

2022 Trafficking in Persons Report: Burkina Faso

Burkina Faso (Tier 2 Watch List)

The Government of Burkina Faso does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. These efforts included establishing child protection units in law enforcement offices throughout the country, identifying potential trafficking victims, and continuing its program with Quranic teachers to prevent child forced begging. The government, in collaboration with international organizations and foreign donors, implemented a humanitarian response plan to assist vulnerable people in conflict-affected areas, including potential trafficking victims. However, the government did not demonstrate overall increasing efforts compared with the previous reporting period, even considering the impact of the COVID-19 pandemic, on its anti-trafficking capacity. Substantial personnel turnover related to the January 2022 coup d'état—followed by the formation of a transition government—hindered Burkina Faso's ability to maintain consistent anti-trafficking efforts and accurately report on the efforts for this reporting period. The government did not report any prosecutions or convictions for the third consecutive year and did not effectively screen vulnerable populations for trafficking indicators. Shelter and services, especially for adult victims, remained insufficient. The national anti-trafficking committee did not meet or coordinate anti-trafficking activities. The government did not adequately address complicity in trafficking crimes, including allegations local officials exploited internally displaced persons (IDPs) in sex trafficking. Therefore Burkina Faso remained on Tier 2 Watch List for the second consecutive year.

PRIORITIZED RECOMMENDATIONS:

- Increase efforts to investigate, prosecute, and convict traffickers—including those who exploit children in forced begging and complicit officials—while respecting due process, and sentence convicted traffickers to significant prison terms, as prescribed in the 2008 anti-trafficking law.
- Finalize and implement a handover protocol for children associated with non-state armed groups in collaboration with international organizations and prioritize reintegration of these children.
- Develop and finalize a national action plan to combat trafficking and allocate resources to its implementation.
- Increase the quantity and quality of services available to all victims, including adults, in coordination with civil society.
- Increase nationwide trafficking data collection on law enforcement and victim identification efforts.
- Train law enforcement and security officials on the standard operating procedures to identify victims among vulnerable populations, such as women in commercial sex, children associated with non-state armed groups, and Cuban overseas workers, including medical professionals, and refer trafficking victims to protective services.
- Train law enforcement, prosecutors, and the judiciary on investigating and prosecuting trafficking cases.
- Increase oversight of labor recruitment agencies and hold fraudulent labor recruiters criminally accountable.
- Increase funding and resources for police and security force units charged with investigating trafficking crimes.
- Strengthen the national anti-trafficking committee's authority to coordinate the government's anti-trafficking response by providing financial and in-kind resources,

- convening regular meetings, sharing data, and promoting coordination with regional and provincial sub-committees and the national committee on the worst forms of child labor.
- Increase public awareness campaigns on all forms of trafficking, including child forced begging and trafficking that does not involve movement, in collaboration with civil society.

PROSECUTION

The government did not report undertaking anti-trafficking law enforcement efforts. Articles 511-1 to 511-5 of the penal code criminalized sex trafficking and labor trafficking and prescribed penalties of five to 10 years' imprisonment and fines of 1 million to 5 million West African CFA francs (FCFA) (\$1,720-\$8,590) for offenses involving a victim older than the age of 15, and 11 to 20 years' imprisonment and a fine of 2 million to 10 million FCFA (\$3,440-\$17,190) for those involving a victim 15 years old or younger. These penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with penalties prescribed for other serious crimes, such as rape.

Insecurity across the country hindered the government's collection of law enforcement statistics. The government did not report any trafficking investigations, compared with one investigation during the previous reporting period. For the third consecutive year, the government did not report any prosecutions or convictions of traffickers. However, civil society and media reported the government prosecuted and convicted at least five traffickers. Courts reportedly sentenced three traffickers engaged in unknown forms of exploitation to two years' imprisonment and a fine; two traffickers reportedly received fully suspended sentences, which did not serve to deter or adequately reflect the nature of the crime. Corruption and official complicity in trafficking crimes remained significant concerns, inhibiting law enforcement action during the year. Media reported local officials involved in a humanitarian food assistance program exploited female IDPs in sex trafficking between October 2020 and May 2021; the reporting alleged local authorities and volunteers responsible for registering food aid beneficiaries solicited women for sex in exchange for registration. The Minister of Women initiated an investigation of the case but did not report any actions taken by the end of the reporting period. In the past, authorities alleged some officials exerted pressure over police and the judiciary to drop labor trafficking cases, especially in the mining sector. In July 2018, a federal court in New York entered a default judgment against a former Burkina Faso diplomat who had been assigned to Burkina Faso's Mission to the UN. In October 2019, the court awarded the plaintiff approximately \$784,000. The plaintiff (the diplomat's former domestic worker) had alleged, among other things, violations of the TVPA and federal and state labor laws after his employer allegedly forced him to work long hours under intolerable conditions. The judgment appears to remain unpaid, and the government did not report taking any actions to hold the diplomat accountable for the third consecutive year. Although not explicitly reported as human trafficking, an international organization reported there were two new allegations submitted in 2021 of alleged sexual exploitation with trafficking indicators by Burkinabe peacekeepers deployed to the UN peacekeeping mission in the Democratic Republic of the Congo (DRC) in 2021. UN-led investigations into these open cases remained pending, and the government had not yet reported the accountability measures taken, if any, by the end of the reporting period.

The government established child protection units comprised of law enforcement and protection actors in offices throughout the country to identify and support vulnerable children, including child trafficking victims. Under its 2019 law enforcement cooperation agreement with Cote d'Ivoire, Burkinabe and Ivorian security forces conducted joint operations to identify potential trafficking victims. The government also signed a memorandum of understanding to enhance trafficking cooperation with Nigeria in December 2021. The government did not report providing anti-trafficking training to law enforcement or the judiciary for the second consecutive year; however, stakeholders reported the government provided some support for an NGO-facilitated training for law enforcement and social workers under the government's 2019 tripartite agreement with Togo and Benin on transnational child trafficking.

PROTECTION

The government maintained protection efforts. The government did not report identifying any trafficking victims, but one official reported authorities identified at least 399 potential child trafficking victims in 2021. This compared with identifying 380 potential victims, including 70 children identified en route to possible exploitation in mining and 310 potential victims identified as part of the government's campaign to remove vulnerable children from the street, including *talibés* (Quranic students) exploited in forced begging, during the previous year; the government did not report continuing this campaign. The government did not report how many potential victims, if any, it referred to services. Authorities and front-line responders had standard victim identification and referral procedures in some regions. In addition, the government had a case management guide for law enforcement and social service providers to facilitate the uniform referral of child victims of crime, including trafficking victims, to care. However, the government did not report whether officials used these procedures during the reporting period. The government continued to coordinate with an international organization to screen for trafficking indicators among refugees and IDPs but did not report identifying any potential victims among these populations.

The government operated two shelters in Ouagadougou for victims of crime, including trafficking victims; the shelters were open 24 hours per day, provided food and medical assistance, and could accommodate long-term stays for both adults and children. The government did not report the number of trafficking victims, if any, it referred to the shelters. Outside of the capital, the Ministry of Women, National Solidarity, Family and Humanitarian Action (Ministry of Women) operated 34 regional centers for victims of crime that provided short-term services, including psycho-social, and food assistance. These centers operated during weekly business hours when they had sufficient funding, although the centers could provide short-term shelter to some adults and children when necessary. The centers relied heavily on local NGOs and international organizations for support. When trafficking victims outside of Ouagadougou required shelter, authorities nearly always placed victims with host families or NGOs. Outside of Ouagadougou, there were no shelters or services specifically for adults. Long-term care for all victims remained inadequate, and service providers lacked the funding and resources to support victim services and reintegration. The lack of support subsequently increased victims' vulnerability to re-trafficking. The government worked with international organizations and foreign donors to implement its humanitarian response plan, providing shelter, food, and essential supplies to millions of vulnerable people in conflict-affected areas, including potential trafficking victims. The 2015 law on the prevention and repression of violence against women and girls mandated measures for victim support, including the establishment of free emergency integrated support centers to offer comprehensive services for female victims of violence, including sex trafficking, and the creation of a government support fund for victims. The government operated four of these support centers. The government did not report how many victims, if any, it referred to the support centers or provided support from the fund.

The 2008 anti-trafficking law and 2018 penal code contained provisions to protect victims' identities and encourage their participation in prosecutions against their alleged traffickers by allowing for closed sessions to hear victim testimony, excusing victims from appearing at hearings, and allowing social workers to accompany child victims. Victims could access legal services through the government's legal aid fund for vulnerable populations. However, the government did not report utilizing these provisions during the reporting period. The law allowed victims to obtain restitution, but the government did not report pursuing restitution in any cases. In addition, victims could file civil suits against traffickers, but no victims reportedly did so, in part due to lack of awareness. Foreign victims who faced hardship or retribution in their country of origin could apply for asylum, but there were no reports trafficking victims applied for asylum during the reporting period.

Since victim identification procedures were not in use nationwide or uniformly implemented where in use, officials likely detained some unidentified victims. The government inappropriately detained 18 children ages 12 to 17 years old for alleged association with violent extremist groups, some of whom may have been trafficking victims; 15 of the children remained in detention at the end of the reporting period. Authorities held the children in a high security prison separately from adult detainees and allowed international organizations and NGOs access to provide specialized care, including legal services. In many cases, authorities held detainees, including children allegedly associated with violent extremist groups, without charge or trial for longer periods than the maximum sentence for the alleged offense; this included terrorism cases. Detainees, including children allegedly associated with violent extremist groups, faced harsh conditions, including inadequate food and water, and poor sanitation, heating, ventilation, lighting, and medical care. The government did not finalize a previously drafted protocol for the handover of children associated with non-state armed groups to civilian protection actors for the second consecutive year.

PREVENTION

The government decreased efforts to prevent trafficking. The Ministry of Women, also responsible for the government's response to the humanitarian crisis, nominally led the government's national anti-trafficking coordination committee. The committee did not meet or conduct capacity building activities during the reporting period for the second consecutive year; it continued to lack the resources and a national action plan to coordinate the government's anti-trafficking response and take proactive measures to combat trafficking. Some regional and provincial sub-committees coordinated local efforts and held awareness raising campaigns. However, the sub-committees also lacked resources and funding for day-to-day operations. The government's national coordination committee on the worst forms of child labor, including child trafficking, continued to implement its 2019-2023 national strategy and validated a new 2022-2023 operational action plan.

The Ministry of Women continued its program with Quranic teachers to promote child protection and prevent forced begging; to date, the government partnered with 122 Quranic teachers. The Ministry of Women operated a hotline to report child abuse and launched a new hotline to report gender-based violence, including potential trafficking cases; the hotlines received more than 436 calls and referred at least 30 individuals to services. The government did not report any policies to regulate labor recruitment or prevent the fraudulent recruitment and exploitation of Burkinabe nationals abroad. The government conducted labor inspections but could not access all regions of the country due to insecurity; the government did not report identifying any potential trafficking victims during the inspections. The Ministry of Justice, Human Rights, and Civic Promotion worked with international NGOs to deploy mobile courts to remote villages to issue birth certificates and national identity documents to local populations. The government did not report any efforts to reduce the demand for commercial sex acts. The government did not report providing any anti-trafficking training to its diplomatic personnel. The government, with funding from a foreign donor, provided anti-trafficking training to its troops prior to their deployment as peacekeepers. However, although not explicitly reported as human trafficking, there were two open cases of alleged sexual exploitation with trafficking indicators by Burkinabe peacekeepers deployed to the UN peacekeeping mission in the DRC.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Burkina Faso, and traffickers exploit victims from Burkina Faso abroad. Traffickers fraudulently recruit Burkinabe children under the pretext of educational opportunities and instead exploit them as farm hands, gold panners and washers in artisanal mines, street vendors, and domestic servants. In some cases, parents knowingly allow their children to be exploited in domestic servitude to supplement family income. An international organization estimates between 200,000-300,000 children work in artisanal mining sites, some of whom may be trafficking victims. Traffickers exploit girls in sex trafficking in Ouagadougou and in mining towns. Unscrupulous Quranic

teachers force or coerce *talibés* to beg in Quranic schools, sometimes with parents' knowledge. Traffickers transport Burkinabe children—including children experiencing homelessness—to Cote d'Ivoire, Mali, Senegal, and Niger for forced labor in artisanal mining, forced begging, and cocoa production, as well as sex trafficking. Traffickers recruit women for ostensibly legitimate employment in Lebanon, Qatar, Saudi Arabia, and—to a lesser extent—Europe and subsequently exploit them in sex trafficking. Traffickers also exploit Burkinabe women in domestic servitude in the Middle East. In 2018, an international organization repatriated approximately 588 Burkinabe adults from Libya, some of whom traffickers exploited in sex trafficking and forced labor in construction and agriculture.

Between September 2019 and September 2021, the number of IDPs in Burkina Faso grew from nearly 300,000 people to more than 1.4 million people, an increase of more than 350 percent. Forcibly displaced persons migrating from rural areas to urban centers are vulnerable to forced labor and sex trafficking. Violent extremist groups exploit women and children, including IDPs, in forced labor and sex trafficking, and reportedly coerce individuals to carry out attacks and otherwise act as accomplices. Violent extremist groups continued to recruit and use child soldiers during the reporting period, and observers reported instances of child soldier recruitment are increasing. School closures and regional and economic instability increase children's vulnerability to trafficking and recruitment by armed groups. Armed groups leverage economic vulnerability to recruit children, sometimes with familial support, by promising large sums of money and gifting motorcycles. Armed groups also target *talibés* due to the boys' lack of economic alternatives.

Traffickers exploit children from neighboring countries, including Cote d'Ivoire, Ghana, Guinea, Mali, Niger, and Nigeria, in forced labor and sex trafficking. Traffickers fraudulently recruit women from other West African countries for employment in Burkina Faso and subsequently exploit them in forced labor in restaurants or domestic service. Traffickers recruit Nigerian women and girls for employment in shops and salons and instead exploit them in sex trafficking in mining regions, often through the use of debt bondage. Cuban overseas workers, including medical professionals, working in Burkina Faso may have been forced to work by the Cuban government. Burkina Faso is a transit country for traffickers transporting children from Mali to Cote d'Ivoire and women and girls from Cote d'Ivoire to Saudi Arabia; it is a transit country for Ghanaian migrants traveling to Libya and Italy, some of whom are trafficking victims.