

INTERNATIONAL TRADE UNION CONFEDERATION (ITUC)

**INTERNATIONALLY RECOGNISED CORE
LABOUR STANDARDS IN CHAD**

**REPORT FOR THE WTO GENERAL COUNCIL REVIEW OF
THE TRADE POLICIES OF CHAD**

(Geneva, 22 and 24 January 2007)

EXECUTIVE SUMMARY

Chad has ratified the eight ILO core labour conventions on freedom of association and the right to organise and collective bargaining, on the elimination of discrimination in respect of employment and occupation and on equal remuneration, on the abolition of child labour, and those regarding elimination of forced or compulsory labour. Nevertheless, effective enforcement of these international legal instruments has not taken place and further efforts are required from the government of Chad in order to comply fully with core labour standards.

Although national law recognises the right to form and join trade unions, it is not enforced effectively throughout the country. Collective bargaining is recognised although the government is entitled to intervene under some circumstances. The right to strike is recognised but is limited in the public sector by a decree which limits the exercise of that right.

Discrimination persists and not all forms of discrimination are addressed by law. National law does not prohibit sexual harassment, and in general discrimination remains a serious problem throughout the country.

National law prohibits child labour explicitly but there is a lack of enforcement of these stipulations and little labour inspection; consequently, child labour is a major problem. There is some degree of forced child labour in parts of the country.

The national law prohibits forced or compulsory labour. Nevertheless, there are reports showing that cases of this take place, mainly in rural areas. Trafficking in persons is prohibited but is a common practice.

INTERNATIONALLY RECOGNISED CORE LABOUR STANDARDS IN CHAD

Introduction

This report on the respect of internationally recognised core labour standards in Chad is one of the series the ITUC is producing in accordance with the Ministerial Declaration of the World Trade Organisation (WTO) (Singapore, 9-13 December 1996) and endorsed at the fourth WTO Ministerial Conference (Doha, Qatar, 9-14 November 2001) in which the ministers stated “We renew our commitment to the observance to the internationally recognised core labour standards”. The 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.

Chad became a member of the WTO on 19 October 1996. Chad participated in the ministerial conferences mentioned above and accepted the commitments adopted in these global meetings. Chad equally supported the “Declaration on Fundamental Principles and Rights at Work” in the ILO in 1998.

The ITUC has two affiliates in Chad, the *Confédération libre des travailleurs du Tchad* (CLTT) and the *Union des syndicats de Tchad* (UST).

Gross Domestic Product was estimated at \$13.98 billion in 2005 and was composed by 33.5% in the primary sector, 25.9% in industry and 40.6% in services. The labour force constituted 2.719 million people.

Chad’s economy has historically been handicapped by its landlocked position, high energy costs, and a history of political and civil instability. It relies on foreign assistance and foreign capital for most public and private sector investment projects.

Chad is primarily an agricultural country. Over 80% of Chad’s population relies on subsistence farming and livestock raising for its livelihood. Its main agricultural products are cotton, sorghum, millet, peanuts, rice, potatoes, tapioca, cattle, sheep, goats and camels. Its main industries are oil, cotton textiles, meatpacking, beer brewing, soap, cigarettes and construction materials.

Oil production came on stream in late 2003 and Chad began to export oil in 2004. The nation’s total oil reserves are estimated to be 2 billion barrels.

Cotton, cattle and gum provide the large part of Chad’s non-oil export commodities earnings. Chad’s main import commodities are machinery and transportation equipment, industrial goods, foodstuffs and textiles, its main import partners being France, Cameroon, Belgium, Portugal, Saudi Arabia and the Netherlands.

In 2005 exports rose to \$3.016 billion and imports to \$749.1 million, giving Chad a positive balance of trade.

I Freedom of Association and Collective Bargaining

Chad has ratified both ILO Convention 87 (Freedom of Association and Protection of the Right to Organise Convention, 1948) and Convention 98 (Right to Organise and Collective Bargaining Convention, 1949), on 11 August 1960 and 8 June 1961 respectively.

The right to form and join trade unions is recognised in the Constitution of Chad. Most employees, except members of the armed forces, are entitled to do so.

The labour code protects trade unions against anti-union discrimination. However, there is no formal mechanism for resolving complaints.

The labour code of Chad recognises the right to collective bargaining. However, the law authorises the government to intervene in the bargaining process under certain circumstances.

The Constitution of Chad equally recognises the right to strike. Nevertheless, its scope is limited in the public sector by a 1994 decree that requires a minimum service to be maintained. Further restrictions to the right to strike in the public sector were proposed in a draft law under discussion in 2006, which was rejected by the National Assembly on 2 August 2006.

In the formal sector, more than 90 percent of workers belong to unions. There has been some resistance to union organisation by private employers. The government, which is the owner of many businesses that dominate many sectors of the formal economy, is the largest employer today in the country. However, the government has not always respected negotiated agreements, such as a pay rise agreed for public sector workers in 2002 for example. Low wages among customs, police and military officials are considered to contribute to the level of extortion of the civilian population. Salary arrears are a further problem for all workers.

There are no export processing zones in the country.

There is a serious problem of lack of labour inspection, making it impossible for many workers to exercise their rights. In some regions of the country, there is virtually no labour inspection whatsoever.

One serious case of violation of workers' rights began when Sub-Sahara Chad - Cameroon Constructors (Subsahara TCC), a sub-contracting company working for ESSO, illegally obliged its employees to work overtime in order to complete the building of a pipeline between Komé and the port of Kribi one year ahead of schedule. After the work had been done, Subsahara TCC refused to pay the overtime worked by the 4000 workers on the site. It was ordered on 23 May 2005 to pay its former employees the sum it was refusing to give them (amounting to 6,212,332,451 CFA francs), but did not comply with the arbitration ruling.

On 18 September 2005 at a sit-in by workers to obtain their payment, around 30 people were arrested when the governor of East Logone ordered police units, which had been specially dispatched from the capital N'Djamena, to break up the sit-

in and punish the former employees of Subsahara TCC, all of whom were members of the UST. After some weeks, all those detained were released, but the incident was a significant indication of the degree of non-respect of workers' rights in Chad. Subsequently, on 3 August 2006, former workers of the TCC observing a further peaceful sit-in protest were baton-charged by police, resulting in injuries to 11 workers.

Conclusions: Chad has ratified the international core labour conventions regarding freedom of association and collective bargaining. Collective bargaining is recognised although the government is entitled to intervene under some circumstances. The right to strike is recognised but is limited in the public sector by a decree which limits the exercise of that right.

II Elimination of discrimination in respect of employment and occupation

Chad has ratified both Convention 100 (Equal Remuneration Convention, 1951) and Convention 111 (Discrimination (Employment and Occupation) Convention, 1958). Ratification of both conventions took place on the 29th of March 1966.

Discrimination against women remains widespread throughout the country. Women do not have equal opportunities for education and training, preventing them from having access to the relatively few formal sector jobs existing. The exploitation of women is pervasive especially in rural areas where women do most of the agricultural labour and are discouraged from seeking formal schooling. The level of illiteracy is estimated at 66 percent of women compared to the 48 of men.

The law in Chad does not prohibit sexual harassment.

The law prohibits government discrimination on the basis of ethnicity, although in practice it continues to influence government appointments. Race and colour are not included in the sections on discrimination in the national law, so individuals experiencing discrimination for reasons of race or colour have no grounds for any legal process.

The labour code explicitly protects all workers including foreign and illegal workers but the protections provided are not always respected in practice.

The law prohibits discrimination against people with disabilities. Nevertheless, the government has not operated many employment programmes for such people and there have been no laws mandated to make buildings accessible to them either.

Conclusions: Chad has ratified the international labour conventions regarding discrimination in respect of employment and occupation. However, the national law does not prohibit sexual harassment, and in general discrimination against women remains a problem in the whole country.

III Abolition of child labour

Chad has ratified both Convention 138 (Minimum Age Convention, 1973) and Convention 182 (Worst Forms of Child Labour Convention, 1999), on the 21st of March 2005 and the 6th of November 2000 respectively.

The law prohibits children (those under the age of 18) from undertaking any work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety, or morals of children. However, in practice child labour, including forced child labour, is a serious problem. There are only 30 labour inspectors for the entire country; the government argues that it generally lacks the means to ensure enforcement of the law.

Although the labour code stipulates that the minimum age of employment is 14, the government has not yet enforced the law even in the formal sector. According to a UNICEF report study launched in 2000, 65.5 percent of minors work, including those performing domestic chores for more than 4 hours per day, those working within the family (herding, microcommerce, etc) and those who are underage and working for someone outside the family.

Approximately 1 out of every 5 children between the ages of 6 and 18 work in urban informal activities. Children throughout the country work in agriculture and herding. They are also employed in the commercial sector, especially in the capital, as street vendors, manual labourers, and helpers in small shops. Young women work as domestic servants mainly in the capital. Some estimation says that abusive and exploitative child labour affects 20 percent of children between the ages of 6 and 18 in Chad. Reports by UNICEF state that 62 percent of child workers in N'Djamena are boys and that girls mainly migrate to the capital to earn money. 24 percent of working children are between 8 and 14 and 86 between 15 and 17. 86 percent of children surveyed in these reports are illiterate.

There are also credible reports that children are forced into slavery. According to a 2004 UN news service report, aid workers in the country estimated that families have sold as many as two thousand children, some as young as eight years old, into a system of slavery in which they worked as child cattle herders, known as “enfants bouviers”.

Some children work as domestic servants in the household of close relatives for little compensation. Some young girls are forced into marriages by their families and then compelled to work in their husband's fields or homes and to bear children while they are still too young to do so safely.

The law prohibits the use of child soldiers and this practice is not widespread in Chad.

Conclusions: *Chad has ratified the international labour conventions regarding abolition of child labour. The national law explicitly prohibits child labour but there is a lack of enforcement of these stipulations so far, and little labour inspection; consequently, child labour is a major problem. There is some degree of forced child labour in parts of the country.*

IV Elimination of forced or compulsory labour

Chad has ratified both Convention 29 (Forced Labour Convention, 1930) and Convention 105 (Abolition of Forced Labour Convention, 1957), on the 10th of November 1960 and the 8th of June 1961 respectively.

The law in Chad prohibits forced or compulsory labour, including by children. However, in 2005 there were reports of forced labour practices in the formal economy and some cases of local authorities demanding forced labour by both children and adults in the rural sector. There are also reports that prisoners are required to work to pay back taxes they owed.

Although the law prohibits trafficking in persons, persons are commonly trafficked in the country. Children are trafficked mainly for forced labour, primarily as herders or domestic workers. There are also reports of child prostitution, primarily in the southern oil-producing region.

The law provides penalties of between 10 months imprisonment and lifelong prison sentences involving hard labour for trafficking and between 10 and 20 years of forced labour in prison for the trafficking of children.

No economic or financial aid for victims is available unless a court awards damages. The government focuses more on its anti-trafficking efforts on prevention, especially by raising citizens' awareness of trafficking.

***Conclusions:** Chad has ratified both international labour conventions regarding elimination of forced or compulsory labour. The national law prohibits forced or compulsory labour. Nevertheless, there are reports showing that cases of this take place in the country, mainly in rural areas. Trafficking in persons is prohibited but is a common practice in the country.*

Final Recommendations

1. The government of Chad must refrain from intervening in trade union affairs.
2. The government must implement mechanisms that ensure the resolution of complaints against antiunion discrimination.
3. The government must ensure that the law provides fully for exercising the right to strike.
4. The government must take effective measures to end the use of violence by police against peaceful protestors.
5. The government of Chad must respect negotiated agreements concluded through an effective exercise of social dialogue in the country.
6. National law must be amended to provide explicit prohibition of sexual harassment at the workplace.
7. The government of Chad must amend its national law to include race and colour as discrimination grounds in legislation relating to discrimination.
8. The government of Chad must implement more programmes and affirmative actions to enable women and disabled people to have better access to employment opportunities and better working conditions.
9. The government of Chad must channel more resources into the enforcement of the national law aiming at combating child labour in the country.
10. The government of Chad must increase the number of labour inspectors in the country and more resources must be channelled to increasing their capacity to carry out their assigned tasks.
11. The government of Chad must implement measures to tackle the problem of trafficking of persons in the country. It must increase its efforts to raise awareness of the problem of trafficking among the population and must equally establish mechanisms to award compensation to victims regardless of the existence of a firm court sentence.
12. The WTO should draw to the attention of the authorities of Chad 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 Chad in these areas and provide a report to the WTO General Council on the occasion of the next trade policy review.

References

ICFTU, *Annual Survey of violations of trade union rights*, 2006 and previous editions

ILO legal and data base resources: ILOLEX, NATLEX, Reports of the Committee of Experts on the Application of Conventions and Recommendations (CEACR), Equality.

Union des Syndicats du Tchad (UST), various items including “*Communiqué du 5 août 2006*”.

US Department of State, *Report on Human Rights Practices*.

World Bank database