately funded programmes and policies addressing their specific needs.

- Morocco, CEDAW, A/58/38 part II (2003) 101 at paras. 174 and 175.

174. The Committee notes the absence of information on the situation of women in the informal sector and is concerned about the low level of women's participation in the paid labour force and about the persistent wage gap between women and men...

175. The Committee urges the State party to adopt appropriate measures to ensure women's equal access to paid employment, to adopt and enforce appropriate legislation according to its commitments to the relevant conventions of the International Labour Organization 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, training and remuneration...

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- Slovenia, CEDAW, A/58/38 part II (2003) 109 at paras. 201, 212 and 213.

201. ...The Committee...welcomes the efforts to encourage women's entrepreneurship.

...

212. ...The Committee is particularly concerned that women's high educational levels do not seem to result in commensurate opportunities and success in the labour market. The alarmingly high and growing unemployment rate of young female first-job seekers is also a particular concern for the Committee.

213. 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. The Committee recommends that the State party design and implement special training and retraining programmes for unemployed women...

- France, CEDAW, A/58/38 part II (2003) 116 at paras. 261 and 262.

261. While welcoming the adoption of legislative and regulatory measures on equal opportunity between men and women, the Committee expresses its concern that women continue to be overrepresented among the unemployed and in part-time and temporary jobs...

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

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

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.

- Nigeria, CEDAW, A/59/38 part I (2004) 49 at paras. 305 and 306.

305. The Committee expresses concern about the persistence of discriminatory legislation, administrative provisions and practices in the labour market. It is also concerned about women's higher unemployment rates, the persistent wage gap in the private and public sector and the lack of adequate social protection for women in the private sector.



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306. 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 and general recommendation 25.

- Belarus, CEDAW, A/59/38 part I (2004) 55 at paras. 351, 352, 357 and 358.

351. The Committee expresses concern about the situation of women in the labour market, which is characterized, in spite of women's high level of education, by high female unemployment, the concentration of women in low-paid sectors of public employment, such as health and education, and the wage gap between women and men, in both the public and private sectors. The Committee is concerned that the State party's labour laws, which are overly protective of women as mothers and restrict women's participation in a number of areas, may create obstacles to women's participation in the labour market, in particular in the private sector, and perpetuate gender role stereotypes.

352. 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. The Committee urges the State party to intensify its efforts to ensure that all job generation and poverty alleviation programmes are gender-sensitive, and that women can fully benefit from all programmes to support entrepreneurship. It recommends that efforts be strengthened to eliminate occupational segregation, both horizontal and vertical, and to narrow and close the wage gap between women and men through, *inter alia*, additional wage increases in female-dominated sectors of public employment. 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 women face in the labour market.

...

357. While recognizing an increase in the representation of women in the House of Representatives of the National Assembly, in the local councils of deputies and on the Supreme Court, as well as the use of a quota-based principle in forming the National Assembly's Council of the Republic, the Committee remains concerned about the underrepresentation of women in elected and appointed bodies, particularly at high levels and in decision-making positions, including the diplomatic service.

358. The Committee urges the State party to strengthen and implement measures to increase the representation of women in elected and appointed bodies through, *inter alia*, the implementation of temporary special measures, in accordance with article 4, paragraph 1, of the Convention and general recommendation 25, in order to implement women's right to equal participation in all areas of public life, particularly at high levels of decision-making. The Committee recommends that the State party fully utilize general recommendation 23,

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concerning women in public life. It also recommends that the State party increase its efforts in offering or supporting capacity-building programmes for current and future women leaders and carry out awareness-raising campaigns regarding the importance of women's equal participation in political and public decision-making.

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

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...

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...

- Latvia, CEDAW, A/59/38 part II (2004) 103 at paras. 67 and 68.

67. The Committee notes with concern that, despite law reform in the field of employment, the position of women in the labour market remains disadvantaged and is characterized by strong occupational segregation, a substantial wage gap, *inter alia*, between rural and urban areas, higher unemployment than that among men, and hidden gender discrimination in the workplace and in remuneration.

68. The Committee recommends that efforts be made to eliminate occupational segregation and to ensure equal opportunities for women and men in the labour market in rural as well as in urban areas through, *inter alia*, the use of gender bias-free job evaluation and wage-setting schemes and temporary special measures in accordance with article 4, paragraph 1, of the Convention. The Committee recommends that the State party design and implement special training and retraining programmes for different groups of unemployed women. It also recommends that effective measures allowing for the reconciliation of family and professional responsibilities be strengthened and that the sharing of domestic and family responsibilities between women and men be promoted...

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- Malta, CEDAW, A/59/38 part II (2004) 111 at paras. 111 and 112.

111. Noting that a significant number of women drop out of the labour market by age 25, the Committee is concerned about the lack of information regarding the number of women who want to re-enter the labour-market at a later stage in their lives as well as about the apparent lack of overall labour market policies for these women.

112. The Committee recommends that the State party conduct thorough research on the current and future potential of women wanting to re-enter the labour market and to design, based on such research, a comprehensive policy for counselling, training and retraining these women aimed at reintegrating them into the labour market.

- Angola, CEDAW, A/59/38 part II (2004) 118 at paras. 148, 149, 160 and 161.

148. While recognizing the efforts undertaken by the State party aimed at the reconstruction of the country and its socio-economic fabric after the long years of armed conflict, including repatriation, rehabilitation and resettlement of refugees and internally displaced persons, the majority of whom are women, the Committee is concerned that the widespread poverty among women and the poor socio-economic conditions are among the causes of the violation of women's human rights and discrimination against them. The Committee is especially concerned about the situation of women in rural areas, women heads of households, women refugees and internally displaced women returning to their places of origin or migrating to the cities, who often lack access to health, education, services and means and opportunities for economic survival.

149. The Committee urges the State party to make the promotion of gender equality an explicit component of all its national development strategies, policies and programmes, in particular those aimed at repatriation, rehabilitation and resettlement, as well as those aimed at poverty alleviation and sustainable development. It urges the State party to pay special attention to the needs of rural women, women heads of household, refugee women and internally displaced women, ensuring that they participate in decision-making processes and have access to health, education, services and income-generation projects...

...

160. The Committee expresses concern at the insufficient information about women's *de facto* situation in the formal and informal labour market. In particular, the Committee lacks a clear picture with regard to women's participation in the labour force in urban and rural areas, their unemployment rates, and the effective application of existing labour legislation in the private sector, the vertical and horizontal labour force segregation and women's ability to benefit from new economic opportunities.

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161. The Committee urges the State party to ensure equal opportunities for women and men in the labour market in accordance with article 11 of the Convention, and the full implementation of the provisions of the General Labour Law by the public and private sectors, including with regard to maternity protection as provided in article 4, paragraph 2 of the Convention. The Committee urges the State party to intensify its efforts to ensure that all employment-generation programmes are gender sensitive and that women can fully benefit from these programmes...

- 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...

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..

...

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...

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...

- 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...

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*.

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- Argentina, CEDAW, A/59/38 part II (2004) 155 at para. 367.

367. The Committee congratulates the State party on the social policies and programmes put in place, particularly in the areas of poverty reduction, job creation and access to education, aimed at repairing the damage done to the social fabric by the serious economic, financial, political and social crisis experienced by the country since 2001.

- 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...

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 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...

- Algeria, CEDAW, A/60/38 part I (2005) 23 at paras. 157 and 158.

157. The Committee...expresses concern that women constitute only 14.18 per cent of the total employed population.

158. The Committee...requests the State party to step up its efforts to address impediments women face in entering the labour force and to implement measures to promote the reconciliation of family and work responsibilities of 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 accelerate implementation of article 11 of the Convention.

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- 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...

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...

- Turkey, CEDAW, A/60/38 part I (2005) 58 at paras. 367, 368, 373 and 374.

367. The Committee is strongly concerned about the pervasiveness of patriarchal attitudes and deep-rooted traditional and cultural stereotypes regarding the roles and responsibilities... [T]hey also impede the full implementation of the Convention, including in regard to education, employment, health and participation in decision-making...

368. The Committee calls upon the State party to accelerate its efforts to eliminate stereotypical attitudes about the roles and responsibilities of women and men, in conformity with articles 2 (f) and 5 (a) of the Convention, including through awareness-raising and educational campaigns directed at both women and men, to foster a better understanding of and support for equality between women and men at all levels of society. The Committee calls on the State party to monitor carefully the impact of such measures...

...

373. ...The Committee is concerned about women's high level of unemployment, very low participation in the labour force, particularly in urban areas, and their concentration in agriculture as unpaid family workers and in unregistered work with low or no income or wages and lack of social security benefits. The Committee is further concerned that a barrier to women's participation in the labour market is that too few childcare facilities exist.

374. The Committee calls on the State party to take measures to ensure full implementation of article 11 of the Convention. It recommends that the State party take measures to eliminate occupational segregation, in particular through education and training. It urges the State party to improve the availability of affordable childcare facilities for pre-school-age children to facilitate women's entry and re-entry into the labour market.

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- Lebanon, CEDAW, A/60/38 part II (2005) 109 at para. 92.

92. The Committee welcomes the fact that women's participation in the labour market has increased to 25 per cent and that there have been improvements in women's participation in both the private and public sectors of the economy.

- Ireland, CEDAW, A/60/38 part II (2005) 151 at paras. 392 and 393.

392. While recognizing that the second National Action Plan against Poverty and Social Exclusion and the National Anti-Poverty Strategy provide for an integrated focus on addressing the needs of specific groups, including women, the Committee is concerned at the situation of vulnerable groups of women who are considered to be at high risk of consistent poverty and social exclusion, including rural women, older women, Traveller women, women who are single parents and women with disabilities. The Committee is particularly concerned at the barriers faced by those vulnerable groups in relation to access to education, employment, health care and other social services.

393. The Committee recommends that the State party closely monitor the situation of poverty and social exclusion of women in the most vulnerable groups and implement effective measures and training programmes that will allow them fully to enjoy the benefits of the State party's prosperity. The Committee also recommends that a gender impact analysis of all social and economic policies and anti-poverty measures be conducted regularly...

## CRC

- Mozambique, CRC, CRC/C/114 (2002) 65 at paras. 311 and 312.

311. The Committee joins the State party in expressing concern that:

(a) As noted in paragraph 548 of the State party's report, "the needs of children formerly affected by the war continue to warrant special concern";

(b) There are still a large number of adolescents and young people, in both urban and rural areas, affected by the conflict who lack appropriate education and/or employment opportunities.

312. Acknowledging the significant efforts made in this regard, the Committee recommends that the State party:

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(a) Continue to give attention to the needs of children affected by the war and end the reconscription of children;

(b) Give particular attention to providing education and/or employment opportunities for adolescents and young people, in both urban and rural areas.

- Saint Vincent and the Grenadines, CRC, CRC/C/118 (2002) 101 at paras. 441 and 442.

441. Noting the assistance provided to families, *inter alia*, by the Public Assistance Board under the Ministry of Social Development and through the Ministries of Education and Health, the Committee remains concerned that:

...

(b) The difficult domestic employment situation has obliged many parents, and sometimes both parents, to migrate, leaving children in the care of grandparents or under the responsibility of an older child;

...

442. The Committee recommends that the State party:

(a) Make every effort to provide support to children in the context of the family and consider, *inter alia*, means of improving employment prospects within the State party for parents;

...

- Jamaica, CRC, CRC/C/132 (2003) 86 at paras. 428 and 429.

428. While noting the work done, *inter alia* within the Poverty Eradication Programme, and the growing number of family counselling services and parental education programmes, the Committee nevertheless remains concerned about:

...

(b) The difficult domestic employment situation and its negative impact on the family situation, e.g. the practice of “child shifting” and situations where one or both parents migrate, leaving the children behind;

...

429. The Committee recommends that the State party:

(a) Make every effort to provide support to children within the context of the family and consider, *inter alia*, means of improving employment prospects for parents within the State party;

...



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- Sao Tome and Principe, CRC, CRC/C/140 (2004) 54 at paras. 295 and 296.

295. ...[T]he Committee is concerned that despite a general prohibition of work for children under 14 years, Act No. 6/92 allows a minor to conclude a work contract and to receive remuneration for work. The Committee is further concerned at the high number of children who are working.

296. The Committee recommends that the State party:

...

(c) Take all necessary measures to enforce the law prohibiting children from work before the age of 14 years, including by developing programmes to encourage children to go to school or to have access to informal education;

(d) Seek assistance in this respect from, among others, ILO/IPEC and UNICEF.

- Yemen, CRC, CRC/C/150 (2005) 161 at para. 784.

784. The Committee recommends that the State party:

...

(c) Review the situation of children with disabilities, in terms of their access to employment, education, housing and health-care facilities, and allocate adequate resources to strengthen services for children with disabilities, support their families and provide training for professionals in this field;

...