

INTERNATIONAL TRADE UNION CONFEDERATION (ITUC)

INTERNATIONALLY RECOGNISED CORE LABOUR STANDARDS IN COTE D'IVOIRE, GUINEA-BISSAU AND TOGO

**REPORT FOR THE WTO GENERAL COUNCIL REVIEW OF THE
TRADE POLICIES OF COTE D'IVOIRE, GUINEA-BISSAU AND
TOGO (Geneva, 2 and 4 July, 2012)**

EXECUTIVE SUMMARY

Côte d'Ivoire and Togo have ratified all core ILO labour Conventions and Guinea-Bissau has ratified all but the ILO Convention No. 87 (1948) on Freedom of Association and Protection of the Right to Organise. 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 Côte d'Ivoire, Guinea-Bissau and Togo 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.

The three countries recognise the right to organise, collectively bargain and strike but with severe restrictions in law and in practice. Workers in all three countries are not protected against anti-union discrimination and employers have been using various practices to limit workers' bargaining power. In Togo's EPZ workers face additional hurdles in organising and in pursuing the legally established wages and social benefits.

The laws of Côte d'Ivoire, Guinea-Bissau and Togo provide insufficient protection from gender-based discrimination. In practice, women face considerable pay gaps and tend to be concentrated in the lower quality categories of employment. Women are less likely to be hired than men because employers try to avoid maternity benefits and pregnancy breaks. The three countries' laws do not effectively prohibit discrimination against and provide equal opportunities for disabled persons, certain ethnic groups, homosexuals and persons living with HIV/AIDS. In practice these groups face discrimination in employment.

Child labour is an alarming problem in all three countries and many laws need to be amended in order to provide full protection of children from illegal child labour and the worst forms of child labour. Children mostly work in agriculture and plantations, in street related economic activities and, mainly in the case of girls, in domestic services. The labour inspectorates and law enforcement agencies are poorly skilled and lack resources to enforce the law.

Some laws in Côte d'Ivoire, Guinea-Bissau and Togo are insufficient to provide full protection from forced labour and trafficking. However, the biggest problem remains the lack of enforcement. Forced labour and labour trafficking, including of children, are rife in all three countries.

INTERNATIONALLY RECOGNISED CORE LABOUR STANDARDS IN COTE D'IVOIRE, GUINEA-BISSAU AND TOGO

Introduction

This report on the respect of internationally recognised core labour standards in Côte d'Ivoire, Guinea-Bissau and Togo 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 Côte d'Ivoire are the Confédération Ivoirienne des syndicats libres (CISL-DIGNITE) and Union Générale des Travailleurs de Côte d'Ivoire (UGTCI). In Guinea-Bissau the ITUC affiliate is the Union Nationale des Travailleurs de Guinée Bissau (UNTGB). In Togo the ITUC affiliates are the Confédération Nationale des Travailleurs du Togo (CNTT), the Confédération Syndicale des Travailleurs du Togo (CSTT) and the Union Nationale des Syndicats Indépendants du Togo (UNSIT). These unions have a membership of 390,000 persons covering various areas of employment in all three countries.

In Côte d'Ivoire in 2010, former President, Laurent Gbagbo, refused to hand the power over to the elected President, Alassane Ouattara. The denial of the election results drove Côte d'Ivoire into massive post-electoral violence which resulted in at least 3,000 deaths, thousands of injured persons, thousands of refugees and many rapes. Ouattara's forces took over the capital, extradited Gbagbo to the International Criminal Court (ICC) in The Hague and arrested many others for political reasons, among them the General Secretary of CISL-DIGNITE, Basile Mahan Gahé. In early July 2011 he was officially charged with a series of state security offences, including violating the sovereignty of the state, organising crimes against property of the state, public and private financial institutions, and organising armed groups. The union leader is in the Boundiali jail where he is held under inhumane conditions. Basile Gahé is denied release or instead the right to a fair trial.

I. Freedom of Association and the Right to Collective Bargaining

Côte d'Ivoire and Togo ratified ILO Convention No. 87 (1948) on Freedom of Association and Protection of the Right to Organise in 1960. Côte d'Ivoire, Guinea-Bissau and Togo ratified Convention No. 98 (1949) on the Right to Organise and Collective Bargaining in 1961, 1977 and 1983 respectively.

Côte d'Ivoire

Freedom of association is provided for in the Constitution and law except for members of the police and military forces. However, several restrictions apply. Foreigners, who account for 25 per cent of the population of Côte d'Ivoire, are not allowed to hold union office before they are entitled to residency rights. The law does not effectively protect union members and leaders from anti-union discrimination.

Collective bargaining is also provided by law but in case of a dispute the law establishes a complex and time-consuming arbitration procedure. Moreover, there are no guarantees for the recognition of representativeness of trade unions by any state agency or authority. Employers in the private and public sector often question unions' legal right to bargain.

The right to strike is recognised by law. In order to call for a strike the law requires long negotiations and notification periods which in practice makes it extremely difficult to hold a legal strike. In addition, the President has power to stop a strike with a decree. The labour code does not establish a list of 'essential services' and any strike in the public sector could be referred to arbitration by the President's decision.

In practice, union members and leaders are victims of many types of anti-union discrimination. In August 2011, the union leader of a manufacturing company in Abidjan was fired because management 'downsized' the company. Some months earlier many union members and the then general secretary of the union were also made redundant for the same reasons.

Unionists fall victims to violence, detentions and abductions. The primary school teachers' union has reported several abductions and arbitrary arrests of its members. In August 2011, another teachers' union reported arrests of some of its members in Yamoussoukro. A month later, a secretary of the dockworkers' union was abducted by men in military uniforms and the next day he was found injured in a forest. In October 2011, ten members of the polytechnic institutes' union were arrested and detained after informing the Minister of Education of the urgent need to appoint new directors for the Institutes since the disappearance of the old ones after the social disorder of 2010.

There are no export processing zones in Côte d'Ivoire.

Guinea-Bissau

The law recognises the right to join or form a union without excessive requirements. However, the Labour Code does not stipulate sufficiently dissuasive sanctions for anti-union discrimination and organising is difficult due to employers' hostility.

The right to collective bargaining is not provided in the law and wages are established in negotiations between the worker and the employer. The right to strike is recognised by law and retaliation against strikers is prohibited.

Guinea-Bissau has a history of violent suppression of trade unions. The ILO has identified anti-unionism as a serious obstacle to the exercise of trade union rights. The government has taken no measures to address ILO requests for action on protecting the right to bargain collectively and has failed to adopt legislation to recognise collective bargaining rights. As a result, collective bargaining is virtually non-existent.

Strikes take place and many of them concern wages in arrears. For instance in May 2011, thousands of teachers went on strike to claim unpaid wages. In October 2011, the staff of the health sector in Guinea-Bissau, including nurses and nurses' aides, began a three-day strike to demand unpaid salaries of six months. The strikers also demanded the payment of nine months' premiums as well as better working conditions.

There are no export processing zones.

Togo

The law protects the right to form and join unions except for police, firefighters and other security forces. The Labour Code of 2006 extended this right to migrant workers and it lifted the requirement of husband's consent for women who want to organise. The Labour Code also prohibits anti-union discrimination and stipulates that the dismissal of union representatives requires the permission of the labour inspectorate.

The right to collective bargaining is also recognised but it is exercised only on national level in a tripartite national committee. Individual sectors are allowed to conclude their own collective agreements but, in practice, sectoral bargaining takes place rarely.

The right to strike is provided. There is a list of 'essential services' approved by the National Council for Labour and Social Legislation in 2009 but it has not been adopted due to presidential elections. It is not clear whether the list interprets 'essential services' narrowly as the ILO stipulates. Moreover, the ILO Committee of Experts on the Application of Conventions and Recommendations (CEACR) has noted that during a strike, the parties are under the obligation to continue negotiations under the authority of a person appointed by the Minister of Labour except if both parties agree to have recourse to a mediator. The Committee considered that allowing the parties to choose themselves the procedures for the settlement of the dispute would be preferable. Otherwise, there is a risk of prejudicing the right of trade unions to organise their activities without interference by public authorities.

The right to strike is practiced. In June 2011, doctors and practitioners in public hospitals in Togo called for a national four-day strike of health workers to demand

improved working conditions and financial audit of hospitals. The strike was called off some days later after an agreement between the two parties was reached.

Workers in Togo's Export Processing Zone (EPZ) enjoy the same rights as workers elsewhere in the country only in law. In practice, the government and the Zone's authority has been impeding the formation of unions in the EPZ. That notwithstanding, recently the workers managed to organise three unions. Togo's EPZ has more than 60 companies in operation. It covers the following range of activities: pharmaceuticals, cosmetics, jewellery, wood and metal construction, plastics, leather and clothing, agri-food and horticulture, maintenance services, software services and development and others. Most of the workers in EPZs are women who continue to be deprived of their most basic rights. Reports show that EPZ workers face long hours, unpaid night-work and low social security benefits.

Some of the Labour Code's provisions, including the hiring and dismissal procedures provisions, are not observed in the EPZ. Furthermore, the Zone's statute forbids labour inspectors from carrying out routine checks. As a result, employers routinely dismiss workers who intend to organise unions in the EPZ and obstruct union activities without penalty. Unions are barred from the review of the Zone's statute.

Moreover, union members are not allowed in the Zone to discuss with workers and inform them of their rights. Consequently, workers have to hold their organising activities and meetings outside the Zone.

The unions face immense difficulties in conducting consultations as there is no procedure for collective bargaining and dispute settlement in the EPZ. As a result, compulsory arbitration is the primary form of dispute settlement and is conducted through a structure of the Zone's authority. In compulsory arbitration workers cannot make effective use of their bargaining power and this leads to poor agreements.

The government has drafted amendments to the 1989 law on EPZ that would improve labour inspection and law enforcement in the Zone; however, the amendments are yet to be enacted.

In 2010, a committee of workplace representatives endeavoured discussions with the management of the Sprukfield pharmaceutical company seeking improvement of the sub-standard working conditions. Workers in Sprukfield do not have employment contracts and they work for long hours, including at night, without receiving the legally established rate of salary. Further to this, workers report that the company does not offer paid leave or maternity leave and does not make contributions to the social security fund. After the management refused to discuss with them and rejected a strike notice, the workers decided to take collective action in November 2010. Some days later the company dismissed all the 120 workers who took part to the strike including the three union representatives that initiated the action. In May 2011, unions managed to secure a collective agreement providing for the progressive reinstatement of the dismissed workers. However, few workers were reinstated.

Summary

The three countries recognise the right to organise, collectively bargain and strike but with severe restrictions in law and in practice. Workers in all three countries are not protected against anti-union discrimination and employers have been employing various practices to limit workers' bargaining power. In Togo's EPZ workers faced additional hurdles in organising and pursuing the legally established wages and social benefits.

II. Discrimination and Equal Remuneration

Côte d'Ivoire, Guinea-Bissau and Togo ratified ILO Convention No. 100 (1951) on Equal Remuneration and ILO Convention No. 111 (1958) on Discrimination (Employment and Occupation). Both Conventions were ratified in 1961, 1977 and 1983 respectively.

Côte d'Ivoire

The law prohibits gender-based discrimination in employment but does not prescribe equal pay for work of equal value. The law also prohibits sexual harassment in general, however, not in particular at the workplace.

Only 51 per cent of Ivorian women participate in the labour force. They are concentrated in low skilled and low paid jobs and only one quarter of the senior and management level job positions are taken by women. Women face an estimated 42 per cent gender pay gap. Reports show that employers discriminate against women in hiring as they try to avoid providing maternity benefits to their employees. Sexual harassment at the workplace is reported to be a problem.

The law prohibits discrimination against persons with disabilities and mandates building accessibility. The law also provides for programmes of training and employment for disabled persons. The government has failed to enforce building accessibility but it provided 300 employment posts in the public sector in 2009. However, reports show that disabled persons are victims of discrimination in employment in private sector and sometimes in the public sector. As a result, many disabled persons resort to beggary for some income.

A 2008 law on xenophobia, racism, and tribalism prohibits discrimination on grounds of origin and ethnicity. There are numerous incidents of violence between communities that belong to different ethnic groups and reports show that individuals of certain ethnicities are discriminated against in employment and other aspects of life depending on the area they live in.

Homosexual persons are discriminated against in employment and in many occasions they are victims of violence. There is no law protecting them from discrimination and societal stigma.

The law does protect persons living with HIV/AIDS from discrimination in employment or in general. Although there are no particular reports of discrimination in employment, societal stigmatisation is widespread and it is expected that such persons do face discrimination. Some multinational enterprises have initiated HIV/AIDS workplace programmes.

Guinea-Bissau

The law prohibits gender discrimination and prescribes equal remuneration for equal work as well as for equal value. No law prohibits sexual harassment at the workplace or in general and such a crime is common at workplaces.

Women's participation in the labour force is 42 per cent and reports show that women are discriminated against in hiring due to the possibility of pregnancy. There is no other data available to measure the degree of different forms of gender-based discrimination in Guinea-Bissau except for reports that the economic activity is segregated along gender lines. Therefore, it can be expected that women are overrepresented in low skilled jobs. Probably women are paid significantly less than men for work of equal value. The CEACR has noted that the government applied to the ILO for technical assistance on job evaluation and classification; however, it is unclear whether the government has implemented any job classification exercise, created any legal framework or taken any other measures for the delivery of equal wages for work of equal value in the public or private sector.

The law does not prohibit discrimination against disabled persons in employment or other aspects of life. There is no mandatory building accessibility and no provision for training, employment opportunities or services to disabled persons. Such persons face discrimination in employment.

Homosexual persons are not protected from discrimination in employment. There is no information or reports of discrimination but they certainly face discrimination in employment due to widespread societal prejudices.

Persons living with HIV/AIDS are not protected against discrimination in employment and such discrimination might occur. There is no information on HIV/AIDS workplace programmes.

Togo

The Labour Code prohibits gender discrimination. It prescribes equal remuneration for work of equal value for men and women and provides a broad definition of remuneration. The Code also prohibits sexual harassment at the workplace but fails to

include the creation of a hostile environment as a means to extort favours of a sexual nature. The Code requires company managers to take the necessary measures to prevent sexual harassment at the workplace.

Data shows that women constitute only 21.4% of public sector employees and that female public servants are concentrated in the health and education ministries and to a lesser extent in the ministries for economy, agriculture and the promotion of women. Gender-driven labour market segregation also persists in the private sector as well as informal activities: rural women are concentrated in agriculture and domestic work and urban women dominate street vending, market vending and other commercial activities. The statistics show that only 12 per cent of female public employees are employed in higher job categories and managerial posts. There are no statistics on the earnings of men and women in the public and private sectors; however most probably, women do face a gender pay gap.

The Labour Code prohibits all discrimination in employment and occupation based on disability. The law does not mandate building accessibility. There is significant societal discrimination, including in employment, toward the disabled.

Homosexuality is prohibited in Togo under penalties of imprisonment and fines and homosexual persons have been arrested and tried. They need to strive to hide their identity in the workplace and in other aspects of life in order to avoid being punished.

The law prohibits discrimination against persons living with HIV/AIDS. A government campaign has broadcast televised messages to terminate societal stereotypes and discrimination against such persons. In practice, persons living with HIV/AIDS face discrimination in employment and other aspects of life. There is no information on HIV/AIDS workplace programmes.

Summary

The laws of Côte d'Ivoire, Guinea-Bissau and Togo provide only insufficient protection from gender-based discrimination. In practice, women face considerable pay gaps and tend to be concentrated in the lower categories of employment. Women are less probable to be hired than men because employers try to avoid maternity benefits and pregnancy breaks. The three countries' laws do not always effectively prohibit discrimination against and provide for equal opportunities for disabled persons, certain ethnic groups, homosexuals and persons living with HIV/AIDS. In practice these groups face discrimination in employment.

III. Child Labour

Côte d'Ivoire, Guinea-Bissau and Togo ratified ILO Convention No. 138 (1973) on the Minimum Age in 2003, 2009 and 1984 and Convention No. 182 (1999) on the Worst Forms of Child Labour in 2003, 2008 and 2000 respectively.

Côte d'Ivoire

The minimum age for admission to work is 14 years of age. Children are not allowed to perform night work or hazardous work. Hazardous tasks and occupations that endanger the health or development of children are listed and penalties are prescribed for both employers and parents involved in hazardous child labour. The Law on Trafficking and Worst Forms of Child Labour prohibits trafficking, forced labour and debt bondage of children and stipulates dissuasive penalties.

The Autonomous Agency for the Fight against Child Labour, the National Committee for the Fight against Child Trafficking, the Cocoa Child Labour Task Force and a national steering committee coordinate and take actions in order to eliminate the worst forms of child labour. However, these authorities are not always effective in their operations, they are not well-resourced and they lack coordination. The labour inspectorate and the national police are understaffed and they lack resources and training to identify, investigate and prosecute cases of illegal child labour. The police unit for child trafficking has five officers and two social workers.

Education is neither compulsory nor free. Consequently, only 59 per cent of boys and 51 per cent of girls attend primary school and only 32 per cent of boys and 22 per cent of girls attended a secondary school.

About 40 per cent of children between 5 and 14 years old are workers and almost one quarter of the country's children combine school and work. However, the high rates of school dropouts and non-enrolled children suggest that these figures underestimate the real volume of the problem.

Child labour is virtually everywhere in Côte d'Ivoire. Children in rural areas mostly work in family farms, plantations, small gold mining operations, commerce and domestic servitude, which mostly affects girls. In the cities there are many street children working in commerce, car washing, shoe polishing and other services provided on the street. It is a usual practice for rural families to send their girls to work as domestic servants to relatives, sometimes even strangers, living in cities.

Children in agriculture and forestry, in particular cocoa and coffee plantations, deal with long working hours, dangerous pesticides and chemicals, machinery, heavy loads and other hazardous conditions. Street children face conditions that endanger their physical and moral development including moving vehicles, organised crime and illicit activities, various dangers deriving from homelessness, and sexual exploitation. Child domestic servants are also vulnerable to sexual exploitation and other physical and psychological abuses including very long working hours and violence.

The government and some NGOs have been implementing awareness programmes and campaigns on the benefits of schooling and the dangers of child labour.

Guinea-Bissau

The minimum age for admission to work is 14 years of age. Children are not allowed to work for long hours or be employed in mines and other places where hazardous work is performed; however, there is no list of hazardous tasks and occupations. A specific law for trafficking, including child trafficking, has been drafted but not enacted. Another law prohibits sexual exploitation of children and prescribes penalties for offenders. Guinea-Bissau still permits the voluntary recruitment by the armed forces of children as young as 16 and, with parental consent, even younger.

The National Institute for Women and Children organises activities, including capacity building, for the elimination of child labour. The Institute cooperates with the Ministries of Justice and Labour to enforce child labour legislation. Lack of resources and training seriously hampers efforts to eliminate child labour and its worst forms.

Education is compulsory but not completely free of cost. Eighty nine per cent of boys and 86 per cent of girls attend primary school; however, only 27 per cent of boys and 20 per cent of girls continue to secondary school.

About 47 per cent of the country's children work and 34 per cent combine work and school. Child labour is rife in farms and plantations either permanently or on a seasonal basis. Rural children are also reported to work as shepherds and cattle raisers. Urban children work in manufacturing and carpentry and others in street related activities. Girls in both rural and urban areas are involved in domestic services. Some children, mostly girls, are reported to be victims of sexual exploitation either commercially or in domestic services. According to a UNICEF report, many children are students in Koranic schools which sometimes force them into beggary as a means to raise income for the teachers and the school. Reportedly, some teachers set a daily amount of money to be returned to them under the threat of beating if the goal is not met. Guinean children have been trafficked to Senegal to 'attend' Koranic schools where they are forced into beggary.

Children in agriculture, domestic servitude and streets are vulnerable to long working hours, carrying heavy loads, operating dangerous tools and being exploited.

There are some programmes to combat child labour in Guinea-Bissau funded by the US and Spain which include anti-trafficking actions and capacity building to provide services to identified victims. A local NGO implements a programme for the elimination of forced beggary.

Togo

The minimum age for work is 14 years of age. The law provides no definition of forced child labour and establishes the penalty of six months' imprisonment for forcing a person into labour, either child or adult, though this is not sufficiently dissuasive. The Child Code of 2007 prohibits trafficking of children as well as the use, procuring or

offering of a child for sexual exploitation, pornography and illicit activities, including the production and trafficking of drugs. The Law for the Repression of Child Trafficking also prohibits trafficking of children, and stipulates penalties.

The law permits hazardous work by children older than 16 years old. The CEACR has raised concerns that children are allowed to be admitted to work that by their nature or circumstances are likely to jeopardise the health, safety or morals of children. There is no list of hazardous tasks and occupations but a 1958 Order permits children of different ages to operate different pieces of machinery and perform various hazardous tasks after the labour inspectorate has granted its permission. Although the general minimum age for hazardous work is 16 years of age, the Order allows children as young as 15 to operate band-saws.

Education is partly free and is compulsory for the first 6 years. Children finish compulsory schooling when they are only 11 or 12 years old and, although they are not required to continue their education, they are barred from being admitted to work until they become 14 years old. Data show that 91 per cent of boys and 87 per cent of girls attend primary school and only 52 per cent of boys and 41 per cent of girls attend secondary school.

About 33 per cent of Togolese children are workers and 27 per cent combine work and school. Most of the children work in cotton farms, cocoa and coffee plantations and other agriculture and forestry occupations. As well as agriculture, rural children are reported in quarries, sand mining, cattle raising and manufacturing. In cities many children make an income in street-related activities, such as shoe polishing, porting and vending. Reports show that girls are forced into prostitution or trafficked for this purpose to neighbouring countries. Students of Koranic schools are reported to be forced into labour and beggary to pay for their school fees.

One out of every four children, most usually a girl, is a domestic servant. Many are sent to provide domestic services to relatives for income or with the promise that the child would receive education. In practice, some of these children work too long to have any time to study. Domestic workers operate away from the public and the reach of labour inspectors and are particularly vulnerable to various forms of labour exploitation as well as sexual abuse.

The government recently increased the number of labour inspectors and provided training on child labour laws. However, labour inspectors and other law enforcers lack the necessary resources and skills to effectively enforce the laws.

The National Steering Committee for the Prohibition and Elimination of the Worst Forms of Child Labour, the Child Labour Unit of the Ministry of Labour, local child labour committees and the National Committee for the Reception and Social Reinsertion of Trafficked Children all take action to withdraw children from child labour, raise awareness and collect data. The National Strategy on Eliminating Child Labour through Education, Training and Apprenticeship is implemented by ILO-IPEC and

mainly deals with issues of access to education. The National Plan of Action on Child Trafficking takes action to raise awareness of the problem and improve the assistance and services delivered to victims. The US and France also fund some programmes that aim at rescuing children from exploitative labour.

Summary

Many laws in the three countries need to be amended in order to provide full protection of children from illegal child labour and the worst forms of child labour. Child labour is an alarming problem in all three countries. Children mostly work in agriculture and plantations, in street related economic activities and, predominately girls, in domestic services. The labour inspectorates and law enforcers are poorly skilled and lack resources to enforce the law.

IV. Forced Labour

Côte d'Ivoire, Guinea-Bissau and Togo ratified Convention No. 29 (1930) on Forced Labour in 1960, 1977 and 1960 respectively. The three countries ratified Convention No. 105 (1957) on the Abolition of Forced Labour in 1961, 1977 and 1999.

Côte d'Ivoire

The law prohibits forced labour under a penalty of 5 years' imprisonment and provides for fines. The new Law on Trafficking and Worst Forms of Child Labour stipulates penalties of 10 to 20 years' imprisonment and fines for forcing children into labour and from 5 to 20 years' imprisonment and fines for forcing children into prostitution. Forcing adults into prostitution is prohibited by the Criminal Code. However, the country does not have a comprehensive anti-trafficking law.

Forced labour including by children is a problem in Côte d'Ivoire. Most adult male forced labourers are concentrated in agriculture and plantations and many women are forced into commercial sexual exploitation or domestic servitude. Reports show an alarming number of children, both local and from neighbouring countries, trafficked for the purpose of forced labour in agriculture, plantations, mining, carpentry, construction, street-based economic activities and domestic servitude, where most of the victims are girls.

A report by Anti-Slavery International on forced child labour in cocoa plantations showed that most of the children were trafficked when they were 12 to 16 years old and that they have been refused pay for some years under different pretexts. Children reported poor working conditions and sub-standard housing in the plantations. Reportedly, most of the children are paid about \$100 USD per year after their employment is terminated.

There is also information that the armed forces of both former President Gbagbo and current President Ouattara forcefully recruited children during the post-election challenge of power between the two and the following wave of violence.

The country's authorities lack resources and skills to enforce these laws effectively and the political turmoil in the country has further impeded any efforts to prosecute and convict offenders. The authorities have failed to prosecute offenders for trafficking or forced labour and although they have referred some victims to NGO victim facilities, they have provided no shelters or services to victims.

Guinea-Bissau

The Penal Code prohibits forced labour under the penalty of life imprisonment. Although the government has been drafting comprehensive anti-trafficking legislation, the bill has not yet been enacted. No law specifically stipulates penalties for forced prostitution.

In practice forced labour and human trafficking are problems. Many children from Guinea-Bissau are trafficked to neighbouring countries but also internally for beggary, labour in farms and plantations, and for girls in particular for forced domestic servitude and prostitution. There is information that Koranic schools of different countries in the area cooperate in trafficking children from one to the other. Usually such children are forced into beggary or other street-related activities.

Law enforcement officials are poorly resourced and are not trained to effectively prosecute offenders for forced labour and human trafficking. The authorities have failed to prosecute or convict traffickers while turning a blind eye to the trafficking among Koranic schools. There are allegations that some law enforcers, including border policemen, are complicit in these crimes. The state has also failed to identify victims of forced labour and trafficking and does not provide shelters or any other assistance to trafficked persons. However, the authorities have facilitated the repatriation of Koranic students forced into labour or beggary in other countries.

Togo

The law outlaws forced labour but the penalties prescribed range between 3 and 6 months' imprisonment and fines and, therefore, are not dissuasive enough. Moreover, the definition of forced labour is quite narrow and does not cover all forms of forced labour. The law fails to prohibit all forms of trafficking, including trafficking for the purpose of commercial sexual exploitation. However, a special law prohibits all forms of child trafficking and stipulates penalties.

Forced labour is a problem in Togo including for children. Children are forced into agricultural labour and, in cities, into street-based economic activities like porting and vending. There is information that some Togolese girls are trafficked to neighbouring countries for domestic servitude and boys for forced agricultural or livestock work. Many

children, mostly girls, are also trafficked either internally or to other countries for commercial sexual exploitation.

Reports show that many girls and women are subjected to forced domestic servitude with most of the victims being underage persons. As explained in the previous section of this report, thousands of girls are sent by their families to relatives in cities to work as domestic workers following a tradition called “confiage”. As a return for their children’s services the parents of the sending family would expect their child to be educated; however, nowadays this system is mostly used with the purpose of creating some extra income for the sending family. Reports show that an estimated 250,000 children, mostly girls, as young as 5 years old are placed under other families’ responsibility in the capital city of Lomé alone. The average child would earn 5,000 CFA francs, approximately \$9.50 USD, per month. Domestic servants, especially children, literally work whenever they do not sleep. Further to this, they are the first to get up, sometimes as early at 4.00am, and the last to go to bed. Domestic workers are sometimes brutally punished with physical and verbal violence for mistakes in house-work. Such women and girls are also vulnerable to sexual exploitation.

In 2010, the authorities prosecuted 14 offenders for child trafficking with the purpose of forced labour and 5 were convicted and punished with terms in prison. The government had convicted another 10 traffickers in 2009 who remain in prison. However, taking into account the volume of the problem, the government has not achieved major results against trafficking and forced labour. Moreover, allegations allude to complicity of police officers with organised crime.

The government provides training to law enforcers on identifying trafficking victims, maintains a telephone help-line and provides temporary housing in a shelter before referring victims to NGO facilities for further assistance. The government’s efforts are focused on trafficked children and the authorities pay insufficient attention to adult victims.

Summary

Some laws in Côte d’Ivoire, Guinea-Bissau and Togo are insufficient to provide full protection from forced labour and trafficking. However, the biggest problem remains the lack of enforcement. Forced labour and trafficking, including of children, are rife in all three countries.

Recommendations

Côte D'Ivoire

1. The General Secretary of CISL-DIGNITE, Basile Mahan Gahé, should either be immediately released or, if the authorities insist on the charges, should be given a fair and impartial trial as soon as possible. The authorities should ensure that he is detained in adequate conditions and that his rights are respected, with proper access to him for international human rights inspectors and his family, friends and colleagues.
2. Foreigners should be granted the right to hold union office without needing to be entitled to residency rights.
3. The long procedures and notification periods on strikes should be removed.
4. The Labour Code should establish a list of 'essential services' in the ILO-defined sense of the term, as services the interruption of which would endanger the life, personal safety or health of the whole or part of the population.
5. Urgent measures should be taken in order to investigate and prosecute cases of violence, detentions and abductions of unionists.
6. The law should be amended to prescribe equal pay between men and women for work of equal value.
7. The laws should be amended to explicitly prohibit sexual harassment at the workplace and prescribe stringent penalties. The law should also introduce special mechanisms to collect complaints and initiate investigations and prosecutions where needed.
8. The law should protect homosexuals and persons living with HIV/AIDS from discrimination at the workplace.
9. The country needs to enact a comprehensive anti-trafficking law.

Guinea-Bissau

1. ILO Convention No. 87, Freedom of Association and Protection of the Right to Organise must be ratified urgently.
2. The right to collective bargaining should be provided by law and should be exercised freely in practice.
3. A law should prohibit and criminalise sexual harassment at the workplace and special mechanisms should be put in place to collect complaints and initiate investigations and prosecutions where needed.
4. The law should prohibit discrimination against homosexuals, disabled persons and persons living with HIV/AIDS in employment.
5. Investigation is needed into allegations of children being forced into beggary and labour in order to pay for religious and vocational education.
6. The government should adopt a list of hazardous tasks and occupations after consultations with the social partners.
7. Immediate investigations are needed into allegations of children being forced into beggary and labour in order to pay for religious and vocational education.

8. Guinea-Bissau should immediately prohibit the voluntary recruitment of children by the armed forces.
9. A specific law should stipulate penalties for forced prostitution.

Togo

1. The right to collective bargaining should be provided at all levels including sectoral, local and enterprise. The government should encourage collective bargaining on all levels.
2. The list of 'essential services' approved by the National Council for Labour and Social Legislation should be adopted after it is discussed with social partners.
3. The government should allow for parties to choose the procedures for the settlement of disputes.
4. The government needs to take measures to ensure that the EPZ's authority does not impede the formation of unions in the EPZ.
5. The authorities should ensure that all the Labour Code's provisions, including the hiring and dismissal procedures provisions, are observed in the EPZ.
6. The government should promote free, genuine collective bargaining, not compulsory arbitration, as the primary institution for wage setting and other labour-related issues throughout the country including in the EPZ.
7. The law that prohibits sexual harassment at the workplace should include the creation of a hostile environment as a means to extort favours of a sexual nature.
8. The law should mandate building accessibility for disabled persons. Such provisions should be enforced in all new buildings and, as a minimum, in the main public buildings.
9. The law should provide a definition of forced child labour and establish dissuasive penalties for the crime.
10. The law should be reformed so that no children are permitted to undertake hazardous work. A list of hazardous tasks and occupations should be legislated after consultations with the social partners.
11. As in Guinea-Bissau, the Togolese authorities should begin immediate investigations into allegations of children being forced into beggary and labour in order to pay for religious and vocational education.
12. The law outlaws forced labour but the penalties prescribed range between 3 and 6 months' imprisonment and fines and, therefore, need to be increased so as to become sufficiently dissuasive.
13. The definition of forced labour should be broadened as to cover all forms of forced labour.

General Recommendations regarding Côte D'Ivoire, Guinea-Bissau and Togo

- a. The three countries should introduce or strengthen legislation prohibiting anti-union discrimination and to establish stringent penalties for offenders. The authorities should reinforce their services that investigate and prosecute those who discriminate against unionised workers or endeavour

to impede workers from organising, bargaining collectively and taking collective action.

- b. In all three 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 to close the wage gap.
- c. All the governments should actively encourage companies to adopt workplace HIV/AIDS programmes.
- d. The three governments should amend their laws to raise the minimum age for admission to work to 15 years of age and take measures, where necessary, to ensure that it coincides with the termination of compulsory education.
- e. The governments should take urgent measures to improve school enrolment and attendance rates, with an emphasis on improving female literacy rates.
- f. All three governments should introduce comprehensive anti-trafficking legislation and start actively prosecuting trafficking offenders. Courts should impose heavy penalties for those committing the crime.
- g. The governments should reinforce their authorities' capacities to recognise and provide assistance to victims of trafficking.
- h. 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.
- i. The Labour Inspectorates need to be adequately funded and the inspectors should be properly trained to identify victims of violations.
- j. The WTO should draw the attention of the authorities of Côte D'Ivoire, Guinea-Bissau and Togo 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 three governments 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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