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SUBJECT: BURKINA FASO'S ANSWER TO THE USDOL/TVPRA LISTING

REF: STATE 92560

1. The Embassy received a letter addressed to the Ambassador from the Minister of Work and Social Security, Dr. Jerome Bougouma, responding to the U.S. Department of Labor's interim listing of 58 countries, where goods are produced by child labor and/or forced labor. Two sectors in Burkina Faso were listed as deficient: gold and cotton. An unofficial translation of that letter follows:

2. December 4, 2009

Dear Madam Ambassador:

On Thursday, September 10, 2009 the Bureau of International Labor Affairs of the United States of America published a provisional list of countries producing goods that, it has reason to believe, are derived from the work of children and/or forced labor.

The publication of this list comes from the 2005 signing of the law on the protection of trafficking victims in which the U.S. Congress had instructed the Secretary of Labor, acting for the Bureau of International Labor Affairs, to "conduct additional activities to monitor and combat forced labor and child labor in foreign countries".

One hundred and twenty two (122) goods produced by fifty-eight (58) countries were inventoried and Burkina Faso is on that list for gold and cotton.

To mitigate the adverse effects that could arise from this publication, I have the honor to inform you, so that you may share with the Labor Department authorities, Burkina's anti-child labor efforts.

Some steps taken by Burkina Faso in the fight against child labor include, but not limited to:

a) The July 2006 creation, within the Ministry of Labor and Social Security, of a Directorate to combat Child Labor and worst forms of Child Labor. Its main functions are to:

- Develop, monitor, and evaluate the implementation of the national policy to combat child labor and worst forms of child labor;
- Participate and contribute to discussion forums on child labor and its worst forms;
- Act as the secretariat for the National Steering Committee (SSC) to combat child labor;
- Monitor relations with national, sub-regional, regional and international players in the fight against child labor;
- Provide assistance and advice to users of: the departments, workers' associations, employers, youth movements and child workers in the fight against child labor and its worst forms.

In addition, through Decree No. 2007-016/MTSS/SG/ DGSST, Regional Directors of Labor and Social Security were appointed as focal points of the Directorate to Combat child labor in order to put an emphasis on child labor issues.

b) The adoption of the May 13, 2008 Law No. 2008-038/AN in Burkina Faso Labor Code setting the minimum age of employment as 16 years old instead of 15 years as was previously the case;

c) The establishment of December 26, 2008 Decree No. 2008-0027/MTSS/SG/ DGSST that permits a derogation from the minimum age for admission to employment. This text allows the use child labor for light work. The main provisions governing "light work" are that it should not harm the health and safety of children or hinder their schooling or their education;

d) The adoption of May 28, 2009 Decree No. 2009-

365/PRES/PM/MTSS/ MS/MASSN enumerating the list of hazardous work prohibited for children.

Twelve sectors of activities, including the agricultural, mining and quarrying sectors, were identified.

Regarding the agriculture sector, hazardous work is prohibited for children in the following areas:

- The spreading of chemical fertilizers and pesticides (risks: special diseases due to fumes, poisoning);
- Handling of hazardous chemical agents (risk: special diseases due to fumes, poisoning);
- Driving tractors and other hazardous agricultural machinery (risks: accidents);
- Operating dangerous machinery (risks: accidents).

Regarding mines and quarries, prohibited hazardous works are:

- Underground mining and quarrying work and gold-panning sites (risks: ophthalmological disorders);
- Extraction of ore with chemicals (harmful fumes, poisoning),
 - Extraction of ore using explosives (risks: explosion),
 - Extraction of ore using fire (risks: fire);
- Manual cutting, grinding, and polishing of dry rock (risks: dust, injury, and strenuous working positions);
- Crushing ore (risks: harmful dust and difficult working position);
- Washing and varnishing ore (risks: harmful dust and difficult working position);
- Transportation of boulders (exhausting work, injuries, muscular and skeletal disorder);
- Metal casting work (risks: accidents, burns, and harmful fumes); and
- Ore processing work by mercury amalgamation on gold-panning

sites (risks: harmful fumes).

This important decree was translated into the four main local languages, Moré and Dioula, Fulfulde and Gulmacema, for a broad outreach to families in areas where this type of work is prevalent.

It is worth noting that, according to our monitors, no mining companies have been using children.

However, on the artisanal gold mining sites, generally family operated, children can be found working there.

In these instances, direct sensitization programs, withdrawal, rehabilitation of children, and alternative programs were offered to their families. These outreach efforts are conducted by our services in partnership with the ILO/IPEC. For 2008, 200 children were enrolled in school, 1,005 were taught to read/write, and 534 received vocational training.

In light of the information we have shared above, I hope that you will consider keeping Burkina Faso off the final published list. We take this opportunity to remind you that your country is one of our donors and key financial supporter for the ILO/IPEC/LUTRENA activities.

Sincerely,

/ S / Jerome Bougouma
Minister of Labor and Social Security
Burkina Faso

End Unofficial Translation.

HANKINS##