

SHADOW REPORT GUIDELINES

ON WOMEN'S RIGHT TO WORK AND WOMEN'S RIGHTS AT WORK





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Printed by: Platimex Enterprise
Year of Publication: 2019

Supported By:



FOREWORD

This Shadow Report Guide on Women's Rights to and at Work is a timely document and will go a long way in facilitating NGOs in their submission of an alternative report on this subject matter. The guide is complementary to the CEDAW, ICESCR and ILO Conventions and the UN Guiding Principles on Business and Human Rights in its recognition of the central importance of both the right to work, i.e. to have full and productive employment, and rights at work, i.e. the right to non-discrimination and to fair, safe and just working conditions. In this way, the guide is also a valuable reference for both the CEDAW and ICESCR Committees in their monitoring of the relevant Conventions.

What is fresh and bold about this comprehensive guide is that it addresses specifically the rights of women working in factories and on plantations, and as domestic workers, home-based workers, rural workers and migrant workers.

It also underscores the multiple forms of discrimination experienced by women in vulnerable and marginalised situations, among them women with disabilities, in violation of their rights to and at work. The guide's approach, therefore, is to reach and protect the most vulnerable women workers by confronting the deeply embedded social, economic and cultural structures that enable inequality and discrimination. Further, the guide recognises that the same treatment for women and men in employment cannot effect the desired changes in respect of substantive equality. It thus makes the definitive link between discrimination at work and in the home, particularly in regard to the disproportionate responsibility that women face in terms of childcare, eldercare and other unpaid work in the home, and clearly acknowledges the need to operationalise this shared responsibility in order to enhance women's social and economic empowerment.

Significantly, the guide seeks to place women's rights to and at work in the context of a neoliberal economic framework and the extraterritorial obligations of the State Party in full recognition of the impact that macroeconomic policy has on human rights. Within this framework, the Shadow Report addresses, for example, the impact of austerity measures, regressive taxes and cuts to public services on women, especially vulnerable women; and the role that multinational corporations play in regard to harmful employment practices, land acquisition and environmental damage, which have a negative impact on women's rights and, in particular, indigenous and rural women's rights.

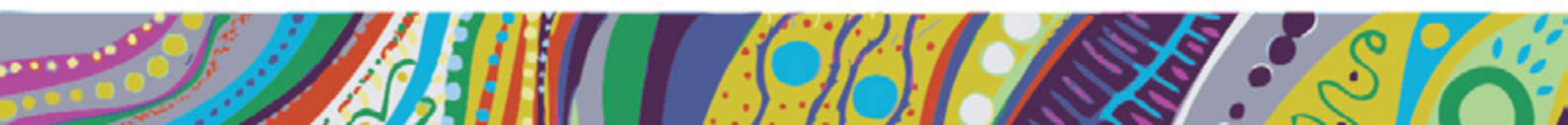
The guide addresses inequality and discrimination in relation to the formal and informal sectors of employment and work, both paid and unpaid, which are central issues in the pursuit of substantive equality for women. It fully recognises the urgent need to change the working patterns of women and men in order to facilitate women's capacity to enter the paid labour force on more equal terms. By acknowledging that continuous and full-time work is not necessarily the norm for many sectors of working women, such as domestic workers, women who work on plantations and rural women, the guide makes visible the undervaluing of their work. In this regard, the text and guiding questions of the guide solicit responses that address not only the gender pay gap, horizontal and vertical occupational segregation, decent wages and conditions, employment protection inclusive of maternity protection, paternity leave and sexual harassment legislation, but also family life and work, measures for legal protection of informal workers, social security and social protection.

In summary, this Shadow Report Guide is a welcomed intervention in addressing the persistence of women's social and economic disadvantages, inequalities and discrimination in the labour market in spite of women's access to education and the gains in formal equality through legislation.

Marion Bethel

CEDAW Committee Member

January 2017 – December 2020



ACKNOWLEDGEMENTS

This shadow report guide has been made possible through the support and contributions of a number of people and organisations; all of whom we would like to thank profusely. Several of them deserve special mention however, as their contributions have been critical to our efforts in bringing out this publication.

We would like to thank Amy Lynne Locklear, who authored this guide, for her insightful contributions and for her patience and cooperation for the development of this guide. Thank you for the insight and detail that has gone into the guide and is invaluable in shaping our work moving forward.

We wish to thank the programme staff of IRAW Asia Pacific, particularly Shanti Uprety and Sanyu Awori who coordinated the development of this report. Others from IRAW Asia Pacific who have contributed at the various stages and to whom we would like to express our sincere gratitude include Priyanthi Fernando, Audrey Lee and Nine.

We are appreciative of the ongoing and generous support of Women's Fund Asia which made the production of this Framework possible.

Last but not least, we would like to thank Nicholas Lusiani, Kate Donald and Liz Nelson for providing their written input and participants who attended the Write-shop on Women's Economic Rights in Kuala Lumpur in December 2017 and provided their invaluable input in the drafting process of the guide.

IRAW Asia Pacific
September 2018



ABBREVIATIONS AND ACRONYMS

CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
GDP	Gross Domestic Product
GR/GC	General Recommendation/General Comment
HRC	Human Rights Council
ICESCR	International Covenant on Economics, Social and Cultural Rights
ILO	International Labour Organization
LBTI	Lesbian, Bisexual, Transgender and Intersex
NGO	Non-governmental organisation
SDG	Sustainable Development Goals
UN	United Nations



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Introduction

A. What is the purpose of this guide and who are its intended users?

This guide is designed to assist women's rights organisations (WROs), civil society organisations (CSOs), women's unions, trade union activists and women workers in their efforts to monitor and report to United Nations (UN) human rights treaty bodies, specifically the Committee on the Elimination of Discrimination Against Women (CEDAW Committee) and the Committee on Economic, Social and Cultural Rights (ESCR Committee), on issues concerning women's rights to and at work.

The guide has a particular focus on the problems facing women working in factories, on plantations, as domestic workers and as home-based workers. This focus is the result of discussions and dialogue during IWRAW Asia Pacific's Writeshop on Women's Economic Rights, held in Kuala Lumpur, Malaysia in December 2017. During the Writeshop, participants, who included women working in factories, as home-based workers, on plantations, and as domestic workers, and their representative organisations, identified common problems and rights violations. This guide is informed by these discussions and focuses on some of the issues highlighted by the participants.¹

B. What are some of the risks facing women workers?

Globally, women's rights to and at work are at risk. The policies associated with neoliberalism are among the primary threats. The term neoliberalism has many different meanings, but in the context of this guide, it refers to a set of political, economic and social theories, which governments, international institutions and businesses have translated into policies and processes that view "competition as the defining characteristic of human relations."² Any attempts "to limit competition are treated as inimical [i.e. contrary] to liberty."³ The promoters of neoliberalism believe that "[t]ax and regulation should be minimised, public services should be privatised".⁴ They label organised labour and collective bargaining by trade unions "as market distortions that impede the formation of a natural hierarchy of winners and losers. Inequality is recast as virtuous: a reward for utility and a generator of wealth, which trickles down to enrich everyone. Efforts to create a more equal society are both counterproductive and morally corrosive. The market ensures that everyone gets what they deserve."⁵ Without trade unions and collective bargaining, businesses and employers can reduce wages.⁶ Without environmental and occupational health and safety regulations, businesses are free to pollute and endanger workers.⁷ When taxes are reduced or eliminated, governments lack funding to address inequality, poverty and other societal needs.⁸



The specific impacts of neoliberalism have been particularly devastating for women's rights. Women workers in the Global South comprise the majority of employees in jobs at the lower end of the global value chain, whether in factories or on plantations. Not only are these jobs poorly compensated, but labour standards fail to protect the health and safety of women workers, they are routinely denied social security and related benefits and their significant contributions to local, national and global economies are undervalued. Women working in special economic zones established through government partnerships with foreign investors are denied protections under domestic labour laws. In addition, women migrant workers have traditionally taken up jobs in sectors with extremely weak legal protections. The ability of women working in the formal sector to negotiate for better pay and working conditions is often undermined by their own governments, who view the repeal of these protections as necessary for economic development.

Even when governments support workers' rights, the workers are no match for businesses that can easily move their capital to jurisdictions more willing to relax worker protections.⁹

Women workers are also overrepresented in the informal sector, where labour protections are completely absent, and in undervalued jobs, such as elderly care and domestic work. Migrant women workers are particularly vulnerable to abuse. Regardless of the industry or sector, the unfavourable conditions under which women work inevitably include real risks of sexual harassment and assault with little or no access or recourse to justice.

Women also engage in many hours of additional unpaid work at home, in family businesses, or as a means of providing a subsistence living for their families. Women typically receive little or no recognition for these contributions. Women's unequal work obligations at home often make it impossible for them to pursue full-time work in the formal sector, leaving them to take up part-time work under flexible arrangements that provide no benefits or job security.

C. How does this guide help the user?

This guide assists the user in four ways: (1) by providing conceptual analysis on applying key human rights concepts; (2) by highlighting examples of best practices; (3) by identifying common issues facing women workers and setting out questions for use in analysing the issues and developing information for a shadow or alternative report to the CEDAW and/or ESCR Committees; and (4) by describing other forums in which advocates can demand accountability from state and non-state actors on issues related to women's rights to and at work.

D. What is a shadow or alternative report?

Governments which have ratified¹⁰ the UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)¹¹ and the UN International Covenant on Economic, Social and Cultural Rights (ICESCR)¹² are obliged to submit periodic reports to the CEDAW Committee and to the ESCR Committee to show that they are meeting their obligations to respect, protect and fulfil a range of rights as set out in the treaties.¹³ These are the State Reports.

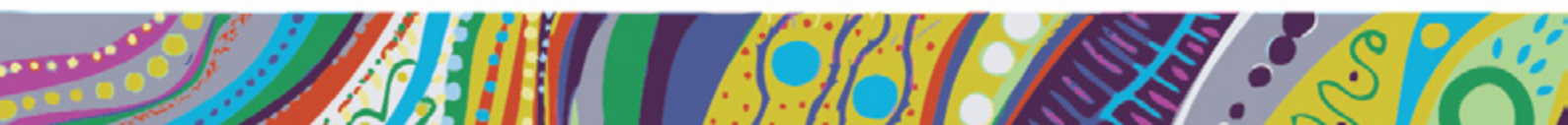
At the same time that a government submits (or is required to submit) its state report, an NGO can submit its own shadow or alternative report. A shadow report provides the CEDAW and ESCR Committees with information that supplements or critiques information in the state report. Where a government fails to submit its state report, an alternative report provides information on the status of women's rights in the country.

The CEDAW and ESCR Committees have adopted procedures for receiving information from NGOs.¹⁴ In addition, IRAW Asia Pacific has developed guidance for preparing NGO reports to the CEDAW and ESCR Committees.¹⁵ The CEDAW and ESCR Committees' procedures and IRAW Asia Pacific's guidance should be used along with this guide, and are included in the appendices.

E. How is this guide organised?

Part II of this guide explains the content of key rights related to work, with particular focus on priority issues facing women factory and plantation workers and women working as domestic or home-based workers. Part II also explains other rights and concepts governing how state parties to international human rights treaties must carry out their obligations to respect, protect and fulfil women's rights to and at work. Case studies and examples from recent NGO reports and Concluding Observations are used to illustrate the rights and concepts.

Part III of the guide is a brief summary of common issues facing women factory and plantation workers and women working as domestic or home-based workers. Each issue summary is followed by a set of questions designed to assist the user in preparing information on women's rights to and at work for NGO reports to the CEDAW and/or ESCR Committees. Part IV explains how information developed for NGO reports can be used in other types of advocacy.



I. Building understanding of women's rights to and at work

A. CEDAW, ICESCR and ILO conventions

1. Introduction

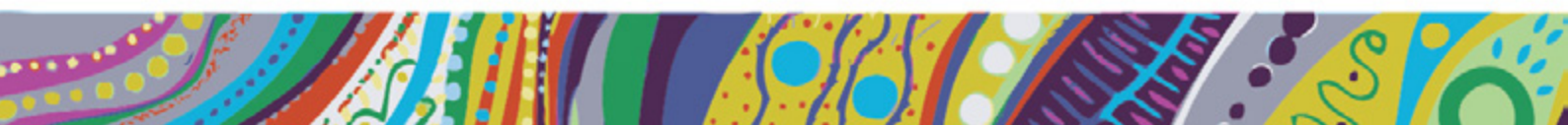
The UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and the UN International Covenant on Economic, Social and Cultural Rights (ICESCR) provide key protections for women's rights to and at work. An overview of these protections is provided in the table below. The International Labour Conference,¹⁶ which is the International Labour Organization (ILO) body responsible for developing labour standards, has adopted numerous conventions, some of which have been ratified by ILO member states. Many of these labour standards predate the UN's 1979 adoption of CEDAW. Some of these standards specifically address equality of opportunity and treatment between men and women with respect to pay and family responsibilities, and other standards address the rights of all workers to join unions, engage in collective bargaining, access social security and unemployment benefits and enjoy favourable working conditions in the context of factories, plantations and home-based work. The CEDAW and ESCR Committees frequently refer to these ILO standards in interpreting women's rights under CEDAW and ICESCR. Likewise, in interpreting the obligations of its member states, the ILO often draws from the content of CEDAW, especially Article 11, which guarantees equal rights in employment.¹⁷ Therefore, it is important to examine all three sources – CEDAW, ICESCR and the relevant ILO conventions and recommendations¹⁸ – to obtain a full picture of the standards informing women's rights to and at work.¹⁹

The UN Guiding Principles on Business and Human Rights²⁰ further interpret some of the rights under CEDAW and ICESCR in the context of business activities. Because businesses are major employers and engines for job creation, they play a significant role in ensuring the protection of women's rights to and at work. Likewise, when they fail to meet their obligation to respect human rights, they present a significant threat to the wellbeing of workers.

The Guiding Principles are based on the Protect, Respect and Remedy Framework, which identifies three important principles:

- the state duty to protect against human rights abuses by third parties, including business;
- the corporate responsibility to respect human rights; and
- the need for more effective access to remedies.²¹

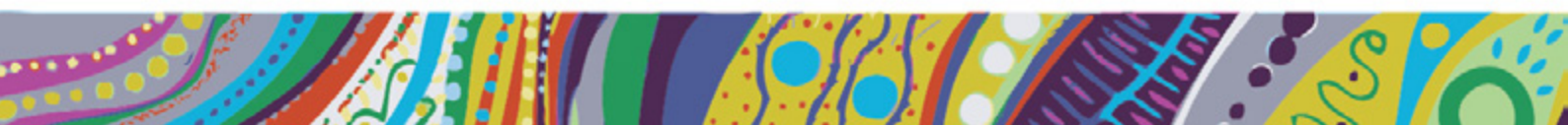
In June 2011, the Human Rights Council unanimously endorsed the Guiding Principles, which provide guidance to states, businesses and civil society on promoting and implementing the Protect, Respect and Remedy Framework. Although the CEDAW and ESCR Committees' reviews focus solely on the obligations of states parties, the Guiding Principles have informed the ESCR Committee's interpretation of those obligations.²²



Overview of protections for women's rights to and at work under CEDAW, ICESCR and ILO conventions

Worker or sector	CEDAW	ICESCR	ILO
All workers (including factory workers)	<p>(1) Art. 10 (right to education on terms of equality);</p> <p>(2) Art. 11 (right to employment on terms of equality);</p> <p>(3) CEDAW GR 13²³ (recommending states collect data related to equal pay for equal work).</p>	<p>(1) Art. 3 (equal rights for men and women);</p> <p>(2) Art. 6 (right to work);</p> <p>(3) Art. 7 (right to just and favourable working conditions);</p> <p>(4) Art. 7(a)(i) (equal pay for work of equal value);</p> <p>(5) Art. 8 (right to form and join trade unions);</p> <p>(6) Art. 9 (right to social security);</p> <p>(7) Arts. 13 & 14 (right to education);</p> <p>(8) ESCR Committee GC 23²⁴ (providing guidance on working conditions of unpaid workers);</p> <p>(9) ESCR Committee GC 23 (interpreting right of equal pay for equal work).</p>	<p>(1) ILO C111-Discrimination (Employment and Occupation) Convention, 1958 (No. 111);²⁵</p> <p>(2) ILO C183-Maternity Protection Convention, 2000 (No. 183) & ILO R191-Maternity Protection Recommendation, 2000 (No. 191);²⁶</p> <p>(3) ILO C100-Equal Remuneration Convention, 1951 (No. 100)²⁷ & ILO R090-Equal Remuneration Recommendation, 1951 (No. 90);²⁸</p> <p>(4) ILO C131-Minimum Wage Fixing Convention, 1970 (No. 131);²⁹</p> <p>(5) ILO C142-Human Resources Development Convention, 1975 (No. 142)³⁰ & ILO R195-Human Resources Development Recommendation, 2004 (No. 195);³¹</p> <p>(6) ILO C102-Social Security (Minimum Standards) Convention, 1952 (No. 102);³² ILO R067-Income Security Recommendation, 1944 (No. 067)³³ & ILO R202-Social Protection Floors Recommendation, 2012 (No. 68);³⁴</p> <p>(7) ILO C118-Equality of Treatment (Social Security) Convention, 1962 (No. 118);³⁵</p> <p>(8) ILO C157-Maintenance of Social Security Rights Convention, 1982 (No. 157)³⁶ & ILO R167-Maintenance of Social Security Rights Recommendation, 1983 (No. 167);³⁷</p> <p>(9) ILO C87-Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87);³⁸</p> <p>(10) ILO C98-Right to Organise and Collective Bargaining Convention, 1949 (No. 98);³⁹</p> <p>(11) ILO C155-Occupational Safety and Health Convention, 1981 (No. 155)⁴⁰ and ILO R164-Occupational Safety and Health Recommendation, 1981 (No. 164);⁴¹</p>

Worker or sector	CEDAW	ICESCR	ILO
All workers (including factory workers)			(12) ILO C187-Promotional Framework for Occupational Safety & Health Convention, 2006 (No. 187) ⁴² & ILO R197-Promotional Framework Occupational Safety and Health Recommendation, 2006 (197); ⁴³ (13) ILO C014-Weekly Rest (Industry) Convention, 1921 (No. 14). ⁴⁴
Migrant workers	CEDAW GR 26. ⁴⁵	Art. 2 (2)(guaranteeing all rights in ICESCR without regard to national origin).	(1) ILO C097-Migration for Employment Convention (Revised), 1949 (No. 97) ⁴⁶ & ILO R086, Migration for Employment Recommendation (Revised), 1949 (No. 86); ⁴⁷ (2) ILO C143-Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143) ⁴⁸ & ILO R151-Migrant Workers Recommendation, 1975 (No. 151); ⁴⁹ (3) ILO C189-Domestic Workers Convention, 2011 (No. 189); ⁵⁰ (4) ILO C181-Private Employment Agencies Convention, 1997 (No. 181) ⁵¹ & ILO R188-Private Employment Agencies Recommendation, 1997 (No. 188). ⁵²
Rural workers	(1) Art. 14; (2) CEDAW GR 34. ⁵³		(1) ILO C110-Plantations Convention, 1958 (No. 110) (2) ILO C141-Rural Workers Organisations Convention, 1975 (No. 141) ⁵⁴ & ILO R149-Rural Workers' Organisations Recommendation, 1975 (No. 149). ⁵⁵
Home-based workers	(1) Art. 14; (2) CEDAW GR 34.		ILO C177-Home Work Convention, 1996 (No. 177) ⁵⁶ & ILO R184-Home Work Recommendation, 1996 (No. 184). ⁵⁷



2. Women's rights to and at work

a. The right to work

i. Inalienable right to work

CEDAW and ICESCR recognise the inalienable right of all human beings to work.⁵⁸ The realisation of this right is the key to enjoying other human rights; the ability to work is the means of generating income, which allows the worker to obtain the basic necessities for her survival and, frequently, the survival of her entire family.⁵⁹ The right refers to work that is “freely chosen or accepted”.⁶⁰ Both CEDAW and ICESCR recognise that women are entitled to enjoy their right to work on terms of equality with men.⁶¹

Women's right to work is uniquely impacted by their traditional gender-prescribed roles as the primary caretakers of the household. Thus, advocates must demonstrate how these gender roles negatively affect women's right to work. For example, in 2016, two NGOs submitted a shadow report to Canada's State Report to the CEDAW Committee. Their shadow report documented how Canadian mining companies were polluting water used for domestic purposes by communities in Latin America. As a result of this pollution, women were forced to travel long distances to access clean water, which impacted their ability to enjoy their right to paid employment and education.⁶²

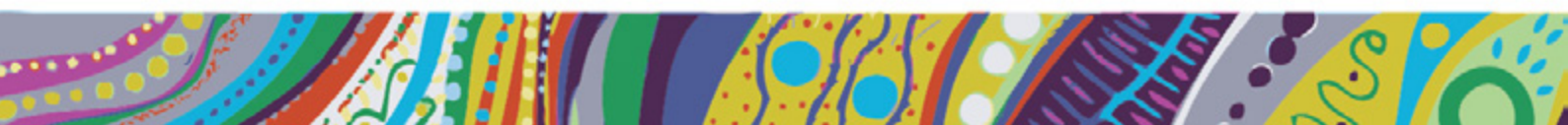
In addition, social norms and stereotypes impact the kind of work women pursue, and these norms are sometimes reinforced by laws banning women from certain kinds of jobs considered too dangerous or threatening to women's reproductive capacity (e.g. Russian law banning women from 465 occupations and 35 branches of industry),⁶³ by requirements that women obtain a spouse's or guardian's consent to do specific types of work (e.g. Bangladeshi women seeking to migrate for work), or by imposing requirements on women, but not on men, related to women's reproductive capacity (e.g. the employer practice in Italy of obtaining pre-signed resignation letters from women when they are recruited, which become effective if they become pregnant after they are offered full-time employment).

Accessing the right to work is even more challenging for certain groups of women. For example, in CEDAW General Recommendation No. 32 (CEDAW GR 32) on the gender-related dimensions of refugee status, asylum, nationality and statelessness of women (14 November 2014), the CEDAW Committee noted that the lack of regular status as nationals or citizens makes it particularly difficult for stateless women and girls to access their right to employment.⁶⁴ Discrimination based on race, religion or class present further roadblocks for women seeking work. For example, in France, one experiment demonstrated that women with Senegalese-sounding names had an 8.4% chance of being interviewed for a job, compared with women with French-sounding names, who had a 22.6% chance of being interviewed.⁶⁵

ii. Right to education and training

Recognising that a person cannot exercise her right to work without proper qualifications and required skills, ICESCR requires a state party to provide training that facilitates “economic, social and cultural development and full and productive employment”.⁶⁶ Similarly, CEDAW requires the state party to ensure women's equal access to a range of educational and training opportunities generally, and in the context of employment, equal access to vocational training and retraining.⁶⁷ In General Recommendation No. 36 (CEDAW GR 36) on the right of girls and women to education (27 November 2017), the CEDAW Committee describes the crucial role of education in protecting women's right to decent work.⁶⁸ ILO C142-Human Resources Development Convention, 1975 (No. 142) and ILO R195-Human Resources Development Recommendation, 2004 (No. 195) address the obligations of member states to establish programmes for technical and vocational training.

Education, especially technical training, is particularly important for women living in rural areas and engaging in agriculture and home-based industries. The geographical isolation of rural women and poverty can make it difficult for them to access transport, childcare and eldercare, technology and other resources and services they require to improve and build their skills, follow developments in their fields and adopt new techniques. Stronger social and cultural norms and stereotypes about the role of women as caretakers and men as wage-earners further add to these challenges.



ii. The right to productive assets

CEDAW recognises the right of women to equal access to financial credit.⁶⁹ Because productive resources are critically important to rural women, CEDAW requires states parties to take special care in ensuring their rights to equally access loans, marketing, and technology resources and equal treatment in land reform and resettlement.⁷⁰

The importance of access to resources is illustrated in the 2013 shadow report to Pakistan's State Report to the CEDAW Committee, in which Shirkat Gah Women's Resource Centre documented how Pakistan's non-recognition of rural women as farmers led to their exclusion from programmes to benefit farmers.⁷¹ Although the policy did not explicitly exclude women, its definition of a farmer as someone who owned five or more acres of land meant that most women were excluded since they did not meet this threshold. The CEDAW Committee addressed this issue in its Concluding Observations, noting that rural women farmers were not recognised as such because Pakistan only recognised farmers that owned land,⁷² and recommended that the State Party review and amend its laws and policies to recognise women farmers.⁷³



b. Rights at work

i. The right to decent working conditions

CEDAW recognises the right of women to health and safety protections at work, including those safeguarding reproductive functions.⁷⁴ ICESCR recognises the right to the enjoyment “of just and favourable conditions of work”, including safe and healthy work conditions, the right of women to work under conditions “not inferior to those enjoyed by men”, the right to rest and leisure time and limitations on working hours.⁷⁵ The ESCR Committee has further interpreted these rights in its General Comment 23 (“ESCR GC 23”).

The ILO had adopted a number of conventions calling on member states to ensure safe working conditions. For example, member states must adopt and monitor implementation of occupational safety and health policies and laws (ILO C155-Occupational Safety and Health Convention, 1981 (No. 155) and ILO R164-Occupational Safety and Health Recommendation, 1981 (No. 164)), require industry employers to provide one day of rest in every seven-day period ((ILO C14-Weekly Rest (Industry) Convention, 1921 (No. 14)) and adopt a range of measures to protect maternity and pregnant workers (ILO C183-Maternity Protection Convention, 2000 (No. 183 and ILO R191-Maternity Protection Recommendation, 2000 (No. 191).

The unequal treatment of women workers with respect to working conditions is illustrated by the 2017 shadow report to Kenya's State Report to the CEDAW Committee. The shadow report, prepared by Plan International Kenya in collaboration with 15 other organisations, documented that on certain flower farms, women worked on average 12.9 hours per day, while men worked an average



of 8.2 hours per day, yet women were not compensated for these additional hours.⁷⁶ In its Concluding Observations to Kenya, the CEDAW Committee noted this disparity, as well as health risks faced by women working on the flower farms resulting from their exposure to chemicals that damaged their fertility and reproductive functions.⁷⁷

ii. The right to equal pay for work of equal value

CEDAW requires that states parties guarantee the right of women “to equal remuneration, including benefits, and to equal treatment in respect of work of equal value.”⁷⁸ CEDAW GR 13 calls on states parties to ratify ILO C100-Equal Remuneration Convention, 1951 (No. 100), which requires member states to assess rates of pay and ensure equal pay for male and female workers for work of equal value. CEDAW GR 13 also suggests that states parties undertake research comparing the value of jobs in which women predominate with jobs in which men predominate, include the results of the research in states reports to CEDAW, and support the creation and implementation of infrastructure and encourage collective agreements that reflect the principle of equal remuneration for work of equal value. ICESCR requires “fair wages and equal remuneration for work of equal value without distinction of any kind” and specifically guarantees women “equal pay for equal work”.⁷⁹ The ESCR Committee has further interpreted this right in ESCR GC 23. The 2030 Sustainable Development Agenda Goal 8.5⁸⁰ sets the objective of achieving “equal pay for work of equal value” by 2030.⁸¹

A coalition of NGOs from Paraguay documented the persistent gap between wages earned by women and men in that country.⁸² In its Concluding Observations, the CEDAW Committee noted “[t]he stark gender wage gap of 22.2 per cent” and called on Paraguay to reduce this gap by undertaking

regular reviews of the sectors overrepresented by women workers and by monitoring and regulating employment and recruitment policies to ensure that the equal pay for work of equal value principle is followed in all sectors.⁸³

iii. The right to social security and social protection

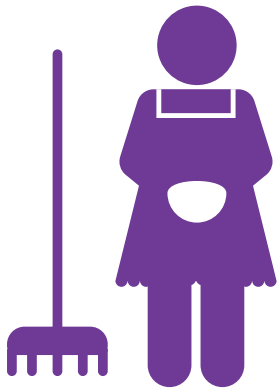
CEDAW and ICESCR recognise the right of women to social security upon retirement, sickness, invalidity, old age or incapacity to work, the right to paid leave and the right to social insurance.⁸⁴ CEDAW additionally directs states parties to ensure rural women “benefit directly from social security programmes.”⁸⁵ Three ILO conventions – ILO C102-Social Security (Minimum Standards) Convention, 1952 (No. 102), ILO C118-Equality of Treatment (Social Security) Convention, 1962 (No. 118) and ILO C157-Maintenance of Social Security Rights Convention, 1982 (No. 157) – protect the rights of workers, including migrant workers, to social security.

The exclusion of women workers from social security benefit schemes is illustrated in the 2013 shadow report to Pakistan’s State Report to the CEDAW Committee. The shadow report explained that 70% of all women workers in Pakistan were employed in agricultural work or as home-based workers in the informal sector.⁸⁶ Because they were employed in the informal sector, they were not covered under the legal definition of worker and as such were not eligible for social safety-net benefits.⁸⁷ In its Concluding Observations, the CEDAW Committee expressed concern about their exclusion and recommended that the State Party prepare a plan to protect women working in the informal sector and to adopt and implement a proposed National Policy on Home-Based Workers.⁸⁸ The CEDAW Committee also recommended that Pakistan ratify ILO conventions on home-based workers.⁸⁹

iv. The right to organise

In its general recommendations, the CEDAW Committee has interpreted the right of women generally, as well as the rights of migrant workers and rural women in particular, to participate in non-governmental organisations and associations (including trade unions) on terms of equality with men.⁹⁰ ICESCR secures the right to form and join trade unions for the purpose of promoting economic and social interests.⁹¹ ILO C87-Freedom of Association and Collective Bargaining Convention, 1948 (No. 87) recognises and secures the rights of workers to organise and freely associate, and ILO C98-Right to Organise and

Collective Bargaining Convention, 1949 (No. 98) prohibits discrimination against members of unions or workers' organisations and requires member states to encourage collective bargaining between employers and workers' organisations.



Migrant domestic workers often face specific legal challenges in organising to promote their rights, as illustrated in the 2017 shadow report to Singapore's State Report to the CEDAW Committee. Under Singapore's Trade Unions Act, foreigners cannot hold certain key leadership positions in trade unions.⁹² Because they are not eligible to lead, migrant domestic workers have not been able to promote their specific interests in existing trade unions.⁹³ Migrant domestic workers have also been unable to pursue the alternative of forming associations to represent their interests because Singapore law requires that the majority membership of such associations comprise Singaporean citizens.⁹⁴ Though it did not address the issue of trade unions directly, in its Concluding Observations the CEDAW Committee expressed concern about the continuing rights violations faced by domestic workers and, among other things, recommended that Singapore ratify the ILO convention on domestic workers, which specifically requires ILO members to secure the rights of freedom of association and collective bargaining.⁹⁵

3. Elaboration of workers' rights by status or sector

The rights described in CEDAW and ICESCR apply to all workers, regardless of industry, sector or the specific identity of the worker (e.g. migrant). As explained below, through its general recommendations, the CEDAW Committee has provided states parties with further guidance on protecting the rights of women migrant workers and rural workers, and certain ILO conventions specifically address the rights of domestic, plantation and home-based workers.

a. Migrant workers and domestic workers

The CEDAW Committee's General Recommendation 26 (CEDAW GR 26) comprehensively interprets CEDAW with respect to the rights of women migrant workers employed in low-paid jobs. CEDAW GR 26 is particularly relevant to women domestic workers, both documented and undocumented, who migrate to other countries. Two ILO conventions, ILO C97-Migration for Employment Convention (Revised), 1949 (No. 97) and ILO C143-Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143) similarly address the rights of migrant workers, but without particular emphasis on women migrant workers.

Because the vast majority of domestic workers are female and women migrant workers often utilise the services of employment agencies, ILO C189-Domestic Workers Convention, 2011 (No. 189) and ILO C181-Private Employment Agencies Convention, 1997 (No. 181) provide important protections for these groups.

b. Rural workers

CEDAW acknowledges the contribution that rural women make to the economic survival of their families, which includes work in the "non-monetized sectors of the economy."⁹⁶ To this end, CEDAW includes specific provisions protecting the rights of rural women. Recognising the link between the right to work and proper training, CEDAW guarantees rural women the right to formal and informal training and education and access to community and extension services that increase technical proficiency.⁹⁷ As noted earlier, CEDAW also recognises the right of rural women to equally access loans, marketing, and technology resources and equal treatment in land reform and resettlement.⁹⁸ The CEDAW Committee has interpreted the right of rural women to

productive assets, such as land and natural resources, in General Recommendation 34 (CEDAW GR 34).

CEDAW GR 34 also explains that rural women often work in the informal sector without protections under labour codes and social security schemes; have limited opportunities for paid employment; are commonly employed in agriculture, where they are at greater risk for health problems associated with chemicals; are unrepresented in rural organisations and have limited access to extension services.⁹⁹ CEDAW GR 34 recommends a range of measures to address these issues.

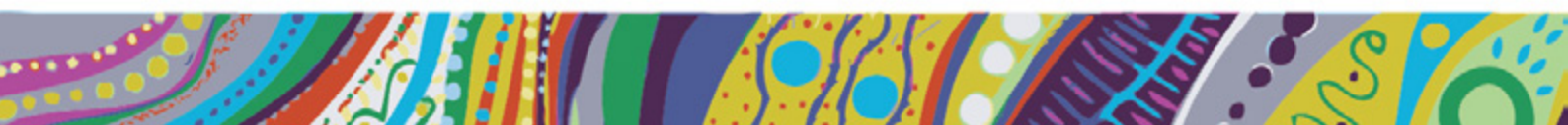
Under ILO C141-Rural Workers Organisations Convention, 1975 (No. 141), rural agricultural workers, those making handicrafts or engaged in related work in a rural area, whether as a paid worker or self-employed tenant, sharecropper or small owner-occupier, are guaranteed the right to join organisations and enjoy their rights to freedom of association. Member states are obligated to take measures that promote the importance of rural workers' organisations in facilitating employment and improving conditions in rural areas.

c. Plantation workers

ILO C110-Plantations Convention, 1958 (No. 110) covers workers on plantations in tropical or subtropical regions engaged in agriculture related to the commercial cultivation and production of certain types of crops. ILO C110 regulates employment agencies and employers' recruitment of these workers, regulates the terms of employment contracts, regulates and guarantees workers' rights with respect to wages, annual paid holidays, weekly rest, housing, medical care, maternity protection and workers' compensation, guarantees workers' right to organise, associate and collectively bargain and requires member states to provide for labour inspections to ensure these standards are met.

d. Home-based workers

The ILO C177-Home Work Convention, 1996 (No. 177) covers paid work accomplished at the worker's home or another location other than the employer's workplace, when that work results in a product or service and without regard to who provides the inputs used by the worker. ILO C177 requires equal treatment of homeworkers and





other workers with respect to freedom to organise, discrimination in employment, occupational safety and health, pay, social security protection, access to training and maternity protection. A member state is required to implement laws to ensure inspections for compliance with these guarantees and protections.

e. Factory workers

Although no single human rights treaty or convention comprehensively addresses the rights of women factory workers, CEDAW, ICESCR and a variety of ILO conventions protect the full range of the state's obligations with respect to these workers.¹⁰⁰ As an example of how these protections would operate together, consider the case of Bangladesh, where garment industry employers increased the workload of their employees, the vast majority of whom are women, in response to the establishment of a minimum wage.¹⁰¹ The increased workload resulted in women being forced to skip necessary restroom and food breaks to meet quotas, employers denying required medical leave, and employers requiring workers to extend their hours (e.g. working 11-13 hours per day, but being paid for only eight hours), all of which negatively impacted the women's health and increased the likelihood of workplace accidents. The decision to increase the workload of garment workers potentially triggered multiple violations of international labour and human rights standards, including the ILO C001-Hours of Work (Industry) Convention, 1919,¹⁰² establishing an eight-hour workday and 48-hour work week; CEDAW Art. 11(f), which requires states to protect women's health and safety at work; and ICESCR, Art. 7(b), which guarantees safe and healthy working conditions for all workers.



B. Framework for respecting, protecting and fulfilling women's rights to and at work

It is not enough that states parties recognise women's specific rights to and at work. UN human rights treaties and interpretations by UN treaty bodies further define the framework governing how state parties meet their obligations to respect, protect and fulfil women's rights.

1. Substantive equality, non-discrimination and state obligation.

Substantive equality, non-discrimination and state obligation are the cornerstones of advocacy on women's rights to and at work. The right to substantive equality means that women and men must be treated equally, both in law (*de jure*) and in fact (*de facto*). This means that the state party must not only repeal discriminatory laws (that is, laws expressly providing different treatment for men and women), but must also enact laws protecting the rights of women on a basis of equality with men.

Substantive equality also requires states parties to ensure that women have equal access and opportunities. To this end, the state party must adopt and take measures that bring about equality in actual fact. States must eliminate discrimination "without delay".¹⁰³ This means, for example, that states must immediately repeal explicitly discriminatory laws. The obligation of non-discrimination also requires the state to ensure that laws do not result in indirect discrimination.¹⁰⁴

Sometimes the state party must remove obstacles to equality by providing enabling conditions. Enabling conditions include temporary measures to address historical discrimination, in the form of affirmative action policies and programmes. The state party must also address social and cultural norms, including stereotypes and patriarchal values that prevent women from enjoying their rights.

State obligation means that the state party is the primary actor responsible for ensuring respect, protection and fulfilment of the rights reflected in CEDAW. This responsibility extends to both the public (e.g. government) and private (e.g. employers) spheres. State obligation is further explained in the CEDAW Committee's General Recommendation 28.¹⁰⁵

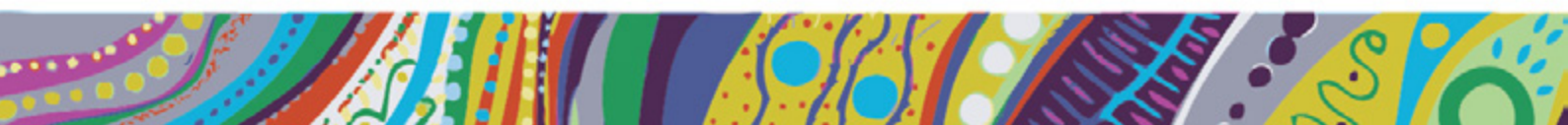
The CEDAW Committee's recommendations to states parties routinely include temporary special measures

designed to bring about substantive equality in the areas of work and employment. For example, **in its 2013 Concluding Observations to Pakistan, the CEDAW Committee noted the low participation of women in formal sector employment, job segregation based on gender, women's concentration in low-paid and low-skilled work, and the increasing pay gap between women and men.**¹⁰⁶ To address these issues, the CEDAW Committee recommended that Pakistan adopt temporary special measures targeting formal sector employment, ensure application of the principle of equal pay for equal work and equal pay for work of equal value, and guarantee equal opportunities for women at work.¹⁰⁷ In its Concluding Observations to Paraguay, the CEDAW Committee noted that the gender-neutral legislation requiring that 5% of employees in the public sector be persons with disabilities did not address the fact that disabled men were employed in such positions more frequently than disabled women.¹⁰⁸ To address this indirect (and most likely, historical) discrimination against disabled women, the CEDAW Committee recommended that Paraguay adopt temporary special measures in the form of a quota for the public sector's employment of disabled women.¹⁰⁹

State obligation is often central in addressing discrimination against women workers, especially in private sector work. The CEDAW Committee's Concluding Observations regularly recommend that states parties take action to adopt measures or to enforce existing labour laws and standards against private employers to ensure women enjoy the right of equal pay for work of equal value,¹¹⁰ to safe working conditions,¹¹¹ and to be free from sexual harassment and violence in the workplace.¹¹²

2. Due diligence

CEDAW imposes a specific obligation on states parties to prevent discrimination by non-state actors, such as employers and business entities.¹¹³ This obligation includes responsibility to investigate, prosecute and punish violations of human rights caused by non-state actors.¹¹⁴ If, for example, a private employer's hiring practices discriminate against women by preventing them from holding certain kinds of jobs, the state party has an obligation to investigate and take appropriate action to ensure the employer does not discriminate.¹¹⁵





For example, in its **Concluding Observations to Paraguay**, the CEDAW Committee noted that women applying for jobs in the maquila industry were subject to pregnancy testing and HIV testing as a condition of employment.¹¹⁶ The maquila industry is a system of factories or plants built by domestic and sometimes foreign corporations, often in free-trade zones.¹¹⁷ The corporations import materials used in the assembly or manufacture of goods for re-export. They are often provided tax and other incentives, including exclusion from labour protection laws. The CEDAW Committee recommended Paraguay sanction private employers who impose compulsory pregnancy and HIV testing, and strengthen labour inspections to monitor working conditions in maquilas.¹¹⁸

3. Extraterritorial obligations

In some cases, international human rights law imposes responsibility on governments to take action to prevent or remedy human rights violations that occur outside the geographic boundaries of their countries. A common example is the state obligation to regulate a non-state business registered under the laws of the state, but operating a business overseas. The Maastricht Principles on Extraterritorial Obligations of States in the Area of Economic, Social and Cultural Rights explain the scope of a state's duties in these circumstances.



In its shadow report to **Sweden's State Report to the CEDAW Committee**, the Women's International League for Peace & Freedom highlighted the failures of Swedish companies in the textile industry to ensure that their supplier factories complied with fire and building safety standards.¹¹⁹

The workforce in these factories is 80% female and therefore the failure to ensure safe working conditions overwhelmingly threatened the rights of women.¹²⁰ In

addition, wages paid to men at these factories were 25% greater than wages paid to women, and men comprised the majority of supervisors in the factories.¹²¹ Men were preferred for jobs requiring skilled labour based on the stereotype that men were better able to handle complex tasks.¹²² This preference led to men enjoying more opportunities for promotions and higher salaries.¹²³ WILPF argued that, by failing to regulate the Swedish companies buying garments from these factories in Bangladesh, the Swedish government had violated its extraterritorial obligation to prevent human rights violations outside of its boundaries.¹²⁴

4. Additional principles guiding implementation

b. Non-regression

The principle of non-regression means that the state party cannot reduce existing rights. In the context of work, a minimum wage law is an example of a right from which a state party must not regress; that is, once established, a state party must not reduce the minimum wage. This is consistent with the purpose of establishing a minimum wage, which is to allow decent living for a worker and her family.¹²⁵ A reduction in the minimum wage would constitute a regression of rights.

b. Non-derogation

Non-derogation means that there are certain rights the state party may never limit or restrict. The right to non-discrimination is an example of a non-derogable right.¹²⁶ For example, a state party must immediately repeal a law that prohibits women from working in factories on the basis that it is dangerous for them; such a law is an example of *de jure* discrimination.

c. Progressive realisation

The principle of progressive realisation recognises that a state party may not be able to guarantee all rights immediately, but must demonstrate it is making progress towards the fulfilment of rights. A related concept is maximum available resources, which requires that, even where a state party's "resources are demonstrably inadequate, ... [it] must ensure the widest possible enjoyment of ESC [economic, social and cultural] rights under the circumstances."¹²⁷

During its recent sessions, the CEDAW Committee has pushed states parties to demonstrate that they were taking steps to fulfil their obligation to ensure equal pay for work of equal value. For example, the CEDAW Committee recommended that Germany prioritise the adoption of legislation requiring equal pay for work of equal value, that Norway establish a system for monitoring collective bargaining agreements to ensure they do not discriminate, consistent with the ILO C100-Equal Remuneration for Men and Women Workers for Work of Equal Value, and that Japan enforce existing laws that establish the principle of equal pay for work of equal value.¹²⁸

d. Minimum core obligations

Although the state party is expected to progressively move towards the fulfilment of all women's human rights, it concurrently has minimum core obligations in relation to human rights, which it must meet immediately – such as the obligation to protect the right to essential foodstuffs, essential primary healthcare, basic shelter and housing, and basic education.¹²⁹

e. Interdependence and interrelatedness

The principle of interdependence and interrelatedness recognises that each human right "contributes to the realization of a person's human dignity through the satisfaction of his or her developmental, physical, psychological and spiritual needs. The fulfilment of one right often depends, wholly or in part, upon the fulfilment of others."¹³⁰ For example, the fulfilment of the right to work depends on prior fulfilment of the right to education or training.

f. Intersectional discrimination

Women have multiple identities or find themselves in particular situations that expose them to discrimination on the basis of their gender as well as another characteristic (e.g. migrant, LGBTI, refugee, disabled, indigenous, ethnic minority, trafficked).¹³¹ For example, a rural woman may also be a member of a minority who does not speak the official language of the country and, as a result, cannot access information in her own language on a fisheries project proposed for her community. Her status as rural, poor and a linguistic minority means that she is less likely to participate in and benefit from the fisheries project.



II. Guiding questions for an NGO report on women's rights to and at work

The questions in this part assist the user in preparing information on women's rights to and at work for NGO reports to the CEDAW and/or ESCR Committees. Each set of questions is preceded by an explanation of the issue they are designed to address. The issue is analysed with reference to the relevant human rights standards as reflected in CEDAW, ICESCR and/or ILO conventions. (As noted earlier, the CEDAW and ESCR Committees regularly draw on the ILO standards in defining the right

to work. Therefore, it is important to highlight when those standards are relevant to your issue, even if your government has not ratified the ILO convention.)

The first set of questions guide the user in addressing issues potentially applicable to all women workers or that relate to more than one right. The remaining questions are arranged by thematic issue.¹³²

A. Overarching issues

1. Interrelatedness of rights

Issue

Paid work is the one of the primary means through which women obtain the basic necessities for themselves and their families. These necessities, such as food and shelter, are recognised as distinct human rights under CEDAW and ICESCR. Thus, the denial of the right to work or a living wage is also a denial of a woman's other human rights.

Guiding questions

1. How does the issue (e.g. sexual harassment and violence in the workplace, denial of minimum wage, denial of right to form unions or associations) facing the women workers impact other rights (e.g. right to highest standard of mental and physical health, right to food and housing, right to collectively bargain)? In answering this question, consider the impact of unemployment, underemployment and/or inadequate wages on the ability to enjoy the rights to food, housing, healthcare and education.
2. Do the laws of your country guarantee the right to food and housing? Recall that a government is responsible for fulfilling minimum core obligations, which include food and shelter, essential healthcare and basic education.

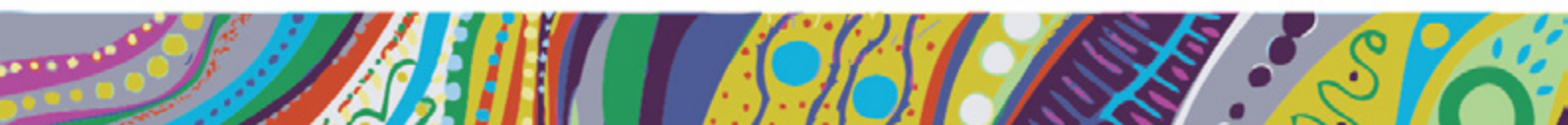
2. Wage inequality

Issue

In many sectors, women are paid less than men for the same or similar job or are paid less for work of equal value.

Guiding questions

1. Has your government adopted ILO C100-Equal Remuneration Convention, 1951 (No. 100)?
2. Has your government adopted measures requiring that employers provide equal pay for work of equal value? If yes, do these measures meet the standards established by ILO C100-Equal Remuneration Convention, 1951 (No. 100)



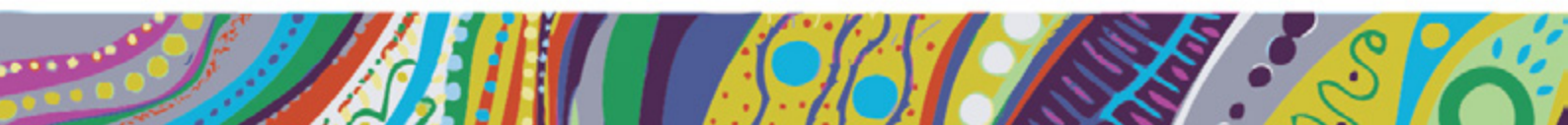
and recommended by the ESCR Committee in GC 23, paras. 11-17? In answering this question, consider whether your government:

- has established mechanisms for monitoring laws and/or policies requiring equal pay for work of equal value, including a system of labour inspectorates;
 - has ensured access to legal aid and legal remedies when violations occur;
 - has adopted the recommendations in ILO R090-Equal Remuneration Recommendation, 1951 (No. 90), which directs the member state to:
 - ◊ apply the principle of equal remuneration for men and women workers for work of equal value for public employees, after consulting with workers' organisations or with workers, if no organisation exists;
 - ◊ apply the principle of equal remuneration for men and women workers for work of equal value in industries and services for which the government establishes minimum or other wage rates, for publicly owned industries and public contracts, after consulting with employers or workers' organisations;
 - ◊ immediately enact into law the requirement of equal remuneration for men and women workers for work of equal value, or, if immediate implementation is not possible, progressively decrease the difference in rate of remuneration and where incremental wage increases are applicable, provide equal increments for men and women performing work of equal value; and
 - ◊ undertake research or encourage methods for objectively assessing work to establish classification of jobs without regard to sex and monitor job recruitment processes which may impact women's sectoral participation.
3. Has your government undertaken research comparing the value of jobs in which women predominate with jobs in which men predominate? If yes, is this research included in the state report?
4. Does your government encourage workers and employers to include equal pay for work of equal value in collective bargaining agreements?

3. Rights violations arising from neoliberalism

Issue

Many contemporary economic and political policies are based on neoliberalism. These policies have resulted in governments repealing (or providing exemptions from) a range of laws designed to protect workers' rights. Consequently, workers have lost important protections related to workplace health and safety, the right to form trade unions and engage in collective bargaining, the right to minimum wage, health insurance, childcare and other social benefits provided by governments and/or employers. Workers have faced increased job insecurity, unpredictable income and ever-changing work schedules as employers shift from more traditional employer-employee contracts to flexible working arrangements.



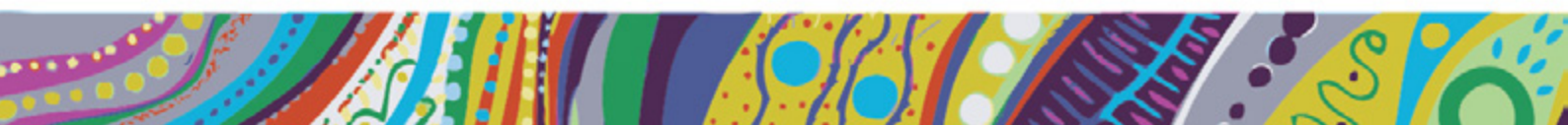


Governments have been quick to offer businesses special tax and other incentives, such as free use of public resources. In addition, wealthy individuals and business avoid paying taxes in their home countries by transferring their wealth to other countries. The loss of tax revenues prevent governments from funding important social services, which traditionally provide the most benefit to women and children. Furthermore, tax policies that impose greater financial burdens on the poor, while reducing tax liabilities on the wealthy, create a regressive system whereby workers, especially women, who are often the lowest wage earners, are forced to pay an unfair proportion of their income into taxes.

Under the guise of attracting investment, governments have also relaxed environmental protections, allowing businesses to pollute water, air and land without any corresponding obligation to remediate the damage. Governments have also facilitated the conversion of low- cost government goods and services to for-profit businesses run by private companies.

Guiding questions

1. Are certain goods and services critical to women's enjoyment of human rights, such as healthcare, education, water delivery and childcare, provided by the government or the private sector? Has your government assessed the impact of privatising these goods and services on the rights of women workers? In answering this question, consider how limiting women's access to these goods and services (including by decreasing their affordability), combined with their disproportionate burden of household, childcare, caregiving and related work, affects their ability to engage in paid work or work in the formal sector, or related rights including health and education.
2. Has your government entered into trade agreements that limit workers' rights (e.g. right to organise, collectively bargain, receive minimum wage, health and safety regulations) or that provide businesses with the right to sue the government in the event of disputes (often called investor-state dispute settlement)¹³³ and obtain judgements that negatively impact worker rights? If so, has your government assessed the specific impact of these agreements on the rights of women workers?¹³⁴
3. Does your government provide tax incentives (e.g. tax credits, tax holidays, free or reduced rent for use of government property, exemptions from minimum wage laws) to businesses in exchange for investment in the country? In answering this question, consider the public's ability to obtain information about investors, such as their identity, financial condition and the taxes paid.
4. To the extent that government incentives to investors are reducing tax revenues, how are the consequential reductions in government revenues impacting its ability to meet obligations to women workers (and to realise human rights more generally) under CEDAW, ICESCR and relevant ILO conventions?
5. Does your government consult with women workers or associations of women workers (for example, women's trade unions) in developing tax policy?
6. Is the tax system in your country progressive (the wealthiest people or businesses pay the most) or regressive (the poorest people pay more taxes as a proportion of their income than wealthier people and/or businesses)?¹³⁵
7. Is there a sales tax or value added tax (VAT), and if so, what is the rate? Are essential items (for example, food, cooking oil, diapers, children's clothes, feminine hygiene products, etc.) excluded from sales tax/VAT?



4. Invisibility and non-recognition of women's work

Issue

Patriarchy and discrimination, and the stereotypes and cultural norms they fuel, have led most societies to view the work traditionally performed by women as less important than the work men do, and thus less economically valued. Women are overrepresented in the informal sector and in unpaid work, and consequently, many women workers are not protected by the laws that apply to formal, paid employment.

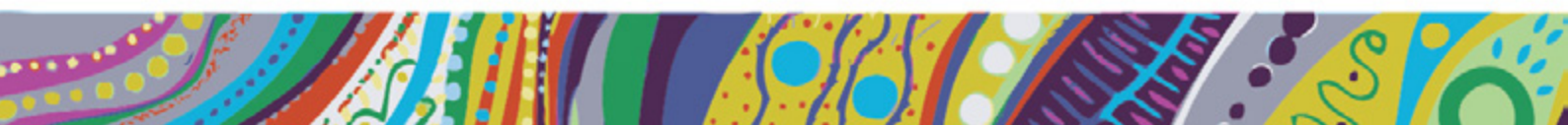
When women's work is formally recognised and paid, discriminatory perceptions about its value negatively impact how it is compensated and treated by the market: women routinely receive lower or unequal wages, toil under poor working conditions, face job insecurity, are denied access to productive resources (e.g. land, financial credit), to opportunities for training and education, and to social security, pension schemes, healthcare and other social benefits.

Because the failure to recognise the value of women's work (or to acknowledge their contributions to the economy of their country) results from stereotypes, social beliefs and cultural norms, modifying these norms is the key to addressing a myriad of problems faced by women workers. In addition to fulfilling women's rights to and at work, CEDAW requires states parties to change the pervasive social and cultural norms that lead to devaluation of women and their work.¹³⁶

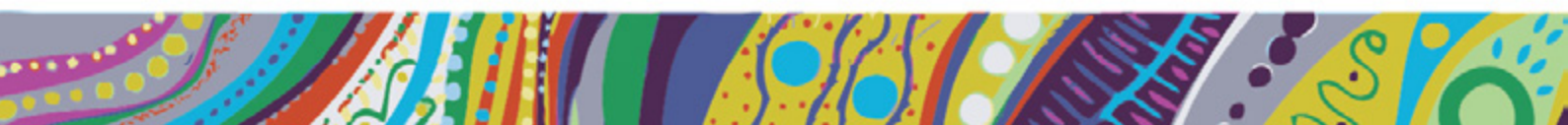
In General Recommendation No. 16: Unpaid Women Workers in Rural and Family Enterprises (1991),¹³⁷ the CEDAW Committee declares unpaid work by women in family enterprises a form of exploitation contrary to CEDAW, and recommends that states parties report on the status of women working in family enterprises without pay and take steps to ensure they are paid and receive social security and other social benefits. In General Recommendation No. 17: Measurement and Quantification of the Unremunerated Domestic Activities of Women and Their Recognition in the Gross National Product (1991),¹³⁸ the CEDAW Committee affirms that measuring and quantifying women's unremunerated domestic work can assist in publicising the important economic role of women in the development of their countries, and recommends that states parties collect data on this work and include it in the GNP and the state report. In General Recommendation No. 27 on Older Women and Protection of Their Human Rights (16 December 2010),¹³⁹ the CEDAW Committee notes the unpaid care work performed by older women, which "is rarely recognized." SDG 5.4 aims for recognition and valuing of "unpaid care and domestic work through the provision of public services, infrastructure and social protection policies and the promotion of shared responsibility within the household and the family as nationally appropriate."¹⁴⁰

Guiding questions

1. How has your government adopted measures to:
 - ◇ address the stereotypes and cultural and social norms that devalue women's work or perpetuate sex segregation in the workplace? Examples of such measures could include public service announcements, public education campaigns or changes to educational curricula.
 - ◇ address women's disproportionate burden of unpaid household work (including the stereotypes and cultural and social norms that cause and contribute to this problem), which prevent them from obtaining paid employment or result in their overrepresentation in the informal sector?
 - ◇ address the needs of parents to ensure women can pursue paid employment?
 - ◇ provide women with training in trades dominated by men?



- ◇ collect data quantifying women's unpaid work and its inclusion in the country's GDP, and collect data on women who work in family enterprises but are not paid?
- 2. Has your government ratified ILO C156-Workers with Family Responsibility Convention, 1981 (No. 156) or taken any of the measures recommended in accompanying ILO R165-Workers with Family Responsibilities Recommendation, 1981 (No. 165)?
- 3. Are paid domestic and/or home-based workers recognised as workers under the laws of your country? Has your government ratified ILO C189-Domestic Workers Convention?
- 4. Are unpaid women workers (including those working in family businesses) recognised as workers under the laws of your country? In answering this question, consider ESCR General Comment 23, para. 47(j), which calls on states parties to ensure that unpaid workers, especially women workers, are protected by laws and policies on occupational safety and health, rest and leisure, and reasonable limits on working hours and social security.
- 5. Has your government taken any of the steps outlined in ILO R204-Transition from the Informal to the Formal Economy Recommendation, 2015 (No. 204) to address the overrepresentation of women in the informal economy? In answering this question, consider the particular provisions in ILO R204, which direct member states to include in comprehensive employment policies specific measures that "promote the transition [of women] from unemployment or inactivity to work" and, in designing strategies to facilitate transition to a formal economy, pay special attention to the most vulnerable workers in the informal economy, including women, domestic workers and subsistence farmers.
- 6. Has your government taken any action to address occupational segregation? In answering this question, consider:
 - ◇ horizontal segregation, i.e. the overrepresentation of one gender in certain sectors (e.g. women in domestic and care work or in low-paid jobs in garment factories, men in construction); and
 - ◇ vertical segregation, i.e. the overrepresentation of one gender in certain jobs within sectors (e.g. men in managerial, supervisory or other highly paid jobs, such as jobs in the cutting section of the factory, or as tree pruners on plantations) and women in low-paid jobs (e.g. in garment factories as sewing machine operators and on tea plantations as pickers).



B. Specific issues

1. Short-term contracts and flexible labour arrangements

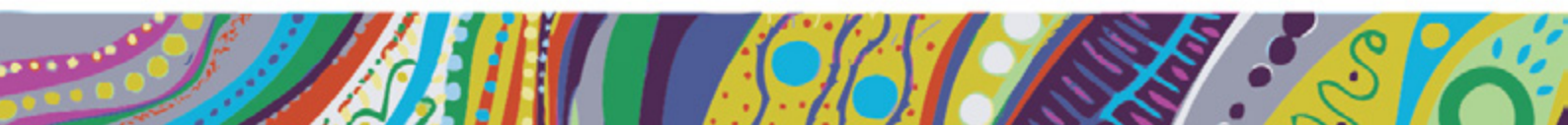
Issue

Increasingly, women workers in formal employment are contracted on a short-term basis, categorised as part-time workers or otherwise denied the status of full-time employees. Women are often overrepresented in part-time work and flexible work arrangements because they bear a disproportionate burden of household and care work, making full-time work unfeasible.

Employers and businesses often prefer these flexible arrangements because it allows them to save money by not providing the same benefits (e.g. health, pension) and job security guaranteed to full-time employees. In turn, laws on social security and related benefits often exclude part-time and short-term contract workers. Thus, the denial of full-time or regular employee status results in the loss of important benefits and job security.

Guiding questions

1. Has your government ratified ILO C175-Part-Time Work Convention, 1994 (No. 175)?¹⁴¹
2. Has your government adopted measures regulating employers' use of short-term contracts or other flexible working arrangements?
 - ◇ For each measure you identify, determine whether the state party is implementing it, and if not, why not and whether the measure follows the ESCR Committee's recommendations in General Comment 23 as they apply to part-time workers or workers with flexible working arrangements.¹⁴²
 - ◇ If the state party is implementing the measure, determine whether women are actually benefitting, that is, whether implementation is bringing about substantive equality for women workers. Consider whether indirect and/or historical discrimination (e.g. women may be primarily employed as part-time workers, in the informal sector or perform unpaid work, while the measures only apply to formal sector, full-time employment; women may not qualify for the types of work covered by the measures because they do not have the required training as a result of historical discrimination) are preventing women from enjoying the benefits of the measure.
1. If your government has adopted laws on part-time work, do they meet the standards established in ILO C175-Part-Time Work Convention and recommendations in ILO R182-Part-Time Work Recommendation, 1994 (No. 182)?¹⁴³
2. If your government has not adopted measures regulating an employer's use of part-time workers, short-term contracts or other flexible labour arrangements, why not?
3. Do laws on social security and other social benefits apply to part-time or short-term contract workers or those working under similar flexible arrangements?



2. Restrictions on the right to organise

Issue

The most common barriers women workers face when they seek to organise are non-recognition of their work (and therefore, denial of admission to existing unions), legal prohibitions on foreigners joining or forming unions, union representatives being closely aligned with management, discrimination within union organisations, employer intimidation aimed at discouraging unionising or employer discrimination and harassment.

Guiding questions

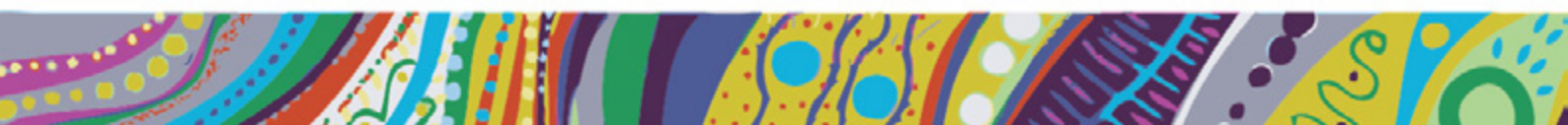
1. Has your government adopted measures securing the rights of workers to join or establish unions? If so, do the measures meet the standards established in ILO C87-Freedom of Association and Collective Bargaining Convention, 1948 (No. 87) and ILO C98-Right to Organise and Collective Bargaining Convention, 1949 (No. 98)?
2. Do existing unions adequately represent the interests of the women workers who are the subject of your shadow report? If not, why not?
3. Have women been successful in forming their own unions to represent their interests? If not, why not?
4. Can foreign women workers join or form unions? If yes, do they enjoy the same rights as nationals (non-foreigners)?
5. For those workers that are members of unions, does the leadership of the union represent the interest of the workers or has it been captured by the employer's management?
6. Do women hold leadership and decision-making positions in unions? If not, has your government taken action to address this issue?
7. Are employers or other persons engaging in tactics to discourage unionising? If yes, has the government taken any action to address this issue?
8. Are women workers who lead unions or workers' organisations the targets of gender-based discrimination, threats or harassment because of their role? If so, has the government taken any action to address this issue?

3. Poor working conditions

Issue

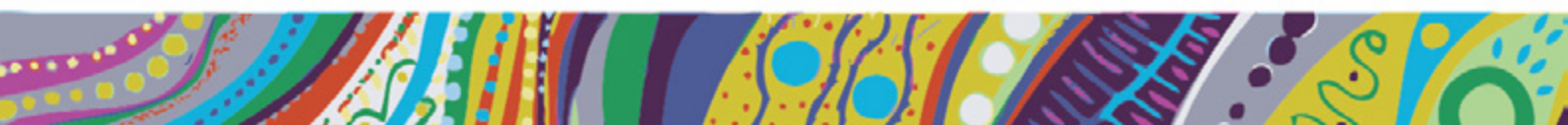
In addition to inadequate or unequal pay, women in low-paying jobs routinely face a range of poor working conditions. The most common problems include unsafe and unhealthy workplaces (including verbal and physical violence, sexual harassment and assault and lack of protections for sexual and reproductive health), excessive working hours, denial of or inadequate rest days, and limitations on or denial of paid or unpaid leave. Because their work is performed in a private home, protecting the rights of domestic workers to safe working conditions has been especially challenging.

The nature of factory and plantation work exposes women to specific health risks. Although they are often exposed to hazardous substances, employers fail to provide them with protective clothing or sufficient training on the safe use of chemicals, fertilisers and pesticides. Depending on the materials they work with, home-based workers and their families can be exposed to substances detrimental to their health.



Guiding questions

1. Is there a specific ILO convention and/or recommendation establishing standards for workplace conditions in the sector you are examining? If yes, has your government ratified that convention? In answering this question, consider specifically the standards reflected in the ILO conventions listed above in the table on pp. 8-11.
2. If your government has adopted measures establishing standards for work conditions in the sector you are examining,¹⁴⁴ do these measures meet those established by any relevant ILO convention?
3. How has your government ensured that the process for monitoring an employer's compliance is transparent and accountable to workers?
4. Does your government require employers to ensure that women worker representatives are included in the development, implementation and monitoring of labour standards?
5. Has your government adopted measures requiring an employer policy on sexual harassment and abuse, setting out a process for reporting allegations, establishing timelines for employers to take responsive action and providing remedies for victims? If so, consider whether your government has enforced and facilitated this requirement through, for example, prosecutions when the harassment and abuse violates criminal laws, regular labour inspections of the workplace, a requirement that employers file periodic reports documenting their handling of sexual harassment and abuse allegations, whistle-blower protections for women reporting abuse, and training for law enforcement and judicial officers on handling sexual assault claims. Consider also the cultural and societal norms that make it difficult for victims to report violations and for law enforcement officials to take action in response to reports.
6. If your government has not adopted measures requiring employers to adopt policies on sexual harassment and abuse, what are the barriers? In answering this question, consider the cultural and societal norms that prevent lawmakers from acting generally on issues related to violence against women.
7. Has your government adopted measures requiring employers to protect pregnant or breast-feeding women workers and the reproductive health of other women working in factories, on plantations and in home-based settings and who are regularly exposed to hazardous or dangerous substances?
8. With respect to any measures adopted, are they benefitting women in practice?
 - For each measure you identify, determine whether the state party is implementing it and if not, why not.¹⁴⁵
 - If the state party is implementing the measure, determine whether women are actually benefitting, that is, whether implementation is bringing about substantive equality for women workers. Consider whether indirect and/or historical discrimination prevents women from enjoying the benefits of the measure.



4. Access to redress for labour violations

Issue

An important component of improving the working conditions for women is ensuring they can report violations without fear for their safety or the threat of losing their job. Employer-employee dispute mechanisms often favour the employer, fail to result in timely decisions and cut off recourse to other remedies. Government systems, which suffer some of the same deficiencies, are often not practical for certain workers, especially undocumented migrants, who risk deportation if they file complaints.

Guiding questions

1. Does your government require employers to establish processes for resolving disputes with employees?
2. If an employer has established a dispute resolution process, are women workers using it? If not, why not? In answering this question, consider whether women filing complaints are vulnerable to job loss, harassment or assault and similar threats.
3. Can a worker submit a complaint against her employer to a government body, such as a labour court, ombudsperson or national human rights institution, without first filing a complaint with the employer?
4. Are workers eligible for legal aid services for complaints alleging labour violations?
5. Is an undocumented worker able to bring a complaint against her employers without fear of deportation?
6. Do employers use criminal defamation laws to prevent complaints by workers?
7. Can a worker directly appeal a decision issued by an employer to the labour court?
8. Do women workers face any particular barriers to pursuing complaints against their employers, such as sexual harassment and abuse, threats of violence or job loss, or demotions?

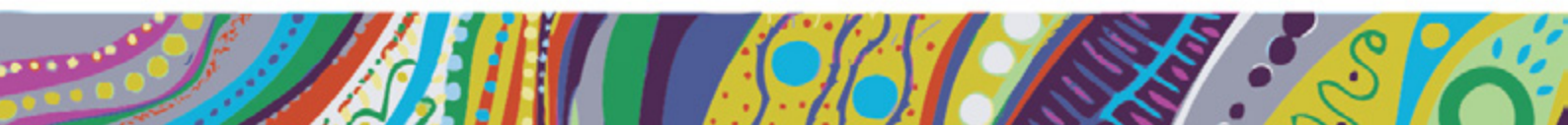
5. Lack of access to productive assets, market resources and training

Issue

Women's lack of access to productive resources often arises among rural women working in agriculture, as home-based workers and in subsistence farming. These women face barriers in obtaining financing and income diversification opportunities and in owning and/or accessing land and other natural resources¹⁴⁶ and extension services.¹⁴⁷ All women workers, especially rural women, encounter challenges in accessing the training they need to engage in local and global value chains and markets.¹⁴⁸ These barriers and challenges result from a variety of factors, including stereotyped gender norms, lower rates of education, time poverty arising from greater responsibility for unpaid household and childcare work, lack of access to infrastructure and services, and lack of representation in local decision-making bodies.¹⁴⁹

Guiding questions

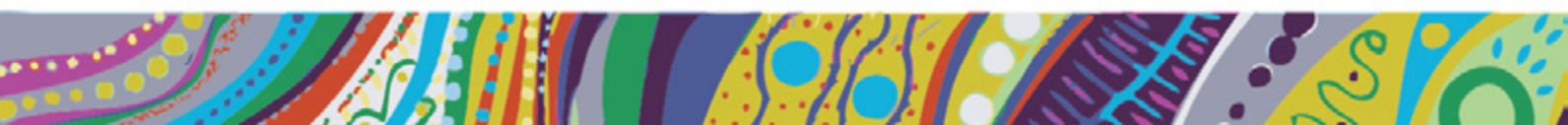
1. Are rural women workers adequately represented and participating in agricultural cooperatives, farmers' and producers' organisations, land administration and rural workers' organisations? If not, has your government adopted any measures to address their underrepresentation or their lack of participation?



2. With respect to rural women, has your government adopted measures to
 - ◇ facilitate their transition from the informal to formal agricultural sector (in answering this question, consider ILO R204-Transition from the Informal to the Formal Economy Recommendation, 2015 (No. 204))?
 - ◇ improve their skills and access (as producers, entrepreneurs, suppliers, workers and consumers) to local and global value chains and markets through capacity building?
 - ◇ facilitate their access to childcare and other care services?
 - ◇ facilitate their access to microcredit facilities?

3. Has your government adopted measures to improve rural women workers' access to land and other natural resources (including water, seeds, forests and fisheries) by adopting temporary special measures to achieve substantive equality with respect to these resources?
 - ◇ addressing discriminatory stereotypes that prevent access?
 - ◇ ensuring customary laws and practices do not impede women's right to these resources, including by raising public awareness among community leaders?
 - ◇ adopting laws expressly guaranteeing women's rights to these resources without regard to marital status, male guardianship or guarantor, and recognising the full legal capacity of rural women?
 - ◇ enhancing their knowledge of sustainable use of fishery resources?
 - ◇ increasing their role in fisheries and aquaculture?
 - ◇ promoting their safe access to forests and sustainable forest resources, including wood and non-wood forest resources?
 - ◇ strengthening customs and statutes and related means to defend and protect their rights to resources, including through the use of community paralegal services?

4. Has your government adopted measures to ensure that women workers are able to access education and training resources required for employment (especially training needed to enter vocations not traditionally open to women), to maintain their skills, to respond to changing demands for skills and to ensure they are able to compete for promotions on terms of equality with men?



6. Denial of right to employment benefits (including social security)

Issue

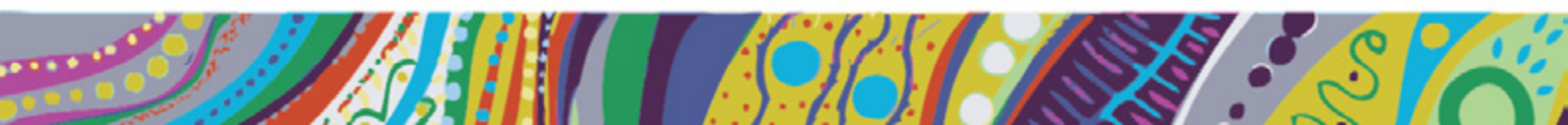
Women workers face particular challenges in accessing social security and other work-related social benefits, for several reasons. They often work in the informal sector or engage in unpaid work not covered by social security laws. In some countries, self-employed home-based workers are not eligible for social security. Even if they do work in the formal sector, women often work as part-time employees or under short-term contracts or other flexible working arrangements, which render them ineligible for social security.

In General Recommendation 16, the CEDAW Committee recognised unpaid work by women in family businesses, not covered by social security schemes, as a form of exploitation contrary to CEDAW, and recommended that states parties report on their status, collect statistics about them and take steps to ensure they are paid and receive social security and other social benefits. In General Recommendation 27, the CEDAW Committee describes the particular vulnerability of older women, who may not qualify for social security protections because discrimination throughout their life cumulatively impacts them in old age, resulting in lower income and lower pensions, or in some cases, no pension. In addition, old-age pensions are usually closely related to the worker's earnings throughout her life, and because women typically earn less than men during their lifetimes, they also receive smaller pensions.¹⁵⁰ In General Recommendation 34, the CEDAW Committee recommends that rural women performing unpaid work or working in the informal sector have access to non-contributory social security schemes.

In addition to social security benefits, pregnancy and maternity benefits are uniquely important to women and the provision and the promotion of paternity and parental leave is critical to addressing the cultural norm that a woman's inherent role in society is as the primary caretaker of children. Furthermore, women often face job loss, reduced hours and other forms of discrimination in employment when they become pregnant or mothers, and are routinely subjected to discrimination by employers based on the expectation that they may become pregnant.

Guiding questions

1. Has your government ratified an ILO convention addressing social security for the workers in the sector you are examining?
2. Are the workers recognised as workers under the social security laws of your country? If yes, does the law meet the standards established by any relevant ILO conventions?
 - ◇ For each measure you identify, determine whether the state party is implementing it, and if not, why not.¹⁵¹
 - ◇ If the state party is implementing the measure, determine if women are actually benefitting, that is, whether implementation is bringing about substantive equality for women workers. Consider whether indirect and/or historical discrimination (e.g. overrepresentation of women in the informal sector, in part-time or short term contract work; women performing unpaid household work) prevents women from enjoying the benefits of the measure.
3. Has your government adopted measures requiring employers to provide maternity leave or leave for illness or complications associated with pregnancy or childbirth?
4. Has your government adopted measures requiring employers to provide parental leave?



5. If employers are required to provide maternity, pregnancy and paternal leave, are employees actually using the leave? If not, why not? Consider whether employers are required to ensure that women who take maternity leave are entitled to resume their employment on the same terms (i.e. pay, position) after the leave.
6. Has your government adopted measures to promote equal responsibility for housework and childcare by parents?

7. Violations of workers' rights by businesses subject to the jurisdiction of other governments (extra-territoriality)

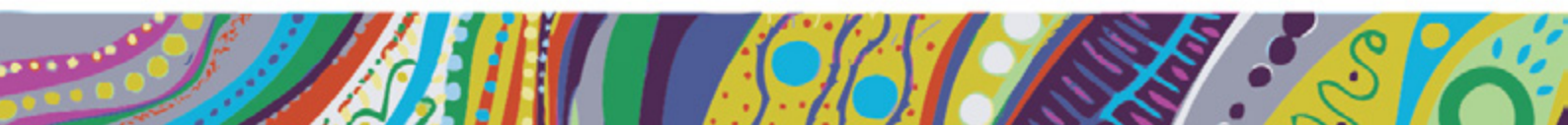
Issue

Some women workers are employed by businesses operating in one country (referred to as the host country), but registered or domiciled in another (their home country).¹⁵² The home country has a responsibility to exercise due diligence and ensure that the business is not violating or contributing to the violation of human rights in the host country. For example, Samsung's home country is South Korea, but Samsung operates factories in many countries in Southeast Asia, including Vietnam. Thus, the well-documented violations of women's human rights at a Samsung factory in Vietnam¹⁵³ should prompt the South Korean government to act by requiring Samsung to provide redress for the victims of the violations in Vietnam and to prevent further violations.

Even when a business does not directly own factories or plantations in other countries, it may purchase products or services from suppliers or subcontractors operating in another country. Under these circumstances, the home country has an obligation to regulate the business to ensure it does not indirectly contribute to human rights violations of its suppliers or subcontractors. For example, as explained above, in their shadow report to Sweden's State Report, NGOs highlighted the State Party's failure to regulate Swedish companies purchasing garments made by women working in Bangladeshi factories in conditions that violated a range of international human rights.

Guiding questions

1. Is the woman worker employed by a business which operates in a host country but is registered or domiciled in another country?
2. Is the government of the home country regulating the business to ensure it does not violate the human rights of workers? In answering this question, consider whether:
 - ◇ the home country requires the business and its subsidiaries to adopt a policy stating their responsibility to follow labour and other human rights standards while operating in the host country (including CEDAW, ICESCR or relevant ILO conventions, labour standards established under domestic laws of the home and host countries, relevant voluntary industry standards (e.g. Accord on Fire and Building Safety in Bangladesh,¹⁵⁴ Electronics Industry Code of Conduct¹⁵⁵) and regional guidance (e.g. Organisation for Economic Co-Operation and Development Guidelines for Multinational Enterprises¹⁵⁶)) and to provide redress for violations, by e.g. establishing a system for workers to report violations and obtain remedies;
 - ◇ the home country is monitoring and enforcing implementation of the policy through measures such as direct imposition of fines or other sanctions against the business, and/or establishing an independent body empowered to receive complaints against the business and provide remedies for human rights violations committed by the business in the host country; and



- ◊ workers can access the courts of the home country for purposes of obtaining redress for violations committed in the host country.
3. Is the worker employed by a supplier or subcontractor that sells goods or services to a business registered or domiciled in another country?
 4. Is the government of the home country regulating the business to ensure that it does not contribute to human rights violations of its supplier or subcontractor operating in another country? In answering this question, consider whether:
 - ◊ the home country requires the business to adopt a policy stating its responsibility (1) to ensure that its suppliers or subcontractors follow labour and other human rights standards (including CEDAW, ICESCR or relevant ILO conventions, labour standards established under controlling domestic laws and any relevant voluntary industry standards (e.g. Accord on Fire and Building Safety in Bangladesh, Electronics Industry Code of Conduct) and regional guidance (e.g. Organisation for Economic Co-Operation and Development Guidelines for Multinational Enterprises)) in the countries where they operate and (2) to ensure its suppliers or subcontractors provide redress for violations, e.g. establishing a system for workers to report violations; and
 - ◊ the home country is enforcing and monitoring the business' implementation of the policy through measures such as direct imposition of fines or sanctions against the business, and/or establishing an independent body empowered to receive complaints against the business with respect to violations caused by the business' suppliers or subcontractors.
 5. Is the home country required to assess the potential impact of trade and investment agreements on the rights of women workers prior to entering into such agreements and to ensure that such agreements prioritise the home country's international human rights obligations over investor interests?



III. Other opportunities for advocacy and accountability at the UN

Information from an NGO report can be used to seek accountability from states parties in other fora, especially other UN mechanisms guided by comparable standards on human rights. Part IV describes different contexts where advocates can make their case for better protection of women's rights to and at work.¹⁵⁷

A. International Labour Organization ¹⁵⁸

In addition to highlighting the relevant ILO standards in your NGO reports to the CEDAW and ESCR Committees, if your government has ratified the ILO conventions, there are several other options for drawing accountability within the ILO system itself.

1. Supervisory systems

Two systems of supervision within the ILO are responsible for ensuring that member states implement the conventions that they have ratified. The regular system is administered by the Committee of Experts on the Application of Convention and Recommendations and the International Labour Conference's Tripartite Committee on the Application of Conventions and Recommendations (known hereafter as the Conference Committee). The special system is administered by the ILO Governing Body and subsidiary bodies.

a. Regular supervisory system

The Committee of Experts examines reports submitted by member states. Member states must submit reports every two years on the actions they have taken to apply the eight fundamental conventions and five priority conventions ratified, and every five years for all other conventions. In response to these reports, the Committee of Experts issues observations, which are published in the Committee's annual report, and direct requests, which are technical questions or requests for additional information.

The Conference Committee examines the Committee of Experts' annual report and selects specific observations, which it then discusses with the member state. After this discussion with the member state, the Conference Committee will often develop conclusions for the member state recommending steps to address the problem, for technical assistance or assistance through an ILO mission.

The Conference Committee publishes its discussions and conclusions in its report.

b. Special procedures

The ILO has three special procedure systems for representations and complaints regarding the application of ratified conventions and for complaints regarding freedom of association. A representation procedure allows an association of employers or workers to present to the ILO Governing Body a claim that a member state failed to follow a provision in a convention that it has ratified. If the ILO Governing Body decides to take up the representation, a committee examines the information and issues recommendations. If the ILO Governing Body determines that the member state has not adequately responded to the recommendations, it can publish the representation and the member state's response. The complaint procedure allows one member state to file a complaint against another member state alleging failure to comply with a convention. If the ILO Governing Body takes up the complaint, it will form a Commission of Inquiry, which investigates the complaint and makes recommendations for addressing the problems it raised. If the member state fails to follow the recommendations, the ILO Governing Body can make a recommendation to the International Labour Conference for further action against the member state to secure compliance. Employers or workers' organisations can bring complaints to the Committee on Freedom of Association (CFO). These complaints allege violations by member states of the right to freedom of association. If the CFO determines there has been a violation, it issues a report and makes recommendations. Member states subsequently report on how they have implemented the recommendations.

2. General surveys

Although only member states are legally bound to follow the labour standards embodied in the conventions that they ratify, the ILO views these standards as universal and reflections of common values and principles relating to work. To this end, the ILO collects and publishes an annual survey reflecting information it has collected from all of its member states regarding the status of implementation of all labour standards in ILO conventions.

3. Technical assistance and training

The ILO maintains offices in all regions of the world. These offices are equipped with international labour standards specialists. These specialists assist governments, employers and workers' organisations with reporting obligations, solving problems identified by the Committee of Experts and the Conference Committee, and assessing draft domestic legislation under international labour standards. The ILO also operates an International Training Centre, which provides training to governments, employers, workers, lawyers, judges and legal educators on labour standards, and other related topics, including women workers.

4. Women at Work

This ILO initiative has included a series of global dialogues, expert meetings, conference publications, web resources and other activities aimed at addressing discrimination and stereotypes that jeopardise women's access to decent work and result in low pay and unequal pay, lack of recognition of care work, and violence and harassment. The Equal Pay International Coalition (EPIC), comprising ILO, UN Women and the Organisation for Economic Co-operation and Development, is part of this initiative. EPIC is working to promote SDG target 8.5.

B. Universal Periodic Review ¹⁶⁰

Through the Universal Periodic Review, established by the UN General Assembly in 2006, the UN Human Rights Council (HRC) periodically reviews each of the UN member states to assess their fulfilment of human rights obligations. Relevant stakeholders, including NGOs representing women workers, can submit information, which the HRC considers along with other information provided by the member states and compiled by the UN. A Working Group of the HRC conducts an in-person dialogue with representatives of the member state, and at the conclusion of the review, the Working Group adopts an outcome document, which the full HRC considers and adopts. The HRC then follows up with the member state on its implementation of the conclusions and recommendations of the Working Group.

In addition to submitting information directly to the HRC prior to the UPR, NGOs have several opportunities to participate in the process. The HRC encourages each member state to collect information through consultations with relevant stakeholders. Relevant

stakeholders can also attend the in-person dialogue in Geneva, make general comments before the HRC adopts the outcome document on the member state's review, and are encouraged by the HRC to participate in the member state's implementation of the outcome document.

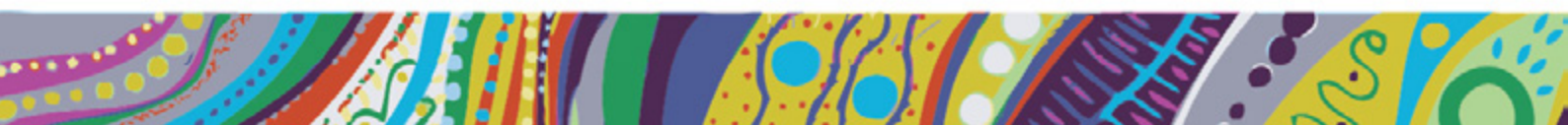
C. UN Human Rights Council mandates

1. Special Procedures

The special procedures of the UN Human Rights Council are individual experts or groups of experts appointed to report and advise on human rights issues.¹⁶¹ These experts engage in country visits, respond to individual complaints of human rights violations and cases indicating broader violations, undertake thematic studies, conduct consultations with experts and provide annual reports to the HRC and the UN General Assembly.

Many of these experts have produced reports addressing issues related to women's work. For example, in August 2012, the Independent Expert (IE) on the effects of foreign debt and related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights, submitted a report to the UN General Assembly explaining how women are disproportionately impacted by austerity policies imposed on borrowing countries by international financial lending institutions. Specifically, the IE noted that women suffer more than men as a result of these policies, because women are overrepresented in informal employment, including subsistence agriculture; they bear a disproportionate responsibility for child care and caring for elderly relatives; and they lack access to land, property and social security. The IE found that the cutbacks in public health expenditures affected women more than men because they often forced women to devote more time to taking care of sick family members, which reduced the time they had for paid work.¹⁶²

Because special procedures can receive and act on reports of human rights violations in individual cases, it is important to examine their individual mandates to determine whether the issue you are working on can be addressed through a communication. For example, if you are working with migrant women workers, you may be able to submit a communication to the Special Rapporteur on the Human Rights of Migrants. Information on how to submit a complaint, communication or information on a human rights violation is maintained on the individual websites of the special rapporteur, working group or



independent expert.¹⁶³ Upon receiving a complaint alleging human rights violations, the Special Rapporteur on the Human Rights of Migrants, for example, communicates this information to the relevant government and requests additional information with the objective of preventing or investigating the alleged violations.¹⁶⁴ In general, the government will reply to the Special Rapporteur's communication and this reply, along with a summary of the communication, is sent to the Human Rights Council as part of an annual communications report.

2. UN Working Group on human rights and transnational corporations and business enterprises

When the Human Rights Council endorsed the Guiding Principles, it also created a new entity called the UN Working Group on human rights and transnational corporations and business enterprises. The Working Group has the specific responsibility to integrate a gender perspective throughout its work and through its three primary activities, which include the annual UN Forum on Business and Human Rights, country visits and communications.¹⁶⁵

D. Monitoring Sustainable Development Goals

The UN Inter-Agency and Expert Group on SDG Indicators is developing a global indicator framework to measure implementation of the goals. UN member states are expected to develop their own national indicators and monitor progress. Member state statisticians are developing indicators for targets. The UN Secretary-General will prepare an annual SDG Progress Report. Annual meetings of the High-Level Political Forum on Sustainable Development will provide opportunities for reviewing implementation of the SDGs.

An NGO report to the CEDAW and/or ESCR Committees provides an ideal opportunity to share information on the State Party's progress in developing national indicators and implementing the Sustainable Development Goals. In particular, Sustainable Development Goals 5 ("Achieve gender equality and empower all women and girls") and 8 ("Promote inclusive and sustainable economic growth, employment and decent work for all") are directly relevant to women's rights to and at work.



ENDNOTES

¹IWRAW Asia Pacific, **Writershop on Women's Economic Rights: Proceeding Report**, pp. 57-68.

²George Monbiot, 15 April 2016, "Neoliberalism – The Ideology at the Root of All Our Problems", **The Guardian**, available at <https://www.theguardian.com/books/2016/apr/15/neoliberalism-ideology-problem-george-monbiot>

³Ibid.

⁴Ibid.

⁵Ibid.

⁶Ibid.

⁷Ibid.

⁸Ibid.

⁹Rachel Moussié (2016) **Challenging Corporate Power Struggles for Women's Rights, Economic and Gender Justice**, Association for Women's Rights in Development and Solidarity Center, p. 6. Available at https://www.awid.org/sites/default/files/atoms/files/ccp_fullreport_eng.pdf.

¹⁰Of the UN's 193 member states, 189 have ratified CEDAW and 163 have ratified ICESCR.

¹¹The full text of CEDAW is available at <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CEDAW.aspx>.

¹²The full text of ICESCR is available at <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CESCR.aspx>.

¹³To see if your country has ratified either CEDAW or ICESCR, visit <http://indicators.ohchr.org>.

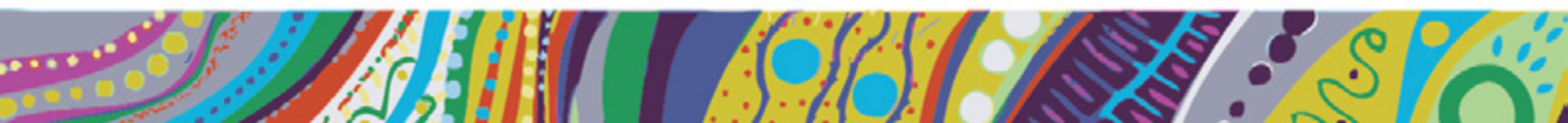
¹⁴Committee on Economic, Social and Cultural Rights, **Information for Civil Society and National Human Rights Institutions**, <http://www.ohchr.org/EN/HRBodies/CESCR/Pages/NGOs.aspx>; Committee on the Elimination of Discrimination Against Women (CEDAW), **Participation by Non-Governmental Organizations (NGOs)**, 69th sess. (19 February–9 March 2018), http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=INT%2fCEDAW%2fINF%2f69%2f26797&Lang=en.

¹⁵IWRAW Asia Pacific (2010) **Participation in the CEDAW Reporting Process: Process and Guidelines for Writing a Shadow/Alternative Report**, available at <https://www.iwraw-ap.org/wp-content/uploads/2018/06/NGO-Participation-in-CEDAW-Part-1-and-2-Feb-2010.pdf>; IWRAW Asia Pacific & ESCR-Net (2010) **Participation in ICESCR and CEDAW Reporting Processes: Guidelines for Writing on Women's Economic, Social and Cultural Rights in Shadow/Alternative Reports**, available at <https://www.iwraw-ap.org/wp-content/uploads/2018/06/06-CEDAW-CESCR-reporting-guidelines.pdf>.

¹⁶The ILO includes 187 member states. Each member state is represented at the annual International Labour Conference by two government delegates, one employer delegate and one worker delegate. Additional information about the ILC is available at <http://www.ilo.org/ilc/AbouttheILC/lang--en/index.htm>.

¹⁷See, e.g., ILO R165-Workers with Family Responsibilities Recommendation, 1981 (No. 165) ILO (referring to "the fourteenth paragraph of the Preamble of the United Nations Convention on the Elimination of All Forms of Discrimination against Women, 1979, to the effect that States Parties are aware that a change in the traditional role of men as well as the role of women in society and in the family is needed to achieve full equality between men and women"); ILO (2008) **Remove the Obstacles! On the Right Track to Equality**, available at http://www.ilo.org/wcmsp5/groups/public/---dgreports/---gender/documents/publication/wcms_098059.pdf; ILO (2007) **ABC of Women Workers' Rights and Gender Equality**, available at http://www.ilo.org/wcmsp5/groups/public/---dgreports/---gender/documents/publication/wcms_087314.pdf. In addition, the ILO periodically submits reports to the CEDAW Committee reporting on its members' efforts to promote CEDAW article 11 and related articles and the ILO activities and policies promoting implementation of CEDAW article 11 and related articles. See, e.g., ILO (1994) **Implementation of Article 21 of the Convention on the Elimination of All Forms of Discrimination against Women**, CEDAW/C/1995/3/Add.2, available at <http://www.un.org/documents/ga/cedaw/14/cedawc1995-3add2.htm>; ILO (2007) **Report of the International Labour Office Under Article 22 of the Convention on the Elimination of All Forms of Discrimination against Women**, CEDAW/C/2008/1/3/Add., available at <http://www2.ohchr.org/english/bodies/cedaw/docs/CEDAW.C.2008.1.3.Add.4.pdf>.

¹⁸Many ILO conventions have accompanying recommendations, which contain non-binding guidance on how a member state should implement the convention. The recommendations provide important detail on concrete steps member states can take to meet their obligations, and therefore they are a key source of information on assessing



a government's compliance with international labour standards.

¹⁹Although not all governments have adopted ILO conventions, they remain a useful source for interpreting the content of the rights outlined in CEDAW and ICESCR.

²⁰The Guiding Principles are available at <http://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHREN.pdf>.

²¹Report of the Special Representative of the Secretary General on the issue of human rights and transnational corporations and other business enterprises (2008) **Promotion and Protection of All Human Rights, Civil, Political, Economic, Social and Cultural Rights, Including the Right to Development: Protect, Respect and Remedy: A Framework for Business and Human Rights**, A/HRC/8/5, available at <http://www.reports-and-materials.org/Ruggie-report-7-Apr-2008.pdf>.

²²For example, the ESCR Committee considered the Guiding Principles when it drafted General Comment No. 24 on State Obligations under the International Covenant on Economic, Social and Cultural Rights in the Context of Business Activities (ESCR GC 24). See GC 24, para. 2, available at http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fGC%2f24&Lang=en. See also GR 24, paras. 6 (noting that the guidance in ESCR GR 24 could assist workers and employers in the context of collective bargaining and with respect to workplace grievance procedures that guarantee protections for whistleblowers), 8 (noting that migrant workers are particularly vulnerable to violations related to working conditions) and 9 (noting that women are more likely to be workers in the informal economy and therefore, less likely to benefit from labour and social security protections).

²³CEDAW Committee General Recommendation No. 13: Equal remuneration for work of equal value (CEDAW GR 13) is available at http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/1_Global/INT_CEDAW_GEC_5832_E.pdf.

²⁴ESCR Committee General Comment 23 on the right to just and favourable conditions of work (article 7 of the International Covenant on Economic, Social and Cultural Rights) is available at http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fGC%2f23&Lang=en.

²⁵This convention is available at http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO:12100:P12100_INSTRUMENT_ID:312256:NO.

²⁶This convention is available at http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO:12100:P12100_INSTRUMENT_ID:312328:NO.

²⁷This convention is available at http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO:12100:P12100_INSTRUMENT_ID:312245:NO.

²⁸This recommendation is available at http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:R090.

²⁹This convention is available at http://www.ilo.org/dyn/normlex/en/f?p=1000:12100::NO:12100:P12100_INSTRUMENT_ID:312276.

³⁰This convention is available at http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO:12100:P12100_INSTRUMENT_ID:312287:NO.

³¹This recommendation is available at http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO:12100:P12100_INSTRUMENT_ID:312533:NO.

³²This convention is available at http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO:12100:P12100_INSTRUMENT_ID:312247:NO.

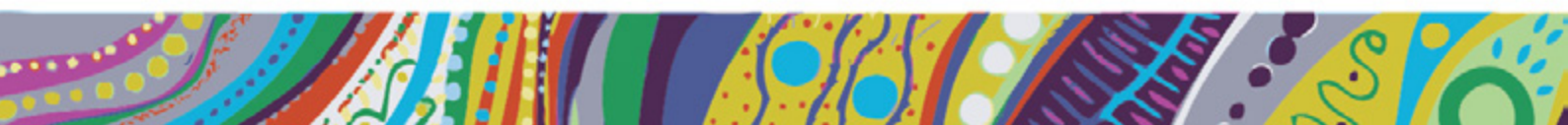
³³This recommendation is available at http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO:12100:P12100_INSTRUMENT_ID:312405:NO.

³⁴This recommendation is available at http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO:12100:P12100_INSTRUMENT_ID:3065524:NO.

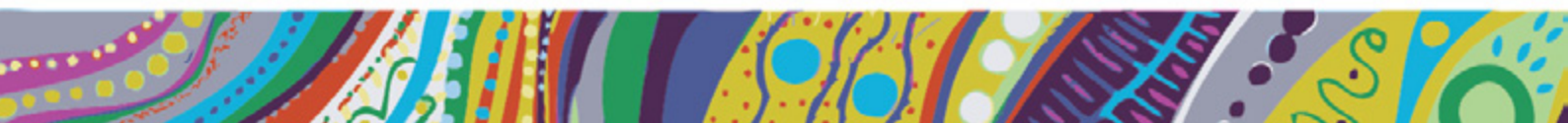
³⁵This convention is available at http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO:12100:P12100_INSTRUMENT_ID:312263:NO.

³⁶This convention is available at http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C157.

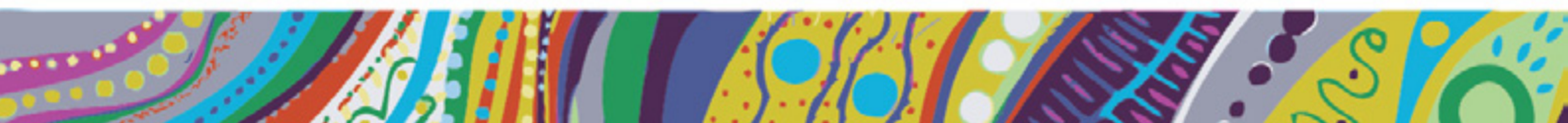
³⁷This recommendation is available at http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO:12100:P12100_INSTRUMENT_ID:312505:NO.



- ³⁸This convention is available at http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO:12100:P12100_INSTRUMENT_ID:312232:NO.
- ³⁹http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO:12100:P12100_INSTRUMENT_ID:312243:NO.
- ⁴⁰This convention is available at http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO:12100:P12100_INSTRUMENT_ID:312300:NO.
- ⁴¹This recommendation is available at http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO:12100:P12100_INSTRUMENT_ID:312502:NO.
- ⁴²This convention is available at http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO:12100:P12100_INSTRUMENT_ID:312332:NO.
- ⁴³This recommendation is available at http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO:12100:P12100_INSTRUMENT_ID:312534:NO.
- ⁴⁴This convention is available at http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO:12100:P12100_INSTRUMENT_ID:312159:NO.
- ⁴⁵CEDAW Committee General Recommendation No. 26 on women migrant workers is available at http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/1_Global/CEDAW_C_2009_WP-1_R_7138_E.pdf.
- ⁴⁶This convention is available at http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO:12100:P12100_INSTRUMENT_ID:312242:NO.
- ⁴⁷This recommendation is available at http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO:12100:P12100_INSTRUMENT_ID:312424:NO.
- ⁴⁸This recommendation is available at http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO:12100:P12100_INSTRUMENT_ID:312242:NO.
- ⁴⁹This recommendation is available at http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO:12100:P12100_INSTRUMENT_ID:312489:NO.
- ⁵⁰This convention is available at http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO:12100:P12100_INSTRUMENT_ID:2551460:NO.
- ⁵¹This convention is available at http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO:12100:P12100_INSTRUMENT_ID:312326:NO.
- ⁵²This recommendation is available at http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO:12100:P12100_INSTRUMENT_ID:312526:NO.
- ⁵³CEDAW Committee General Recommendation No. 34 on the rights of rural women is available at http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/GC/34&Lang=en.
- ⁵⁴This convention is available at http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO:12100:P12100_INSTRUMENT_ID:312286:NO.
- ⁵⁵This recommendation is available at http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO:12100:P12100_INSTRUMENT_ID:312487:NO.
- ⁵⁶This convention is available at http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO:12100:P12100_INSTRUMENT_ID:312322:NO.
- ⁵⁷This recommendation is available at http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO:12100:P12100_INSTRUMENT_ID:312522:NO.
- ⁵⁸CEDAW, Art. 11; ICESCR, Art. 6.
- ⁵⁹ESCR Committee General Comment No. 19, the right to social security (art. 9) at para. 1, available at https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fGC%2f19&Lang=en.
- ⁶⁰ICESCR, Art. 6.
- ⁶¹CEDAW, Art. 11.1; ICESCR, Arts. 2.2 & 3.
- ⁶²Plataforma Internacional Contra la Impunidad & Women's International League for Peace and Freedom (2016), **Creating an International Gender and Peace Agenda: Impact of Canadian Mines in Latin America**, p. 7, available at https://wilpf.org/wilpf_publications/creating-an-international-gender-and-peace-agenda-impact-of-canadian-mines-in-latin-america/.
- ⁶³UN Human Rights, Office of the High Commissioner (15 March 2016), "Russia's List of Banned Jobs for Women Violated Women's Rights, Needs Amending – UN Experts, available at <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=17226>.



- ⁶⁴CEDAW GR 32 is available at <http://www.ohchr.org/EN/HRBodies/CEDAW/Pages/Recommendations.aspx>.
- ⁶⁵Report of the United Nations High Commissioner for Human Rights (2017), Impact of multiple and intersecting forms of discrimination and violence in the context of racism, racial discrimination, xenophobia and related intolerance on the full enjoyment of all human rights by women and girls, A/HRC/35/10, available at <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G17/097/49/PDF/G1709749.pdf?OpenElement>.
- ⁶⁶ICESCR, Art. 6.2.
- ⁶⁷CEDAW, Arts. 14.1 & 14.2(d).
- ⁶⁸GR 36, para. 81e) (recommending that, through the facilitation of education and training, states parties “protect the right of women to decent work by challenging entrenched horizontal segregation of labour markets where men are privileged and predominately positioned in high status occupational sectors based on patronage rather than merit”). GR 36 is available at <http://www.ohchr.org/EN/HRBodies/CEDAW/Pages/Recommendations.aspx>.
- ⁶⁹CEDAW, Art. 13.
- ⁷⁰CEDAW, Art. 14(g).
- ⁷¹Shirkat Gah Women’s Resource Centre (2013) Obstructing Progress: Growing Talibanisation & Poor Governance in Pakistan (Shirkat Gah Shadow Report), p. 15, available at <https://www.escr-net.org/resources/obstructing-progress-growing-talibanisation-poor-governance-pakistan-shadow-report>.
- ⁷²CEDAW Committee (2013) Concluding observations on the fourth periodic report of Pakistan, CEDAW/C/PAK/CO/4 (CEDAW COs for Pakistan), para. 33, available at http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolNo=CEDAW%2fC%2fPAK%2fCO%2f4&Lang=en.
- ⁷³CEDAW COs for Pakistan, para. 34.
- ⁷⁴CEDAW, Art. 11.1(f).
- ⁷⁵ICESCR, Art. 7.
- ⁷⁶Shadow Report in Response to the Eighth [sic] Periodic State Report by Kenya to the Committees on the Eliminations of All Forms of Discrimination Against Women (2017), p. 21, available at http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/KEN/INT_CEDAW_NGO_KEN_29073_E.pdf
- ⁷⁷CEDAW Committee (2017) Concluding observations on the eighth periodic report of Kenya, CEDAW/C/KEN/CO/8 (CEDAW COs for Kenya), para. 10, available at http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolNo=CEDAW%2fC%2fKEN%2fCO%2f8&Lang=en.
- ⁷⁸CEDAW, Arts. 11.1(d) & 11.1(c).
- ⁷⁹ICESCR, Art. 7(a)(i).
- ⁸⁰UN Sustainable Development Goal (SDG) 8, available at <http://www.un.org/sustainabledevelopment/economic-growth/>.
- ⁸¹Ibid.
- ⁸²linea cedaw (2017), Shadow Report Paraguay 2017, p. 10, available at http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/PRY/INT_CEDAW_NGO_PRY_29092_E.pdf.
- ⁸³CEDAW Committee (2017) Concluding observations on the seventh periodic report of Paraguay, CEDAW/C/PRY/CO/7 (CEDAW COs for Paraguay), paras. 34 (a) & 35 (a), available at http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolNo=CEDAW%2fC%2fPRY%2fCO%2f7&Lang=en.
- ⁸⁴CEDAW, Art. 11(e); ICESCR, Art. 9.
- ⁸⁵CEDAW, Art. 14.2(c). In CEDAW GR 16, the CEDAW Committee recognised unpaid work by women as a form of exploitation, which was contrary to CEDAW, and recommended that states parties include in state reports information on women working in family enterprises without pay, social security or social benefits; collect statistics about these women; and take steps to ensure they are paid and receive social security and other social benefits.
- ⁸⁶Shirkat Gah Shadow Report, p. 15.
- ⁸⁷Ibid.
- ⁸⁸CEDAW COs for Pakistan, paras. 29-30.
- ⁸⁹Ibid., para. 30 (d).
- ⁹⁰CEDAW, Art. 7(c) (recognising the right of women to “participate in non-government organisations and associations concerned with the public and political life of the country”); CEDAW GR 23, para. 34 (noting the obligation of trade unions and political parties to commit to gender equality in their constitutions and to ensure gender balance on executive boards); CEDAW GR 26, para. 26. (a) (noting the right of women migrant workers to enjoy the same



rights and protections as men, including the right to organise and freely associate); CEDAW GR 34, para. 54 (d) (recommending that states parties safeguard the right of rural women to participate in “agricultural cooperatives, farmers’ producer organizations, rural workers’ organizations, self-help groups and agro-processing entities”).

⁹¹ICESCR, Art. 8.1(a).

⁹²Humanitarian Organization for Migration Economics & Transient Workers Count Too (2017) Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) Shadow Report for Singapore, p. 5, available at http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/SGP/INT_CEDAW_NGO_SGP_29089_E.pdf.

⁹³Ibid.

⁹⁴Ibid.

⁹⁵CEDAW Committee (2017) Concluding observations on the fifth periodic report of Singapore, CEDAW/C/SGP/CO/5, paras. 34-35, available at http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fSGP%2fCO%2f5&Lang=en; ILO C189-Domestic Workers Convention, 2011 (No. 189), art. 2.(a).

⁹⁶CEDAW, Art. 14.1.

⁹⁷CEDAW, Art. 14.2.(g).

⁹⁸CEDAW, Art. 14(g).

⁹⁹CEDAW GR 34, paras. 40, 48-49. The CEDAW Committee cites several ILO conventions and recommendations in this GR, including ILO R204-Transition from the Informal to the Formal Economy Recommendation, 2015 (No. 204).

¹⁰⁰The ILO Sectoral Activities Department prepared a 2014 paper, Wages and Working Hours in the Textiles, Clothing, Leather and Footwear Industries, which provides an overview of the ILO standards applicable to factory work. This paper is available at http://www.ilo.org/wcmsp5/groups/public/---ed_dialogue/---sector/documents/publication/wcms_300463.pdf.

¹⁰¹International Labor Rights Forum (2015) **Our Voices, Our Safety: Bangladeshi Garment Workers Speak Out**, p. 58, available at https://laborrights.org/sites/default/files/publications/Our%20Voices,%20Our%20Safety%20Online_1.pdf.

¹⁰²This convention is available at http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:::NO:12100:P12100_ILO_CODE:C001:NO.

¹⁰³CEDAW, Art. 2.

¹⁰⁴Similarly, ILO C111-Discrimination (Employment and Occupation) Convention, 1958 (No. 111) prohibits discrimination (defined to include distinctions, exclusions or preferences based on sex) that has the effect of impairing equality of opportunity or treatment in employment.

¹⁰⁵For more information on substantive equality, non-discrimination and state obligation, see International Network for Economic, Social and Cultural Rights & IRAW Asia Pacific (2013) Claiming Women’s Economic, Social and Cultural Rights, available at <https://www.escr-net.org/sites/default/files/Guide%20on%20Women's%20ESCR%20-%20Final.pdf>.

¹⁰⁶CEDAW COs for Pakistan at para. 29.

¹⁰⁷Ibid.

¹⁰⁸CEDAW COs for Paraguay at paras. 34 (e) & 35 (a).

¹⁰⁹Ibid.

¹¹⁰CEDAW COs for Pakistan at para. 30 (a); CEDAW COs for Paraguay at para. 35 (a).

¹¹¹CEDAW COs for Paraguay at para. 35(d); CEDAW COs for Kenya at para. 37 (d).

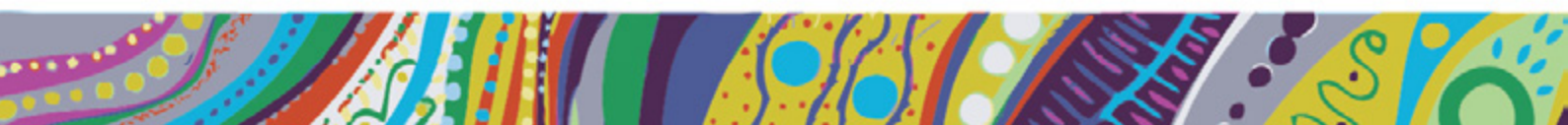
¹¹²CEDAW Committee (2017) Concluding observations on the combined eighth and ninth periodic reports of Guatemala, CEDAW/C/GTM/CO/8-9 (CEDAW COs for Guatemala), paras. 34 & 35 (d); CEDAW COs for Kenya, para. 37(c).

¹¹³CEDAW, Art. 2.

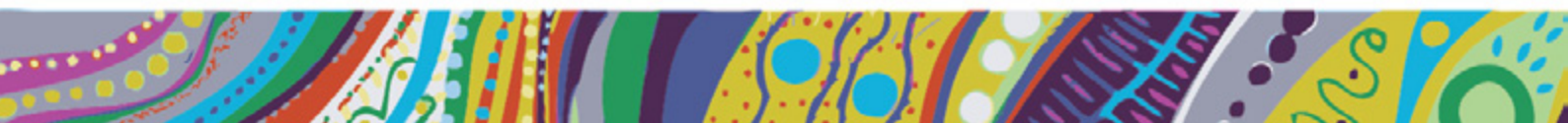
¹¹⁴See Sisters for Change (2016) **Breaking Down Barriers to Justice**, available at http://sistersforchange.org.uk/wp-content/uploads/2016/06/SFC_BarrierstoJustice_FullReport_June2016.pdf, which illustrates the due diligence concept with respect to the range of states obligations in the context of non-state actors that commit violence against women. Although not specific to work-related violence, the obligations are nonetheless similar.

¹¹⁵**Claiming Women’s Economic, Social and Cultural Rights**, pp. 20-21.

¹¹⁶CEDAW COs for Paraguay, para. 34 (d).



- ¹¹⁷Mario Osava, 28 February 2018, “Maquilas Help Drive Industrialisation in Paraguay”, **Inter Press Service News Agency**, available at <http://www.ipsnews.net/2016/04/maquilas-help-drive-industrialisation-in-paraguay/>.
- ¹¹⁸CEDAW COs for Paraguay, para. 35(d).
- ¹¹⁹WILPF (2016) **Creating an International Gender and Peace Agenda: Transnational Companies, Weapons and Violence Against Women – Extraterritorial Obligations of Sweden under CEDAW**, Shadow Report to CEDAW 63rd Session, p. 6, available at https://wilpf.org/wp-content/uploads/2016/02/WILPF-report-Transnational-Companies-Weapons-and-Violence-Against-Women_Corrigendum-100216.pdf.
- ¹²⁰Ibid. at 7.
- ¹²¹Ibid. at 7.
- ¹²²Ibid. at 7.
- ¹²³Ibid. at 8.
- ¹²⁴Ibid. at 8.
- ¹²⁵ESCR GC 23, para. 19.
- ¹²⁶**Claiming Women's Economic, Social and Cultural Rights**, p. 18.
- ¹²⁷**Claiming Women's Economic, Social and Cultural Rights**, pp. 19-20.
- ¹²⁸CEDAW Committee (2016) **Concluding observations on the combined seventh and eighth periodic reports of Japan**, CEDAW/C/JPN/CO/7-8, available at http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/JPN/CEDAW_C_JPN_CO_7-8_21666_E.pdf; CEDAW Committee (2017) **Concluding observations on the ninth periodic report of Norway**, CEDAW/C/NOR/CO/9, available at http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fNOR%2fCO%2f9&Lang=en; CEDAW Committee (2017) **Concluding observations on the combined seventh and eighth periodic reports of Germany**, CEDAW/C/DEU/CO/7-8, available at http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fDEU%2fCO%2f7-8&Lang=en.
- ¹²⁹**Claiming Women's Economic, Social and Cultural Rights**, pp. 21-22.
- ¹³⁰United Nations Population Fund (2005) **Human Rights Principles**, available at <http://www.unfpa.org/resources/human-rights-principles>.
- ¹³¹**Claiming Women's Economic, Social and Cultural Rights**, p. 18.
- ¹³²As noted earlier, these thematic issues were identified as priorities by participants at the December 2017 Writeshop.
- ¹³³George Monbiot, 4 November 2013, “This Transatlantic Trade Deal is a Full-Frontal Assault on Democracy”, **The Guardian**, available at <https://www.theguardian.com/commentisfree/2013/nov/04/us-trade-deal-full-frontal-assault-on-democracy>.
- ¹³⁴If women workers are employed in special economic zones, consider also whether the government had ensured that it remains accountable to the workers for human rights violations committed by non-state actors, and/or assesses negative impacts on workers in these zones.
- ¹³⁵For more information on the differences between progressive and regressive tax systems, see “What makes a good tax system?” in the FAQ section of the Tax Justice Network website, available at <https://www.taxjustice.net/faq/>. See also Tax Justice Africa's **Tax and Inequality Factsheet**, available at <http://www.taxjusticeafrica.net/wp-content/uploads/2018/03/tax-and-inequality.pdf>, which explains common terms related to tax justice, including progressive and regressive taxes.
- ¹³⁶CEDAW, Art. 5.
- ¹³⁷CEDAW GR 16 is available at http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/1_Global/INT_CEDAW_GEC_3730_E.pdf.
- ¹³⁸CEDAW GR 17 is available at http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/1_Global/INT_CEDAW_GEC_5833_E.pdf.
- ¹³⁹CEDAW GR 27 is available at <http://hrlibrary.umn.edu/gencomm/CEDAW%20Gen%20rec%2027.pdf>.
- ¹⁴⁰SDG 5.4 is available at <http://www.un.org/sustainabledevelopment/gender-equality/>.
- ¹⁴¹This convention is available at http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO:12100:P12100_INSTRUMENT_ID:312320:NO.
- ¹⁴²In reviewing the law, you should also note whether the measure expressly discriminates against women. If it does, the state party has an immediate obligation to repeal the law.
- ¹⁴³This recommendation is available at <http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO:12100>



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¹⁴⁴Note that, even if your government has not ratified a relevant ILO convention, the standards established by the convention can still be used in assessing adequacy of measures adopted by your government.

¹⁴⁵In reviewing the law, you should also note whether the measure expressly discriminates against women. If it does, the state party has an immediate obligation to repeal the law.

¹⁴⁶CEDAW GR 34, paras. 5, 55.

¹⁴⁷CEDAW GR 34, para. 49.

¹⁴⁸CEDAW GR 34, para. 50 (g).

¹⁴⁹CEDAW GR 34, para. 5.

¹⁵⁰ESCR GC 27, para. 20.

¹⁵¹In reviewing the law, you should also note whether the measure expressly discriminates against women. If it does, the state party has an immediate obligation to repeal the law.

¹⁵²Even if they are not directly employed by a multinational corporation (MNC), the goods or products made and/or processed by women workers in factories, plantations or at home are for use by MNCs. Although the principle of extraterritoriality does not apply under such circumstances, advocates have waged effective campaigns targeting the customers of these MNCs, who buy goods from factories in the Global South that abuse workers' rights.

¹⁵³IPEN & Research Centre for Gender, Family and Environment in Development (CGFED), Stories of Women Workers in Vietnam's Electronics Industry (November 2017), available at http://ipen.org/sites/default/files/documents/FINAL_Stories%20of%20Women%20Workers%20in%20Vietnam%27s%20Electronics%20Industry%20FINAL%20Nov%202017.pdf.

¹⁵⁴More information about this accord is available at <http://bangladeshaccord.org>.

¹⁵⁵More information on this code is available at <http://supply-chain.unglobalcompact.org/site/article/33>.

¹⁵⁶These guidelines are available at <https://www.oecd.org/corporate/mne/1922428.pdf>.

¹⁵⁷Although this section focuses only on UN mechanisms, the Organisation for Economic Co-Operation and Development has adopted the OECD Guidelines for Multinational Enterprises, which specifically address labour standards (pp. 35-41). Each OECD member has established a National Contact Point responsible for receiving complaints against businesses headquartered in that member's country (pp. 72-73). The Guidelines are available at <http://www.oecd.org/corporate/mne/48004323.pdf>.

¹⁵⁸This summary is based on the materials at <http://www.ilo.org/global/standards/applying-and-promoting-international-labour-standards/lang--en/index.htm>.

¹⁵⁹Additional information about this programme is available at http://www.ilo.org/global/about-the-ilo/history/centenary/WCMS_480301/lang--en/index.htm.

¹⁶⁰This summary is based on the materials at <http://www.ohchr.org/EN/HRBodies/UPR/Pages/BasicFacts.aspx>.

¹⁶¹Depending on the designations in their mandates, special procedures are called independent experts, working groups or special rapporteurs. Additional information on special procedures is available at <http://www.ohchr.org/EN/HRBodies/SP/Pages/Welcomepage.aspx>.

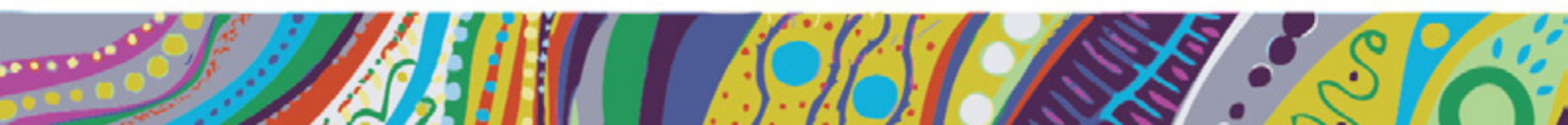
¹⁶²Another special procedures report on migrant women workers is the December 2004 Report of the Special Rapporteur on human rights of migrants. This report is available at <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G04/102/37/PDF/G0410237.pdf>.

¹⁶³A list of all of special procedures is available at http://spinternet.ohchr.org/_Layouts/SpecialProceduresInternet/ViewAllCountryMandates.aspx?Type=TM.

¹⁶⁴Additional information about submitting communications and information to the Special Rapporteur on the human rights of migrants is available at <http://www.ohchr.org/EN/Issues/Migration/SRMigrants/Pages/Communications.aspx>.

¹⁶⁵Human Rights Council Resolution 17/4 at 12, A/HRC/RES/17/4 (6 July 2011), available at <http://www.ohchr.org/EN/Issues/Business/Pages/ResolutionsDecisions.aspx>. The Working Group's report on country visits is available at <http://www.ohchr.org/EN/Issues/Business/Pages/Reports.aspx#visit>. The communications procedure is set out on the OHCHR website at <http://www.ohchr.org/EN/Issues/Business/Pages/Submittingcomplaints.aspx>.

¹⁶⁶This summary is based on information at <http://www.un.org/sustainabledevelopment/development-agenda/>.



**International Women's Rights Action
Watch Asia Pacific (IWRAW Asia Pacific)**

is an independent, non-profit NGO in Special Consultative Status with the Economic and Social Council of the United Nations. IWRAW Asia Pacific has gained expertise, experience and credibility from over 20 years' work of mobilising and organising women's groups and NGOs to support the work of the State in fulfilling its obligations to respect, protect and fulfill women's human rights under CEDAW, through capacity building, advocacy and knowledge creation initiatives aimed towards development of effective national women's rights advocacy strategies.

ISBN 978-983-44563-8-2



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