

**Flygtningenævnets baggrundsmateriale**

<b>Bilagsnr.:</b>	<b>232</b>
Land:	Burundi
Kilde:	U.S. Department of Labor
Titel:	2015 Findings on the Worst Forms of Child Labor - Burundi
Udgivet:	30. september 2016
Optaget på baggrundsmaterialet:	19. januar 2017

*In 2015, Burundi made a minimal advancement in efforts to eliminate the worst forms of child labor. The Government provided refresher training to some labor inspectors and continued to provide funding for social programs that may contribute to the prevention or elimination of child labor. However, children in Burundi are engaged in child labor, including in agriculture, and in the worst forms of child labor, including in commercial sexual exploitation. Education in Burundi is not compulsory, increasing the risk of children's involvement in child labor. Law enforcement officials lack the necessary resources to effectively conduct labor inspections and criminal investigations. In addition, social programs do not target all of the sectors in which children work.*



### I. PREVALENCE AND SECTORIAL DISTRIBUTION OF CHILD LABOR

Children in Burundi are engaged in child labor, including in agriculture. Children are also engaged in the worst forms of child labor, including in commercial sexual exploitation.(1-10) According to a national study published by the Government of Burundi and the ILO, the majority of children work in the production of cash crops such as coffee, cotton, palm oil, sugarcane, and tea.(5) Table 1 provides key indicators on children's work and education in Burundi.

**Table 1. Statistics on Children's Work and Education**

Children	Age	Percent
Working (% and population)	5-14 yrs.	27.2 (633,126)
Attending School (%)	5-14 yrs.	60.9
Combining Work and School (%)	7-14 yrs.	26.0
Primary Completion Rate (%)		66.6

Source for primary completion rate: Data from 2014, published by UNESCO Institute for Statistics, 2015.(11)

Source for all other data: Understanding Children's Work Project's analysis of statistics from Demographic and Health Survey, 2010-2011.(12)

Based on a review of available information, Table 2 provides an overview of children's work by sector and activity.

**Table 2. Overview of Children's Work by Sector and Activity**

Sector/Industry	Activity
Agriculture	Production of tea,* coffee,* sugarcane,* cotton,* palm oil,* potatoes,* and rice* (1, 5, 7, 8)
	Fishing, including preparing materials and equipment,* preparing meals for fishermen,* loading and unloading materials from vessels,* and cleaning the vessels* (1, 5, 7, 8)
	Herding and feeding livestock* (5, 9)
Industry	Extracting,*† washing,* and transporting minerals* in mines and quarries, including artisanal gold mines* (1, 5-8, 13, 14)
	Making and transporting bricks* (1, 7-9, 15)
	Construction,* including transporting materials,* welding,* and installing electrical cables*† (5)
Services	Domestic work (1, 5-7, 9)
	Street vending, including selling food,* newspapers,* cigarettes,* and used clothes and shoes* (5, 6, 9)
	Begging* (6)

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**Table 2. Overview of Children’s Work by Sector and Activity (cont)**

Sector/Industry	Activity
Services	Handling and transporting heavy loads*† (5, 6)
	Cleaning, cooking, ironing, and laundering clothes in hotels and restaurants* (5)
Categorical Worst Forms of Child Labor‡	Commercial sexual exploitation, sometimes as a result of human trafficking (1-7, 9, 10, 14, 16)
	Domestic work as a result of human trafficking (2, 5, 14, 17)
	Forced labor in agriculture, mining, construction, street vending, and begging, each sometimes as a result of human trafficking* (9, 10)
	Use in armed conflict as a result of human trafficking* (18, 19)

\* Evidence of this activity is limited and/or the extent of the problem is unknown.

† Determined by national law or regulation as hazardous and, as such, relevant to Article 3(d) of ILO C. 182.

‡ Child labor understood as the worst forms of child labor *per se* under Article 3(a)–(c) of ILO C. 182.

Burundian children are trafficked within the country for domestic work and commercial sexual exploitation.(2-4, 10, 20) Children are recruited from rural areas for domestic work and later exploited in commercial sexual exploitation.(10) Women sometimes offer free room and board to girls, but then force the children into commercial sexual exploitation to cover their living expenses; these brothels are located in the poorer areas of Bujumbura, along Tanganyika Lake, on trucking routes, and in other urban centers such as Gitega, Ngozi, and Rumonge.(2, 3, 9, 10) Burundian girls are also trafficked internationally for commercial sexual exploitation in Kenya, the Middle East, Rwanda, Tanzania, and Uganda.(10, 19) Limited evidence suggests children are trafficked to Tanzania for work in agriculture.(21)







During the reporting period, political instability and conflict may have impacted the Government’s ability to address the worst forms of child labor. More than 220,000 Burundians, including 6,000 unaccompanied or separated children, have fled into neighboring countries.(22-24) Limited evidence indicates that Burundian children have been recruited from Rwandan refugee camps by armed Burundian opposition groups for weapons training.(23) In July 2015, 58 children participated in an armed invasion of a military position in Kayanza province; reports indicate that the children were trafficked by opposition groups with false promises of work in Rwanda.(18, 19, 25)

The conflict has impaired children’s access to education as schools have been damaged by grenade blasts.(22, 26) Additionally, a lack of birth registration and the cost of books and uniforms prevented children from accessing free public schooling.(9, 26)

## II. LEGAL FRAMEWORK FOR THE WORST FORMS OF CHILD LABOR

Burundi has ratified all key international conventions concerning child labor (Table 3).

**Table 3. Ratification of International Conventions on Child Labor**

Convention	Ratification
 ILO C. 138, Minimum Age	✓
 ILO C. 182, Worst Forms of Child Labor	✓
 UN CRC	✓
 UN CRC Optional Protocol on Armed Conflict	✓
 UN CRC Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography	✓
 Palermo Protocol on Trafficking in Persons	✓

The Government has established laws and regulations related to child labor, including its worst forms (Table 4).

**Table 4. Laws and Regulations Related to Child Labor**

Standard	Yes/No	Age	Related Legislation
Minimum Age for Work	Yes	16	Article 3 of the Labor Code; Article 3 of the Ministerial Ordinance to Regulate Child Labor (27, 28)
Minimum Age for Hazardous Work	Yes	18	Article 13 of the Ministerial Ordinance to Regulate Child Labor (28)
Prohibition of Hazardous Occupations or Activities for Children	Yes		Articles 9–15 of the Ministerial Ordinance to Regulate Child Labor (28)
Prohibition of Forced Labor	Yes		Articles 4 and 10 of the Trafficking in Persons Law (29)
Prohibition of Child Trafficking	Yes		Articles 242–243 and 514 of the Penal Code; Articles 4 and 10 of the Trafficking in Persons Law (29, 30)
Prohibition of Commercial Sexual Exploitation of Children	Yes		Articles 519–521 of the Penal Code (30)
Prohibition of Using Children in Illicit Activities	No		
Minimum Age for Compulsory Military Recruitment	N/A*		
Minimum Age for Voluntary Military Service	Yes	18	Article 6(c) of the National Defense Troops Law (31)
Compulsory Education Age	No		
Free Public Education	Yes		Article 17 of the Law on Basic and Secondary Education (32)

\* No conscription (33)

The Labor Code prohibits work by children under age 16 in public and private enterprises, including farms, where such work is carried out under the supervision of an employer. However, the law's minimum age protections do not apply to children outside of formal employment relationships.(27, 34, 35)

The Penal Code contains certain prohibitions on the commercial sexual exploitation of children; however, the law does not prohibit the distribution and possession of child pornography.(30)

Article 45 of the Constitution prohibits the use of children in armed conflict. However, the Penal Code only criminalizes the use of children under age 15 in armed conflict, leaving children ages 15–17 vulnerable to the worst forms of child labor.(30, 36)

### III. ENFORCEMENT OF LAWS ON THE WORST FORMS OF CHILD LABOR

The Government has established institutional mechanisms for the enforcement of laws and regulations on child labor, including its worst forms (Table 5).

**Table 5. Agencies Responsible for Child Labor Law Enforcement**

Organization/Agency	Role
General Directorate of Labor and Professional Development	Administer and enforce all labor laws, including those on child labor. Operate within the Ministry of Public Service, Labor, and Social Security (MFPTSS).(37)
National Police and the Brigade for the Protection of Women and Children	Conduct criminal investigations on the worst forms of child labor, including forced child labor, child trafficking, and the use of children in illicit activities. The National Police forwards investigation findings to the Ministry of Justice.(1, 7) The Brigade for the Protection of Women and Children, a division of the National Police, is charged with protecting children from commercial sexual exploitation.(1)
Ministry of Justice	Prosecute cases of the worst forms of child labor.(14)

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### *Labor Law Enforcement*

In 2015, labor law enforcement agencies in Burundi took actions to combat child labor, including its worst forms (Table 6).

**Table 6. Labor Law Enforcement Efforts Related to Child Labor**

Overview of Labor Law Enforcement	2014	2015
Labor Inspectorate Funding	Unknown (7)	Unknown (38)
Number of Labor Inspectors	18 (1, 7)	12 (38)
Inspectorate Authorized to Assess Penalties	Yes (38)	Yes (38)
Training for Labor Inspectors		
■ Initial Training for New Employees	No (38)	No (38)
■ Training on New Laws Related to Child Labor	Unknown (7)	No (38)
■ Refresher Courses Provided	Unknown (7)	Yes (38)
Number of Labor Inspections	Unknown (7)	108 (38)
■ Number Conducted at Worksite	Unknown	Unknown
■ Number Conducted by Desk Reviews	Unknown	Unknown
Number of Child Labor Violations Found	Unknown (7)	Unknown (38)
Number of Child Labor Violations for Which Penalties Were Imposed	0 (7)	0 (38)
■ Number of Penalties Imposed That Were Collected	N/A	N/A
Routine Inspections Conducted	Unknown	Unknown
■ Routine Inspections Targeted	Unknown	Unknown
Unannounced Inspections Permitted	Yes (38)	Yes (38)
Unannounced Inspections Conducted	No (38)	No (38)
Complaint Mechanism Exists	No (1, 7)	No (38)
Reciprocal Referral Mechanism Exists Between Labor Authorities and Social Services	No (38)	No (38)

According to the ILO's recommendation of 1 inspector for every 40,000 workers in less developed countries, Burundi should employ roughly 123 inspectors in order to adequately enforce labor laws throughout the country.(38-41) Research found that financial constraints limited inspectors' ability to adequately enforce labor laws.(38)

During the reporting period, some labor inspectors traveled to the African Regional Labor Administration Center for general training; however, most inspectors learned while on the job. In 2015, labor inspectors only conducted inspections in 10 of Burundi's 18 provinces.(38)

### *Criminal Law Enforcement*

In 2015, criminal law enforcement agencies in Burundi did not take actions to combat the worst forms of child labor (Table 7).

**Table 7. Criminal Law Enforcement Efforts Related to the Worst Forms of Child Labor**

Overview of Criminal Law Enforcement	2014	2015
Training for Investigators		
■ Initial Training for New Employees	Unknown (7)	No (38)
■ Training on New Laws Related to the Worst Forms of Child Labor	No (14)	No (38)
■ Refresher Courses Provided	Unknown (7)	Yes (19)
Number of Investigations	0 (7)	0 (38)
Number of Violations Found	N/A	N/A
Number of Prosecutions Initiated	0 (7)	0 (38)
Number of Convictions	2 (17)	Unknown
Reciprocal Referral Mechanism Exists Between Criminal Authorities and Social Services	Yes (4)	Yes (21)

In 2015, the National Police and the Brigade for the Protection of Women and Children did not have adequate resources to effectively enforce laws on the worst forms of child labor.(10) Although the Government enacted an anti-trafficking in persons law in 2014, law enforcement officials did not receive training on its implementation during the reporting period.(10)

Research found that suspects apprehended for the commercial sexual exploitation of children were released without prosecution, sometimes as a result of corruption among law enforcement officials.(10)

During the reporting period, law enforcement officials arrested and detained 58 children for involvement with armed groups.(21, 25) Although 7 of the children were released, 14 children were sentenced to 2 years of imprisonment; the remaining 37 children are awaiting trial.(25)

#### IV. COORDINATION OF GOVERNMENT EFFORTS ON THE WORST FORMS OF CHILD LABOR

The Government has established mechanisms to coordinate its efforts to address child labor, including all its worst forms (Table 8).

**Table 8. Mechanisms to Coordinate Government Efforts on Child Labor**

Coordinating Body	Role & Description
National Multi-Sector Committee for the Elimination of the Worst Forms of Child Labor	Coordinate efforts to combat the worst forms of child labor, including implementation of community development programs that address the education and socioeconomic reintegration of children engaged in or removed from the worst forms of child labor.(37, 42, 43) Composed of nine ministries and organizations, including the MFPTSS; the Ministry of National Solidarity, Human Rights, and Gender (MSNDPHG); the Ministry of Elementary and Secondary Education; the Ministry of Justice; the Ministry of Youth; and representatives from UNICEF, youth associations, and civil society organizations.(7)
Trafficking in Persons Permanent Commission	Oversee national anti-trafficking in persons efforts, including implementation of the National Action Plan for Combating Trafficking in Persons.(17, 44) Composed of officials from the MSNDPHG and the Ministries of Justice, Public Security, Foreign Affairs, and Interior.(7)
National Independent Commission for Human Rights	Defend and promote human rights, including efforts against child trafficking and exploitation. Develop an annual report on human rights in Burundi, and report on more specific issues, including the rights of women and children.(6) The Commission is an independent state institution composed of seven members who are elected by the National Assembly and appointed by Presidential decree for a 4-year term.(6) In 2015, the Commission removed seven children under age 15 from detention facilities following their arrest by the Burundian army.(21, 38)
MSNDPHG's Department of the Child and Family	Coordinate, monitor, and oversee children's advocacy and family service programs conducted by public and private organizations. Develop policies and national laws on the promotion and protection of children and families.(45) Child Protection Committees, established at the local level, refer cases to police officers and judicial officials for enforcement; victims are referred to local NGOs for social services.(21)

In 2015, the National Multi-Sector Committee for the Elimination of the Worst Forms of Child Labor and the Trafficking in Persons Permanent Commission were not operational.(19, 21)

#### V. GOVERNMENT POLICIES ON THE WORST FORMS OF CHILD LABOR

The Government of Burundi has established policies related to child labor, including its worst forms (Table 9).

**Table 9. Policies Related to Child Labor**

Policy	Description
National Action Plan for the Elimination of the Worst Forms of Child Labor (2010–2015)	Aimed to eliminate all of the worst forms of child labor by 2015 and contribute to the elimination of all forms of child labor by 2025.(43)
National Action Plan for Combatting Trafficking in Persons (2014–2017)	Aims to significantly reduce human trafficking in Burundi by 2017 through the adoption of political, social, economic, and institutional measures.(44) Identifies women and children as being the most vulnerable to human trafficking. Lists a number of sectors in which trafficking is believed to exist and attempts to describe the profile of a human trafficker.(14, 44)
National Strategy for Street Children	Plans to prevent children from entering the street, reduce the number of street children, and reintegrate 60 percent of street children into their communities and families by 2016.(46)
PRSP*	Details a 5-year strategy to reduce poverty, increase economic growth and development, and strengthen government institutions, including schools.(13, 20, 37)
UNDAF (2012–2016)	Plans to develop a database for information on the worst forms of child labor, and legislation and regulations for the education and training of children and adolescents.(47)

\* Child labor elimination and prevention strategies do not appear to have been integrated into this policy.

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During the reporting period, the Government did not implement the National Action Plan for Combatting Trafficking in Persons.(19)

### VI. SOCIAL PROGRAMS TO ADDRESS CHILD LABOR

In 2015, the Government of Burundi funded and participated in programs that include the goal of eliminating or preventing child labor, including its worst forms (Table 10).

**Table 10. Social Programs to Address Child Labor**

Program	Description
Decent Work Country Program (2012–2015)	Government program that aimed to reinforce the capacity of the National Multi-Sector Committee for the Elimination of the Worst Forms of Child Labor through advocacy and mobilization of necessary resources.(48)
Centers for Family Development†	MSNDPHG-operated centers that address human rights issues, including child exploitation, and reintegrate victims to their home communities.(10, 21) Coordinate with Child Protection Committees to refer victims to local NGOs for care, when necessary.(21) In 2015, the Government provided community awareness on the 2014 Trafficking in Persons Law. In addition, a group of child journalists received training on human trafficking.(19)

† Program is funded by the Government of Burundi.

Research found no evidence that the Government has carried out programs to assist children in agriculture or industry. Additionally, the scope of existing programs is insufficient to fully address the extent of the child labor problem.

### VII. SUGGESTED GOVERNMENT ACTIONS TO ELIMINATE THE WORST FORMS OF CHILD LABOR

Based on the reporting above, suggested actions are identified that would advance the elimination of child labor, including its worst forms, in Burundi (Table 11).

**Table 11. Suggested Government Actions to Eliminate Child Labor, Including its Worst Forms**

Area	Suggested Action	Year(s) Suggested
Legal Framework	Criminally prohibit the use of children in illicit activities, particularly in the production and trafficking of drugs.	2015
	Establish by law a compulsory education age equal to or higher than the minimum age for work.	2009 – 2015
	Ensure that all children are protected by law, including children working outside of formal employment relationships.	2015
	Ensure that the law protects children under age 18 from all forms of commercial sexual exploitation, including the distribution and possession of child pornography.	2014 – 2015
	Ensure that laws criminalize the use of children under age 18 in armed conflict.	2012 – 2015
Enforcement	Make information publicly available regarding the Labor Inspectorate's funding, the type of labor inspections conducted, the number of violations found, and the number of convictions achieved.	2013 – 2015
	Increase the number of labor inspectors to provide adequate coverage of the workforce, and provide adequate training and resources to all inspectors to ensure that labor inspections, including unannounced inspections, are conducted nationwide.	2009 – 2015
	Establish a mechanism for filing child labor complaints.	2009 – 2015
	Establish a referral mechanism between labor authorities and social service providers.	2009 – 2015
	Increase the number of investigators charged with enforcing criminal laws on the worst forms of child labor, and provide adequate training and resources to ensure that criminal investigations and prosecutions take place.	2009 – 2015
	Cease the detention and prosecution of children forced into armed conflict. Ensure that children are demobilized and receive protective services.	2015
Coordination	Ensure that the National Multi-Sector Committee for the Elimination of the Worst Forms of Child Labor and the Trafficking in Persons Permanent Commission make efforts to combat and prevent child labor, including its worst forms.	2015
Government Policies	Integrate child labor elimination and prevention strategies into the PRSP.	2012 – 2015
	Take steps to implement the National Action Plan for Combatting Trafficking in Persons.	2015

**Table 11. Suggested Government Actions to Eliminate Child Labor, Including its Worst Forms (cont)**

Area	Suggested Action	Year(s) Suggested
Social Programs	Adopt social programs that address the barriers children face in accessing free public schooling, such as obtaining birth registration and paying for books and uniforms.	2015
	Institute and expand existing programs to address child labor, including in agriculture and industry.	2009 – 2015

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