

# **INTERNATIONALLY RECOGNISED CORE LABOUR STANDARDS IN TOGO**

## **REPORT FOR THE WTO GENERAL COUNCIL REVIEW OF THE TRADE POLICIES OF TOGO**

**(Geneva, 3 and 5 July 2006)**

### **EXECUTIVE SUMMARY**

**Togo has ratified all eight core ILO labour Conventions. However, in view of serious restrictions on the trade union rights of workers, discrimination, child labour and forced labour, determined measures are needed to comply with the commitments Togo 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.**

**Togo has ratified the ILO Convention on Freedom of Association and the ILO Convention on Collective Bargaining. However, legal restrictions to these rights exist and enforcement is not effective.**

**Togo has ratified the core ILO Convention on Equal Remuneration as well as the ILO Convention on Discrimination. Differences between men and women in the labour market are significant. Women are mainly employed in agriculture and in informal and unprotected employment, and remain largely underrepresented in formal work in the private sector and public sector.**

**Togo has ratified the ILO core Convention on the Worst Forms of Child Labour and the ILO Convention on Minimum Age. Child labour is common in Togo, including the worst forms of child labour. Child trafficking is a serious problem.**

**Togo has ratified both Conventions on Forced Labour. Forced labour is prohibited, but there are serious problems in particular with regard to trafficking of women and children for forced prostitution, forced labour and domestic work.**

## **INTERNATIONALLY RECOGNISED CORE LABOUR STANDARDS IN TOGO**

### **Introduction**

This report on the respect of internationally recognised core labour standards in Togo 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 Togo are the Confédération Nationale des Travailleurs du Togo (CNTT) and the Union Nationale des Syndicats Indépendants du Togo (UNSI).

The Togo economy depends on commercial and subsistence agriculture, employing 65% of the labour force. Main exports are cocoa, coffee, cotton and phosphates. Main export partners are Burkina Faso, Ghana, Benin, China, Mali, the Netherlands and Taiwan. Main imports are machinery and equipment, foodstuffs and petroleum products. Main import partners are China, France, Malaysia, Italy, Germany, the UK, the Netherlands, Thailand and Belgium. Main industries are phosphate mining, agricultural processing, cement, handicrafts, textiles, beverages.

Togo is a member of ECOWAS, the Economic Community of West African States, which was established in 1975. Within the framework of the Cotonou agreement, Togo is currently negotiating an Economic Partnership Agreement (EPA) with the European Union, together with the other ECOWAS countries.

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

Togo ratified Convention No. 87 on 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 1983.

Workers have the right to organize and join trade unions and have the right to strike, except for members of the security services, fire workers and the police. Foreign workers are not allowed to hold trade union posts, although a draft amendment has been prepared by the Government. Public sector health workers have the right to organize but do not have the right to strike. Strikers are not protected against reprisal measures.

Workers have the right to collective bargaining, which is limited however to a nationwide agreement to be negotiated and endorsed by representatives of the government, trade unions and employers and which sets nationwide wage standards for all formally employed workers.

Anti union discrimination is prohibited but not enforced effectively in practice.

Exemptions from some provisions of the Labour Code apply in Export Processing Zones or in companies with EPZ status, in particular with regard to regulations on hiring and firing. The Act, which establishes the export processing zones, does not exclude provisions of the Labour Code in respect of freedom of association in enterprises in the export processing zones. However, in practice unions are unable to set up in EPZs and unions receive no protection against anti-union discrimination. No statistics are available concerning unionization in EPZs in Togo.

### **Conclusions**

*Workers have the right to organise, the right to collective bargaining and the right to strike. Some categories of workers are excluded from these rights. In practice enforcement of protection of trade union rights is not effective.*

## **II Discrimination and Equal Remuneration**

Togo has ratified Convention No. 100 on Equal Remuneration and Convention No. 111 on Discrimination (Employment and Occupation), both in 1983.

The Labour Code requires equal pay for equal work. However, the CEACR report of 2004 noted that no concrete activities were developed to promote the implementation of the principle of equal remuneration for work of equal value. Neither did the government report include information on the results achieved to address the issue of occupational segregation and to promote women's access to higher level jobs.

Draft legislation on discrimination has been prepared as part of a draft Labour Code, to which the CEACR referred in its 2004 comments. This draft Code prohibits all discrimination in employment and occupation. However, some sections including those on sexual harassment and on discrimination in recruitment and dismissal, only apply to workers with a permanent contract.

The 2004 report of the Government to the CEACR Committee contained statistics which show that women make up only 21.4% of the employees in the public service, mainly in the health and education ministries and to a lesser extent in the ministries for economy, agriculture and the promotion of women. Furthermore, women are under-represented in higher job categories and decision-making posts, representing only 12% of employees at the two highest job levels.

The labour market is characterised by occupational segregation and most women are employed in subsistence farming. There are no statistics available on the earnings of men and women in the public and private sector.

In the area of education and vocational training inequalities between men and women continue to persist, despite some progress in access to education and vocational training. The male literacy rate is 68% compared to 38% for women.

Discriminatory practices in hiring exist against ethnic minorities in private sector.

### **Conclusions**

*Discrimination in employment and remuneration is prohibited but there are some legal shortcomings, and in practice discrimination exists. The labour market is characterised by occupational segregation. Most women are employed in informal and unprotected work and in subsistence farming.*

### **III. Child Labour**

Togo ratified Convention No. 138, the Minimum Age Convention in 1984 and Convention No. 182, the Worst Forms of Child Labour Convention in 2000.

The minimum age for employment is due to be raised from 14 to 15 years in the draft labour code, and to 18 years in some types of industrial employment. The legal provisions however only apply to work performed for and under the direction of an employer.

Education is compulsory for children up to the age of 15. UNICEF notes that “39 per cent of all school-age girls in the country are not enrolled or have dropped out of school, and the disparities in education are reflected in the very high gender gap that stands at 24 percentage points”. The primary school attendance rate for boys is 68%, compared to 59% for girls. The secondary school attendance rate is 21% for boys and 11% for girls.

ILO estimates showed that there were 161,000 economically active children for the year 2000 between the age of 10 to 14. They represent 26.8% of this age group, 81,000 girls and 80,000 boys. Many children are involved in small scale farming, trading and domestic work.

Around 16% of domestic workers are under 10 years, 50% under 14, and 65% under 15. Most of them are girls (90%).

Trafficking of children takes place in Togo, and Togo is a country of origin, transit and destination for trafficked children. Children are trafficked from Togo to Gabon, Nigeria, Côte d’Ivoire, Burkina Faso and in some cases to Europe.

The CEACR Committee notes in its 2005 report “the information contained in the ILO/IPEC summary report of 2000 for the LUTRENA Programme against trafficking (page 13), that studies have shown that children from Togo are taken through Benin and Nigeria to Gabon”. It further notes that “of 96 repatriated child victims of trafficking, 73 per cent were between 6 and 14 years of age, and 70 per cent were girls,” and that, “76 per cent of the children questioned had dropped out of primary school, 46 per cent worked in trading and 31 per cent in the agricultural sector. However, the girls transported to Burkina Faso or Niger were all engaged as general helps in small restaurants”.

Several measures have been taken such as the drafting of a Bill that sets a minimum age for the placement of children and punishing child trafficking. In 1999 a national action plan was

adopted by the Ministry of Social Affairs which established special programmes, including with ILO/IPEC. In 2001 a Memorandum of Understanding was signed between ILO/IPEC and the government. Public awareness programmes have been conducted and workshops organised for border police and law enforcement officers. Monitoring committees have been set up and mothers concerned have been given school supplies and economic support.

A study survey by the government shows that “a significant number of children from rural areas of Togo are taken to urban centres to perform domestic work, act as porters in major markets, serve in bars or for their sexual exploitation in Togo or abroad, mostly without employment contract and against their will”. The study further mentions that “children from Togo work on plantations in Côte d’Ivoire far from centres of habitation and therefore with no possibility of escaping from their owners”.

A Human Rights Watch report published in 2003 documents many examples of child labour and child trafficking in Togo, where children are either forced into labour on plantations or domestic work. Many of these children were orphans, and some as young as three years old. Prosecutions of child traffickers are inadequate according to the report, and so is protection for children who flee their traffickers.

The UN Committee on Economic, Social and Cultural Rights notes that children as young as two years old are trafficked for future work on plantations or as house servants. They are exploited and inadequately cared for.

The CEACR committee has requested information on the results achieved through the adoption of various measures and on legal action that has been taken against traffickers. The Committee notes that trafficking of children constitutes the worst forms of child labour and requires urgent action to secure prohibition and elimination.

### **Conclusions**

*Child labour is a serious problem in Togo and continues to exist. Children are engaged in domestic work, agriculture and trading. Trafficking of children for work on plantations or domestic work is widespread and not enough action has been taken, in particular in the area of prosecution. School attendance is low, particularly for girls.*

### **IV. Forced Labour**

Togo has ratified Convention No. 29, the Forced Labour Convention, in 1960 and Convention No. 105, the Abolition of Forced Labour, in 1999.

The law does not specifically prohibit forced labour or trafficking in persons. The new Labour Code is expected to prohibit forced or compulsory labour and will define the different forms of forced labour.

Trafficking is a problem, including of children. Children are trafficked to and from Togo (see the section on child labour above).

The United Nations Committee on Economic, Social and Cultural Rights in its conclusions on Togo of May 2001 expressed concern about the persistence in trafficking of women for the purpose of forced prostitution and of non-consensual labour.

### ***Conclusions***

*Forced labour is a problem in Togo, in particular related to the trafficking of women and children for forced prostitution or forced work.*

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

1. The government should bring legislation in line with the ILO Conventions on trade union rights through amending the provisions that restrict those rights.
2. The government should ensure the effective protection of trade union rights for all workers, in particular with regard to anti-union discrimination.
3. The government should ensure full application and enforcement of labour legislation to workers in Export Processing Zones, and ensure the right to organise in these zones as well as in companies with EPZ status.
4. Discrimination against women in the labour market is widespread. More effective measures have to be taken by the government to increase the participation of women in the formal economy, to increase the participation of women and girls in education and training, to improve participation of women in higher skilled jobs, and to end societal discrimination against women.
5. Continued efforts have to be made to eliminate the worst forms of child labour, in particular child trafficking for the purpose of forced labour, prostitution or domestic work. Prosecution of child traffickers has to be prioritised. More generally, labour inspection has to take place beyond the formal economy.
6. More priority has to be given to better access to education, and equal access to education for boys and girls.
7. An effective action programme must be implemented to end the trafficking of women for the purposes of sexual exploitation and forced labour.

8. In line with the commitments accepted by Togo at the Singapore, Geneva, and Doha WTO Ministerial Conference and its obligations as a member of the ILO, the Government of Togo should therefore provide regular reports to the WTO and the ILO on its legislative changes and implementation of all the core labour standards.
9. The WTO should draw to the attention of the authorities of Togo the commitments they undertook to observe core labour standards at the Singapore and Doha Ministerial Conferences. The WTO should request the ILO to intensify its work with the Government of Togo 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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