

INTERNATIONAL TRADE UNION CONFEDERATION (ITUC)

INTERNATIONALLY RECOGNISED CORE LABOUR STANDARDS IN MAURITANIA AND GUINEA

**REPORT FOR THE WTO GENERAL COUNCIL REVIEW OF THE
TRADE POLICIES OF MAURITANIA AND GUINEA
(Geneva, 28 and 30 September, 2011)**

EXECUTIVE SUMMARY

Mauritania and Guinea have ratified all eight ILO core labour standards. 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 Mauritania and Guinea 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.

Although the laws of both countries recognise the right to organise, collectively bargain and strike, in practice there are many restrictions. In both countries, security forces continue to suppress strikers and demonstrators. In both countries, unions face harassment, threats and intimidation.

While Mauritania and Guinea prohibit discrimination, inter alia on grounds of ethnicity and gender, they do not have laws against sexual harassment at the workplace. Women face considerable gender pay gaps and are concentrated in informal and lowly paid job positions. Discrimination occurs against members of several ethnic groups, disabled persons, homosexuals and persons living with HIV/AIDS.

The laws regulate child labour but are not in conformity with ILO Conventions No. 182 and No. 138. Child labour, including its worst forms, is a serious problem in both countries. Law enforcing agencies lack resources and monitoring is poor.

Forced labour and trafficking in persons are prohibited in both countries. However Guinea did not make any significant progress in fighting these crimes. About 20 per cent of Mauritians are in slavery or similar conditions and the government of Mauritania tolerates a very high degree of slavery and slavery-like practices.

INTERNATIONALLY RECOGNISED CORE LABOUR STANDARDS IN MAURITANIA AND GUINEA

Introduction

This report on the respect of internationally recognised core labour standards in Mauritania and Guinea 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 Mauritania are the Confédération Générale des Travailleurs de Mauritanie (CGTM), Confédération Libre des Travailleurs de Mauritanie (CLTM), Confédération Nationale des Travailleurs de Mauritanie (CNTM) and the Union des Travailleurs de Mauritanie (UTM) which have a membership of approximately 105,000 persons covering various areas of employment. In Guinea, the organisations affiliated to the ITUC are the Confédération Nationale de Travailleurs de Guinée (CNTG), Organisation Nationale des Syndicats Libres de Guinée (ONSLG) and the Union Syndicale des Travailleurs de Guinée (USTG). They have a membership of approximately 140,000 persons.

Mauritania

On August 6, 2008, the elected government of Sidi Ould Cheikh Abdellahi was overthrown by the military dictatorship of General Mohamed Ould Abdel Aziz. Although the international community strongly condemned the coup, internally, a majority of lawmakers and mayors expressed their support. Aziz stepped down in June 2009 to a transitional government which led the country to elections one month later. On 19 August police in Nouakchott brutally repressed a demonstration organised by trade unions to protest against the military coup. Even though the march had been authorised, several trade unionists, including Samory Ould Beye, General Secretary of the national trade union centre CLTM, were arrested. Aziz was a candidate and won the elections. Four opposition parties claimed that the results were prefabricated and fraudulent. In October 2008, police brutally suppressed a trade union demonstration in the centre of Nouakchott to mark the World Day for Decent Work. Trade union premises were besieged by police for several hours and the attacks left 20 people injured.

Guinea

In 2007, a general strike against corruption and inflation grew into nationwide demonstrations which were violently suppressed by security forces resulting in more than 130 deaths. Furthermore, the authorities arrested several trade unionists and destroyed the headquarters of the national trade union centre, CNTG. President Lansana Conté enforced martial law and another general strike was called off after the mediation of the Economic Community of West African States (ECOWAS). In June 2008, Conté suppressed a police strike resulting in 14 strikers' deaths and about 100 arrests. His government had suppressed a military mutiny a month earlier. President Conté died in December 2008 and Captain Moussa Dadis Camara staged a successful military coup. Captain Camara promised elections in 2010. Although he stated that he would not run for President, the opposition feared that he would break his promise and organised demonstrations. The demonstrations were crushed by military forces causing approximately 150 deaths and various other abuses, including rapes and heavy injuries. In December 2009, Captain Camara was shot and seriously injured. During his treatment in Senegal, General Sékouba Konaté became interim President and the opposition leader, Jean-Marie Doré, became interim Prime Minister and led the country to elections in June 2010. In the run-off elections in November 2010 Alpha Condé became President.

I. Freedom of Association and the Right to Collective Bargaining

Mauritania ratified ILO Convention no. 87, the Freedom of Association and Protection of the Right to Organise Convention, in 1961, and ratified ILO Convention no. 98, the Right to Organise and Collective Bargaining Convention, in 2001. Guinea ratified Convention No. 87 on Freedom of Association and Protection of the Right to Organise and Convention No. 98 on the Right to Organise and Collective Bargaining, both in 1959.

Mauritania

All workers, with the exception of magistrates, police and military are free to form and join trade unions. However, prior authorisation from the government is required to register a union. The government retains the right not to recognise a trade union, and occasionally exercises this discretionary power. Only workers' representatives within companies are protected against anti-union discrimination and reinstatement for arbitrary dismissals is not available.

The law recognises the right to collective bargaining, including the right to strike, although there are excessive restrictions on both rights. The Ministry for the Civil Service and Labour decides whether or not an organisation may engage in negotiations. There are cumbersome procedures that must be exhausted before a legal strike can be called. Public service unions must give one month's notice prior to a strike and authorities can declare a strike illegal without possibility for the unions to appeal. Essential services are broadly

defined and go beyond the services “the interruption of which would endanger the life, health or personal safety of the whole or part of the population”.

In practice, social dialogue remained virtually non-existent at all levels. The only multi-sectoral collective agreement dates back to 1974 and the most recent sectoral agreement is from 1969. The authorities invite only pro-government unions to negotiate and for this reason the four main trade union centres lodged a formal complaint with the ILO in April 2010. Furthermore, in violation of the Labour Code which sets the criteria for representation, the Labour Ministry refused to include a member of the CGTM in the country’s workers’ delegation to the International Labour Conference.

Anti-union discrimination is rife and employers can dismiss trade union activists without any consequences. Union elections are delayed, manipulated or banned, among others, in Macore, Mauritel, Bemop and the Autonomous Port of Nouakchott. Even in multinational enterprises such as Coca Cola, employees are harassed and intimidated for being unionised or for undertaking union activities. Furthermore, the authorities often use violence to disperse demonstrators and many strikes were repressed by the authorities. For example, in May 2010, riot police used extreme violence against striking dock workers in Nouakchott and 70 were taken in for interrogation. Similar incidents were reported involving employees of the Ksar Town Hall, the Ministry of Education and other public employees. In Sélibaly, Guidimagha region, security forces raided the CGTM’s regional office and all the unionists in the building were arrested.

More often than not, the labour inspectorate is unable to oversee the application of and enforce the labour laws due to insufficient resources and corruption. Moreover, the judicial procedures for settling disputes are lengthy and complex and employers can ignore court decision with impunity.

There are no Export Processing Zones.

Guinea

The law and the new Constitution, enacted on April 2010, establish the right to organise and form trade unions, although the law excludes military personnel from exercising this right. Union officials are protected against anti-union discrimination but the Labour Code fails to extend this protection to all workers. Although the Labour Code states that employers should not take into consideration union membership and activities with regard to recruitment, conduct and termination of contract, the law fails to provide for appeal procedures and sufficiently dissuasive sanctions.

Workers have the right to collective bargaining and to strike; however, strikes can be called only for “professional claims”. In law, arbitration is consensual but in practice employers can impose binding arbitration. The ILO Committee of Experts on Application of Conventions and Recommendations (CEACR) has underlined the need for “*measures to ensure that compulsory arbitration (established in sections 342, 350 and 351 of the Labour Code) is restricted to cases where the two parties agree to request it*”. Essential

services are broadly defined and go beyond the ILO definition. Compulsory arbitration is usual in essential services.

In practice, union rights are not always protected. In the mining sector for example, as employers and the government failed to address the workers' grievances the unions have called for several strikes and actions in order to accelerate the revision of the national mining convention which is biased in favour of the mining companies. The sector is of such significance to the national economy that in April 2010, the interim Prime Minister, Jean-Marie Doré, threatened to use force and punish striking workers in a Russian aluminum company. In August, 2010, the Société Minière de Dinguiraye suspended 223 workers who were on strike accusing them of limiting the freedom to work, public abuse, threats and detentions. In October, the tribunal found two workers guilty and the employer appealed the decision. All 223 workers remain suspended.

In August 2010, military forces searched the home of the General Secretary of the CNTG.

There are no Export Processing Zones.

Although the laws of both countries recognise the right to organise, collectively bargain and strike, in practice there are many restrictions. In both countries, security forces continue to suppress strikers and demonstrators. In Mauritania and Guinea, unions face harassment, threats and intimidation.

II. Discrimination and Equal Remuneration

Mauritania ratified ILO Convention No. 100, Equal Remuneration, in 2001, and ratified ILO Convention No. 111, Discrimination (Employment and Occupation), in 1963. Guinea ratified Convention No. 100 on Equal Remuneration in 1967, and Convention No. 111 on Discrimination (Employment and Occupation) in 1960.

Mauritania

The law prohibits discrimination, inter alia on grounds of race, origin, disability and gender. The law provides for men and women to receive equal pay for equal work but not "for work of equal value". There is no law prohibiting sexual harassment at the workplace.

In practice, women are discriminated against in employment. Women face a 42 per cent gender wage gap and their participation in the workforce is 61 per cent. Sexual harassment at the workplace is reported to be a problem. The CGTM has observed that women are still broadly concentrated in certain types of jobs, namely agriculture (48.6 per cent), general administration (14 per cent), commerce (13 per cent) and health and education (10 per cent). The Committee on the Elimination of Discrimination against

Women (CEDAW) noted that, while the legislation guarantees gender equality, in practice there is discrimination against women in the labour market.

The government has provided new employment opportunities for women in male dominated sectors, including the diplomatic corps, police, customs and other public services. Moreover, the Ministry of Social, Child, and Family Affairs and the UN Population Fund implement a joint programme aiming at promoting gender equality. The Secretariat for Women's Affairs also implements programmes mainly on women's rights promotion.

The government does not implement any programmes or preferential system of recruitment to promote employment opportunities for disabled persons. Disabled persons usually do not have access to buildings and there are no governmental programmes to facilitate such access. In June 2010, the government established the National Multi-sector Commission for the Promotion of Handicapped People; however by the end of 2010, the center was not yet operational.

Mauritania consists of Moor and Afro-Mauritanian ethnic groups. Some groups are reported to face discrimination by the state in terms of hiring in the public sector. According to the national trade union center CLTM, there are "*discriminatory practices in recruitment, occupation and job classification to which certain Mauritians, particularly slaves, former slaves or descendants of slaves, are regularly exposed*".

Homosexuality is punishable by death. Although, there have been no discrimination incidents reported, it is clear that homosexuals face discrimination in employment.

Persons living with HIV/AIDS face societal stigma and exclusion and, although there are no reports of discrimination, many of them could be victims of discrimination with regards to employment. There is no information available on workplace HIV/AIDS programmes.

Guinea

The law prohibits discrimination, inter alia on grounds of race, ethnicity, language, political opinions and gender. However traditional law, which sometimes takes precedence over formal law especially in rural areas, discriminates against women in many ways, including in employment. There is no law against sexual harassment at the workplace. The CEACR has repeatedly called for amendment of section 20 of the 1987 Order which establishes the general principles of public service and prohibits discrimination only on the basis of philosophical or religious views and sex.

Sexual harassment at the workplace is a problem. Although no recent statistical data about the gender pay gap and other forms of gender discrimination is available, an older study (Glick and Sahn, 1997) shows that women face occupational discrimination and higher educational barriers than men to enter into formal employment. Employers

prefer to hire men rather than women with the same characteristics. The same study also shows that men earn more than women.

Discrimination against disabled persons is not illegal, there is no mandatory buildings accessibility and the government has not implemented any programme to assist disabled persons. Disabled persons are usually beggars or employed in informal economic activities.

Guinea comprises, among others, the Soussou, the Peuhl and the Malinke ethnic groups. There is discrimination in patterns of hiring in the private sector against many groups, depending on the area.

Homosexuality is not illegal; however, the Prime Minister has stated that it should be prohibited. Homosexual persons face societal discrimination, which is likely to include aspects of employment.

Persons living with HIV/AIDS face societal stigma and discrimination, including in several aspects of employment. There is no information available on workplace HIV/AIDS programmes.

Although both countries prohibit discrimination, inter alia on grounds of ethnicity and gender, they do not have laws against sexual harassment at the workplace. Women face considerable gender pay gaps and are concentrated in informal and lowly paid positions. Discrimination occurs against members of several ethnic groups, disabled persons, homosexuals and persons living with HIV/AIDS.

III. Child Labour

Mauritania ratified both ILO Convention No. 138, The Minimum Age Convention, and ILO Convention No. 182, The Worst Forms of Child Labour Convention, in 2001. Guinea ratified both Convention No. 138, the Minimum Age Convention and Convention No. 182, the Worst Forms of Child Labour Convention, in 2003.

Mauritania

The law prohibits children under the age of 14 from being employed, except for light work for children between 12 and 14 years of age for not more than two hours per day, on both school days and holidays. The law extends the prohibition to children under the age of 14 for employment in the non-agricultural sector and to children younger than 13 years of age in the agricultural sector, unless the Minister of Labour grants an exception due to local circumstances. Children may not work more than 8 hours per day and may not be employed for night work. The law discriminates against legally working young people because it establishes remuneration which equals 70 per cent or 90 per cent of the minimum wage depending on the age.

The Penal Protection Code for Children sets penalties for the sexual exploitation of a child, inciting a child to beg, or giving authority to another person to do so. However, the use, procuring or offering of children for illicit activities is not explicitly prohibited by this or any other law. Furthermore, Mauritania declared that it was initially limiting the scope of the Convention No. 138 to the branches of economic activity and types of enterprise covered by Article 5(3) of the Convention but “*excluding family and small-scale holdings producing for local consumption and not regularly employing hired workers.*”

Children are required to attend school until the age of 14 with a minimum schooling duration of six years.

In practice, reports show that in urban areas many children are forced into begging by street crime gangs as well as in construction, transportation and water delivery. Children are also forced into labour or begging by Koranic school teachers in return for apprenticeship and education. In rural areas, children are involved in agriculture, fishing and cattle herding. Some children are reported to be victims of forced labour, including forms of traditional slavery. Many girls are forced into domestic servitude, often unpaid. Domestic servants are particularly vulnerable to becoming victims of exploitative practices and, eventually, many girls are forced into prostitution. A 2004 UNICEF study estimated that approximately 90,000 children younger than 14 years of age work in the country.

The Ministry of Social Affairs, which is responsible for overseeing application of the law on children’s rights, lacks resources and its ability to enforce the law is limited. The Labour Inspectorate does not have the financial and human resources to enforce the law on child labour in most of the country.

Guinea

The law prohibits children from being employed before they are 16 years old. Children are not allowed to perform night work or work for more than 10 consecutive hours. Apprentices may start to work at 12 years of age involving light work or at 14 years of age for other work. The government has created a hazardous occupations list concerning which admission to work is not allowed for persons younger than 18 years of age. The law’s scope does not cover children in unpaid, temporary and non-contract work in agriculture and domestic servitude. The law does not prohibit the use, procuring or offering of a child for the production of pornography and for illicit activities, in particular for the production and trafficking of drugs.

Children are required to attend school until the age of 16.

In practice, child labour is a problem. In rural areas, children perform hazardous work in farms, mines and fisheries. Government information shows that children, sometimes as young as 5 years old, are exploited daily for 10 to 15 hours in diamond and

gold mines for a small amount of money and food. According to reports, children in mines are exposed to extreme working conditions and dangers and are prevented from attending school and communicating with their parents. Employing children in mines is common: sometimes, they constitute half of a mine's workforce. In urban areas, children usually work in transportation, construction and domestic servitude. Reportedly, many domestic servants, virtually always girls, work unpaid and for long hours. A Human Rights Watch report also shows that many girls are victims of violence, including rape. Moreover, many are trafficked girls from Mali and other countries who are forced into labour and sexual exploitation. Others appear to have been given away voluntarily by their parents under the promise that their child will be educated in schools (*'confiage'*). This also happens in Koranic schools where rural families send their children to be educated. If the family cannot cover their child's expenses, the child has to work, usually begging, vending or polishing shoes, to pay the schooling fees.

The Labour Inspectorate is not well resourced and there are no inspections for child labour. However, the government has tried to raise awareness of the problem through campaigning. The Ministry of Social Affairs and the Promotion of Women and Children has adopted a declaration which includes general protections and objectives against child labour; however no specific outcomes have been pursued. The Poverty Reduction Strategy (2007-2010) also contains elements on the protection of children, including at work. The government has participated in several US-funded projects, including projects addressing the problems of children exploited in agriculture, mining and domestic service. Guinea participates in the ILO/IPEC West Africa Cocoa/Agriculture Programme to Combat Child Labour (WACAP).

The laws regulate child labour, albeit not always in conformity with ILO Conventions No. 182 and No. 138. Child labour, including its worst forms, is a serious problem in both countries. The law enforcement agencies lack resources and monitoring is poor.

IV. Forced Labour

Mauritania ratified ILO Convention No. 29, the Forced Labour Convention, in 1961, and ILO Convention No. 105, Abolition of Forced Labour Convention in 1997. Guinea ratified Convention No. 29, the Forced Labour Convention, in 1959 and Convention No. 105, the Abolition of Forced Labour, in 1961.

Mauritania

Forced labour, including slavery, is illegal by law. The 2007 Anti-Slavery law abolished slavery and established penalties of 5 to 10 years' imprisonment for offenders. It prescribes penalties for government officials who do not react to reported forced labour cases. The law also prescribes penalties for profiting from forced labour and for using and procuring slaves. However, there has been only one conviction under this law. Some other cases are either still underway or have not been pursued. The 2003 Law against Trafficking in Persons prohibits human trafficking and establishes penalties of 5 to 10 years' imprisonment for offenders.

In practice, forced labour is a problem. Reports show that compulsory labour in all its forms is prevalent in both rural and urban areas involving men, women and children. The situation is particularly problematic in domestic servitude, street begging and agriculture. Human trafficking occurs both from and to the country, especially for the purpose of prostitution which takes place in the form of 'temporary marriages'.

Traditional forms of slavery are an alarming problem, mainly in rural areas. The NGO 'SOS Esclaves' reports that nearly a fifth of the country's 3.1 million people were slaves as of 2009. In some cases, former slaves or descendants of traditionally slave tribes offer themselves voluntarily to masters, because they lack means of sustaining a livelihood alone, or to "*retain access to land they traditionally farmed.*" Descendants of generations of slavery, some slaves apparently believe that their bond to their master is justified by divine will. "*Some individuals self-identified as slaves or masters and were unaware that slavery had been abolished.*" Slavery is a particular problem in camel herding and domestic servitude. Reports show that slaves that tried to escape were often punished with death by their masters when found.

Six anti-slavery activists of the Initiative for the Resurgence of the Abolitionist Movement in Mauritania (IRA) were imprisoned in January 2011 for assaulting agents, obstructing public order and for being members of an unrecognised organisation. The activists had uncovered a case of two girls, 9 and 14 years old, who were slaves at the home of a seemingly prominent bank official. The police took the girls from the house for questioning but the activists were denied entry to the hearings and, for this reason, they protested outside the police station. Some activists were assaulted and others arrested. The court sentenced the slaves' master to 6 months in jail and gave 6 month suspended sentences to the girls' mothers. Notwithstanding this, the slave master was released after spending 12 days in jail. In March 2011, the slave master was acquitted by the Court of Appeals of Nouakchott. Reports provide conflicting information about the activists' sentences. However, at least one was sentenced to 6 months imprisonment for aggressive behaviour against the police. Another report says that the activist was pardoned after serving one month in jail. NGOs report that victims are often put under pressure to withdraw complaints.

The government organised a training workshop on the 2007 Anti-Slavery law for officials. It also implements a Programme to Eradicate the Consequences of Slavery

providing economic assistance to communities of former slaves. The government acknowledges that trafficking is a problem and has established a multi-stakeholder institution to combat trafficking, particularly of children. The outcome of this institution's work is unknown. The government also runs a media campaign to inform its citizens about the 2007 Anti-Slavery law.

Guinea

The 1998 Penal Code prohibits human trafficking but not all forms of forced labour. Debt bondage is not expressly prohibited. It prescribes penalties of 5 to 10 years of imprisonment for depriving an individual of her/his liberty and 2 to 5 years in prison when it happens for the purpose of prostitution. Reports show that there has been no conviction under this law. In 2010, 12 cases were still pending and 18 cases were dropped. The 2009 Child Code prohibits all forms of child trafficking and prescribes penalties of 3 to 10 years' imprisonment.

The CEACR has criticised the 1998 Penal Code as it also contains provisions which prescribe sanctions of imprisonment involving compulsory labour as a punishment for holding or expressing political views or views ideologically opposed to the establishment. Likewise, Organic Act No. 91/02/CTRN of 1991 on political parties and Act No. 91/05/CTRN on freedom of press contain provisions which "*make actions covered by the present provisions of the Convention [No. 105] liable to imprisonment including compulsory labour.*" A number of Decrees also establish that "*work is compulsory for all convicted prisoners under common law but is optional for those who have been accused or charged.*"

Forced labour and trafficking are problems in Guinea. In rural areas, forced labour is used in farms as well as in gold and diamond mines. Female victims of forced labour are usually either into prostitution or domestic servitude.

The government does not provide any type of assistance to victims of trafficking and forced labour. The government did not provide any training to its officials on the treatment of human trafficking cases. Law enforcement officials are under-resourced and some of them, particularly border police, are corrupted by traffickers. The government is running a media campaign to spread awareness of the issue. The government also has a National Action Plan to Fight Trafficking in Persons (2009-2013) but it has remained inactive due to jurisdictional disputes with other agencies over funds.

Forced labour and trafficking in persons are prohibited in both countries. In practice, Guinea has not made any significant progress in fighting these crimes. About 20 per cent of Mauritians are in slavery or similar conditions and the government of Mauritania tolerates a very high degree of slavery and slavery-like practices.

Recommendations

Mauritania

1. The law should grant magistrates and police staff the right to organise and collectively bargain.
2. Any requirement of prior governmental authorisation to form a union should be repealed. The authorities should automatically recognise a trade union when its application fulfils the legal requirements.
3. Any excessive restrictions on the right to collectively bargain and strike should be removed. Thus, the Ministry for the Civil Service and Labour should not be allowed to decide whether or not an organisation may engage in negotiations. Likewise, an announcement and a notice should be enough to call a legal strike. When the authorities declare a strike illegal, they should be obliged to provide an explanation of the legal grounds on which they base their decision and unions should have the right to appeal.
4. The authorities should invite representative unions, not only pro-governmental ones, for negotiations.
5. Workers should be adequately protected from anti-union discrimination and employers should face legal consequences for unfair dismissals.
6. The authorities should respect the right to peaceful assembly and stop the use of violence to disperse demonstrators.
7. The law should be amended to give full expression of the principle “equal pay for men and women for work of equal value”.
8. The authorities should enact a hazardous occupations list after consultations with social partners.
9. The scope of the law should be extended to family and small-scale holdings.
10. The authorities should strictly enforce the 2007 Anti-Slavery law and achieve convictions of offenders. The authorities’ tolerance of this crime must be ended. The government must also endeavour to change societal norms around slavery and forced labour. Instead of incarcerating anti-slavery activists, the government should work with them and trade unions to eradicate slavery and slavery-like practices. A comprehensive anti-slavery strategy is needed.

Guinea

1. The law should be amended so that strikes can be called not only for “professional claims” but also for social and economic demands.
2. The authorities should respect trade unions and refrain from undertaking acts against them, such as searches where the real purpose is to intimidate unionists. The Prime Minister, the authorities and the employers should not threaten unions

with violence and should engage in meaningful dialogue with them with a view to addressing workers' grievances.

3. As the CEACR has recommended, the 1987 Order which sets the general principles of public service and prohibits discrimination only on the basis of philosophical or religious views and sex should be amended in order to include all relevant grounds on which discrimination should be illegal.
4. The scope of the law on child labour should be extended to cover children in unpaid, temporary and non-contract work in agriculture and domestic servitude.
5. The Penal Code should prohibit all forms of forced labour, including debt bondage. The government should consider if a special law against forced labour and an Anti-Trafficking law are necessary.
6. As there has been no conviction under Penal Code's forced labour and trafficking provisions, the government should start achieving convictions of offenders.
7. As the CEACR has stated, the 1998 Penal Code provisions which prescribe sanctions of imprisonment involving compulsory labour as a punishment for holding or expressing political views or views ideologically opposed to the establishment should be repealed. Likewise, those provisions of Organic Act No. 91/02/CTRN of 1991 on political parties and Act No. 91/05/CTRN on freedom of press should be repealed. The government should withdraw the Decrees that establish that "work is compulsory for all convicted prisoners under common law but is optional for those who have been accused or charged."
8. The government should investigate allegations about corrupt officials in the border police and other law enforcers and bring to justice those who are involved with traffickers and organised crime.

General Recommendations regarding Mauritania and Guinea

1. The authorities should revitalise social dialogue on all levels.
2. Essential services should be redefined and limited to services "the interruption of which would endanger the life, health or personal safety of the whole or part of the population".
3. The Labour Codes should extend protection from anti-union discrimination to all workers.
4. The laws of both countries should provide for appeal procedures and sufficiently dissuasive sanctions in the case of unfair dismissals for union activity or membership. To this end, the authorities should enforce all court decisions.
5. In both countries, the governments should take urgent measures to improve women's participation in the workforce and women's access to higher skilled and better paid jobs and to close the wage gap. Measures including training should be taken to promote equality for particular ethnic groups, disabled persons, homosexuals and other groups which face discrimination in employment.

6. Laws prohibiting sexual harassment at the workplace should be enacted.
7. Both governments should actively encourage companies to adopt workplace HIV/AIDS programmes.
8. The use, procuring or offering of children for illicit activities should be explicitly prohibited by the laws of the countries.
9. Investigation is needed into allegations of children being forced into begging and labour in order to pay for religious and vocational education.
10. The governments should start actively prosecuting trafficking and forced labour offenders and courts should impose dissuasive penalties.
11. The authorities' capacities to recognise and provide assistance to victims of trafficking and forced labour should be reinforced.
12. 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 such crimes.
13. The Labour Inspectorates need to be adequately funded and the inspectors should be properly trained.
14. The WTO should draw the attention of the Mauritanian and Guinean authorities to the commitments they undertook to observe core labour standards at the Singapore and Doha Ministerial Conferences. It should request that the ILO intensify its work with the Governments of Mauritania and Guinea 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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