

Burkina Faso

<i>Selected Statistics and Indicators on Child Labor</i>	
Percent of children 5-14 estimated as working in 2003:	47.0% ⁶⁷⁹
Minimum age for admission to work:	15 ⁶⁸⁰
Age to which education is compulsory:	16 ⁶⁸¹
Free public education:	Yes ^{682*}
Gross primary enrollment rate in 2004:	53% ⁶⁸³
Net primary enrollment rate in 2004:	40% ⁶⁸⁴
Percent of children 5-14 attending school in 2003:	27.2% ⁶⁸⁵
As of 2003, percent of primary school entrants likely to reach grade 5:	76% ⁶⁸⁶
Ratified Convention 138:	11/02/1999 ⁶⁸⁷
Ratified Convention 182:	07/25/2001 ⁶⁸⁸
ILO-IPEC Participating Country:	Yes, associated ⁶⁸⁹
* Must pay for school supplies and related items.	

Incidence and Nature of Child Labor

In 2003, approximately 46.4 percent of boys and 47.4 percent of girls ages 5 to 14 were working in Burkina Faso. The majority of working children in Burkina Faso were found in the agricultural sector (97.4 percent), followed by services (2.0 percent), manufacturing (0.4 percent), and other sectors (0.2 percent).⁶⁹⁰

Burkina Faso is a source, transit, and destination country for children trafficked for the purpose of forced labor and commercial sexual exploitation.⁶⁹¹ Children are trafficked to work in domestic service, street vending, agriculture, prostitution, mining and the quarry sector.⁶⁹²

⁶⁷⁹ UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity and School Attendance Rates*, March 1, 2007.

⁶⁸⁰ Government of Burkina Faso, *Loi n° 033-2004/AN portant code du travail au Burkina Faso*, (September 14, 2004); available from http://www.legiburkina.bf/jo/jo2004/no_spécial_02/Loi_AN_2004_00033.htm.

⁶⁸¹ Government of Burkina Faso, *Loi n° 13-96 ADP du 9 mai portant loi d'orientation de l'éducation*, (May 9, 1996), Article 2.

⁶⁸² U.S. Department of State, "Burkina Faso," in *Country Reports on Human Rights Practices- 2006*, Washington, DC, March 6, 2007, Section 5; available from <http://www.state.gov/g/drl/rls/hrrpt/2006/78721.htm>.

⁶⁸³ UNESCO Institute for Statistics, *Gross Enrolment Ratio. Primary. Total*, accessed December 20, 2006; available from <http://stats.uis.unesco.org/>.

⁶⁸⁴ UNESCO Institute for Statistics, *Net Enrolment Rate. Primary. Total*, accessed December 20, 2006; available from <http://stats.uis.unesco.org>.

⁶⁸⁵ UNESCO Institute for Statistics, *Survival Rate to Grade 5. Total*, accessed December 18, 2006; available from <http://stats.uis.unesco.org>.

⁶⁸⁶ Ibid.

⁶⁸⁷ ILO, *Ratifications by Country*, accessed October 19, 2006; available from <http://www.ilo.org/ilolex/cgi-lex/ratifice.pl?Burkina+Faso>.

⁶⁸⁸ Ibid.

⁶⁸⁹ ILO-IPEC, *IPEC Action Against Child Labor; Highlights 2006*, Geneva, 2006; available from http://www.ilo.org/iloroot/docstore/ipecc/prod/eng/20070228_Implementationreport_en_Web.pdf.

⁶⁹⁰ UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity and School Attendance Rates*.

⁶⁹¹ U.S. Department of State, "Country Reports- 2006: Burkina Faso," Section 5.

⁶⁹² ILO-IPEC, *Combating the Trafficking in Children for Labor Exploitation in West and Central Africa*, synthesis report, Abidjan, 2001; available from <http://www.ilo.org/public/english/standards/ipecc/publ/field/africa/central.pdf>.

Burkina Faso is a destination country for children trafficked from Nigeria and Mali.⁶⁹³ Children from Burkina Faso are trafficked into Benin, Côte d'Ivoire, Ghana, Mali, Niger, Nigeria, and Togo.⁶⁹⁴

Child Labor Laws and Enforcement

The law sets the minimum age for employment at 15 years and prohibits children under 18 from working at night except in times of emergency.⁶⁹⁵ The law also defines and prohibits the worst forms of child labor for children following ILO Convention 182. A decree lists the types of businesses in which children under 18 years may not work.⁶⁹⁶ Under the law, children and adolescents under 20 years may not undertake work that could harm their reproductive abilities.⁶⁹⁷ Slavery and slavery-like practices, inhumane and cruel treatment, and physical or emotional abuse of children are forbidden by the Labor Code.⁶⁹⁸ The law also prohibits forced and compulsory labor.⁶⁹⁹ The minimum age for voluntary recruitment into the military is 20 years, and for compulsory recruitment is 18 years.⁷⁰⁰

The law prohibits child trafficking for economic or sexual exploitation; illegal adoption; early or forced marriage; or any other purpose that is harmful to a child's health, well-being, or physical or mental development. Anyone who engages in child trafficking, or who is aware of a child trafficking case and does not report it, is subject to 1 to 5 years of imprisonment. The penalty is increased to 5 to 10 years of imprisonment if the child is under 15 years or if the act was committed using fraud or violence. The perpetrator is subject to a life sentence if the victim dies or is permanently disabled or if the purpose of the trafficking was for the removal of organs.⁷⁰¹ In 2005, the police intercepted 1,253 trafficked children and arrested 44 child traffickers. Six traffickers have been sentenced to prison and two are awaiting trial in detention.⁷⁰² However, reports indicate most traffickers are released by police after only a short stay in custody.⁷⁰³

The penal code forbids any involvement in the prostitution of persons and explicitly prohibits the prostitution of persons less than 18 years; such violations are punishable by 2 to 5 years of

⁶⁹³ Government of Burkina Faso, *Code du travail*, Article 146 and 147.

⁶⁹⁴ U.S. Department of State, "Burkina Faso (Tier 2)," in *Trafficking in Persons Report- 2006*, Washington, DC, June 5, 2006; available from <http://www.state.gov/g/tip/rls/tiprpt/2006/65988.htm>.

⁶⁹⁵ Government of Burkina Faso, *Code du travail*, Articles 146, 147. See also Government of Burkina Faso, *Décret n° 2004-451-PRES du 15 octobre 2004 promulguant la loi n° 033-2004/AN du 14 septembre 2004 portant Code du travail*, (October 15, 2004); available from http://www.legiburkina.bf/jo/jo2004/no_spécial_02/Décret_PRES_2004_00451.htm.

⁶⁹⁶ Government of Burkina Faso, *Code du travail*, Articles 147 and 148. See also ILO-IPEC, *Combating the Trafficking of Children for Labour Exploitation in West and Central Africa (LUTRENA) - Responses to ICLP Comments*, IPEC responses, Geneva, March 2005, 1.

⁶⁹⁷ Government of Burkina Faso, *Code du travail*, Article 145.

⁶⁹⁸ *Ibid.*, Article 148.

⁶⁹⁹ *Ibid.*, Articles 5 and 6.

⁷⁰⁰ Coalition to Stop the Use of Child Soldiers, "Burkina Faso," in *Child Soldiers Global Report 2004*, London, 2004; available from http://www.child-soldiers.org/document_get.php?id=760.

⁷⁰¹ Government of Burkina Faso, *Loi n° 038-2003/AN portant définition et répression du trafic d'enfant(s)*, (May 27, 2003), Articles 3-6; available from http://www.legiburkina.bf/jo/jo2003/no_31/Loi_AN_2003_00038.htm.

⁷⁰² U.S. Department of State, "Country Reports- 2006: Burkina Faso," Section 5.

⁷⁰³ U.S. Department of State, "Trafficking in Persons Report- 2006: Burkina Faso."

imprisonment and fines.⁷⁰⁴ Contributing to the corruption or debauchery of a minor is also illegal and is subject to the same penalties.⁷⁰⁵ Penalties specified for these crimes apply regardless of the country in which the offenses are committed.⁷⁰⁶

The Ministry of Labor and Social Security and that of Social Action and National Solidarity are responsible for enforcing child labor laws; but, according to the U.S. Department of State, they lack the means to do so adequately.⁷⁰⁷ A Presidential Decree promulgated on August 4, 2006 created a department in charge of child labor and its worst forms within the General Directorate in charge of occupational health and safety of the Ministry of Labor and Social Security.⁷⁰⁸

Violations of minimum age and forced labor laws are subject to imprisonment of up to 10 years, and violations of laws prohibiting the worst forms of child labor are governed by the penalties set forth by the child trafficking legislation.⁷⁰⁹ The national police, gendarmes, customs service, and labor inspectors share responsibility for investigating child labor violations.⁷¹⁰ Because of resource constraints, the government provides minimal support to Burkinabe trafficking victims; it helps repatriate foreign nationals as well as Burkinabe children.⁷¹¹

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

The Government of Burkina Faso participates in a USD 9.5 million regional USDOL-funded ILO-IPEC project to combat the trafficking of children for exploitive labor in West and Central Africa. The project targets 9,000 children for withdrawal and prevention from trafficking in 6 countries, including Burkina Faso.⁷¹² The government also takes part in a USD 3 million USDOL-funded child labor education project that targets 2,400 victims of child trafficking and children at risk of being trafficked for withdrawal and prevention through the promotion of education.⁷¹³ Additionally, the government participates in a USD 3 million regional USDOL-funded ILO-IPEC project to combat child labor in small-scale gold mining. The project targets 1,500 children to be withdrawn and 2,500 children to be prevented from exploitive work in gold mining in Burkina Faso and Niger.⁷¹⁴

⁷⁰⁴ Government of Burkina Faso, *Penal Code, Section IV-Offenses against Public Morals*, (April 13, 1946), Articles 334 and 334-1; available from <http://209.190.246.239/protectionproject/statutesPDF/BURKINAFASO.pdf>. U.S. Embassy- Ouagadougou official, E-mail communication to USDOL official, July 31, 2007.

⁷⁰⁵ Government of Burkina Faso, *Government of Burkina Faso Penal Code*.

⁷⁰⁶ *Ibid.*, Articles 334 and 334-1.

⁷⁰⁷ U.S. Department of State, "Country Reports- 2006: Burkina Faso.", Government of Burkina Faso, *Code du travail*, Articles 388 and 390.

⁷⁰⁸ Save the Children-Canada, *Training and Education Against Trafficking (TREAT)*, technical progress report, Toronto, September 25, 2006.

⁷⁰⁹ U.S. Department of State, "Country Reports- 2006: Burkina Faso.", Government of Burkina Faso, *Code du travail*, Articles 388 and 390.

⁷¹⁰ U.S. Embassy- Ouagadougou, *reporting, December 18, 2006*.

⁷¹¹ U.S. Department of State, "Trafficking in Persons Report- 2006: Burkina Faso."

⁷¹² ILO-IPEC, *Combating the Trafficking of Children for Labour Exploitation in West and Central Africa (LUTRENA)*, technical progress report, Washington, DC, September 1, 2006.

⁷¹³ Save the Children-Canada, *TREAT, technical progress report*.

⁷¹⁴ ILO-IPEC, *Prevention and Elimination of Child Labour in Artisanal Gold Mining in West Africa*, technical progress report, Geneva, September 14, 2006.

In July 2006, Burkina Faso was 1 of 24 countries to adopt the Multilateral Cooperation Agreement to Combat Trafficking in Persons, especially Women and Children, in West and Central Africa and the Joint Plan of Action against Trafficking in Persons, especially Women and Children in the West and Central African Regions.⁷¹⁵ As part of the Multilateral Cooperative Agreement, the governments agreed to put into place the child trafficking monitoring system developed by the U.S. Department of Labor-funded, ILO-IPEC LUTRENA project; to ensure that birth certificates and travel identity documents cannot easily be falsified or altered; to provide assistance to each other in the investigation, arrest and prosecution of trafficking offenders; to protect, rehabilitate, and reintegrate trafficking victims; and to improve educational systems, vocational training and apprenticeships.⁷¹⁶

The government worked with ILO-IPEC and other international donors to address child trafficking by training customs officers, and educating parents and children about the dangers of trafficking.⁷¹⁷ With funding from UNICEF, the government produced a TV and radio series on child labor and child trafficking.⁷¹⁸ There is one reintegration center in the capital for at-risk children, and the government operates 19 transit centers throughout the country for trafficked children. The government also cooperates with NGOs and international organizations to reintegrate child trafficking victims. Additionally, the government has provided micro-credit loans to some families of child trafficking victims as an income-generating alternative to trafficking their children for labor.⁷¹⁹ The government supports Vigilance and Surveillance Committees throughout the country and has trained them on how to identify and assist trafficking victims. Burkina Faso was signatory to a nine-member multilateral cooperative agreement to combat child trafficking in West Africa.⁷²⁰

⁷¹⁵ ECOWAS and ECASS, *Multilateral Cooperation Agreement to Combat Trafficking in Persons, Especially Women and Children, in West and Central Africa*, Abuja, July 7, 2006, ILO-IPEC, *LUTRENA, technical progress report*.

⁷¹⁶ ILO-IPEC, *LUTRENA, technical progress report*.

⁷¹⁷ U.S. Department of State, "Country Reports- 2006: Burkina Faso," Section 5. See also U.S. Department of State, "Trafficking in Persons Report- 2006: Burkina Faso."

⁷¹⁸ U.S. Embassy- Ouagadougou, *reporting, September 30, 2005*.

⁷¹⁹ U.S. Department of State, "Trafficking in Persons Report- 2006: Burkina Faso."

⁷²⁰ ECOWAS and ECASS, *Multilateral Cooperation Agreement to Combat Trafficking in Persons in West and Central Africa*.