

INTERNATIONAL CONFEDERATION OF FREE TRADE UNIONS (ICFTU)

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

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

**(Geneva, 28 and 30 June 2004)**

### **EXECUTIVE SUMMARY**

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

**All three countries have ratified the ILO core Convention on the Right to Organise and Collective Bargaining as well as the Convention on Freedom of Association and Protection of the Right to Organise. Some legal restrictions exist however, and in practice the right to organise and the right to collective bargaining only apply to a minority of workers in the formal economy, whereas the majority of the workforce is employed in the informal economy, in particular in subsistence agriculture.**

**Benin, Burkina Faso and Mali have all ratified the core ILO Convention on Equal Remuneration and the Convention on Discrimination. In practice women are mainly employed in subsistence agriculture and in the informal economy. Those who are employed in the formal wage sector are mainly employed in the public sector.**

**All three countries have ratified the ILO core Convention on the Worst Forms of Child Labour, and the Convention on Minimum Age. Child labour is common in Benin, Burkina Faso and Mali, in particular in the informal economy, in agriculture, on family farms and vending, and many children also work as domestic servants.**

**Benin, Burkina Faso and Mali have ratified the Convention on the Abolition of Forced Labour and the Convention on Forced Labour. Forced labour exists such as trafficking of women and children for forced prostitution and forced labour on plantations and domestic work. Many children are sold and forced to work under harsh conditions while receiving no or very low payment.**

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

### **Introduction and Economic Background**

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

The ICFTU affiliates in Benin are the Confédération des Syndicats Autonomes de Benin (CSA-Benin) and the Union Nationale des Syndicats de Travailleurs du Benin (UNSTB). Approximately 75% of the wage earners are unionised.

The ICFTU affiliates in Burkina Faso are the National Confederation of Burkinabe Workers (CSB) and the National Organisation of Free Trade Unions (ONSL). 50% of private sector employees and 60% of public sector employees are unionised.

The ICFTU affiliates in Mali are the Syndicated Confederation of Malian Workers (CSTM) and the National Union of Malian Workers (UNTM). Most workers in the formal economy are unionised.

### ***Economic and Trade Data: Benin***

GDP per capita was US\$ 424 in 2001. Most of the two million workers are employed in subsistence agriculture and other primary sectors. Only 2% are employed in the wage sector.

Benin's economy is based on agriculture. The main commodities are cotton (Benin is the second largest producer in West Africa), cashews, pineapple and teak timber. In 2002 agriculture accounted for 35.5% of GDP. Industry accounted for 14.4%, of which manufacturing was 9.1%. Services accounted for 50.1% of GDP.

Major exports (2001) are cotton and textiles. Major export trading partners are Italy (13.7%), India (22.5%) and Turkey (5.5%). Total exports accounted for US\$ 518 million in 2002 of which cotton accounted for US\$ 201 million.

Main imports are food, tobacco and petroleum products. Imports (2001) come mainly from China (37.5%), France (14.9%), Germany (3.7%) and Italy (3.6%). Total imports in 2002 accounted for US\$ 710 million, of which food accounted for US\$ 217 million and capital goods for US\$ 398 million.

Benin is a member of the West African Economic and Monetary Union (WAEMU), which imposes a common external tariff with four rates of 0%, 5%, 10% and 20%. The average tariff rate in 2001 was 14%.

Foreign direct investment (FDI) amounted to US\$ 43 million in 2001. Foreign investors have shown interest in the privatisation of water, electricity and the SONAPRA cotton marketing agency. The government requires partial Beninese ownership of any privatised company.

### ***Economic and Trade Data: Burkina Faso***

GDP per capita was US\$ 250 in 2001. 85% of the workers are engaged in subsistence agriculture. 45% of the population lives below the poverty line.

Like Benin, the economy of Burkina Faso is based on agriculture. In 2002, agriculture accounted for 37.6% of GDP. Industry accounted for 20.4% of GDP, of which manufacturing was 14.5%. Services accounted for 41.9% of GDP.

Total exports of goods and services accounted for US\$ 254 million in 2002. Major exports are cotton, livestock and gold. Cotton accounted for US\$ 141 million and livestock products for US\$ 55 million. The main export partners are Singapore (14.9%), Italy (13.8%), France (7.3%) and Ghana (6.1%).

Total imports in goods and services accounted for US\$ 734 million in 2002, of which food accounted for US\$ 82 million, fuel and energy US\$ 108 million and capital goods US\$ 186 million. Most imports are from Côte-d'Ivoire (29.6%), France (24.3%), Nigeria (3.7%) and Italy (3.4%).

Foreign direct investment was US\$ 8.9 million in 2001, and remains low.

Burkina Faso is also a member of the WAEMU. The average external tariff in 2001 was 10.1%. State-owned enterprises include water, telecommunications, the gold mine, cinema, agricultural equipment, airports, Sonabel (energy), Sonabhy (hydrocarbons) and Sofitex, the state-owned cotton enterprise.

### ***Economic and Trade Data: Mali***

GDP per capita was US\$ 292 in 2001. The large majority of the labour force is employed in the informal economy and 65% of the population lives below the poverty line.

Like Benin and Burkina Faso, the Malian economy is based on agriculture, mainly subsistence agriculture. Agriculture accounted for 37.8% of GDP (2001). Industry accounted for 26.4%, of which manufacturing accounted for 3.6%. Services accounted for 35.9%.

Exports of goods and services accounted for US\$ 858 million in 2002. Major exports are gold, cotton and livestock. Cotton accounted for US\$ 203 million and gold for US\$ 429 million. Main export trading partners are Thailand (17.0%), Brazil (12.5%), Italy (6.0%) and South Korea (4.1%).

Imports of goods and services accounted for US\$ 1,156 million in 2002. Major imports are capital goods, petroleum, food and textiles. Imports come mainly from Côte-d'Ivoire (17.5%), France (13.9%), Germany (4.5%) and Senegal (3.8%)

Foreign direct investment accounted for US\$ 61 million in 2001.

Mali is also a member of the West African Economic and Monetary Union, with an average applied tariff rate in 2001 of 9.4%.

### ***The Vital Importance of Cotton Exports***

All three of these West-African economies are small and heavily dependent on a few commodities, of which the most important is cotton. More than 10 million people in West and Central Africa depend on cotton production directly and several millions of others indirectly. Cotton is vital for the three countries' economies, both in terms of development and poverty reduction, but also for their social and political stability. The WTO should deal comprehensively with these trade distorting subsidies. However, American and European subsidies for cotton have led to a sharp decrease in world cotton prices over the last couple of years.

Mali received US\$ 37 million in aid in 2001, but lost US\$ 43 million due to lower export receipts as a consequence of the use of cotton subsidies to farmers in developed countries. Cotton subsidies provided to farmers in developed countries are 60% higher than the GDP of Burkina Faso.

A direct link can be established between prices of cotton and poverty (see study by Eurostep), whereby a drop in cotton prices of almost 40% (in 2002) increased poverty by 7-8%, leading to an extra 334,000 people living below the poverty line. This shows the urgent need to eliminate subsidies on cotton in both the US and the EU. In 2001, Burkina Faso lost 1% of its GDP and 12% of its export incomes, whereas Mali lost 1.7% and 8% and Benin 1.4% and 9% respectively.

The three countries are currently negotiating an economic partnership agreement (EPA) with the European Union, within the West African group, which needs to address the harmfulness of subsidies and to contribute to the development of a sustainable cotton and textiles sector in the three countries, including the elimination of child labour.

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

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

### ***Benin***

Legislation recognises the right of workers to form and join trade unions, except for seafarers, who are excluded from the Labour Code. Seafarers are covered by the Merchant Marine Code, which does not grant them the right to organise or to strike. Some companies discourage the formation of trade unions, but support parallel unions instead.

Workers have the right to bargain collectively and there are no obstructions to this right. In the private sector wages are set in negotiations between unions and employers, however in the public sector the government sets wages.

There remain restrictions on the right to strike, although a change in legislation in May 2001 relaxed those restrictions. The strike law no longer allows the government to prohibit a strike by claiming it threatens the economy or the national interest. A three day notice period (instead of five) is still required. In addition the right to strike is limited in essential services where continuity during a strike remains required and the government is allowed to requisition civil servants in the event of a strike. In practice there are cases where this has prevented civil servants from going on strike. In 2002, several strikes were prohibited by the mayor of Cotonou, following his refusal to authorise protest marches by one of the trade union confederations.

There are no export processing zones in Benin.

### ***Burkina Faso***

Workers have the right to form and join trade unions. Trade unions have the right to engage in collective bargaining, which is common in the formal economy. Discrimination against trade union members is prohibited.

Workers have the right to strike but civil servants can be requisitioned by the government. Some civil servants are not allowed to strike at all, such as labour inspectors and uniformed personnel, and since October 2001 magistrates. In practice trade union rights are often violated, and the government has sought to undermine or weaken trade unions, especially during strikes.

There are no export processing zones.

## ***Mali***

Workers have the right to form and join trade unions, except for the military and the national guard. Discrimination against union members is not prohibited by law.

Workers have the right to collective bargaining and collective bargaining has increased. Workers have the right to strike but restrictions exist, for example the requirement of a two weeks' notice period for strikes for civil servants, and an unduly restrictive requirement to mediate and negotiate with the employer and a third party. In certain public services such as energy, health, policing and telecommunications, a minimum service has to be ensured during strikes. Retribution against strikers is prohibited.

It has been reported that the governments in Mali have extended undue support to particular trade union centres that they are close to, with regard particularly to issues such as financial assistance for trade union facilities, and participation in tripartite advisory structures.

There are no export processing zones.

## ***Conclusions***

*Workers generally have the right to organise and form trade unions, with some exceptions such as seafarers in Benin. The law provides the right to collective bargaining, and collective bargaining is common in the formal economy. Workers have the right to strike but this right is somewhat restricted for public sector workers.*

*Most of the workers in the three countries are employed in the informal economy, the majority in subsistence farming, while enforcement of legislation only takes place in the formal wage economy.*

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

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

## ***Benin***

Although the law prohibits discrimination between men and women, women experience extensive discrimination, both in rural areas where women work in subsistence farming and in urban areas where women are mainly employed in trading in markets. The female literacy rate is around 18%, compared to 50% for men. Recently, the first "Code of Persons and of the Family" has been adopted, in order to promote equality between men and women.

Discrimination against workers with disabilities is prohibited by law, but enforcement is weak. Disabled workers are often excluded from employment in the civil service as a result of discrimination in the recruitment process.

### ***Burkina Faso***

45% of the workforce are women and most are employed in subsistence farming. In the wage economy women make up 18% of the workers, but are mainly employed in lower paid positions. The percentage of women in the public sector is around 18% as well. Women are predominantly employed as secretaries, nurses and teachers. Women occupy a subordinate position in the society as a whole and face discrimination in education and employment. Sexual harassment is prohibited by law. The female literacy rate is 9% whereas the male literacy rate is 30%.

There is no legislation protecting workers with disabilities, and disabled people often face discrimination in employment, even in government positions.

### ***Mali***

Most women are employed in the informal economy and agriculture, and very few are employed in wage employment in the private sector. Women make up 15% of the labour force, and of those employed in the formal economy, most hold government jobs. According to a 2001 ILO study there is an important gap in the average wage between men and women, of 30% in the public sector and 15% in the modern private sector. The tax system discriminates in favour of men, as they are assumed to be heads of family and benefit from tax reductions accordingly. Furthermore, women are concentrated in middle-level jobs and only 10% of women in the public sector are employed in decision making positions. In the private sector, many women are employed in middle-level jobs in factories. The female literacy rate is 12%.

The government has undertaken two 4-year plans of action for the promotion of women with the objective of reducing inequalities between men and women. A new project being implemented together with the ILO, entitled PAMODEC, has the objective of promoting basic rights and reducing inequalities.

There is no specific legislation to protect disabled workers from discrimination, however unemployment rates among people with disabilities is high. The government has initiated an action plan aimed at improving the economic situation of the disabled.

### ***Conclusions***

*Women are mainly employed in subsistence farming. The female literacy rate is very low in all three countries. Efforts are being made to reduce inequalities between men and women, but differences remain significant.*

### **III. Child Labour**

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

#### ***Benin***

Children under the age of 14 are not allowed to work or take up an apprenticeship. However, in practice child labour is widespread and enforcement of legislation is limited to the modern wage sector, due to a lack of inspectors. Children, some as young as 7, work on family farms, in small businesses, in construction, in public markets, as street vendors and as domestic servants. The ILO estimated in 2000 that there were 223,000 children economically active, 92,000 girls and 131,000 boys.

Education is not compulsory, although the Constitution does state that every citizen has the right to education. Education is supposed to be cost-free, and in practice it is increasingly being provided on that basis. Primary school enrolment is 95% for boys and only 66% for girls. Secondary school enrolment is only 26% for boys and 12% for girls, although progress has been made over the past years. Abuse of children is a serious problem, including the custom of “vidomegon”, where children of poor rural families are placed with a wealthy family to work for them. 95% of these children are girls, and abuse is common, including sexual exploitation.

#### ***Burkina Faso***

The minimum age for employment is 14 years, however, in practice child labour is a problem. Children are allowed to work under the age of 14 in agriculture and domestic work, up to four and a half hours a day. According to Ministry of Labour figures for the year 2000, more than 50% of children worked, mainly as domestic servants, in agriculture or in mining, and also in small family owned businesses. The ILO estimates that 70% of the children work in the informal economy. Labour legislation is not sufficiently enforced, although government programmes have been set up to eliminate child labour. Estimates by the ILO show 679,000 economically active children in 2000, 317,000 of them girls and 362,000 boys.

The law provides for free and compulsory education, but in practice the government does not provide sufficient means for universal free primary education. Many children do not attend schools, in particular girls, who represent only 38% of school enrolment. This percentage is even lower in rural areas, and some areas have illiteracy rates among girls of 95%.



## ***Mali***

Children between 12 and 14 years of age have the right to work two hours per day during school vacations with the approval of their parents. Children between the ages of 14 and 16 have the right to work four and a half hours per day with the permission of the labour inspector. ILO estimates for the year 2000 indicated 820,000 economically active children, 393,000 girls and 427,000 boys.

Most children work in agriculture, on family farms or in the urban informal economy, for example as street vendors, or in craft and cottage industries. They are not protected by labour legislation. Enforcement of the law and labour inspections are only conducted in the formal economy.

Education is, in theory, free and compulsory up to the age of 12. However in practice only 56% of children receive primary education, mainly due to a lack of schools, in particular in rural areas. There is also a shortage of teachers and materials. The proportion of girls in primary education is 36.53%. At secondary and technical levels this percentage is 25.93%, and in higher education the percentage of girls is only 13.72%. The literacy of girls is much lower than that of boys.

## ***Conclusions***

*Child labour is a serious problem in all three countries. Many children work in the informal economy, mainly in agriculture, on plantations or family farms, and also as street vendors. Some children are forced to work in domestic service. School enrolment is low, and there is a lack of schools, teachers and materials, especially in rural areas.*

## **IV. Forced Labour**

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

## ***Benin***

Forced labour is prohibited, but forced child labour is a serious problem. Some children are indentured to agents for farm work or domestic work, often due to the extreme poverty of their parents.

Benin is a source, transit and destination country for trafficking of people, in particular children. Children are trafficked to Ghana, Nigeria and Gabon for domestic servitude, farm labour and prostitution.

Children were also taken to Togo and Ivory Coast to work on plantations. Working hours are long, wages are low or non-existent and they are exposed to dangerous chemicals and use dangerous tools. According to a 1999 Government, World Bank and National Statistics Survey, 8% of the rural child population between 6 and 12 years work abroad, primarily as agricultural workers in Ivory Coast and as domestic workers in Gabon. In some villages up to 51% of the children were trafficked.

Increasingly, measures are being taken in order to stop the practice of forced child labour with the support of trade unions and of civil society.

### ***Burkina Faso***

The law prohibits forced labour, however there have been reports of employment of children in other families without status or remuneration, and the exploitation of immigrant girls.

Trafficking of women and children is a problem, and the government only has limited resources to combat trafficking. Burkina Faso is a source, transit and destination country for trafficked people. Malian children were trafficked through Burkina Faso to Ivory Coast, and Burkinabe children are trafficked to Ivory Coast, Ghana and Nigeria. The children are often forced to work on plantations (mainly cotton) under harsh circumstances for very low wages. There are cases of Burkinabe women being trafficked to Europe for forced prostitution.

### ***Mali***

Forced labour is prohibited, but reports exist of forced labour in mining communities in the north. There has been a long-standing hereditary servitude problem in the northern areas.

An estimated 15,000 children between 9 and 12 have been sold into forced labour on cotton, coffee and cocoa plantations in Côte-d'Ivoire, although recently Mali has signed conventions with the neighbouring countries of Burkina Faso, Côte-d'Ivoire and Senegal in order to prevent such trafficking. Many children are also forced into domestic service. They can be forced to work 12 hours a day without pay and are often physically abused.

### ***Conclusions***

*Forced labour is prohibited by law in all three countries. In practice however forced labour is a serious problem, and there are many reports of children forced into plantation work, domestic work or prostitution both within the countries and in neighbouring countries. Many of them are sold to traffickers.*

### ***Final Conclusions and Recommendations***

1. Legislation should be brought in line with Convention No. 87 and extend the right to organise to all workers, including seafarers (in the case of Benin).
2. All three governments need to take steps to improve implementation of labour law and extend the protection of labour law to workers in the informal economy.
3. Governments should take measures to prevent anti-union actions both in the public and private sector, in particular during strikes.
4. Regulations on requisitioning of civil servants during strikes has to be brought in line with ILO Convention No. 87 in both Benin and Burkina Faso. Other legislation restricting the right to strike (such as the two week notice period for strikes in Mali and the determination of a minimum service in public services during strikes in Mali) has to be brought in line with the Convention as well.
5. Many women are employed in subsistence agriculture and illiteracy rates among women are high. Serious efforts have to be made to increase employment of women in the formal wage economy, both in the public and private sector, and to increase the percentage of women in higher positions. There is a need to promote the situation of rural women, including through training and support for small businesses.
6. Serious efforts have to be made by the governments to eliminate child labour, and to bring labour legislation in line with Convention No. 138 where necessary. The Governments have to increase labour inspection in order to enforce labour legislation, particularly in the rural areas and the informal economy.
7. There is a need to increase school enrolment, in particular for girls and in rural areas. More resources have to be channelled to education.
8. More effective measures have to be taken to eliminate the trafficking of children for forced labour, in particular by the adequate application of severe penalties for traffickers and a change in legislation to allow children to denounce the traffickers. Increased cooperation with governments of neighbouring countries where trafficked children are exploited is urgently needed.
9. Cotton production is of vital interest for the three countries, both in terms of development and poverty reduction as well as in terms of political and social stability. Elimination of cotton subsidies by developed countries is urgently needed, and the development of a sustainable cotton and textile sector is required, including addressing the problem of child labour on plantations.

10. The governments of Benin, Burkina Faso and Mali should establish tripartite committees charged with the implementation and follow-up of the recommendations in this report.
11. In line with the commitments accepted by Benin, Burkina Faso and Mali at the Singapore, Geneva and Doha WTO Ministerial Conference and its obligations as a member of the ILO, the Governments of Benin, Burkina Faso and Mali should therefore provide regular reports to the WTO and the ILO on its legislative changes and implementation of all the core labour standards.
12. The WTO should draw to the attention of the authorities of Benin, Burkina Faso and Mali the commitments they undertook to observe core labour standards at the Singapore and Doha Ministerial Conferences. The WTO should request the ILO to intensify its work with the Governments of Benin, Burkina Faso and Mali in these areas and provide a report to the WTO General Council on the occasion of the next trade policy review.

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