

**INTERNATIONAL TRADE UNION CONFEDERATION (ITUC)**

**INTERNATIONALLY RECOGNISED CORE  
LABOUR STANDARDS IN  
BENIN, BURKINA FASO AND MALI**

**REPORT FOR THE WTO GENERAL COUNCIL REVIEW OF THE  
TRADE POLICIES OF BENIN, BURKINA FASO AND MALI**

**(Geneva, 4 and 6 October, 2010)**

**EXECUTIVE SUMMARY**

**Benin, Burkina Faso and Mali have ratified all eight core ILO labour Conventions. In view of restrictions on the trade union rights of workers, discrimination, child labour, and forced labour, determined measures are needed to comply with the commitments Benin, Burkina Faso and Mali accepted at Singapore, Geneva and Doha in the WTO Ministerial Declarations over 1996-2001, and in the ILO's Declaration on Fundamental Principles and Rights at Work and its 2008 Social Justice Declaration.**

**Workers generally have the right to form trade unions and to bargain collectively and collective bargaining is common in the formal economy, except in Mali where some collective agreements have not been renegotiated since 1956. The right to strike is generally restricted in practice and all three countries define essential services too broadly, thereby violating trade union rights.**

**Women are discriminated against in terms of access to employment, equal remuneration and participation in highly skilled and paid positions. In all three countries female literacy is about the half the level of male literacy. Disabled persons and persons who live with HIV/AIDS are inadequately protected by law and their access to employment and social services is limited.**

**Child labour is prohibited in all three countries. Burkina Faso's and Mali's legislation is not in line with the ILO Conventions on the minimum age of admission to hazardous work. Compliance with the law is poor, due to lack of resources, and child labour, particularly in its worst forms, is a serious problem.**

**Forced labour and trafficking in human beings is illegal in all three countries, but Mali does not prohibit all forms of trafficking. In practice forced labour occurs, mostly affecting children. There are many reports that traditional forms of slavery survive in Mali.**

## **INTERNATIONALLY RECOGNISED CORE LABOUR STANDARDS IN BENIN, BURKINA FASO AND MALI**

### **Introduction**

This report on the respect of internationally recognised core labour standards in Benin, Burkina Faso and Mali 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 and in the Declaration on Social Justice for a Fair Globalisation adopted unanimously by the ILO in 2008.

The ITUC affiliates in Benin are the CSAB, CGTB, COSI and UNSTB; in Burkina Faso the ONSL, CSB, CNTB and USTB; and in Mali the UNTM and CSTM.

### **I. Freedom of Association and the Right to Collective Bargaining**

Benin ratified ILO Convention No. 87 on the Freedom of Association and Protection of the Right to Organise in 1960 and Convention No. 98 on the Right to Organise and Collective Bargaining in 1968. Burkina Faso ratified Convention No. 87 in 1960 and Convention No. 98 in 1962. Mali ratified Convention No. 87 in 1960 and Convention No. 98 in 1964.

#### **Benin**

The Labour Code allows workers to form and join unions. The unions must submit their statutes to the Ministry of the Interior in order to obtain legal recognition. This process may take up to three months and the union risks a fine if it does not register. The ILO Committee of Experts on the Application of Conventions and Recommendations (CEACR) has criticised this fact as an obstacle to forming new trade unions.

In the public sector 75 per cent of workers are unionised, however, in the private sector the union membership is far lower.

Workers are entitled to collectively bargain without interference and to strike in both the public and private sectors. Strikes are permitted with a three days' notice period that needs to state how many days the strike will last. However, the government may declare a strike illegal on the grounds of being a threat to social peace and order, and

demand that the strikers maintain minimum services. Their powers certainly exceed the ILO Convention's allowance on strike prohibition in essential services. Moreover, seafarers do not enjoy the right to collectively bargain and to strike, but the government claims that in practice seafarers have collective bargaining rights and that with the new Merchant Marine Code these rights will be granted legally. The Labour Code protects strikers against possible employer retaliation.

In practice, in massive national strikes in 2008 the authorities tried to intimidate striking workers by threatening to stop their pay, to recruit new staff or to requisition soldiers to replace them. Six trade union centres had called a strike to demand measures against declining purchasing power but the government did not appear willing to hold discussions with them. Some trade union leaders received anonymous death threats.

The law prohibits anti-union discrimination and obliges employers to exclude from consideration any union membership or activity in hiring, promoting, dismissing, training, and in general treating an employee. However, there are reports that employers threaten workers with dismissal for union activity and that the state has failed to apply its law on this aspect.

There are no export processing zones.

## **Burkina Faso**

The law provides for the right of association with the exception of the police, the army and other security services staff.

Unions have the right to engage in collective bargaining on wages and other working conditions. The right to strike is also recognised; however, the definition of what constitutes a strike is unduly limited. The government has promised that the adoption of a broader definition of strikes will be taken into account in consultation with the social partners in the process of revising the Labour Code, which commenced in September 2007.

Furthermore the law gives extensive requisitioning powers to the government with regard to "private enterprises and public services and establishments occupying jobs that are indispensable for the safety of persons and property, the maintenance of public order, the continuity of the public service or the satisfaction of the essential needs of the community." According to Convention No. 87 the government should limit its requisitioning powers to essential services in the strict sense of the term and should provide a clear list of professions that are covered by this provision.

In practice the government takes retaliatory measures against public sector strikes, such as the reassignment of 105 employees of the Treasury and the Ministry of Foreign Affairs to other public services in 2008. Although the court ruled against the reassignments and demanded the reinstatement of the employees in their old positions, the government failed to do so. Regional authorities have also sometimes taken measures

to prevent public sector strikes by requisitioning employees, which in some services has applied to 40% of the total personnel. In December 2009 the government arrested and interrogated Tolé Sagnon, General Secretary of the national union confederation, Confédération générale des travailleurs du Burkina (CGT-B), and three NGO leaders, later to release them without charge.

Approximately 50 per cent of private sector employees and 60 per cent of public sector workers are unionised. However, the public and private formal sectors comprise only 15 per cent of the workforce; the rest of the workers engage in informal activities or subsistence agriculture and do not belong to unions.

There are no export processing zones.

## **Mali**

Workers have the right to form and join trade unions, except for the military and the National Guard and workers of 16 years of age, the latter on the grounds that the parents or guardians of minors may oppose their joining in trade unions. It is necessary that unions deposit their statutes with the local tribunal in order to be recognised. Discrimination against union members is not prohibited by law.

The Trade Union Confederation of Mali (Confédération syndicale des travailleurs du Mali - CSTM) has reported being discriminated against by the Malian authorities. It is excluded from the Superior Council of Public Services (CSFP), the National Agency for Employment (ANPE), the National Institute of Social Security (INPS), and the Social, Economic and Cultural Board, in violation of decisions of the Supreme Court of Mali.

In law all workers have the right to collectively bargain. However in practice, the government refuses to open negotiations on renewing various federal collective agreements in sectors such as trade, building, public works, general mechanics and the Catholic education sector. There has been a consistent denial of Malian governments to start renegotiating collective agreements, some of which date back to 1956.

Private sector employers do not tend to negotiate with workers either. In October 2007 the workers at four gold mining companies' sites – Morila SA, Somadex, Bloombury Mineral Economics and Analabs – launched a joint strike to claim, among other demands, a productivity bonus. According to the CSTM, the employers refused to hold talks with the workers' coordinating committee following the breakdown of preliminary talks between the individual trade union committees and the management.

By law all workers including civil servants have the right to strike, all types of strikes are allowed and retribution against strikers is prohibited. However, the 1992 Labour Code gives extended powers to the Minister of Labour to resort to compulsory arbitration, not only when essential services are involved, but also when the dispute is liable to "jeopardise the normal operation of the national economy or involves a vital industrial sector". This wording is not in line with the ILO Convention No. 87's

definition of essential services as those services "whose interruption would endanger the life, personal safety or health of the whole or part of the population". Moreover the government did not submit the list of essential services to the social partners for consultation at the preparatory stage, which is inconsistent with the requirements of the Convention.

In practice, strikes were repressed by means of illegal dismissals and arrests in the case of the mining industry in 2005, and by the use of requisitioning in the case of airport services during a general strike in June 2007.

There are no export processing zones.

## **Conclusions**

*Workers generally have the right to organise and form trade unions, with some exceptions such as seafarers in Benin. The law provides the right to collective bargaining and collective bargaining is common in the formal economy, except in Mali where some collective agreements have not been renegotiated since 1956. Workers have the right to strike but this right is generally restricted for public sector workers and has been violated in the private sector without adequate penalty for the employers concerned. In all three countries the definition of what comprises essential services is excessive and Ministers have extensive requisitioning powers in the event of strikes.*

## **II. Discrimination and Equal Remuneration**

Benin ratified Convention No. 100 on Equal Remuneration in 1968 and Convention No. 111 on Discrimination (Employment and Occupation) in 1961. Burkina Faso ratified Convention No. 100 in 1969 and No. 111 in 1962. Mali ratified Convention No. 100 in 1968 and No. 111 in 1964.

### **Benin**

The constitution prohibits discrimination based on race, gender and other grounds. Sexual harassment is prohibited by a 2006 law and penalties are adequately stringent both for those who commit it and for those who are aware of it and do not report it. However, the law does not cover quid pro quo cases. The enforcement of this law is lax because Benin's authorities lack the capacity to recognise and pursue such cases. In practice, it is reported that sexual harassment is very common. There is no information available on whether there are sexual harassment cases that have been prosecuted.

Benin is near the bottom of the world list regarding the gender gap, as the country stands in 131<sup>st</sup> position out of a total of 134. Women's participation in the workforce is at 69 per cent of that of men and only 8 per cent of highly skilled and highly paid positions are occupied by women. In the public sector women occupy 26.7 per cent of all positions.

Women in Benin receive 73 per cent of men's wages, for work of equal value. Female literacy is about half that of men.

Although the law provides for the government to attend to the needs of persons with disabilities, there is no law that prohibits discrimination against them. Disabled persons face difficulties in accessing employment and social services, and many such individuals are forced to beg to support themselves.

The law prohibits discrimination against a person who lives with HIV/AIDS, at any stage of hiring or employment.

### **Burkina Faso**

The constitution and law of Burkina Faso prohibit discrimination based on race, gender, disability and various other grounds. Sexual harassment is prohibited by the Labour Code and penalties are adequately stringent, varying from fines to 5 years imprisonment. However, there is no information available on whether any cases have been prosecuted.

Burkina Faso is listed among the countries at the bottom of the global gender gap list. Women represent 45 per cent of the workforce and receive 81 per cent of men's remuneration for work of equal value. Only 16 per cent of highly skilled and managerial level positions are held by women. Women comprise about one quarter of the public sector workforce, however their positions tend to be low skilled and paid. Female literacy is about that of men.

The law prohibits discrimination against mentally or physically disabled persons; however, the government does not effectively enforce these provisions. There are reports that many disabled persons who are capable of working face discrimination and deeply rooted societal norms that make it difficult for them to have access to employment opportunities. The government has established a national committee that runs programmes for the integration of disabled persons and campaigns to raise public awareness.

According to the US DoS Human Rights Report persons who live with HIV/AIDS "were generally not discriminated against in employment practices or at the workplace" but they face home evictions and other forms of social stigmatisation.

### **Mali**

Discrimination based on gender, race, and other grounds is prohibited by the constitution. There is no law on sexual harassment, which is reported to be common. According to the government's correspondence with the CEACR women working in atypical forms of employment are often subject to violence, in particular sexual violence.

Mali scores very low in the global gender gap list. Women comprise only 15 per cent of the formal workforce. They are severely underrepresented in managerial and other highly skilled positions, constituting about 20 per cent of such posts. They receive 74 per cent of the pay of their male counterparts for work of equal value. However, women employed by the government are paid on an equal basis to men. About one quarter of public sector positions are held by women. Female literacy is about half male literacy.

Persons with disabilities are not protected by any law and their access to employment, social services and buildings is limited.

The Kel Tamasheqs are reported to be discriminated against in terms of access to employment, social services and in other aspects of life.

Discrimination against persons who live with HIV/AIDS occurs and often such individuals lose their jobs when their positive status becomes known.

### **Conclusions**

*Women are discriminated against in terms of access to employment, equal remuneration and participation in highly skilled and paid positions. In all three countries female literacy is about half the level of male literacy. In the cases of Benin and Burkina Faso where the laws explicitly prohibit sexual harassment, there is no information as to whether such crimes have been prosecuted. Disabled persons and persons who live with HIV/AIDS are inadequately protected by law and their access to employment and social services is limited.*

### **III. Child Labour**

Benin ratified Convention No. 138, the Minimum Age Convention and Convention No. 182, the Worst Forms of Child Labour Convention, in 2001. Burkina Faso ratified Convention No. 138 in 1999 and No. 182 in 2001. Mali ratified Convention No. 138 in 2002 and No. 182 in 2000.

#### **Benin**

The minimum working age is set at 14 years with the exception of domestic work and temporary or seasonal light work, provided that it does not influence school attendance or performance and that they are registered by their employers. Children may not perform night work or hazardous work. However, a list of types of hazardous work and light work, including a prescription of maximum daily and weekly work hours, is still in the process of being drawn up. Child trafficking is also prohibited by law but the penalties are not considered sufficiently effective and deterrent. The government has indicated that a new Child Protection Code is under way. The new Code's scope will cover children working on their own account, who are not covered by the current legislation.

Education in Benin is free and compulsory. Benin has made progress in improving primary school attendance ratio, which is 78 per cent, however only 40 per cent of boys and 27 per cent of girls continue to secondary school.

In practice child labour is widespread and enforcement of legislation is limited due to lack of inspectors. It is estimated that 46 per cent of the country's children are workers. In particular, the inspectors do not monitor informal economic activity, where child labour essentially occurs. In the rural areas working children usually engage in mining, family farming, animal husbandry and other small businesses and in the urban areas they work in construction sites, street vending, or as domestic servants. Street children in the cities may also be victims of commercial sexual exploitation.

Under the practice of *vidomegon* poor rural families send their children, usually the girls, to the cities with a view to receiving education while working as domestic servants. The sending families arrange with an urban family, sometimes relatives, to provide housing and food to the working child and then the two families split the income generated by the child's labour. Frequently the child's schooling is not a priority for the host family and children working under this practice are exploited, work under inhumane conditions and sometimes become victims of physical abuses. Furthermore, some parents contract their children (the *vidomegons*) to intermediaries who recruit for farms or domestic servitude with the understanding that the family will benefit from their child's labour, although often such agents turn out to be traffickers. It is reported that boys who are sent to Koranic teachers to provide religious and vocational education are often forced to work, usually in farms, in return for such education.

During 2008 the Brigade for the Protection of Minors prosecuted 58 traffickers and rescued 222 victims. That notwithstanding, there are reports that the anti-trafficking authorities are prone to corruption.

The government of Benin is undertaking efforts to combat child labour and trafficking by implementing a four-year National Plan in cooperation with international organisations (UNICEF, EU, ILO/IPEC), NGOs, international aid programmes (USAID, Denmark, France) and neighbouring countries. The government has implemented campaigns to inform parents of the provisions of the law and to raise awareness of child labour and trafficking. In the context of reinforcing the actions of the labour inspectorate a number of seminars have been organised, particularly a workshop to raise awareness and train labour inspectors with regard to child labour and trafficking. Benin participates in the West and Central Africa programme (LUTRENA) for removing 4,000 children from the worst forms of child labour and enabling their rehabilitation and integration in vocational training.

## **Burkina Faso**

The law sets the minimum age for employment at 15 years, and prohibits persons of less than 18 years of age from performing night work. Hazardous work, which is

defined by a list of activities and enterprises, is prohibited for persons younger than 16. However, this is not in line with Convention No. 138 which sets this age limit at 18 years. Children as young as 12 years old are allowed to perform light work, but the Convention sets as a minimum the age of 13 years. There are sufficiently stringent penalties which vary from fines to 5 years' imprisonment for those who breach the law. The Labour Code defines the worst forms of child labour and explicitly prohibits child trafficking with a law that was enacted in May 2008 that foresees penalties of up to 20 years' imprisonment.

Burkina Faso provides free and compulsory education up to the age of 16. According to the government the gross enrolment rate of girls increased from 64.9 per cent in 2005-06 to 79.1 per cent in 2007-08, and for boys, the rate increased from 76.4 per cent to 90.5 per cent for the same period. However, according to a UNESCO report, "although the country has made enormous progress towards achieving universal enrolment at the primary level, it is unlikely that it will achieve the goal of universal primary education for all by 2015". In this regard, according to the UNICEF statistics from 2006, the net school attendance rate at the primary level was 44 per cent for girls and 49 per cent for boys, and at the secondary level, 15 per cent for girls and 17 per cent for boys.

Burkina Faso employs few labour inspectors who cannot sufficiently monitor either formal or informal working practices and it is reported that regional authorities are ineffectively trained to effectively recognise and prosecute child labour cases. It is estimated that almost half of the country's children are at work, largely as domestic servants, farmers, stock-raisers and miners as well as in family enterprises. Boys work in hazardous conditions in cotton plantations, including exposure to pesticides, and in quarries, where they are exposed to mercury and other dangerous chemical substances. Girls are commonly found working as street vendors or forced beggars. There are reports that child prostitution of local and trafficked children occurs although there is no information on the extent of the problem. Frequently boys sent to receive Koranic education are forced into beggary by some of their teachers in order to raise money for the school or to pay their enrolment fees.

During 2008, law enforcers prosecuted 31 cases of children trafficking in the 19 higher courts, and 18 persons were sentenced to terms of imprisonment ranging from one to three years. However, this was not the strictest penalty possible for child trafficking.

The Burkinabe government participates in the Multilateral Cooperative Agreement to Combat Trafficking in Persons and the Joint Plan of Action against Trafficking in Persons, Especially Women and Children, in West and Central African Regions. The government operates programmes on child labour removal, protection and rehabilitation together with NGOs (COBUFADE and APRODEB). There are two projects in Burkina Faso implemented by the International Programme for the Elimination of Child Labour (ILO/IPEC): the first targets child labour in gold mines and the second provides vocational training and apprenticeship programming for children removed from employment. Burkina Faso has included removal and rehabilitation

through training elements in its Employment Policy and Action Plan. The authorities have also embarked on an effort through media campaigning to sensitise parents about the dangers of sending children away from home to work. From 2007 and on the government adopted a National Action Plan against Trafficking in Persons under its National Social Action Policy and various agencies are involved in combating children trafficking. It participates in the West and Central Africa programme (LUTRENA) which has succeeded in returning 632 children to their families since its beginning in 2001. Finally, the government has signed bilateral cooperation agreements on the cross-border trafficking of children with the Republic of Mali and multilateral agreements with other West African countries.

## **Mali**

The Child Protection Code in Mali prohibits employment for children below the age of 15 years. The Labour Code allows children from 12 to 14 to perform domestic work and light work of a seasonal nature, such as harvesting and sorting in plantations. However a list of light work activities is still being prepared. Children between the ages of 14 and 17 may not carry, drag or push heavy loads. The age for admission to hazardous work is 16 years of age, which is not in line with Convention No. 138 which sets this age limit at 18 years. Trafficking in children is punishable by 5 to 20 years of imprisonment, and the same penalty applies in cases of sexual exploitation and abuse of persons who are younger than 15 years old.

Education in Mali is free and compulsory although students have to provide their own uniforms and supplies. UNICEF statistics show that overall primary school attendance is 45 per cent for boys and 33 per cent for girls. Only 15 per cent of boys attend secondary school and 11 per cent of girls.

The labour inspectorate is not sufficiently resourced and the scope of inspections is limited to formal economic activities. About 60 per cent of children in rural areas are estimated to perform some kind of economic activity, compared with 36 percent of children in urban areas. In rural areas they usually work in farms and mines, in many cases engaging in hazardous activities, such as machine operating, carrying heavy loads and dealing with dangerous chemical substances. In the urban zones children engage in garbage scavenging, street vending and, particularly in the case of girls, domestic servitude. In cities, many girls who work in bars and hotels or as domestic servants fall victims of sexual exploitation. In the rural areas sexual exploitation of girls is concentrated around quarries and mines, as well as on transportation routes. Particularly exposed to this danger are street children and children who work in streets who need additional income.

The national survey of 2005 showed that 41 per cent of children aged from 5 to 14 years engage in a full-time economic activity, 25 per cent combine work and studies and 17 per cent go only to school. It is reported that child labourers are working excessive hours and often are unfairly remunerated. Child trafficking is an alarming problem. Finally, many Koranic teachers are reported to force children, sometimes as young as 4

years old, into beggary or farm work in order to pay for their education and apprenticeship or to raise funds for the school.

Mali cooperates with the ILO/IPEC aiming at withdrawing 3,000 children and preventing another 6,000 children from exploitative work. Children withdrawn from work are then reintegrated through vocational training and apprenticeship programmes. The programme led a week-long national campaign against child labour to publicise and combat child labour. Mali has also embarked on the Multilateral Cooperation Agreement to Combat Trafficking in Persons in West and Central African Regions and agreed to prosecute traffickers and rehabilitate the victims of trafficking in children. The government provides temporary shelter and protection to trafficking victims, however, there were only three traffickers arrested in 2008 and two in 2009, all five of whom were then released pending further investigation. Mali cooperates with USAID in educating families as well as truck, bus, and taxi drivers on the methods used by child traffickers.

### **Conclusions**

*Child labour is prohibited in all three countries. However Benin and Mali have not yet concluded lists of light work and Burkina Faso's and Mali's legislation is not in line with the Conventions on the minimum age of admission to hazardous work. Compliance is poor, due to lack of resources, and child labour, particularly in its worst forms, is a problem.*

### **IV. Forced Labour**

Benin ratified Convention No. 29, the Forced Labour Convention in 1960 and Convention No. 105, the Abolition of Forced Labour in 1961. Burkina Faso ratified Convention No. 29 in 1960 and Convention No. 105 in 1997. Mali ratified Convention No. 29 in 1960 and No. 105 in 1962.

#### **Benin**

The law prohibits forced labour and provides for imprisonment as a penalty. The 2006 Act Relating to the Transportation of Minors and the Suppression of Child Trafficking does not prohibit all forms of trafficking but it establishes strict penalties for those covered.

Forced labour occurs and trafficking in persons is a problem. A 2006 study released jointly by the Ministry of Family and Children and UNICEF showed that more than 40,000 children aged between 6 and 17 were trafficked that year. 93 per cent were from Benin and 7 per cent were foreign. Most were trafficked internally, chiefly to Cotonou, and 86 per cent were underage girls. Girls were trafficked for domestic servitude and sexual exploitation and boys forced into agricultural labour, street vending and handcrafting.

Benin is primarily a source country of trafficked children and to a smaller extent a destination for children from Togo, Niger and Burkina Faso. In September 2006 a report by the United Nations Office on Drugs and Crime entitled “Measures to combat trafficking in human beings in Benin, Nigeria and Togo” showed that women from Niger, Nigeria and Togo were trafficked to engage in prostitution while Beninese women were usually victims of trafficking in Belgium, France and Germany, mainly for sexual exploitation.

Police arrested 58 suspected traffickers and provincial courts reported that they handled 20 trafficking cases during 2008. By the end of 2009 there were some 155 pending cases and 40 convictions. The government made progress in rescuing victims of trafficking and in providing assistance in a transit centre, the operation of which was largely funded by NGOs. In 2009 the police achieved the rescue of 266 trafficking victims. With UNICEF’s and NGOs’ assistance, the government repatriated and assisted in the reintegration of 172 foreign child trafficking victims. The authorities cooperated with Nigeria, Cameroon and other countries in withdrawal, rescue, repatriation and reintegration of victims. Victims were not incarcerated for any crimes they had committed while being victims of trafficking.

The government implemented awareness raising programmes about forced labour in communities, which reached 177,850 people. Jointly with Nigeria, Benin drafted a 2008-2009 Joint Action Plan on combating child trafficking and is executing UNICEF and ILO-funded national plans against child trafficking.

### **Burkina Faso**

The law prohibits forced labour. The 2008 Law on Combating Trafficking in Persons and Related Practices prohibits all forms of trafficking and prescribes stringent sentences which range from five years’ to life imprisonment. The law also foresees the possibility for victims to seek to remain on the national territory on a temporary or permanent basis.

Trafficking occurs and is a problem. Most victims are internally trafficked children, usually for the purposes of domestic servitude, sexual exploitation and forced agricultural or mining labour. Children are also trafficked, often to neighbouring countries, for forced labour and sexual exploitation.

In 2008 the authorities rescued 691 Burkinabe and foreign child trafficking victims, arrested 40 trafficking suspects and prosecuted 11 of them. However, information on penalties shows that sentences are low, ranging from one to twelve months’ imprisonment. In 2009, the authorities rescued about 800 children. The government funded, jointly with UNICEF, 23 transit centres and, in 2009, provided repatriation and rehabilitation services to 788 victims. Burkina Faso participated in the ECOWAS-ECCAS 2006 anti-trafficking agreement along with other Western African countries. The government implemented awareness raising programmes through the media and held training sessions on child trafficking for some of its officials.



## **Mali**

The Criminal Code of 1973 prohibits forced labour and provides for punishment with imprisonment, fines and prison labour. Mali does not prohibit all forms of trafficking but child trafficking is clearly illegal. However, the government has said it intends to draft new legislation to outlaw all forms of trafficking. Penalties for child trafficking range from five to 20 years' imprisonment. According to the ILO's CEACR, "the Penal Code included work in the general interest as a new penalty for offences. Such work is an alternative to imprisonment and its purpose is to promote better conditions for the rehabilitation, social reintegration and correction of the offender". However, no provisions have been adopted to govern the application of the penalty of work in the general interest provided for in the Penal Code, which is a violation of ILO Convention No. 105.

In the Bellah and the Kel Tamasheq tribes, slavery status is ascribed at birth and slavery is reproduced through generations. It is reported that many Songhai men and boys are debt bonded labour in the salt mines in the north of the country. Although many officials have denied the occurrence of traditional forms of slavery, the CEACR is seriously concerned about it and has called on the government of Mali to undertake investigations.

A large part of the trafficking takes place from rural areas to the cities. Internally trafficked women are used as domestic servants and prostitutes, and men as forced agricultural or mining labour. Many child victims are trafficked to neighbouring countries, for forced beggary and labour in mines, cotton and cocoa farms, and sexual exploitation.

In 2009, the authorities arrested two suspected child traffickers and in 2008 there were three arrests of suspects for trafficking 26 children from Guinea to Mali. All five were released pending trial dates which have not been set. A trafficking case was heard by the Court of First Instance of Sikasso in which the perpetrators were referred to the Cour d'assise, but there is no information on the sentence imposed. Furthermore, 6 more cases of slavery of persons from the Bellah and the Kel Tamasheq ethnic groups are pending in the courts. In 2009, the authorities assisted 80 child victims of trafficking and none of traditional slavery. The government raised awareness on the issues of child trafficking and forced labour through one regional campaign.

## **Conclusions**

*Forced labour and trafficking in human beings are illegal in all three countries, but Mali does not prohibit all forms of trafficking. In practice forced labour occurs, afflicting mostly children. There are many reports that traditional forms of slavery survive in Mali.*

## RECOMMENDATIONS

### Benin

1. The government should abolish the fines it imposes in case where a trade union fails to hand in their statutes to the Ministry of Interior within three months, which constitutes an obstacle to forming new trade unions.
2. The government needs to bring the definition of essential services in line with the ILO Convention No. 87.
3. Seafarers should enjoy the right to collectively bargain and strike
4. The public authorities must themselves respect the law and should not intimidate striking workers, or threaten them in any way.
5. The law should prohibit quid pro quo sexual harassment and the authorities should start prosecuting sexual harassment offenders.
6. The government needs to enact new laws that will prohibit discrimination against disabled persons and improve their access to employment and social services.
7. The social partners should finalise the list of types of hazardous work and light work in line with ILO Convention No. 138.
8. The law should be amended in order to prohibit all forms of trafficking.

### Burkina Faso

1. The government should extend the scope and coverage of the definition of a strike in order to allow the exercise of this right to all workers who are entitled to it under ILO Conventions No. 87 and No. 98.
2. The government's extensive requisitioning powers for workers in private enterprises and public services and establishments should be brought in line with ILO Convention No. 87 and limited only to essential services.
3. The public authorities must respect the law and cease retaliatory measures against public sector strikes, as well as harassment, arrests and interrogations of strikers.
4. The government needs to respect court decisions on reinstatement of illegally laid-off striking workers.
5. The government should make efforts to change the societal norms on persons with disabilities and improve their access to employment and social services.
6. The law on hazardous work should be brought in line with Convention No. 138 which sets this age limit to 18 years. Children younger than 13 years of age should not be allowed to perform light work.

## **Mali**

1. The government should enable workers of 16 years of age to join and organise unions.
2. The law should be amended in order to prohibit discrimination against union members, in line with Convention No. 98.
3. The government must not discriminate between particular Malian trade union confederations.
4. The government should urgently enable negotiations on renewing various federal collective agreements in the private sector and start renegotiating collective agreements of the public sector that have not been renegotiated for decades.
5. The Minister of Labour's powers to resort to compulsory arbitration must be restricted only to essential services under the strict definition of the term.
6. The government should ensure full implementation of the law on the right to strike and ensure respect of the exercise of this right.
7. The law needs to prohibit sexual harassment and the authorities should start prosecuting sexual harassment offenders.
8. The government needs to take measures to improve access to employment and social services of the ethnic group of Kel Tamasheq.
9. The government should take measures to change societal norms for persons who live with HIV/AIDS and provide them with employment opportunities.
10. The government should take measures to provide employment opportunities to persons with disabilities and improve their access to employment, social services and buildings.
11. The social partners should finalise the list of types of light work.
12. The law on hazardous work should be brought in line with Convention No. 138 which sets the age limit to 18 years.
13. Malian law should be amended in order to prohibit all forms of trafficking.
14. The Penal Code should be amended with a view to ensuring that provisions on work of general interest as a penalty for offences are in line with the ILO Conventions on forced labour.
15. The government should undertake urgent measures to abolish traditional forms of slavery.

## **General Recommendations regarding Benin, Burkina Faso and Mali**

1. In all countries, the governments should take urgent measures to improve women's participation in the workforce and women's access to high skilled and high paid jobs and close the wage gap.
2. All the governments should actively encourage companies to adopt workplace HIV/AIDS programmes.

3. The governments should take urgent measures to improve school enrolment and attendance rates, with an emphasis on improving female literacy rates.
4. Investigation is needed into allegations of children being forced into beggary and labour in order to pay for religious and vocational education.
5. The governments should start actively prosecuting trafficking offenders and courts should impose serious penalties for those committing the crime.
6. The governments should reinforce their authorities' capacity to recognise and provide assistance to victims of trafficking.
7. The governments should build up their law enforcement and judicial capacities in order to monitor and enforce labour laws, including legislation on violations of trade union rights, child labour and forced labour and trafficking, and start punishing those who commit these crimes.
8. The Labour Inspectorates need to be adequately funded and the inspectors should be properly trained.
9. In line with the commitments accepted by Benin, Burkina Faso and Mali at the Singapore and Doha WTO Ministerial Conferences and their obligations as members of the ILO, the governments of Benin, Burkina Faso and Mali should provide regular reports to the WTO and the ILO on their legislative changes and implementation of all the core labour standards.
10. The WTO should draw to the attention of the authorities of Benin, Burkina Faso and Mali to 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 governments of Benin, Burkina Faso and Mali in these areas and provide a report to the WTO General Council on the occasion of the next trade policy review.

## References

Anti-Slavery International, *Arrested Development: Discrimination and slavery in the 21st Century*, 2008

Education International (EI), *Barometer of Human & Trade Union Rights in Education, Benin, Burkina Faso and Mali*, 2007

ILO Committee of Experts on the Application of Conventions and Recommendations (CEACR), *Reports, Individual Observations, general Observations and Direct Requests*, 2007-2010

ILO, *Ratification of Core Labour Standards*

IRIN News , *Benin: More than 40,000 children trafficked each year*, 06/03/2008  
<http://www.crin.org/resources/infodetail.asp?id=16590>

ITUC, *Annual Survey of violations of trade union rights*, 2009 and 2010

UNICEF, *Statistics on Education and Child Protection*, March 2010

[http://www.unicef.org/infobycountry/mali\\_statistics.html](http://www.unicef.org/infobycountry/mali_statistics.html)  
[http://www.unicef.org/infobycountry/burkinafaso\\_statistics.html](http://www.unicef.org/infobycountry/burkinafaso_statistics.html)  
[http://www.unicef.org/infobycountry/benin\\_statistics.html](http://www.unicef.org/infobycountry/benin_statistics.html)

United Nations Office on Drugs and Crime (UNODC), *Measures to Combat Trafficking in Human Beings in Benin, Nigeria and Togo*, September 2006

United States Department of Labor, *2008 Findings on the Worst Forms of Child Labor - Benin, Burkina Faso and Mali*, 10 September 2009

United States Department of State, *2009 and 2010, Country Reports on Human Rights Practices – Benin, Burkina Faso and Mali*, February 25, 2009 and 11 March 2010

United States Department of State, *Trafficking in Persons Report 2009 and 2010 – Benin, Burkina Faso and Mali*, 16 June 2009 and 14 June 2010

World Economic Forum, *The Global Gender Gap Report*, 2009