

Burkina Faso

Incidence and Nature of Child Labor

The ILO estimated that 40.4 percent of children ages 10 to 14 were working in Burkina Faso in 2001.⁶⁸⁹ Most working children are found in agriculture, gold washing and mining, and informal sector activities; significant numbers of girls are found in vending and domestic service.⁶⁹⁰

Burkina Faso is a source, transit, and destination country for trafficked children.⁶⁹¹ Studies indicate that a significant proportion of trafficking activity is internal.⁶⁹² 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.⁶⁹³ Children from Burkina Faso are trafficked into Côte d'Ivoire to work on cocoa plantations and also to Benin, Ghana, Mali, and Nigeria.⁶⁹⁴ However, the number of Burkinabe children trafficked to Côte d'Ivoire is reported to have declined due to a border closing following the September 2002 rebellion, with many children going instead to Benin or to Mali to work on rice plantations or study in Islamic schools. Burkina Faso also receives children trafficked from Benin, Mali, and Togo, and serves as transit point for children trafficked from Mali to Côte d'Ivoire.⁶⁹⁵ Boys are trafficked within and into Burkina Faso for forced agricultural labor, domestic service, metal working, and mining.⁶⁹⁶

⁶⁸⁹ World Bank, *World Development Indicators 2004 [CD-ROM]*, Washington, D.C., 2004.

⁶⁹⁰ 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, 7.

⁶⁹¹ U.S. Department of State, *Trafficking in Persons Report- 2004: Burkina Faso*, Washington, D.C., June 14, 2004; available from <http://www.state.gov/g/tip/rls/tiprpt/2004/33189.htm>. In 2002, the NGO Terre des Hommes Lausanne estimated that 165,000 working children are separated from their parents. See U.S. Embassy- Ouagadougou, *unclassified telegram no. 1021*, August 2003.

⁶⁹² ILO-IPEC Official, meeting with USDOL Official, January 20, 2003.

⁶⁹³ ILO-IPEC, *Combating the Trafficking in Children for Labor Exploitation in West and Central Africa*, [synthesis report] 2001 [cited April 30, 2004], 9, 11; available from <http://www.ilo.org/public/english/standards/ipecc/publ/field/africa/central.pdf>. An ILO study estimated that more than 81,000 children in these two cities have been "placed" in work situations by an intermediary. The study was conducted in 2000. U.S. Embassy- Ouagadougou official Christopher Palmer, electronic communication to USDOL official, April 15, 2002. There are also reports of trafficked girls being forced or coerced into prostitution. See U.S. Department of State, *Trafficking in Persons Report- 2004: Burkina Faso*.

⁶⁹⁴ ECPAT International, *Burkina Faso*, in ECPAT International, [database online] n.d. [cited March 18, 2004]; available from http://ecpat.net/eng/Ecpat_inter/projects/monitoring/online_database/countries.asp?arrCountryID=27&CountryProfile=facts,affiliation,humanrights&CSEC=Overview,Prostitution,Prognography,trafficking&Implement=Coordination_cooperation,Prevention,Protection,Recovery,ChildParticipation&Nationalplans=National_plans_of_action&orgWorkCSEC=orgWorkCSEC&DisplayBy=optDisplayCountry. See also U.S. Department of State, *Country Reports on Human Rights Practices- 2003: Burkina Faso*, Washington, D.C., February 25, 2004, Section 6f; available from <http://www.state.gov/g/drl/rls/hrrpt/2003/27714.htm>. See also U.S. Department of State, *Trafficking in Persons Report- 2004: Burkina Faso*.

⁶⁹⁵ U.S. Department of State, *Trafficking in Persons Report- 2004: Burkina Faso*. See also U.S. Department of State, *Country Reports- 2003: Burkina Faso*, Section 6f.

⁶⁹⁶ U.S. Department of State, *Trafficking in Persons Report- 2004: Burkina Faso*.

The Education Act made schooling compulsory from age 6 to 16.⁶⁹⁷ In 2002, the gross primary enrollment rate was 47.5 percent.⁶⁹⁸ In 2001, the net primary enrollment rate was 35.0 percent (41.0 percent for boys and 28.9 percent for girls).⁶⁹⁹ School enrollment and literacy rates for girls are lower in rural regions than in urban areas.⁷⁰⁰ Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. The Government of Burkina Faso reported that the attendance rate for the 2002-2003 school year was 43.4 percent.⁷⁰¹ By law, education is free and compulsory, but communities are frequently responsible for constructing primary school buildings and teachers' housing. Even when schools are present, many families cannot afford the cost of sending a child to school.⁷⁰²

Child Labor Laws and Enforcement

The Labor Code sets the minimum age for employment at 14 years, but children under 14 years may perform light work for up to 4.5 hours per day in the domestic and agricultural sectors; other light work is permitted for children under the age of 12.⁷⁰³ Children may start working full-time at age 14, but are required to remain in school until the age of 16.⁷⁰⁴ Slavery and slavery-like practices, inhumane and cruel treatment, physical or emotional abuse of children are forbidden by the Burkinabe Constitution,⁷⁰⁵ and forced labor is forbidden by the Labor Code.⁷⁰⁶ In 2003, the National Assembly adopted anti-trafficking in persons legislation that proscribes child trafficking for any purpose.⁷⁰⁷ The Penal Code forbids direct and indirect involvement in the prostitution of persons, and explicitly prohibits the prostitution of persons less

⁶⁹⁷ 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.

⁶⁹⁸ In 2001, the gross primary enrollment rate was 50.9 for boys and 36.2 for girls. See World Bank, *World Development Indicators 2004*.

⁶⁹⁹ *Ibid.*

⁷⁰⁰ U.S. Department of State, *Country Reports- 2003: Burkina Faso*, Section 5.

⁷⁰¹ Reports indicate that this may be an overestimate. See U.S. Embassy- Ouagadougou, *unclassified telegram no. 802*, August 2004.

⁷⁰² U.S. Department of State, *Country Reports- 2003: Burkina Faso*, Section 5. See also U.S. Embassy- Ouagadougou, *unclassified telegram no. 802*.

⁷⁰³ See, *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. See also U.S. Embassy- Ouagadougou official, electronic communication to USDOL official, December 5, 2001.

⁷⁰⁴ 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*.

⁷⁰⁵ *Constitution du Burkina Faso*, Loi N° 002/97/ADP, (January 27, 1997), Article 2.

⁷⁰⁶ 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*.

⁷⁰⁷ U.S. Embassy- Ouagadougou, *unclassified telegram no. 1021*. The legislation, Law No. 038-2003/AN, defines child trafficking and outlines punishments for child traffickers. See *Loi no 038-2003/AN portant définition et répression du trafic d'enfant(s)*, (May 27, 2003); available from http://www.ilo.org/dyn/natlex/natlex_browse.details?p_lang=en&p_country=BFA&p_classification=04&p_origin=COUNTRY. See also Save the Children-Canada, *Training and Education Against Trafficking (TREAT)*, technical progress report, Toronto, March 19, 2004, 3. It is worth noting, in addition, that kidnapping and violence toward children is prohibited by the Penal Code. See U.S. Department of State, *Country Reports- 2003: Burkina Faso*, Section 6f.

than 18 years of age.⁷⁰⁸ Contributing to the corruption or debauchery of a minor is also illegal.⁷⁰⁹ Penalties specified for these crimes also apply even the offenses are committed in different countries.⁷¹⁰

The Directorate of Work Inspection and the Labor Health and Security, Child Labor and Trafficking Division at the Ministry of Labor enforce child labor laws,⁷¹¹ and the national police, gendarmes, customs service, and labor inspectors are responsible for investigating child labor violations.⁷¹² However, the government has minimal resources to enforce child labor laws.⁷¹³

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

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.⁷¹⁴ The Government of Burkina Faso continues to participate in USD 3 million USDOL-funded education initiative in Burkina Faso to promote education for victims of child trafficking and children at risk of being trafficked.⁷¹⁵ The Ministry of Basic Education and Literacy actively supports this project and participated in a workshop in October 2003 to refine the project design.⁷¹⁶

Selected Child Labor Measures Adopted by Governments		
Ratified Convention 138	2/11/1999	✓
Ratified Convention 182	7/25/2001	✓
ILO-IPEC Member		✓
National Plan for Children		✓
National Child Labor Action Plan		
Sector Action Plan (trafficking)		✓

⁷⁰⁸ 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 or 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 *Criminal Code, Section IV-Offenses against Public Morals*, (April 13, 1946); available from <http://209.190.246.239/protectionproject/statutesPDF/BURKINAFASO.pdf>.

⁷⁰⁹ 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. See *Ibid.*

⁷¹⁰ *Ibid.*, Articles 334 and 34-1.

⁷¹¹ Penalties for child labor law violations include 3-month to 5-year prison sentences and fines ranging from CFA francs 5,000 to 600,000 (USD 9.13 to USD 1096.08). See U.S. Embassy- Ouagadougou, *unclassified telegram no. 802*. FX Converter, [online] [cited April 30, 2004]; available from <http://www.oanda.com/convert/classic>.

⁷¹² U.S. Embassy- Ouagadougou, *unclassified telegram no. 802*.

⁷¹³ *Ibid.*

⁷¹⁴ The regional child trafficking project covers Benin, Burkina Faso, Cameroon, Côte d'Ivoire, Gabon, Ghana, Mali, Nigeria, and Togo. The project began in July 2001 and is scheduled for completion in June 2007. 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, as amended. Although the project was originally scheduled to end in June 2004, it has been extended until November 2004. See ILO-IPEC, *Combating the trafficking in children for labour exploitation in West and Central Africa (LUTRENA/Phase II)*, technical progress report, Geneva, March 01, 2004, 1.

⁷¹⁵ The four year project began in August 2003. U.S. Department of Labor - International Child Labor Program, *Training and Education Against Trafficking*, Project Summary, 2003.

⁷¹⁶ Save the Children-Canada, *TREAT, March technical progress report*, 4, 5.

In provinces where child labor and child trafficking are problems, the government is establishing watch committees, which include representatives of industries where child labor is found, the police, NGOs, and social welfare agencies.⁷¹⁷ During the past year, the government has conducted awareness raising activities on child labor and child trafficking, which include organizing workshops and producing a television series and films on child labor.⁷¹⁸ Also during the past year, the government, in collaboration with the United States, sponsored a one-year project to train law enforcement officials to handle trafficking cases.⁷¹⁹ The government has negotiated an agreement with IOM and UNICEF to repatriate child trafficking victims from other countries.⁷²⁰

The Ministry of Social Action and National Solidarity operates a Center for Specialized Education and Training that currently serves boys referred by the Ministry of Justice and boys with behavioral problems who are sent to the Center by their parents.⁷²¹ UNICEF works with the government to fund the construction of satellite schools and non-formal basic education centers, the promotion of community participation in schooling, and strengthening the capacity of the Ministry of Education.⁷²² The Ministry of Basic Education is working with Catholic Relief Services and the World Bank on a school health program.⁷²³ The government promotes primary education for girls by encouraging scholarships from donors, school feeding programs, and information campaigns to change attitudes towards sending girls to school.⁷²⁴

The Government of Burkina Faso is implementing a 10-Year Basic Education Development Plan (2001-2010) as part of its Poverty Reduction Strategy supported by the World Bank.⁷²⁵ The plan focuses on improving primary school enrollment, literacy, and school attendance rates.⁷²⁶ Burkina Faso has been formally endorsed for funding through the Education For All – Fast Track Initiative process, and as part of its efforts, has classified 20 provinces with low enrollment for priority action.⁷²⁷

⁷¹⁷ U.S. Department of State, *Country Reports- 2003: Burkina Faso*, Section 6f.

⁷¹⁸ U.S. Embassy- Ouagadougou, *unclassified telegram no. 802*. See also U.S. Department of State, *Country Reports- 2003: Burkina Faso*, Section 6d.

⁷¹⁹ U.S. Department of State, *Trafficking in Persons Report- 2004: Burkina Faso*.

⁷²⁰ *Ibid.*

⁷²¹ Ministry of Social Action and National Solidarity Officials from the Center for Specialized Education and Training, with USDOL Official, January 21, 2003.

⁷²² Mamadou Bagayoko UNICEF Official, Remy Habou, and Adama Traoré, Ministry of Basic Education and Literacy Officials, meeting with USDOL Official, January 22, 2003. See also UNICEF, *At a glance: Burkina Faso*, UNICEF, [online] n.d. [cited March 25, 2004]; available from <http://www.unicef.org/infobycountry/burkinafaso.html>.

⁷²³ Anne Smith and Moussa Dominique Bangre, Catholic Relief Services Officials, Meeting, January 20, 2003 with USDOL Official, January 20, 2003.

⁷²⁴ U.S. Department of State, *Country Reports- 2003: Burkina Faso*, Section 5.

⁷²⁵ 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 April 29, 2004]; available from <http://www.irinnews.org/report.asp?ReportID=30039>.

⁷²⁶ Education receives a substantial portion of the national budget. See U.S. Embassy- Ouagadougou, *unclassified telegram no. 802*.

⁷²⁷ Development Committee (Joint Ministerial Committee of the Boards of Governors of the Bank and the Fund on the Transfer of Real Resources to Developing Countries), *Education For All (EFA) - Fast Track Initiative, Progress Report*, DC2004-0002/1, March 26, 2004, 2, 9; available from [http://siteresources.worldbank.org/DEVCOMMIT/Documentation/20190709/DC2004-0002\(E\)-EFA.pdf](http://siteresources.worldbank.org/DEVCOMMIT/Documentation/20190709/DC2004-0002(E)-EFA.pdf).

In September 2004, the government adopted a National Plan of Action to combat child trafficking.⁷²⁸ In June 2004, the Governments of Burkina Faso and Mali signed a bilateral agreement to combat cross-border child trafficking.⁷²⁹

⁷²⁸ Save the Children-Canada, *Training and Education Against Trafficking (TREAT), September technical progress report*, Toronto, September 20, 2004, 5, 15.

⁷²⁹ The agreement defines a “child” as anyone under 18 years. See U.S. Embassy- Ouagadougou, *unclassified telegram no. 802*.