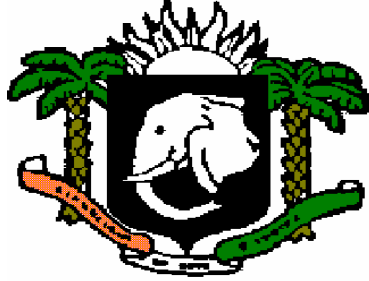


REPUBLIQUE DE COTE D'IVOIRE  
**Union-Discipline-Travail**



Cabinet du Premier Ministre

**MEMORANDUM PRESENTED BY THE GOVERNMENT OF THE  
REPUBLIC OF COTE D'IVOIRE**

---

**IN RESPONSE TO THE ENQUIRE MADE BY THE AMERICAN  
DEPARTMENT OF LABOR ON INFORMATION RELATIVE TO  
CHILD LABOR IN THE COCOA INDUSTRY IN COTE D'IVOIRE**

## **TABLE OF CONTENT**

### **I. Observation made by the U.S. administration**

1. Worst forms of child labor
2. Inadequate legal framework
3. On the enforcement of the laws
4. Recent efforts from the Government

### **II. Argumentation of the ivoirian government**

1. Worst forms of child labor
2. Inadequate leagal framework
3. On the enforcement of the laws
- 4.** Recent effors from the government

### **III. Actions taken by the ivoirian government**

1. Institutional dispositions
- 2.** Management organizations

### **IV. Observations**

### **II. Conclusion**

### **III. Exhibits**

## **I : OBSERVATION MADE BY THE U.S. ADMINISTRATION :**

After reading the enquiry made by the U.S. administration, it appears important for us to point out the following four major elements:

1. The emphasis put on the worst forms of child labor which could have been noticed in Cote d'Ivoire, through study reports, newspaper articles, and also stated in an audio-visual production
2. The observation of an inadequate legal framework containing however some laws banning labor for children under 14 and 18 years, and where there is a lack of specific laws on child labor in the cocoa industry
3. Looking at the enforcement of the law, there is no sign of legal prosecution to date.
4. The efforts made by the government of Cote d'Ivoire for the resolution of the problem of child labor in the cocoa industry

## **II. ARGUMENTATION OF THE GOVERNMENT OF COTE D'IVOIRE**

This argumentation is based on living experience on the ground in the technico-economic and social context. It also leans on actions and efforts of the Ivorian government to establish a legal framework to address issues related to child labor, and most particularly the worst forms of labor as well as the issues related to children trafficking.

### **1. On the worst forms of labor :**

. There are thousands of rural children but to conclude that they do work in cocoa farms, we need to refer to research sources

. The tools and products used are dangerous for anybody who is not in control. They are the only ones available for, cocoa farming is not yet mechanized

. The schooling rates in cocoa farming zones are the highest in Cote d'Ivoire, 70% against 56% nationally.

. In Cote d'Ivoire, cocoa farms just like any other farms have no electricity, it is therefore untrue to state that people work 10 to 20 hours a day.

. In Cote d'Ivoire the word plantation does not have the same connotation as in the USA. Here when we refer to plantation, we are talking about small parcels of 5 ha unlike the word referring to hundreds of hectares in the USA. Moreover, nobody sleeps on parcels in Cote d'Ivoire because there is no lodging. We are in family production (95% of productions)

. There is no salaries in family production. Any body working there is looked after by the head of the farm.

. The presence of children on the parcels during working hours is related to the social situation of their parents; there is no daycare center.

## **2. Inadequate legal framework**

### **2.1 Lack of specific law on Child labor**

It is true to say that there is no specific legislation today on child labor, however we must point out that there is no legal gap on the subject. The ivoirian constitution of August 1 stipulates in article 3 that, forced labor, inhuman and cruel, degrading and humiliating treatment, physical and moral torture, physical violence and mutilations and all forms of debasement of the human being. Article 6 obligates the State to insure the protection of children , elders and handicapped persons.

Cote d'Ivoire ratified 3 conventions which constitute the framework of legal reference in the field of child labor;

The labor code regulates child labor notably the interdiction of premature labor (art.23.8), the interdiction of night labor (22.2) for young workers under 18, the obligation imposed on employers to allow 12 cosecutive hours of rest to working children (22.3)and the interdiction of forced labor or compulsory (22.3) and the interdiction hard labor (art.22.3).

Forced and compulsory labor is punished by art.378 of the penal code. The use of children in production and the drugs traffic are punished (art.2 law 88-686 of July 22, 1988).

The use recruitment or give away of a child for prostitution purposes is severely punished by the penal code (art.335 to 340 and 355 to 357).

Beyond the fact that the law is applied to multinationals and the public sector, it also applies in the formal sector.

### **2.2 The Lack of specific laws on child trafficking**

It is true to say that there is no specific law on child trafficking. However with the enforcement of art 370 and following the penal code the ivoirian jurisdictions do punish child traffickers under the pretence of children abduction and sequestration of minors of 15 year old. Moreover, child trafficking can be repressed under the pretence of child neglect by the enforcement of articles 363 and 365 of the penal code.

### 3. Enforcement of the positive law mechanism:

#### 3.1 Absence of signs of law suits:

In the request made by the U.S. government, it was question of lack of reports on the repression of traffickers. We have our disposition of examples on suppressed cases:

- Judgements nb 205/2000 of Mai 31, 2000, and nb 216/2001 of June 20, 2001 of the section of the tribunal of Bondoukou sentencing an ivoirien, a togolais, and a ghanais woman to imprisonment and fines for abduction without fraud nor violence to the terms of art.371 line 1 of the penal code. They are charged with child trafficking transporting them from neighboring countries to Cote d'Ivoire for work.
- Judgements numbers 314/2001 of June 13, 2001, 342/2001 of June 27, 2001 and 85/2002 of February 15, 2002 of the court of first instance of Abengourou sentenced three ivoiriens and two togolais to imprisonments and fines for convention with subject of alienating the freedom of third parties to the terms of articles 376 and 379 of the penal code. They are charged with making children work notably in farms for a fee and without their consent. The children are transported from neighboring countries and placed against remuneration.
- Judgement number 270/2002 of Mai 8 2002 of the section of the tribunal de Soubré sentences on beninois to imprisonment and fine **for abduction of minors, convention related to alienation of the freedom of a third party and forced labor on other** according to articles 370, 376, 378 and 379 of the penal code. He is charged with bringing children from Benin through a traffic since 1998/1999; to make them work with compatriots for remuneration and often against their will.

#### 3.2 Enforcement of labor laws in all sectors :

Labor laws in Cote d'Ivoire are enforced in all sectors of activities however the laws on minimum age of admission to child labor are enforced only in the public sector and in multinationals.

This statement is a bit exaggerated in the sense that this law is enforced in whole formal sector, namely all sectors subject to control; which is not limited to the two sectors mentioned by the U.S. administration.

#### **4. Recent efforts of the ivoirian Government**

The national committee on Children's Rights in their observations on the final report of Cote d'Ivoire in June 2001, expressed their concern on the existence of trafficking and exploitation which are devastating to the development and education of children. Moreover, in response to the accusations portaying Cote d'Ivoire as a country using children as slaves in the sector of agriculture, many actions were taken.

##### **4.1 At the international level**

The government of Cote d'Ivoire has multiplied plea efforts to the international community to gain their support in the fight against trafficking and child labour.

Some information and awareness campaigns have been conducted in April and June 2001, in Great Britain by the Ministry of the Family, Woman and child and the Ministry of Agriculture and Animal Resources.

The ivoirian government authorized many western media (BBC, DER STERN, NEW-YORK TIMES...) to go any where in the country for open investigation and research on child labour in cocoa and coffee farms.

##### **4.2 On the regional and sub-regional level,**

Cote d'Ivoire participated in many regional and sub-regional concertations:

- The workshop on child labour and trafficking, girls serving in household in particular in West and Central Africa, held in Cotonou, Benin in 1998;
- The signing with Mali, on September 1, 2000, of a cooperation agreement relative to the fight against the transbordering children trafficking;
- The workshop in Libreville and Lomé in February and Mai 2000 on children trafficking, followed by the adoption of some common action plans.
- Awareness missions sent by the Prime Minister in Mali, Guinea and Burkina Faso
- The first meeting of the monitoring committee of the cooperation agreement between Cote d'Ivoire and Mali on the fight against transbordering child trafficking from the 12 to the 14 March in Bamako.
  - The creation by decree n0 2001-467 of July 25, 2001, of a national committee for fight against trafficking and child exploitation (CNLTEE)
  - Participation to the sub-regional workshop on child trafficking and trade in West Africa from the 22 to 23 March in Bamako.

Several similar meetings took place in the framework of the fight against trafficking and child labour.

### **4.3 At the national level**

Since 2000, Cote d'Ivoire in collaboration with partners, some national and international NGO's , took some actions of prevention, protection and repression to put in place legal framework for the different ratifications. They also took measures for the backing of the institutional framework

- Cote d'Ivoire put together in September 1992, an action plan for the survival, the development, and the protection of children according to the recommendations of the world summit of 1990, and presented its report in front of the committee in charge of the implementation the children's right convention
- Some awareness campaigns were undertaken in possible zones of utilization of child labour.
- The limitation of the minimum employment admission age and the regulation of child labour were adopted.
- The identification and repatriation children victim of trafficking for work exploitation and the condemnation of the authors of those traffics were done.
- The creation of the Ministry in charge of child protection
- The creation by decree n0 2001-467 of July 25, 2001, of a national committee for fight against trafficking and child exploitation (CNLTEE)
- A bill specific to the exploitation en child trafficking is in progress for adoption at the parliament.
- Some police investigations helped intercept, according to the Territory Surveillance Departement (DST), 700 children victim of trafficking and 100 offenders. Some the offenders were incarcerated for 5 years without parole.
- The creation Monitoring Committee of the fight against child labour
- The preparatory seminar, for the national action plan against child labor.
- The deregulation of school uniform and the distribution of school kits to allow more children to access school,
- The reduction of school manual prices
- Many awareness campaigns were organized namely by the Ministry in charge of the Family, the Woman and Child, in collaboration with partners, national and international NGOs and central unions. These campaigns aimed at informing and drawing attention to all the communities living in Cote d'Ivoire on the fact that the exploitation and child labour represent an offence to the rights and well being of children.

#### **. The establishment of a legal framework**

**2000 :**

The signature between Cote d'Ivoire and Mali of a bilateral cooperation accord related to the fight against transbordering traffic of children on September 1, 2000 in Bouaké Cote d'Ivoire.

This accord determines for each State member, some common and individual obligations for a period of three years renewable. In the context of this accord, a permanent monitoring committee has been established

## **2001 :**

The first meeting was held from the 11 to the 14 August 2001 in Bamako, Mali

## **2002 :**

- **The ratification of the African Charter for the Rights and Well-being of Children**

This regional convention ratified by Côte d'Ivoire in January 2002, is the legal African instrument of reference in the framework of the protection of children.

- **The ratification of the Convention 138 of the I.L.O.**

The Convention 138 of the I.L.O. on the minimum age admission to employment or labor adopted on June 26, 1973 by the General Conference of I.L.O. in Geneva and ratified by Côte d'Ivoire on June 7, 2003, sets the minimum age admission to employment at 14 years.

- **The ratification of the Convention 182 of the I.L.O.**

The Convention 182 on the worst forms of child labor was adopted on June 17, 1999 by the General Conference of the I.L.O. in Geneva and ratified by Côte d'Ivoire on February 7, 2003. It invites countries to put in place action plans to eliminate the worst forms of child labor.

## **The backing of the institutional framework**

- **The Creation of the Ministry of the Family, Woman and Child**

After the acknowledgement of children trafficking in Côte d'Ivoire in the first quarter of 2000, the fight was built up by the creation in October 2000 of the Ministry of the Family, Woman, and Child, where is established the Department of Regulations and Protection, in charge of the coordination of child protection actions, which created a division for the fight against Trafficking and child exploitation.

- **The creation of the National Committee of the Fight against Trafficking and Child Exploitation (CNLTEE).**

With the goal of fighting more efficiently against trafficking and child exploitation the Ivorian government created by decree nb 2001-467 of July 25 2001, the National Committee for the Fight against Trafficking and Child Exploitation. This committee, composed of (9) technical ministries, national and international NGOs, the concerned citizens, and development partners has for mission:



- to assist the MFWC in the definition of policies, programs and actions in the context of the fight against trafficking and child exploitation;

- to insure the monitoring of the enforcement of the cooperation accords signed between Cote d'Ivoire and the other countries in the fight against trafficking and children exploitation;

-to provide consultative point of views or make recommendations on any other question related trafficking and child exploitation

### **Actions for the fight against trafficking child exploitation**

- **Prevention**

Prevention is determining factor in the fight against this phomenon. Aware of this fact, the concerned players took preventives measures translated in :

- The organization of an awareness campaign of the communities and families on the exploitation young girls house aids and the agricultural labor in Bouaké, Abidjan, in cities like Korhogo, Ferkessedougou, Ouangolodougou, Aboisso, Noé and in agricultural production zones such as Issia, Issia, Soubré, Bouaflé;

- The creation local commitees of vigilance to involve the village authorities (Aboisso)

- The Research on the following topics :

« The situation child labor in Cote d'Ivoire», made in Cote d'Ivoire by the Ministry of Solidarity, Social Security and Handicapped People, with the support of UNICEF;

“ Child labor inagricultural production” is a “Community Study on child labor in rural area”, made by the Ministry of Agriculture, with the support of the I.L.B. in June 2002.

The signing of the memorandum accord between the Government of Cote d'Ivoire and the I.L.B. in August 2003, which in the one hand shows the personal commitment of the I.L.B. to the ivorian government in the fight against trafficking and children exploitation and on the other hand the participation of our country in the international Program for the Eradication of Child Lbor (IPEC)

The organization of seminars, awareness and training seminars of the concerned players on the fight against the phenomenon, namely the security and defense forces, the magistrates (4-6 December 2003 in Bassam, 10-12 March 2004, 16-18 March in Aboisso).

Le renforcement des contrôles aux frontières et sur les corridors.

The Buildup of border controls and on check points.

The elaboration of a National Action Plan for the fight against trafficking and children exploitation.

### **The protection of the victim children/ repression of traffickers**

In lack of specific law repressing children trafficking, we refer to the Ivorian penal code in its articles 370 and up which allow the repression of traffickers for abduction. Referring to the penal code, about 200 traffickers have been arrested and incarcerated to date.

Police engaged actions helped intercept, according to the Department of Territory Surveillance (DST), 700 Burkinabes, , maliens, togolais, béninois, nigériens, ivoiriens, etc. children victims of trafficking.

The intercepted children in Côte d'Ivoire and on the farming sites were welcomed in shelters of the BICE, the Abel Community, the ASA and the EASEMO, where they benefited from nutritional, sanitary, psychological supports, before being repatriated back to their families.

A bill relative to child trafficking has been elaborated and adopted in the government weekly briefings and is in process to pass at the parliament

## **IV. STEPS TAKEN BY THE IVORIAN GOVERNMENT**

### **1. At the institutional level**

- **Steps taken by the technical ministries in charge of agricultural sectors, including cocoa**

The ministries in charge of agriculture, territorial administration, labor and public function, and security each act to their own level to address the issue of trafficking and child exploitations. Some focal points at the level of the technical ministries members of the national committee of the fight against children trafficking and exploitation (CNLTEE).

- **The creation of the Ministry of the Family, Woman and Children**

After the rising of children trafficking in Côte d'Ivoire, during the first quarter of 2000, the fight was built up by the establishment in October 2000 of the Ministry of the Family, the Woman and Children, among which was created The Department of Regulation and Protection, in charge of the coordination of children protection actions, which created the decision of the fight against Trafficking and children exploitation