

BURKINA FASO

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

The Government of Burkina Faso has been a member of ILO-IPEC since 1999.⁶⁷⁵ The government and ILO-IPEC have also launched a national program funded by France to contribute to the elimination of the worst forms of child labor.⁶⁷⁶ In 2003, USDOL funded a USD 3 million education initiative to increase enrollment in and graduation from basic education programs among children at risk of child trafficking in Burkina Faso.⁶⁷⁷ A national child labor survey project was funded in 2002 and is currently in the design and implementation stages.⁶⁷⁸ 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; the project began in July 2001 and is scheduled for completion in July 2004.⁶⁷⁹ In June 2002, the U.S. State Department's Africa Bureau announced its West Africa Regional Strategy to Combat Trafficking in Persons, which includes Burkina Faso.⁶⁸⁰ In January 2002, officials from Burkina Faso attended a meeting organized by the Government of Côte d'Ivoire, in collaboration with INTERPOL, to discuss child trafficking in West and Central Africa. Issues that were covered included the prevention of trafficking and the rehabilitation of trafficking victims. In the resulting declaration, the Yamoussoukro Declaration, the conference participants pledged to conduct coordinated information campaigns on child trafficking.⁶⁸¹

The Ministry of Social Action and National Solidarity collaborated with other governmental agencies and NGOs to create Vigilance and Surveillance Committees for child trafficking, open transit centers for trafficked children, and carry out awareness-raising activities for bus drivers, bus terminal workers and others.⁶⁸² Highway police have received sensitization training on child trafficking.⁶⁸³ In partnership with NGOs, UNICEF and the ILO, the government has organized workshops and seminars on child trafficking and child labor.⁶⁸⁴

⁶⁷⁵ ILO-IPEC, *All about IPEC: Programme Countries*, [online] February 12, 2002 [cited July 30, 2003]; available from <http://www.ilo.org/public/english/standards/ipecc/about/countries/index.htm>. The Government of Burkina Faso developed a national plan of action on child labor in 1997. 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 DC, September 2002, 8. See also, U.S. Department of State, *Country Reports on Human Rights Practices - 2002 Burkina Faso*, March 31, 2003 [cited June 23 2003]; available from <http://www.state.gov/g/drl/rls/hrrpt/2002/18170pf.htm>.

⁶⁷⁶ Zongo, *public comment*, 8. See also ILO-IPEC, *IPEC Action Against Child Labor 2000-2001: Progress and Future Priorities*, annual report, Geneva, January 2002, 26, 62.

⁶⁷⁷ U.S. Department of Labor - International Child Labor Program, *Training and Education Against Trafficking*, Project Summary, 2003.

⁶⁷⁸ ILO-IPEC official, electronic communication to USDOL official, August 27, 2002. See also, ILO-IPEC, *About SIMPOC*, April 9, 2003 [cited August 18, 2003]; available from <http://www.ilo.org/public/english/standards/ipecc/simpoc/about.htm>.

⁶⁷⁹ The regional child trafficking project covers Benin, Burkina Faso, Cameroon, Côte d'Ivoire, Gabon, Ghana, Mali, Nigeria, and Togo. See ILO-IPEC, *Combating the Trafficking in Children for Labor Exploitation in West and Central Africa (Phase II)*, project document, RAF/01/P53/USA, Geneva, July 2001, 1.

⁶⁸⁰ The strategy is intended to encourage governments in the region to develop and implement laws that allow for the prosecution of traffickers. As part of this strategy, U.S. missions in the region will focus U.S. Government resources to support efforts by host governments to prosecute traffickers, protect and repatriate victims, and prevent new trafficking incidents. The strategy will be implemented through improved coordination among donors, funding of regional and international organizations, and direct funding for host government or local NGOs. See U.S. Embassy- Abuja, *unclassified telegram no. 1809*, June 2002.

⁶⁸¹ UN Integrated Regional Information Networks, *Regional Efforts Against Child Trafficking*, allAfrica.com, [online] January 21, 2002 [cited November 2, 2002]; available from <http://allafrica.com/stories/200201210319.html>.

⁶⁸² Minister of Social Action and National Solidarity Mariama Lamizana, and Jean Baptiste Zoungrana, and Bernadette Bonkougou, Ministry of Social Action and National Solidarity Officials, meeting with USDOL Official, January 21, 2003. In October 2001, the Ministry established a transit center for trafficked children. In addition to receiving trafficked children and returning them to their communities, the center conducts awareness-raising for bus drivers and terminal workers among others. Ms. Zongnaba, Ministry of Social Action and National Solidarity, meeting with USDOL Official, January 21, 2003. See also, U.S. Embassy- Ouagadougou, *unclassified telegram no. 1021*, August 2003.

⁶⁸³ Rasmané Ouangraoua and Pascal Sindgo, National Police Officials, meeting with USDOL Official, January 24, 2003.

⁶⁸⁴ U.S. Embassy- Ouagadougou, *unclassified telegram no. 1021*.

In 1986, the Ministry of Social Action and National Solidarity established the Center for Specialized Education and Training to assist street children; it currently serves boys referred by the Ministry of Justice and boys with behavioral problems who are sent to the Center by their parents.⁶⁸⁵ In addition, the government has produced documentary films on child labor in the mining and domestic service sectors, and has produced a television series on child labor.⁶⁸⁶

In June 2002, the Government of Burkina Faso was selected to receive funding from the World Bank and other donors under the Education for All Fast Track Initiative, which aims to provide all children with a primary school education by the year 2015.⁶⁸⁷ In September 2002, the Government of Burkina Faso launched a 10-Year Basic Education Development Plan (2001-2010), which is projected to cost 235 billion CFA francs (USD 350 million).⁶⁸⁸ Eighty-two percent of the funding for the education plan will be allocated to improve primary school level education, primarily in rural areas.⁶⁸⁹ Between 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.⁶⁹⁰ UNICEF has worked with the government to fund programs like 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.⁶⁹¹ The Ministry of Basic Education is working with Catholic Relief Services and the World Bank on a school health program.⁶⁹²

Incidence and Nature of Child Labor

In 2001, the ILO estimated that 41.9 percent of children ages 10 to 14 in Burkina Faso were working.⁶⁹³ In Burkina Faso, most working children are found in agriculture, gold washing and mining, and informal sector activities; vending and domestic service are significant sectors for girls.⁶⁹⁴ Children working in agriculture have been found to be overworked and suffer from injuries such as snakebites.⁶⁹⁵ Burkina Faso is a source, transit, and

⁶⁸⁵ Ministry of Social Action and National Solidarity Officials from the Center for Specialized Education and Training, with USDOL Official, January 21, 2003.

⁶⁸⁶ U.S. Embassy- Ouagadougou, *unclassified telegram no. 1021*. See also, Zongo, *public comment*, 9.

⁶⁸⁷ World Bank, *World Bank Announces First Group of Countries for 'Education for All' Fast Track*, press release, Washington, D.C., June 12, 2002.

⁶⁸⁸ The plan is implemented as part of Burkina Faso's Poverty Reduction Strategy supported by the World Bank, Burkina Faso Ministry of Economy and Development and Ministry of Finance and Budget, *Burkina Faso Poverty Reduction Strategy Paper: Progress Report 2001*, The World Bank, September, 2002. . See also, Integrated Regional Information Networks, *Burkina Faso: Focus on New Plan for Basic Education*, [online] September 23, 2002 [cited July 7, 2003]; available from <http://www.irinnews.org/report.asp?ReportID=30039>. Currency conversion at <http://www.carosta.de/frames/convert.htm> on 7/8/03 using the average currency exchange rate (.00149 XOF = 1 USD) for the month of September 2002.

⁶⁸⁹ Integrated Regional Information Networks, *Burkina Faso: Focus on New Plan for Basic Education*..

⁶⁹⁰ 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] July 11, 2000 [cited July 7, 2003]; available from <http://www.worldbank.org>.

⁶⁹¹ Mamadou Bagayoko, UNICEF official, and Remy Habou, and Adama Traoré, Ministry of Basic Education and Literacy Officials, meeting with USDOL Official, January 22, 2003. See also, UNICEF, *Girls' Education in Burkina Faso*, [online] [cited July 7, 2003]; available from http://www.unicef.org/programme/girlseducation/action/ed_profiles/Fasofinal.PDF

⁶⁹² Anne Smith and Moussa Dominique Bangre, Catholic Relief Services Officials, Meeting, January 20, 2003 with USDOL Official, January 20, 2003.

⁶⁹³ World Bank, *World Development Indicators 2003 [CD-ROM]*, Washington, D.C., 2003.

⁶⁹⁴ Zongo, *public comment*, 7.

⁶⁹⁵ Marie Berthe Ouédraogo, UNICEF Official, meeting with USDOL Official, January 20, 2003.

destination country for trafficked children.⁶⁹⁶ Studies indicate that a significant proportion of trafficking activity is internal.⁶⁹⁷ In 2002, the NGO Terre des Hommes Laussane estimated that 165,000 working children are separated from their parents.⁶⁹⁸ Children are trafficked into Burkina Faso's two largest cities, Bobo-Dioulasso and Ouagadougou, to work as domestic servants, street vendors, in agriculture, and in prostitution.⁶⁹⁹ An ILO study estimated that more than 81,000 children in these two cities have been "placed" in work situations by an intermediary.⁷⁰⁰

The Education Act made schooling compulsory from age 6 to 16.⁷⁰¹ In 2000, the gross primary enrollment rate was 44.3 percent (51.7 percent for boys and 36.8 percent for girls), and the net primary enrollment rate was 35.5 percent (41.6 percent for boys and 29.4 percent for girls).⁷⁰² School enrollment and literacy rates for girls are lower in rural regions than in urban regions.⁷⁰³ The Government of Burkina Faso reported that the attendance ratio for the 2000–2001 school year was 43.4.⁷⁰⁴ 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.⁷⁰⁵

Child Labor Laws and Enforcement

The Labor Code sets the minimum age for employment at 14 years, but children who are 12 or 13 years old may perform light work for up to 4 and one-half hours per day in the domestic and agricultural sectors; other light work is permitted for children under the age of 12.⁷⁰⁶ Therefore under the law, children may start working fulltime at age 14, but are required to remain in school until the age of 16.⁷⁰⁷ Slavery and slavery-like practices, inhumane and cruel treatment, physical or emotional abuse of children are forbidden by the Burkinabe

⁶⁹⁶ U.S. Department of State, *Trafficking in Persons Report- 2003: Burkina Faso*, June 11, 2003 [cited June 23 2003]; available from <http://www.state.gov/g/tip/rls/tiprpt/2003/>.

⁶⁹⁷ Mariama Ouédraogo, ILO-IPEC Official, meeting with USDOL Official, January 20, 2003.

⁶⁹⁸ U.S. Embassy- Ouagadougou, *unclassified telegram no. 1021*.

⁶⁹⁹ ILO-IPEC, *Combating the Trafficking in Children for Labor Exploitation in West and Central Africa*, [synthesis report] 2001 [cited August 18 2003], 9, 11; available from <http://www.ilo.org/public/english/standards/ipec/publ/field/africa/central.pdf>.

⁷⁰⁰ U.S. Embassy- Ouagadougou official Christopher Palmer, electronic communication to USDOL official, April 15, 2002.

⁷⁰¹ 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, para. 341.

⁷⁰² USAID, *Global Education Online Database*, USAID, [database online] 2000 [cited July 8, 2003]; available from <http://qesdb.cdie.org/ged/index.html>.

⁷⁰³ U.S. Department of State, *Country Report 2002 Burkina Faso*, Section 5.

⁷⁰⁴ The attendance ratio may be an overestimate. U.S. Embassy- Ouagadougou, *unclassified telegram no. 1021*. The most recent attendance rates for girls and boys available are for the 1992–1993 school year. These rates reflect the gender disparity in access to education. The gross attendance rate for boys was 47.0 percent and 32.5 percent for girls in 1992–1993. The net attendance rate was 36.2 percent for boys and 26.0 percent for girls. In 1992–1993, the gross primary school attendance rate was 39.8 percent while the net primary school attendance rate was 31.1 percent. USAID, *Global Education Database 2000* [CD-ROM], Washington, D.C., 2000.

⁷⁰⁵ U.S. Embassy- Ouagadougou, *unclassified telegram no. 1021*.

⁷⁰⁶ See, Government of Burkina Faso, *Code du Travail*, Loi No 11-92/ADP, (December 22, 1992), Article 87; available from <http://natlex.ilo.org/txt/F92BFA01.htm>. See also U.S. Embassy- Ouagadougou, *unclassified telegram no. 1505*, September 2001, Diedi Dembele, electronic communication to USDOL official, December 5, 2001.

⁷⁰⁷ Despite legal precautions, many children do not attend school at all; the average age of completion for those who do is 14 years. U.S. Embassy- Ouagadougou, *unclassified telegram no. 1021*.

Constitution⁷⁰⁸ and forced labor is forbidden by the Labor Code.⁷⁰⁹ On May 27, 2003, the National Assembly adopted anti- trafficking in persons legislation that proscribes child trafficking for any purpose.⁷¹⁰ The Penal Code forbids direct and indirect involvement in the prostitution of persons, and explicitly proscribes the prostitution of persons less than 18 years of age.⁷¹¹ Contributing to the corruption or debauchery of a minor is also illegal.⁷¹² Penalties specified for these crimes apply even if the offenses are committed in different countries.⁷¹³

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.⁷¹⁴ The government has minimal resources to conduct child labor investigations.⁷¹⁵ 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.⁷¹⁶

The Government of Burkina Faso ratified ILO Convention 138 on February 11, 1999 and ILO Convention 182 on July 25, 2001.⁷¹⁷

⁷⁰⁸ *Constitution du Burkina Faso*, Loi N° 002/97/ADP, (January 27, 1997); available from <http://www.primature.gov.bf/republic/fconstitution.htm>.

⁷⁰⁹ Forced labor is forbidden by Article 2 of the Burkina Faso Labor Code. However, under certain circumstances persons between the ages of 18 and 45 years may be compelled to work. See, *Burkina Faso Labor Code*.

⁷¹⁰ U.S. Embassy- Ouagadougou, *unclassified telegram no. 1021*. See also, ILO-IPEC, *Combating the Trafficking in Children for Labor Exploitation in West and Central Africa (Phase II)*, progress report, RAF/01/P53/USA, Geneva, September 8 2003. It is worth noting, in addition, that kidnapping and violence toward children is prohibited by the Criminal Code. U.S. Department of State, *Country Report 2002 Burkina Faso*, Section 6f.

⁷¹¹ 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, Section IV: Offenses against Public Morals*, (April 13, 1946); available from <http://209.190.246.239/protectionproject/statutesPDF/BURKINAFASO.pdf>.

⁷¹² 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.*

⁷¹³ *Ibid.*, Articles 334 and 34-1.

⁷¹⁴ 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 8.29 to USD 994.64). U.S. Embassy- Ouagadougou, *unclassified telegram no. 1021*. The exchange rate applied is 1 USD = 0.00166 XOFFX Converter, [online] [cited August 27, 2003]; available from <http://www.oanda.com/convert/classic>.

⁷¹⁵ U.S. Embassy- Ouagadougou, *unclassified telegram no. 1021*.

⁷¹⁶ 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 no. 1153*, June 2001. See also U.S. Embassy-Ouagadougou, *unclassified telegram no. 1505*, September 2001.

⁷¹⁷ ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited July 8, 2003]; available from <http://www.ilo.org/ilolex/english/newratframeE.htm>.