

# 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 and has created a National Action Plan Against Child Labor as a part of the program.<sup>343</sup> Burkina Faso is part of a nine-country ILO-IPEC regional program funded by USDOL to combat the trafficking of children in West and Central Africa.<sup>344</sup> In addition, in a 2001 diplomatic note to foreign ministries, the government appealed to UNICEF, the ILO, and the international community to help Burkina Faso eradicate child trafficking and reaffirmed its commitment to conventions guaranteeing children's rights.<sup>345</sup> In 2004, a national child labor survey will be conducted in Burkina Faso, with technical assistance from ILO-IPEC's SIMPOC.<sup>346</sup> As part of its efforts to combat exploitative child labor, the Government has produced and distributed documentaries on child labor in the mining and domestic sectors, and produced a television series on child labor.<sup>347</sup> A May 2001 workshop on children's rights was held by the military, and the government organized seminars for customs officers on halting the activities of child traffickers.<sup>348</sup> In addition, it has supported NGO efforts to shelter and educate street children, child prostitutes, and other at-risk children.<sup>349</sup>

The Government of Burkina Faso has made efforts to improve and increase the provision of primary education. Education receives the largest portion of the government's budget.<sup>350</sup> It has welcomed donor support to fund programs that promote schooling and make the primary curriculum more relevant.<sup>351</sup> 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

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<sup>343</sup> U.S. Department of State, *Trafficking in Persons Report, 2001* (Washington, D.C., 2001) [hereinafter *Trafficking in Persons Report*], 34.

<sup>344</sup> ILO-IPEC, *Combating Trafficking in Children for Labour Exploitation in West and Central Africa* (Geneva, 2001) [hereinafter *Combating Trafficking in Children*], 9, at <http://www.ilo.org/public/english/standards/ipecc/publ/field/africa/central.pdf>.

<sup>345</sup> U.S. Embassy-Ouagadougou, unclassified telegram no. 1153, June 1, 2001 [hereinafter unclassified telegram 1153].

<sup>346</sup> ILO-IPEC, E-mail correspondence on SIMPOC countries to USDOL official, January 18, 2001 [on file]. See Also ILO-IPEC, *Child Labor Statistics: SIMPOC Countries*, at <http://www.ilo.org/public/english/standards/ipecc/simpoc/countries.htm> on 1/29/02.

<sup>347</sup> *Ibid.*

<sup>348</sup> *Ibid.*

<sup>349</sup> *Ibid.*

<sup>350</sup> *Ibid.*

<sup>351</sup> *Ibid.*

school facilities.<sup>352</sup> In addition, the development of the education sector with a focus on basic education is included in Burkina Faso's poverty reduction strategy for debt reduction under an International Monetary Fund and World Bank initiative.<sup>353</sup>

## Incidence and Nature of Child Labor

In 1999, the ILO estimated that 44.9 percent of children between the ages of 10 and 14 in Burkina Faso were working.<sup>354</sup> Most working children are found in agriculture, mining, and domestic service.<sup>355</sup> An ILO study estimated that 81,000 children in Burkina Faso's two largest cities have been "placed" in work situations by an intermediary.<sup>356</sup> Burkina Faso is a transit and destination country for trafficked children.<sup>357</sup> Children are trafficked from Burkina Faso to countries including Cote d'Ivoire, Benin, Ghana, Mali, and Nigeria to work primarily in agriculture, and sometimes in prostitution.<sup>358</sup> Children are trafficked to Burkina Faso to work as domestic servants, street vendors, in agriculture, and in prostitution.<sup>359</sup> The HIV/AIDS epidemic has orphaned numerous children, thereby increasing the population of street children, an at-risk group for child labor.<sup>360</sup>

Education is compulsory for children until the age of 16, but in practice, many children do not complete even primary school.<sup>361</sup> In 1996, the gross primary enrollment rate was 38.4 percent,

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<sup>352</sup> "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," World Bank, news release no. 2001/008/S, July 11, 2000.

<sup>353</sup> Ministry of Economy and Finance, Burkina Faso, *Poverty Reduction Strategy Paper*, draft report, May 25, 2000, 38, 39. See also 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*, June 19, 2000 [hereinafter *Completion Point Document*], 42.

<sup>354</sup> *World Development Indicators 2001* (Washington, D.C.: World Bank, 2001) [CD-ROM].

<sup>355</sup> U.S. Embassy—Ouagadougou, unclassified telegram no. 1505, September 2001 [hereinafter unclassified telegram 1505].

<sup>356</sup> ILO-IPEC, "Study Concerning Child Trafficking for the Purpose of Exploiting Their Labor in West and Central African Countries—The Case of Burkina Faso," as cited in electronic correspondence between U.S. Department of State official, U.S. Embassy Ouagadougou, Christopher Palmer, and ICLP official, April 15, 2002 [hereinafter electronic correspondence].

<sup>357</sup> *Trafficking in Persons Report* at 34.

<sup>358</sup> *Combating Trafficking in Children* at 9. See also *Trafficking in Persons Report* at 34. See also electronic correspondence.

<sup>359</sup> *Combating Trafficking in Children* at 9, 11.

<sup>360</sup> President of Burkina Faso, address at the XII International Conference on AIDS and Sexually Transmitted Diseases in Africa (ICASA), Ouagadougou, Burkina Faso, December 2001. Full text is at <http://www.cisma2001.bf/us/>.

<sup>361</sup> Unclassified telegram 1505.

and the net primary enrollment rate was 32.4 percent.<sup>362</sup> According to UNDP, school enrollment is lower among children in rural areas, and particularly among girls.<sup>363</sup> Primary school attendance rates are unavailable for Burkina Faso. While enrollment rates indicate a level of commitment to education, they do not always reflect children's participation in school.<sup>364</sup> 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.<sup>365</sup>

## 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.<sup>366</sup> Despite labor regulations, children in all sectors often work long hours, particularly in the agricultural and mining sectors and in domestic service.<sup>367</sup> Slavery and like practices, cruelty toward children, and the degradation of human beings are forbidden by the Constitution.<sup>368</sup> The Penal Code prohibits kidnapping, violence, and mistreatment of children.<sup>369</sup> While trafficking is not specifically forbidden, a number of laws may be used to prosecute traffickers.<sup>370</sup> The Code forbids direct and indirect involvement in the prostitution of persons, and explicitly proscribes that of persons less than 18 years of age.<sup>371</sup> Contributing to the corruption or debauchery of a minor is

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<sup>362</sup> UNESCO, *Education for All: Year 2000 Assessment* (Paris, 2000) [CD-ROM].

<sup>363</sup> *Completion Point Document* at 10.

<sup>364</sup> For a more detailed discussion on the relationship between education statistics and work, see *Introduction* to this report.

<sup>365</sup> Unclassified telegram 1505.

<sup>366</sup> Burkina Faso Labor Code, Article 87 (December 22, 1992), as cited in Diedi Dembele, U.S. State Department official, electronic correspondence to USDOL official, December 5, 2001. *See also* unclassified telegram 1505 and electronic correspondence with U.S. Embassy in Burkina Faso, December 5, 2001.

<sup>367</sup> Unclassified telegram 1505.

<sup>368</sup> Article 2 of the Constitution of Burkina Faso, as cited in UN Committee on the Elimination of Racial Discrimination, *Reports Submitted by States Parties Under Article 9 of the Convention, Eleventh Periodic Report of States Parties Due in 1995, Addendum, Burkina Faso*, CERD/C/279/Add.2, March 1997.

<sup>369</sup> *Trafficking in Persons Report* at 34. *See also* unclassified telegram 1153.

<sup>370</sup> *Ibid.*

<sup>371</sup> 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* Burkina Faso Criminal Code [hereinafter Burkina Faso Criminal Code], Articles 334 and 334-1, as reported in The Protection Project Database at <http://www.protectionproject.org>.

also illegal.<sup>372</sup> Penalties specified for these crimes apply even if the offences are committed in different countries.<sup>373</sup>

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.<sup>374</sup> The Ministry of Labor has few inspectors to enforce labor laws, and the government has minimal resources to conduct child labor investigations.<sup>375</sup> 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.<sup>376</sup> Burkina Faso ratified ILO Convention 138 on February 11, 1999, and ILO Convention 182 on July 25, 2001.<sup>377</sup>

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<sup>372</sup> 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. The full text is in the Burkina Faso Criminal Code at Article 334-1.

<sup>373</sup> Burkina Faso Criminal Code at Article 334-1.

<sup>374</sup> Penalties for child labor law violations include 3-month to 5-year prison sentences and fines ranging from CFAF Franc-BCEAO 5,000 to 600,000 (USD 7 to USD 811). See unclassified telegram 1505. Currency conversion at <http://www.carosta.de/frames/convert.htm> on 1/25/02.

<sup>375</sup> Unclassified telegram 1505.

<sup>376</sup> 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 unclassified telegram 1505 and U.S. Embassy—Ouagadougou, unclassified telegram no. 1153, June 2001.

<sup>377</sup> ILO, List of Ratifications of International Labour Conventions, Burkina Faso, at <http://webfusion.ilo.org/public/db/standards/normes/appl/appl-ratif8conv.cfm?Lang=EN>.

*NOTE: Hard copies of all Web citations are on file.*