

Burkina Faso

Government Programs and Policies to Eliminate the Worst Forms of Child Labor

The Government of Burkina Faso developed a national plan of action on child labor,⁵⁴² and has been a member of ILO-IPEC, since 1999.⁵⁴³ In a 2001 diplomatic note to foreign ministries, the government appealed to the international community to help eradicate child trafficking and reaffirmed its commitment to conventions guaranteeing children's rights.⁵⁴⁴ Burkina Faso is one of nine countries participating in the USDOL-funded ILO-IPEC project to combat the trafficking of children for exploitative labor in West and Central Africa.⁵⁴⁵ The government and ILO-IPEC have also launched a national program to contribute to the elimination of the worst forms of child labor.⁵⁴⁶ In 2002, the government was preparing to implement a national child labor survey in Burkina Faso, with technical assistance from ILO-IPEC's SIMPOC, to measure the nature and extent of child labor at the national level.⁵⁴⁷ In May 2001, the military held a workshop on children's rights, and the government organized seminars for customs officers on how to detect and apprehend child traffickers.⁵⁴⁸ The government is also producing and distributing documentaries on child labor in the mining, apprenticeship, and domestic service sectors, and producing a television series on child labor.⁵⁴⁹

In September 2002, the Government of Burkina Faso launched a 10-Year Basic Education Development Plan (2001-2010), which is projected to cost CFA 235 billion (USD 373 million).⁵⁵⁰ Eighty-two percent of the funding for the education plan will be allocated to improve primary

⁵⁴² The national plan of action and sector specific plans of action were based upon studies conducted from November 1997 to May 1998, on child labor in gold washing, agriculture and animal husbandry, girls working in urban environments and child apprenticeship in hazardous industries. Ambassador Tertius Zongo, *La Lutte Contre le Travail des Enfants au Burkina Faso*, public comment submitted to the U.S. Department of Labor, Washington, D.C., September 2002, 8.

⁵⁴³ ILO-IPEC, *All about IPEC: Programme Countries*, [online] February 12, 2002 [cited August 29, 2002]; available from <http://www.ilo.org/public/english/standards/ipec/about/countries/index.htm>.

⁵⁴⁴ U.S. Embassy- Ouagadougou, *unclassified telegram no.1505*, September 2001.

⁵⁴⁵ The regional child trafficking project now covers Benin, Burkina Faso, Cameroon, Côte d'Ivoire, Gabon, Ghana, Mali, Nigeria, and Togo. See ILO-IPEC, *Combating the Trafficking of Children for Labor Exploitation in West and Central Africa (Phase II)*, project document, RAF/01/P53/USA, Geneva, July 2001, 1.

⁵⁴⁶ Ambassador Tertius Zongo, *public comment*, September 2002, 8. See also ILO-IPEC, *IPEC Action Against Child Labor 2000-2001: Progress and Future Priorities*, annual report, Geneva, January 2002, 62.

⁵⁴⁷ ILO-IPEC official, electronic communication to USDOL official, August 28, 2002.

⁵⁴⁸ U.S. Embassy- Ouagadougou, *unclassified telegram no. 1505*.

⁵⁴⁹ *Ibid.* See also Ambassador Tertius Zongo, *public comment*, September 2002, 9.

⁵⁵⁰ Integrated Regional Information Networks, "Burkina Faso: Focus on New Plan for Basic Education", IRINnews.org, [online], September 23, 2002 [cited September 23, 2002]; available from http://www.irinnews.org/report.asp?ReportID=30039&SelectRegion=West_Africa&SelectCountry=BURKINA_FASO.

school level education, primarily in rural areas.⁵⁵¹ Between the years 1990 and 2000, the government increased the portion of the education budget dedicated to basic education and invested in the construction of additional school facilities.⁵⁵² UNICEF has worked with the government to fund programs such as the building of satellite schools and non-formal basic education centers, promoting community participation in schooling, producing textbooks, and building the capacity of the education system.⁵⁵³

Incidence and Nature of Child Labor

In 2000, the ILO estimated that 43.5 percent of children ages 10 to 14 years in Burkina Faso were working.⁵⁵⁴ In Burkina Faso, most working children are found in agriculture, gold washing and mining, and informal sector activities including domestic service.⁵⁵⁵ Burkina Faso is a source, transit, and destination country for trafficked children.⁵⁵⁶ Children trafficked into Bobo-Dioulasso and Ouagadougou to work as domestic servants, street vendors, in agriculture, and in prostitution.⁵⁵⁷ An ILO study estimated that more than 81,000 children in Burkina Faso's two largest cities, Bobo-Dioulasso and Ouagadougou, have been "placed" in work situations by an intermediary.⁵⁵⁸ The HIV/AIDS epidemic has orphaned numerous children, thereby increasing the population of street children, an at-risk group for child labor.⁵⁵⁹

⁵⁵¹ Ibid. For currency conversion see FX Converter, [online] [cited November 13, 2002]; available from <http://www.carosta.de/frames/convert.htm>.

⁵⁵² World Bank, *Burkina Faso Qualifies for HIPC Debt Relief Totaling USD 700 Million: West African Country Completes Original HIPC Initiative and Qualifies for Additional Relief Under Enhanced Framework*, news release, no. 2001/008/S, Washington, D.C., July 11, 2000, [cited August 13, 2002]; available from <http://www.worldbank.org>.

⁵⁵³ UNICEF, *Girls' Education in Burkina Faso*, [online] [cited September 1, 2002]; available from http://www.unicef.org/programme/girlseducation/action/ed_profiles/Fasofinal.PDF. See also UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties under Article 44 of the Convention: Concluding Observations of the Committee on the Rights of the Child: Burkina Faso*, CRC/C/15/Add.193, United Nations, October 2002, para. 50 [cited December 26, 2002]; available from <http://www.unhcr.ch/html/menu2/6/crc/doc/co/burkinaCO2.pdf>.

⁵⁵⁴ World Bank, *World Development Indicators 2002* [CD-ROM], Washington, D.C., 2002.

⁵⁵⁵ Ambassador Tertius Zongo, *public comment, September 2002*, 7. Children start working in the mining sector in Burkina Faso as part of households, at the age of 6. In one mining town in northern Burkina Faso half the residents were under 15 and most of them worked in mines. Under government regulations, children should be over the age of 19 before they work underground in mines. In reality some children are barely teenagers before they begin such work. Accidents are frequent as is collapse due to the crowding of people digging in mineshafts. Ambassador Tertius Zongo, *public comment, September 2002*.

⁵⁵⁶ U.S. Department of State, *Trafficking in Persons Report- 2002: Burkina Faso*, Washington, D.C., June 5, 2002, 34 [cited December 26, 2002]; available from <http://www.state.gov/g/tip/rls/tiprpt/2002/10679.htm>.

⁵⁵⁷ ILO-IPEC, *Combating the Trafficking of Children for Labor Exploitation in West and Central Africa*, synthesis report, Abidjan, 2001, 9, 11 [cited December 26, 2002]; available from <http://www.ilo.org/public/english/standards/ipecc/publ/field/africa/central.pdf>.

⁵⁵⁸ Christopher Palmer, U.S. Embassy- Ouagadougou, electronic communication to USDOL official, April 15, 2002.

⁵⁵⁹ President of Burkina Faso, H.E.M Blaise Compaore, Address at the XII International Conference on AIDS and Sexually Transmitted Diseases in Africa (CISMA), August 10, 2001, [cited December 26, 2002]; available from <http://www.cisma2001.bf/us/index.htm>.

In 1996, the Education Act made schooling compulsory from age 6 to 16.⁵⁶⁰ In 1998, the gross primary enrollment rate was 42.3 percent, and the net primary enrollment rate was 33.9 percent.⁵⁶¹ School enrollment is lower among children in rural areas, and particularly among girls.⁵⁶² In 1992/3, the gross primary school attendance rate was 39.8 percent while the net primary school attendance rate was 31.1 percent.⁵⁶³ Attendance rates also reflected the gender disparity in access to education; in 1992-1993, the gross attendance rate for boys was 47 percent and 32.5 percent for girls.⁵⁶⁴ The net attendance rate was 36.2 percent for boys and 26 percent for girls.⁵⁶⁵ In principle, the government bears the cost of primary and secondary education, but communities are frequently responsible for constructing primary school buildings and teachers' housing. Even when schools are present, many families cannot afford school fees.⁵⁶⁶

Child Labor Laws and Enforcement

The Labor Code sets the minimum age of employment in Burkina Faso at 14 years, but children who are 12 or 13 years old may perform light work for up to four and a half hours per day in the domestic and agricultural sectors; other light work is permitted for children under the age of 12.⁵⁶⁷ Therefore according to the law, children may start working fulltime at age 14, but are required to remain in school until the age of 16.⁵⁶⁸ Slavery and like practices, cruelty toward children, and the degradation of human beings are forbidden by the Labor Code (Article 2).⁵⁶⁹ While trafficking is not specifically forbidden, a number of laws may be used to prosecute traffickers.⁵⁷⁰ The Penal Code forbids direct and indirect involvement in the prostitution of persons, and explicitly proscribes

⁵⁶⁰ UN Committee on the Rights of the Child, *Initial Reports of State Parties due in 1997: Burkina Faso*, CRC/C/65/Add.18, prepared by Government of Burkina Faso, pursuant to Article 44 of the Convention on the Rights of the Child, February 2002, paras. 341, 69.

⁵⁶¹ World Bank, *World Development Indicators 2002*.

⁵⁶² IMF and International Development Association, *Burkina Faso: Completion Point Document for the Original Heavily Indebted Poor Countries (HIPC) Initiative and Second Decision Point for the Enhanced HIPC Initiative*, Washington, D.C., June 2000, 10.

⁵⁶³ USAID, *Global Education Database 2000* [CD-ROM], Washington, D.C., 2000. In 2000-2001, the reported attendance ratio was 42.7. See U.S. Embassy- Ouagadougou, *unclassified telegram no. 1505*.

⁵⁶⁴ USAID, *Global Education Database 2000*.

⁵⁶⁵ *Ibid.*

⁵⁶⁶ U.S. Embassy- Ouagadougou, *unclassified telegram no. 1505*.

⁵⁶⁷ *Ibid.* See also Diedi Dembele, U.S. Department of State, electronic communication to USDOL official, December 5, 2001.

⁵⁶⁸ U.S. Embassy- Ouagadougou, *unclassified telegram no. 1505*.

⁵⁶⁹ UN Committee on the Rights of the Child, *Initial Reports of State Parties: Burkina Faso*, para. 455.

⁵⁷⁰ U.S. Embassy- Ouagadougou, *unclassified telegram no. 1153*, June 2001.

the prostitution of persons less than 18 years of age.⁵⁷¹ Contributing to the corruption or debauchery of a minor is also illegal.⁵⁷² Penalties specified for these crimes apply even if the offences are committed in different countries.⁵⁷³

The Ministry of Social Affairs and the Directorate of Labor, Health, and Security, Child Labor and Trafficking Division at the Ministry of Labor enforce child labor laws.⁵⁷⁴ The Ministry of Labor has few inspectors to enforce labor laws, and the government has minimal resources to conduct child labor investigations.⁵⁷⁵ In 1997, the government conducted an investigation targeting the employers of 2,000 children in the agriculture, mining, and domestic sectors, and in 2001, the government prosecuted a foreign national accused of trafficking children in Burkina Faso.⁵⁷⁶

The Government of Burkina Faso ratified ILO Convention 138 on February 11, 1999 and ILO Convention 182 on July 25, 2001.⁵⁷⁷

⁵⁷¹ Indirect or direct involvement is meant to describe the action of a person who does any of the following: “knowingly aids, assists, or protects the prostitution of others of the solicitation for the purposes of prostitution; shares, in any manner whatsoever, in the profits, or receives subsidies from [the prostitution of others]; knowingly lives with a person regularly engaged in prostitution; engages, entices, or supports a person for the purpose of engaging in prostitution or debauchery, or delivers a person into prostitution or debauchery; or serves as an intermediary . . . between persons engaging in prostitution or debauchery and individuals who exploit or remunerate the prostitution or debauchery of others.” See Government of Burkina Faso, *Criminal Code*, Articles 334 and 34-1 [cited October 13, 2002]; available from www.protectionproject.org.

⁵⁷² Article 334-1 of the Burkina Faso Criminal Code makes illegal the *regular* contribution to the corruption of a juvenile under age 21 and the *occasional* contribution to the corruption of a juvenile under age 16. *Ibid.*, Article 334-1.

⁵⁷³ *Ibid.*

⁵⁷⁴ Penalties for child labor law violations include 3-month to 5-year prison sentences and fines ranging from CFA Franc-BCEAO 5,000 to 600,000 (USD 8 to USD 902). See U.S. Embassy- Ouagadougou, *unclassified telegram no. 1505*. For currency conversion see FX Converter, available from <http://www.carosta.de/frames/convert.htm>, [cited October 12, 2002].

⁵⁷⁵ U.S. Embassy- Ouagadougou, *unclassified telegram no. 1505*.

⁵⁷⁶ No child labor investigation or inspection has resulted in convictions or the imposition of fines, with the exception of efforts made to prosecute child traffickers. In May 2001, the governments of Burkina Faso and Cote D’Ivoire worked together to repatriate 104 children from Cote D’Ivoire. In June 2001, 10 children from Niger, ages 6 to 15, were intercepted by Burkinabe police in Dori. Also in 2001, police arrested and prosecuted a Ghanaian national for child trafficking. See U.S. Embassy- Ouagadougou, *unclassified telegram 1153*. See also U.S. Embassy- Ouagadougou, *unclassified telegram no. 1505*.

⁵⁷⁷ ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited August 29, 2002]; available from <http://ilolex.ch:1567/english/newratframeE.htm>.