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Mandate of the Working Group on the issue of discrimination against women in law and in practice

Inputs to the Proposed Conclusions of the International Labour Office regarding a potential Convention on ending violence and harassment in the world of work 08 November 2018

The United Nations Working Group on the issue of discrimination against women in law and in practice (the WGDAW)¹ welcomes the opportunity to provide comment on the Proposed Convention and Recommendation² of the International Labour Office (the Office) regarding the International Labour Conference's (the Conference) efforts to promulgate standards related to the topic of ending violence and harassment in the world of work. The WGDAW commends the Members of the Conference for their efforts to address this crucial issue, and wishes to thank the Members and the Office for their careful and conscientious efforts thus far.

The WGDAW wishes to call to the attention of the Conference and the Office its 2014 Report to the Human Rights Council³ on the topic of discrimination against women in economic and social life. In that report, the WGDAW highlighted the manner in which gender-based violence against women can severely impact and restrict women's economic and social potential throughout their life cycle. In addition, Human Rights Council resolution 38/1,⁴ adopted by the Council on 5 July 2018, addresses discrimination against women and girls in the world of work, and calls upon States to implement policies and actions directed at the prevention and elimination of all forms of violence and sexual harassment against women and girls in all settings. The WGDAW also wishes to recall its statement of 6 March 2018, "Confronting sexual violence, demanding equality",⁵ which commends women's efforts to put an end to widespread sexual violence, including in the workplace, and calls on States and all other actors to act to put an end to this violence and to finally achieve women's equality.

¹ The WGDAW is a Special Procedure of the Human Rights Council, mandated by the Council to identify, promote and exchange views, in consultation with States and other actors, on good practices related to the elimination of laws and practices that discriminate against women and to develop a dialogue with States and other actors on laws and practices that have a discriminatory impact where women are concerned. More about the WGDAW and its mandate can be found at:

<https://www.ohchr.org/EN/Issues/Women/WGWomen/Pages/WGWomenIndex.aspx>

² Report Reference ILC.108/V/1.

³ UN Document number A/HRC/26/39, available at

<https://www.ohchr.org/EN/Issues/Women/WGWomen/Pages/Annualreports.aspx>

⁴ UN Document number A/HRC/RES/38/1, available at

http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/RES/38/1.

⁵ Available at <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22759&LangID=E>

Harassment and various forms of violence in the world of work affect women disproportionately and are forms of gender-based discrimination against women, which should be addressed by the Convention and Recommendations. Further, gender-based violence and harassment against women, both within and outside of the world of work, present a significant obstacle to the achievement of gender equality and of a range of women's human rights. The WGDAW commends the Conference and the Office's recognition that domestic violence and other forms of violence within the private sphere can have a significant impact on women's working lives, including limiting their employment opportunities and their freedom of movement, and that there are actions that employers and States can and should take to mitigate such violence and its impacts.

The WGDAW calls on the Members of the Conference to promulgate and adopt a strong Convention that incorporates detailed measures aimed at ending the scourge of violence and harassment in the world of work and providing appropriate redress to those who experience violence and harassment, and that employs a gender perspective and an intersectional approach throughout, recognizing that violence and harassment in the world of work are often gender-based, that women are often disproportionately affected, and that different groups of women are differently affected. The WGDAW also calls on the Members of the Conference to take specific steps to ensure that women's voices and lived experiences are included and taken into account as the Convention and Recommendations are finalized, in order to make these instruments as effective and inclusive as possible. In accordance with its mandate from the Human Rights Council, the WGDAW stands ready to engage in dialogue with the Conference Members and to provide technical assistance to ensure that this primary form of discrimination against women is eliminated.

The WGDAW conveys to the Conference and to the Office the assurances of our highest consideration.