

Burkina Faso

Incidence and Nature of Child Labor

An estimated 66.3 percent of children ages 10 to 14 were counted as working in Burkina Faso in 1998. Approximately 65.3 percent of all boys 10 to 14 were working compared to 67.5 percent of girls in the same age group.⁷⁴⁸ Most working children are found in agriculture, gold washing and mining, and informal sector activities. Many girls are found working as vendors and in domestic service, and some children are reported to work as domestic servants for no pay.⁷⁴⁹ Children also work in small, family-owned businesses, and as apprentices.⁷⁵⁰ Child labor is one of many problems associated with poverty. In 1998, the most recent year for which data are available, 44.9 percent of the population in Burkina Faso were living on less than USD 1 a day.⁷⁵¹

Burkina Faso is a source, transit, and destination country for trafficked children.⁷⁵² Studies indicate that a significant proportion of trafficking activity is internal.⁷⁵³ Children are trafficked to work in domestic service, street vending, and agriculture, and to be exploited in prostitution.⁷⁵⁴ Boys are trafficked within Burkina Faso for agricultural labor, domestic service, metal working, wood working, and mining. Trafficked children are often subject to violence, sexual abuse, and forced prostitution, and lack access to food, shelter, education, and medical care.⁷⁵⁵ Burkina Faso also receives children trafficked from Benin, Mali, and Togo, and the country serves as transit point for children trafficked from Mali to Côte d'Ivoire.⁷⁵⁶ Children from Burkina Faso are trafficked into Côte d'Ivoire to work on cocoa plantations and also to Benin, Ghana, Mali, and Nigeria.⁷⁵⁷ However, the number of Burkinabe children trafficked into Côte d'Ivoire has reportedly declined since the closing of the border between the two countries following the

⁷⁴⁸ UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank Surveys, *Child Economic Activity and School Attendance Rates*, October 7, 2005. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms, such as the use of children in the illegal drug trade, prostitution, pornography, and trafficking. As a result, statistics and information on children's work in general are reported in this section. Such statistics and information may or may not include the worst forms of child labor. For more information on the definition of working children and other indicators used in this report, please see the "Data Sources and Definitions" section of this report.

⁷⁴⁹ Tertius Zongo, Ambassador of Burkina Faso to the United States, *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. See U.S. Department of State, *Country Reports on Human Rights Practices- 2004: Burkina Faso*, Washington, DC, February 28, 2005, Section 6c; available from <http://www.state.gov/g/drl/rls/hrrpt/2004/41590.htm>.

⁷⁵⁰ U.S. Department of State, *Country Reports- 2004: Burkina Faso*, Section 6d.

⁷⁵¹ World Bank, *World Development Indicators 2005* [CD-ROM], Washington, D.C., 2005.

⁷⁵² U.S. Department of State, *Trafficking in Persons Report*, Washington, DC, June 3, 2005; available from <http://www.state.gov/g/tip/rls/tiprpt/2005/46613.htm>.

⁷⁵³ ILO-IPEC Official, meeting with USDOL Official, January 20, 2003.

⁷⁵⁴ ILO-IPEC, *Combating the Trafficking in Children for Labor Exploitation in West and Central Africa*, synthesis report, Abidjan, 2001, 9, 11; available from <http://www.ilo.org/public/english/standards/ipecc/publ/field/africa/central.pdf>. See also U.S. Department of State, *Trafficking in Persons Report*.

⁷⁵⁵ U.S. Department of State, *Trafficking in Persons Report*. See U.S. Department of State, *Country Reports- 2004: Burkina Faso*, Section 5.

⁷⁵⁶ U.S. Department of State, *Country Reports- 2004: Burkina Faso*, Section 5. Reports indicate that children from Benin and Togo are trafficked in Burkina Faso for forced labor. See U.S. Department of State, *Trafficking in Persons Report*.

⁷⁵⁷ ECPAT International, *Burkina Faso*, in ECPAT International, [database online] n.d. [cited June 15, 2005]; available from http://ecpat.net/eng/Ecpat_inter/projects/monitoring/online_database/countries.asp?arrCountryID=27&CountryProfile=facts,affiliation,humanrights&CSEC=Overview,Prostitution,Pornography,trafficking&Implement=Coordination_cooperation,Prevention,Protection,Recovery,ChildParticipation&Nationalplans=National_plans_of_action&orgWorkCSEC=orgWorkCSEC&DisplayBy=optDisplayCountry. See also U.S. Department of State, *Trafficking in Persons Report*.

September 2002 rebellion in Côte d'Ivoire, with many children going instead to Benin or to Mali to work on rice plantations or study in Islamic schools.⁷⁵⁸

The Education Act makes schooling compulsory from age 6 to 16.⁷⁵⁹ By law, education is also free, but the government does not have adequate resources to provide universal free primary education. Children are required to pay for school supplies, and communities are frequently responsible for constructing primary school buildings and teachers' housing. Children from poor families can continue to receive tuition-free education through junior high and high school, if their grades qualify.⁷⁶⁰ In 2002, the gross primary enrollment rate was 46 percent, and the net primary enrollment rate was 36 percent.⁷⁶¹ 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. In 1998, 26.5 percent of children ages 6 to 14 years were attending school.⁷⁶² As of 2001, 66 percent of children who started primary school were likely to reach grade 5.⁷⁶³

Child Labor Laws and Enforcement

The Labor Code sets the minimum age for employment at 15 years of age and prohibits children under 18 from working at night.⁷⁶⁴ The Labor Code also outlines and prohibits the worst forms of child labor for children under 18. Its definition of the worst forms of child labor follows ILO Convention No. 182. A decree adopted under Article 147 of the Labor Code lists the types of businesses in which children under 18 years of age may not work.⁷⁶⁵ Under the Labor Code, children and adolescents under 20 years may not undertake work that threatens their reproductive capability.⁷⁶⁶ Slavery and slavery-like practices; inhumane and cruel treatment; and physical or emotional abuse of children are forbidden by the Constitution.⁷⁶⁷ The Labor Code also prohibits forced and compulsory labor.⁷⁶⁸ The minimum age for voluntary recruitment into the military is 20 years.⁷⁶⁹ Since 1999, the Government of Burkina Faso has submitted to the ILO a list or an equivalent document identifying the types of work that it has determined are harmful to the health, safety or morals of children under Convention 182 or Convention 138.⁷⁷⁰

⁷⁵⁸ U.S. Department of State, *Country Reports- 2004: Burkina Faso*, Section 5.

⁷⁵⁹ UN Committee on the Rights of the Child, *Initial Reports of State Parties due in 1997: Burkina Faso*, Geneva, February 2002, para. 341.

⁷⁶⁰ U.S. Department of State, *Country Reports- 2004: Burkina Faso*, Section 5. See also U.S. Embassy- Ouagadougou, *reporting*, August 26, 2004.

⁷⁶¹ UNESCO Institute for Statistics, <http://stats.uis.unesco.org/TableViewer/tableView.aspx?ReportId=51> (Gross and Net Enrollment Ratios, Primary; accessed December 2005).

⁷⁶² UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank Surveys, *Child Economic Activity and School Attendance Rates*.

⁷⁶³ UNESCO Institute for Statistics, <http://stats.uis.unesco.org/TableViewer/tableView.aspx?ReportId=55> (School life expectancy, % of repeaters, survival rates; accessed December 2005).

⁷⁶⁴ In times of emergency, the minimum age for night work may be lowered to 16 years. The Labor Code was adopted on September 14, 2004 and promulgated on October 15, 2004. See Government of Burkina Faso, *Loi n° 033-2004/AN portant Code du Travail au Burkina Faso*, (September 14, 2004), Articles 146, 147; available from http://www.legiburkina.bf/jo/jo2004/no_spécial_02/Loi_AN_2004_00033.htm. 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.

⁷⁶⁵ See *Code du Travail*, Articles 147, 148. See also ILO-IPEC, *Combating the trafficking of children for labour exploitation in West and Central Africa (LUTRENA) - Responses to ICLP Comments, March 2005*, IPEC responses, Geneva, March 2005, 1.

⁷⁶⁶ *Code du Travail*, Article 145.

⁷⁶⁷ *Ibid.*, Article 148.

⁷⁶⁸ However, certain types of work, such as military service and prison labor, are not included in this prohibition. See *Ibid.*, Articles 5, 6.

⁷⁶⁹ Coalition to Stop the Use of Child Soldiers, *Child Soldiers Global Report 2004*, November 17, 2004; available from http://www.child-soldiers.org/document_get.php?id=760.

⁷⁷⁰ ILO-IPEC official, email communication to USDOL official, November 14, 2005.

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, is proscribed by law. 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 and a fine of 300,000 CFA francs to 1,500,000 CFA francs (USD 553.57 to USD 2,767.86). 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.⁷⁷¹ However, reports indicate that the law has not been applied. In 2004, 41 child traffickers were arrested, of which 16 were convicted.⁷⁷² Also, kidnapping and violence toward children is prohibited by the Penal Code.⁷⁷³ The Penal Code forbids direct and indirect involvement in the prostitution of persons, and explicitly prohibits the prostitution of persons less than 18 years of age. Violations are punishable by 2 to 5 years of imprisonment and a fine of 2,000,000 CFA francs to 25,000,000 CFA francs (USD 3,690.49 to USD 46,131.10).⁷⁷⁴ Contributing to the corruption or debauchery of a minor is also illegal and is subject to the same penalties.⁷⁷⁵ Penalties specified for these crimes apply regardless of the country in which the offenses are committed.⁷⁷⁶

The Ministry of Social Affairs and the Ministry of Labor's Directorate of Labor Health and Security, Child Labor, and Trafficking Division are responsible for enforcing child labor laws, but, according to the U.S. Department of State, they lack the means to do so adequately. Violations of minimum age and forced labor laws are subject to fines of 50,000 CFA francs to 300,000 CFA francs (USD 92.26 to USD 553.57) and imprisonment of 1 month to 3 years, and violations of laws prohibiting the worst forms of child labor are governed by the penalties set forth by the child trafficking legislation.⁷⁷⁷ The national police, gendarmes, customs service, and labor inspectors share responsibility for investigating child labor violations.⁷⁷⁸ In late 2004, a law was passed to establish juvenile courts to address child rights issues.⁷⁷⁹ Due to resource constraints, the government provides minimal support to Burkinabe trafficking victims, and departs foreign victims.⁷⁸⁰

⁷⁷¹ 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. For currency conversion, see FX Converter, [online] [cited July 1, 2005]; available from <http://www.oanda.com/convert/classic>.

⁷⁷² U.S. Department of State, *Trafficking in Persons Report*.

⁷⁷³ U.S. Department of State, *Country Reports- 2004: Burkina Faso*, Section 5.

⁷⁷⁴ 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 Government of Burkina Faso, *Penal Code, Section IV-Offenses against Public Morals*, (April 13, 1946), Articles 334, 334-1; available from <http://209.190.246.239/protectionproject/statutesPDF/BURKINAFASO.pdf>. For currency conversion, see FX Converter.

⁷⁷⁵ Article 334-1 of the Burkina Faso Penal 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 *Government of Burkina Faso Penal Code*.

⁷⁷⁶ *Ibid.*, Articles 334 and 334-1.

⁷⁷⁷ U.S. Department of State, *Country Reports- 2004: Burkina Faso*, Sections 5, 6d. See also *Code du Travail*, Articles 388, 390. For currency conversions, see FX Converter.

⁷⁷⁸ U.S. Embassy- Ouagadougou, *reporting*, August 26, 2004.

⁷⁷⁹ In November 2004, two courts were set up, and more are envisioned. See Save the Children-Canada, *Training and Education Against Trafficking (TREAT), March 2005 TPR*, technical progress report, Toronto, March 11, 2005, 3.

⁷⁸⁰ U.S. Department of State, *Trafficking in Persons Report*.

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

The Government of Burkina Faso participates in a regional USDOL-funded ILO-IPEC project to combat the trafficking of children for exploitative labor in West and Central Africa.⁷⁸¹ The government also takes part in a USD 3 million USDOL-funded education initiative to promote education for victims of child trafficking and children at risk of being trafficked,⁷⁸² and a USD 3 million regional USDOL-funded ILO-IPEC project to combat child labor in small-scale gold mining.⁷⁸³ The U.S. Department of State is funding an ILO-IPEC project in Burkina Faso to provide socioeconomic rehabilitation to 70 trafficked children. The Government of Burkina Faso is also participating in an ILO-IPEC project funded by France to combat child labor in Francophone Africa,⁷⁸⁴ as well as one funded by Denmark to combat trafficking in children for labor exploitation in Benin, Ghana, and Burkina Faso.⁷⁸⁵ In addition, the government is collaborating with ILO-IPEC to conduct a survey of child labor in the country.⁷⁸⁶

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		

The government works to raise awareness among children and parents about the dangers of child trafficking.⁷⁸⁷ With funding from UNICEF, the government produced a TV and radio series on child labor and child trafficking.⁷⁸⁸ There is one reintegration center in the capital for at risk children, and the government has collaborated with UNICEF to establish 19 transit centers throughout the country for trafficked children. The government also cooperates with NGOs and international organizations to reintegrate child trafficking victims.⁷⁸⁹ The government supports Vigilance and Surveillance Committees throughout the country and has trained them on how to identify and assist trafficking victims. As a result of the bilateral agreement Burkina Faso signed with Mali in 2004 to combat cross-border child trafficking, 20 trafficked children were repatriated.⁷⁹⁰ In July 2005, Burkina Faso was one of 9 countries to sign a multilateral cooperative agreement to combat child trafficking in West Africa.⁷⁹¹

⁷⁸¹ The regional child trafficking project covers Benin, Burkina Faso, Côte d'Ivoire, Gabon, Mali, and Togo. The project began in July 2001 and is scheduled for completion in June 2007. See International Child Labor Program U.S. Department of Labor, *Combating Trafficking in Children for Labor Exploitation in West and Central Africa, Phases 1 & 2 (LUTRENA), Project Summary*, 2004.

⁷⁸² The four year project began in August 2003. U.S. Department of Labor - International Child Labor Program, *Training and Education Against Trafficking (TREAT), Project Summary*, 2003.

⁷⁸³ The 39-month project, funded in September 2005, covers Burkina Faso, Niger and, to a lesser extent, Mali. See ILO-IPEC, *Prevention and Elimination of Child Labour in Mining in West Africa*, project document, Geneva, September 30, 2005.

⁷⁸⁴ The countries participating in this project include Benin, Burkina Faso, Madagascar, Mali, Morocco, Niger, Senegal, and Togo.

⁷⁸⁵ ILO-IPEC official, email communication to USDOL official, November 8, 2005.

⁷⁸⁶ ILO-IPEC, *IPEC Action Against Child Labour - Highlights 2004*, online, Geneva, October 2004, 20; available from http://www.ilo.org/public/english/standards/ipec/publ/download/implementation_2004_en.pdf.

⁷⁸⁷ U.S. Department of State, *Country Reports- 2004: Burkina Faso*, Section 6d.

⁷⁸⁸ U.S. Embassy- Ouagadougou, *reporting*, September 30, 2005.

⁷⁸⁹ U.S. Department of State, *Trafficking in Persons Report*.

⁷⁹⁰ The Committees have been established in 39 of the country's 45 provinces. See *Ibid*.

⁷⁹¹ *Multilateral Cooperation Agreement to Combat Child Trafficking in West Africa*, July 27, 2005. See also Save the Children-Canada, *Training and Education Against Trafficking (TREAT), September 2005 TPR*, technical progress report, Toronto, September 5, 2005, 3.

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.⁷⁹² The plan focuses on improving primary school enrollment and attendance as well as literacy rates.⁷⁹³ The World Bank is supporting the plan through a project that focuses on improving access to and quality of basic education, and improving management and capacity within the Ministry of Education.⁷⁹⁴ The government is also working in partnership with the Millennium Challenge Corporation to improve girls' primary education completion rates in the 10 provinces with the lowest completion rates.⁷⁹⁵ At a regional conference in Ethiopia in September 2005, the government pledged to place a high priority on education in rural areas when working to meet their poverty eradication targets.⁷⁹⁶

UNICEF also works with the government to construct satellite schools in an effort to improve access to basic education.⁷⁹⁷ The government promotes primary education for girls by implementing school feeding programs and information campaigns to change attitudes about sending girls to school. It also encourages scholarships from donors.⁷⁹⁸ In addition, the Government of Burkina Faso is utilizing USD 12.1 million provided by the U.S. government to improve girls schooling, including building wells, latrines, and community nurseries in schools.⁷⁹⁹

⁷⁹² 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 1, 2005]; available from <http://www.irinnews.org/report.asp?ReportID=30039>.

⁷⁹³ See U.S. Embassy- Ouagadougou, *reporting*, August 26, 2004.

⁷⁹⁴ The 5-year project, which includes construction of primary schools and teacher training, began in 2002. See World Bank, *Basic Education Sector Project*, [online] n.d. [cited June 20, 2005]; available from <http://web.worldbank.org/external/default/main?pagePK=64027221&piPK=64027220&theSitePK=343876&menuPK=343908&Projectid=P000309>.

⁷⁹⁵ The 2-year project will include the construction of 132 schools, including latrines, wells and canteens, as well as housing and incentives for teachers. See Millennium Challenge Corporation, *Millennium Challenge Corporation Board Approves First Threshold Program*, press release, Washington, DC, July 8, 2005; available from http://www.mcc.gov/public_affairs/press_releases/pr_070805.shtml. See also U.S. Embassy- Ouagadougou official, email communication to USDOL official, September 30, 2005.

⁷⁹⁶ Liz Ford, "African countries pledge to improve rural education," *Guardian Unlimited* (London), September 9, 2005; available from <http://education.guardian.co.uk/print/0,3858,5282047-111787,00.html>.

⁷⁹⁷ UNICEF, *At a glance: Burkina Faso*, UNICEF, [online] n.d. [cited June 20, 2005]; available from <http://www.unicef.org/infobycountry/burkinafaso.html>.

⁷⁹⁸ U.S. Department of State, *Country Reports- 2004: Burkina Faso*, Section 5.

⁷⁹⁹ Save the Children-Canada, *TREAT, September 2005 TPR*, 3.