

INTERNATIONAL TRADE UNION CONFEDERATION (ITUC)

**INTERNATIONALLY RECOGNISED CORE
LABOUR STANDARDS IN THE CENTRAL AFRICAN
REPUBLIC**

**REPORT FOR THE WTO GENERAL COUNCIL REVIEW
OF THE TRADE POLICIES OF THE CENTRAL AFRICAN
REPUBLIC (Geneva, 11 and 13 June 2007)**

Executive Summary

The Central African Republic has ratified the eight internationally-recognised core labour standards; however, there are serious contradictions between the principles of these binding legal international instruments and the implementation of labour law and policy in the country. In that regard, the CEACR (Committee of Experts on the Application of Conventions and Recommendations) of the ILO has consistently urged the government of the Central African Republic to provide comments on the non compliance of its national labour law and policies with the international standards the country has ratified.

The situation regarding freedom of association and collective bargaining in the country is not improving and many violations take place on a regular basis, mainly regarding the exercise of the right to strike, wage negotiations and anti-union discrimination.

Women and some ethnic minorities such as Pygmies suffer open discrimination at the workplace, both economically and socially. Other workplace discrimination also takes place, based for example on the grounds of sexual orientation.

Child labour is widespread in the country and according to UNICEF statistics, 57 percent of children between the ages of 5 and 14 are involved in child labour. Insufficient action is being undertaken to fight this major problem and the CEACR has urged the government to increase the resources it allocates to the 30 labour inspectors who must cover the whole country. Children frequently perform hazardous work and are often exploited sexually and used in the workforce, mainly in rural areas.

Cases of forced labour of prisoners occur and the CEACR has recently drawn the attention of the authorities to the use of forced labour against those expressing opposing views to the established political or economic system. Trafficking of people is common, both within the country and towards nations sharing boundaries with the Central African Republic.

INTERNATIONALLY RECOGNISED CORE LABOUR STANDARDS IN THE CENTRAL AFRICAN REPUBLIC

Introduction

This report on the respect of internationally recognised core labour standards in the Central African Republic is one of the series the ITUC is producing in accordance with the Ministerial Declaration adopted at the first Ministerial Conference of the World Trade Organisation (WTO) (Singapore, 9-13 December 1996) in which Ministers stated: "We renew our commitment to the observance of internationally recognised core labour standards." The fourth Ministerial Conference (Doha, 9-14 November 2001) reaffirmed this commitment. These standards were further upheld in the International Labour Organisation (ILO) Declaration on Fundamental Principles and Rights at Work adopted by the 174 member countries of the ILO at the International Labour Conference in June 1998. The Central African Republic has been a member of the WTO since the 31st of May 1995.

The ITUC has two affiliates in the Central African Republic, the "*Confédération Syndicale des Travailleurs de Centrafrique*" (CSTC) and the "*Union Syndicale des Travailleurs de Centrafrique*" (USTC).

The economy of the Central African Republic is based mainly on agriculture, forestry and minerals. Half of GDP is generated by the primary sector which contributes 55% of GDP, while the secondary sector accounts for 20% and the tertiary sector 21%. The population of the country amounted to 4,038,000 in 2005 and its GDP reached 4.63 billion in 2005 in that year.

The Central African Republic faces significant constraints to its development from being landlocked, its bad transportation system, the serious lack of training in the workforce and a history of bad management of economic policies. Distribution of income is very unequal.

The Central African Republic's main agricultural products are cotton, coffee, tobacco, tapioca, yams, millet, corn, bananas and timber. Its main industries are gold and diamond mining, logging, brewing, textiles, footwear and assembly of bikes and motorcycles. The diamond industry provides 54 percent of the country's export earnings. The Central African Republic mainly exports diamonds, timber, cotton and coffee and its main export partners are Belgium, Italy, Spain, USA, France, Indonesia and China. The country's main imports are food, textiles, petroleum products, machinery, electrical equipment, motor vehicles, chemicals and pharmaceuticals, its main import partners being France, the USA, Cameroon and Belgium. Exports amounted to \$101 billion in 2005 and imports \$111 billion, giving the country a negative balance of trade.

I. Freedom of association and collective bargaining

The Central African Republic has ratified both ILO Convention No. 87 (Freedom of association and protection of the right to organise Convention, 1948) and Convention No. 98 (Right to organise and collective bargaining Convention, 1949), on the 27th of October 1960 and the 9th of June 1964 respectively.

The Labour Code allows all workers to join trade unions, without prior authorisation. However, a relatively small part of the workforce, primarily civil servants, is enabled to exercise this right through enforcement of the Labour Code.

While members of the police force and judges are allowed to form unions, members of the “security forces”, including military and gendarmes, are prohibited from forming unions.

Trade union officers must belong to the occupation their union represents. A person who has lost the status of worker, either because he or she is unemployed or has retired, cannot in principle belong to a trade union or take part in its leadership or administration, according to the provisions of Act 88/009 that amended the Labour Code in the Central African Republic. The ILO’s Committee of Experts on the Application of Conventions and Recommendations (CEACR) recalled in an observation of 2006 that this was contrary to Convention No. 87, and urged the government to amend these provisions. The CEACR equally emphasised its request to the government to take the necessary measures to guarantee in full the right of workers’ organisations to establish federations and confederations of their own choosing.

The Labour Code provides for the right of workers to organise and administer trade unions without interference from their employer and grants trade unions full legal status, including the right to file lawsuits, and the government has generally respected these rights. The code provides that unions can bargain collectively and provides workers with protection from employers’ interference in the administration of the trade union.

In the civil service, wages are set by the government after consultation, but no negotiation with the unions takes place. The CEACR equally recalled in 2007 that the government must provide its observations to trade union criticisms of this process for the determination of wages in the public sector without negotiation. Furthermore, the Committee on the Application of Standards (CAS) has drawn attention to the serious problem of arrears in the payment of wages, which provides a further indication of the weakness of respect for collective negotiation procedures in the Central African Republic.

In the private sector, collective bargaining has been able to take place with a view to establishing wages.

The right to strike is recognised in both public and private sectors, but is curtailed by complicated procedures. In the event of a dispute, there has to be conciliation between labour and management. If conciliation does not work, an arbitration council must rule that the union and the employer have failed to agree on valid demands, and only then may a strike be called. If a union calls a strike, only its members can join in the action. The government reserves the right to requisition workers if it is in the general interest.

Although the law expressly forbids anti-union discrimination, there are reports of anti-union discrimination directed toward union members who participated in strikes, including in the past year. The Labour Code does not include sanctions against employers for acting against strikers.

The situation for trade unionists in the Central African Republic is not improving. In 2005, the Deputy General Secretary of the USTC was arrested and held in police custody after leading a long strike and refusing to accept the terms of an

agreement with the government. In its 2007 report, the CEACR once more requested the government of Central African Republic to provide observations on the trade union comments criticising compulsory arbitration in the cases of disputes not resolved by conciliation, as well as the arrest of a trade unionist and police action preventing the right of assembly.

Conclusions: *The Central African Republic has ratified both international core labour conventions regarding freedom of association and collective bargaining. However, the situation in the country regarding the effective exercise of the rights established under these international standards is not improving, even though the CEACR has reiterated its call on the government to amend provisions of the national legislation that impede the effective exercise of trade union rights.*

II. Equal remuneration and elimination of discrimination

The Central African Republic has ratified both ILO Convention No. 100 (Equal remuneration Convention, 1951) and Convention No. 111 (Discrimination (Employment and Occupation) Convention, 1958). Both ratifications took place on the 9th of June, 1964.

Article 5 of the new Constitution of 27 December 2004 provides that all human beings are equal before the law without distinction as to race, ethnic origin, region, sex, religion, political affiliation or social position and that the law guarantees equal rights to men and women. Article 9 of the Constitution provides for equality of all citizens in employment and that nobody can be prejudiced in employment by reason of his or her origin, sex, opinions or belief. However, the government has not enforced these provisions effectively, and significant discrimination exists.

With regard to equal remuneration, the CEACR has stated that the Labour Code does not reflect the principle of equal remuneration for men and women for work of equal value, as it does not allow a comparison of the remuneration received by men and women performing different work, which is nevertheless work of equal value. The Committee has therefore expressed its hope that the Labour Code revision will be taken as an opportunity to bring the Labour Code into conformity with the Convention.

Women's access to educational opportunities and to employment, particularly at higher levels in their professions or in government service is extremely limited. Women are treated as inferior to men both economically and socially, particularly in rural areas.

Single, divorced or widowed women, including those with children, are not considered to be heads of households, and hence are ineligible to receive subsidies from the government.

The law prohibits sexual harassment; however, the government has not effectively enforced the law and sexual harassment is a serious problem.

There is societal discrimination against Pygmies, who comprise 2 percent of the population. They are frequently subject to social and economic discrimination and exploitation. Pygmies, including children, are often coerced into agricultural,

domestic and other types of exploitative labour in the country. They are often considered slaves of other ethnic groups and their wages, when they are remunerated, are much lower than those prescribed in the Labour Code and received by other workers.

The penal code criminalises homosexual behaviour and societal discrimination takes places frequently in many forms, including in the workplace.

***Conclusions:** Despite the fact that the Central African Republic has ratified both international core labour conventions aimed at eliminating discrimination, national legislation is lacking in effective incorporation of the principles therein. Women are treated as inferior in society to men and suffer from sexual harassment. Pygmies and homosexuals suffer from societal and economic discrimination that undermines the exercise of their rights.*

III. Abolition of child labour

The Central African Republic has ratified both ILO Convention No. 138 (Minimum Age Convention, 1973) and Convention No. 182 (Worst forms of child labour Convention, 1999). Both ratifications took place on the 28th of June 2000.

The Labour Code forbids the employment of children under 14 years old of age. However, the Ministry of Labour has not enforced the provision and child labour is common in many sectors of the economy, especially in rural areas. The Labour Code provides that the minimum age for employment could be reduced to 12 years for some types of light work in traditional agricultural activities or home services. Although the law prohibits children under 18 from performing hazardous work or working at night, many children continue to perform hazardous work. The Labour Code does not give a definition of the worst forms of child labour.

According to UNICEF data collected between 1999 and 2005, an estimated 57 percent of children between the ages of 5 and 14 were involved in child labour. Throughout the country, children as young as 7 years old frequently perform agricultural work, often with their parents. In addition children often work as domestic workers, fishers and in diamond and other mining activities.

In Bangui, many of the city's 3000 street children work as street vendors. In some rural areas, teachers use school children as occasional or part-time labour workforce on farms, apparently to teach them how to work the land and raise livestock as many students do not attend school beyond the primary level.

Children are trafficked within the country; in addition, some are trafficked to and from Cameroon and Nigeria and other neighbouring countries. Trafficked children are engaged in domestic servitude, sexual exploitation, agricultural work and forced labour in shops and commercial labour activities.

The government has few resources to enforce child labour laws effectively. The Ministry of Labour has approximately 30 labour inspectors and two vehicles to cover the entire country. It is reported that salary arrears and lack of personal training impede enforcement of child labour laws. The CEACR stated in an observation of

2007 that the government had not taken any steps to provide labour inspectors with the necessary means to carry out their duties.

Conclusions: *The Central African Republic has ratified both international core labour conventions aiming at the abolition of child labour. However, child labour is an extremely serious problem. Furthermore, children are trafficked for sexual exploitation within and to neighbouring countries and frequently perform hazardous work. The resources of the Ministry of Labour devoted to the fight against child labour are very limited.*

IV. Elimination of forced labour

The Central African Republic has ratified both ILO Convention No. 29 (Forced labour Convention, 1930) and Convention No. 105 (Abolition of forced labour Convention, 1957). Both ratifications took place on the 9th of June 1964.

Although the Labour Code specifically prohibits forced or compulsory labour, there are reports that such practices occur. Prisoners reportedly are forced to work on public work projects without compensation; the prisoners often receive shortened sentences for doing so.

The Committee of Experts on the Application of Conventions and Recommendations (CEACR) of the ILO noted in 2007 an individual observation concerning the Forced Labour Convention. The committee recalled that it had been drawing the attention of the government since 1966 to the need to repeal provisions in its national legislation under which forced or compulsory labour can be exacted and that are contrary to the Convention.

The CEACR recalled equally that if a person is in any way forced to work because she or he holds or has expressed particular political views, or views ideologically opposed to the established political, social or economic system, this fact goes against the Convention. The CEACR stated that it is extremely important for the effective observance of the Convention to have legal guarantees regarding the rights of assembly, expression, protest and association. The CEACR urged the government to take measures to ensure that no sentence involving the obligation to work would be imposed as a result of the expression of political opinions or views opposed to the established political, social or economic system, insofar as these are expressed without recourse to violence.

The law does not prohibit trafficking in persons and there are reports of persons being trafficked. As noted in the preceding section, the country is a source and destination country for children trafficked for forced labour and sexual exploitation.

Conclusions: *The Central African Republic has ratified both international core labour standards aiming at the elimination of forced or compulsory labour; however, its national legislation does not contain any provision prohibiting this practice. Trafficking is common and some prisoners are obliged to work on public work projects without compensation. The CEACR has urged the government to implement national policies to make effective the prohibition of forced labour.*

Conclusions and Recommendations

1. The government of the Central African Republic must adopt and transpose urgently into its national legislation the observations of the CEACR of the ILO.
2. Some professions are still prevented from exercising the right to strike. In that regard, the country must amend its legislation to allow these workers their legitimate rights, including accelerated procedures and the provision of adequate sanctions against employers for discrimination against workers participating in a strike.
3. Public sector trade unions must be enabled to exercise their internationally-recognised rights to undertake effective negotiations with a view to defining wages in the public sector.
4. Positive actions must be undertaken to allow women to exercise an equal role economically and socially to men. Likewise, the government must implement new policies aiming at improving the employment situation of minorities in the country, namely regarding Pygmies and homosexuals.
5. Urgent measures are needed to tackle the problem of child labour in the country, and the government must channel more resources to increase the capacities of the few labour inspectors in the country. Enhanced bilateral cooperation must be pursued with neighbouring countries to work jointly to end trafficking of children across frontiers.
6. The government of the Central African Republic must end the practice of forced labour in prisons and on public work projects without compensation. Equally, the expression of opposing political or economic views must not involve the punishment with forced labour. The government must follow the recommendations of the CEACR in this respect and modify its legislation.
7. In line with the commitments accepted by the Central African Republic at the Singapore and Doha WTO Ministerial Conferences and its obligations as a member of the ILO, the Government should provide regular reports to the WTO and the ILO on its legislative changes and implementation of all the core labour standards.
8. The WTO should draw to the attention of the authorities of the Central African Republic the commitments they undertook to observe core labour standards at the Singapore and Doha Ministerial Conferences. The WTO should request the ILO to intensify its work with the government of the Central African Republic in these areas and provide a report to the WTO General Council on the occasion of the next trade policy review.

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