

# **BURKINA FASO 2018 HUMAN RIGHTS REPORT**

## **EXECUTIVE SUMMARY**

Burkina Faso is a constitutional republic led by an elected president. In 2015 the country held peaceful and orderly presidential and legislative elections, marking a major milestone in a transition to democracy. President Roch Mark Christian Kabore won with 53 percent of the popular vote, and his party--the People's Movement for Progress--won 55 seats in the 127-seat National Assembly. National and international observers characterized the elections as free and fair.

Civilian authorities generally maintained effective control over security forces.

Human rights issues included arbitrary deprivation of life by violent extremist organizations; torture and degrading treatment by security forces and vigilante groups; arbitrary detention by security personnel; life-threatening detention conditions; official corruption; violence against women; and forced labor and sex trafficking, including of children.

The government investigated and punished some cases of abuse, but impunity for human rights abuses remained a problem. The government investigated alleged violations by vigilante groups and security forces but in most cases did not prosecute them.

More than 50 terrorist attacks throughout the country resulted in dozens of deaths, particularly of security personnel and local government officials, kidnappings, and the displacement of civilians, especially in the Sahel Region, located in the northernmost part of the country. As of May forced closures of more than 473 schools affected more than 64,659 students.

### **Section 1. Respect for the Integrity of the Person, Including Freedom from:**

#### **a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings**

Unknown assailants, but assumed to belong in some capacity to violent extremist organizations, waged attacks on security forces throughout the year. These included attacks on law enforcement, military, customs, and park ranger outposts, patrols, and the use of improvised explosive devices (IEDs) detonated under security vehicles. On March 2, in downtown Ouagadougou, terrorist organization

Jama'at Nasr al-Islam wal Muslimin (JNIM) attacked National Army Headquarters and the French embassy, killing eight security personnel. Between August and October, dozens of Burkinabe, including three civilians, died in attacks conducted in the Est Region.

### **b. Disappearance**

There were no reports of disappearances by or on behalf of government authorities.

### **c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment**

The constitution and law prohibit such practices; in 2014 the National Assembly adopted a law to define and prohibit torture and all related practices.

On February 19, a provincial director of the national police, Alexandre Kawasse, assaulted an 11-year-old girl at his residence. His subordinates reported him, resulting in his arrest on February 23. Authorities relieved him of his duties and charged him with assault on a minor; a judicial police investigation was ongoing at year's end.

### **Prison and Detention Center Conditions**

Conditions in prisons and detention facilities were harsh and at times life threatening due to overcrowding and inadequate sanitary conditions and medical care.

Physical Conditions: Authorities held pretrial detainees with convicted prisoners. Female prisoners had better conditions than those of men, in large part due to less crowding. Prisoners received two meals a day, but diets were inadequate, and inmates often relied on supplemental food from relatives. In some prisons overcrowding or severe overcrowding exacerbated inadequate ventilation, although some cells had electricity and some inmates had fans. Sanitation was rudimentary.

According to prison administration officials and medical staff, no prisoner deaths occurred during the year at the Central Prison in Ouagadougou (MACO) or the High Security Prison in Ouagadougou.

There were no appropriate facilities or installations for prisoners or detainees with disabilities, who relied on other inmates for assistance.

A human rights nongovernmental organization (NGO) reported that prison guards at the MACO occasionally used excessive physical force, inflicting injuries on prisoners.

Food, potable water, sanitation, heating, ventilation, lighting, and medical care were inadequate in the majority of detention facilities across the country. Tuberculosis, HIV, AIDS, and malaria were the most common health problems among prisoners. For example, at the High Security Prison, there were three nurses employed to treat 673 detainees and prisoners, with no doctor present on site but available on an on-call basis. Detention conditions were better for wealthy or influential citizens, or detainees considered nonviolent.

Local media regularly reported on cases of detainees who had spent more than one year without trial.

Administration: There were no reports that authorities failed to investigate credible allegations of inhuman prison conditions.

Independent Monitoring: The government permitted monitoring by independent nongovernmental observers. Prison authorities regularly granted permission to representatives of local and international human rights groups, media, foreign embassies, and the International Committee of the Red Cross to visit prisons without advance notice.

Improvements: In November 2017 the Ministry of Justice, Human Rights, and Civic Promotion sent a team to assess prison conditions and interview detainees, convicted prisoners, and prison guards in 95 percent of the country's prisons and detention centers. Throughout the year the government funded an awareness and training campaign for prison administration staff. To address overcrowding, the government funded a building expansion at the prison in Bobo-Dioulasso. As of October, however, there was no evidence that these measures effectively reduced overcrowding. During the year the ministry also appointed a special advisor for gender and vulnerable populations in prisons.

To improve detention conditions, improve prisoner health, and facilitate social reintegration of prisoners, the Ministry of Justice, Human Rights, and Civic Promotion launched a three-year prison reform project with EU support. Prison administration officials allowed NGOs and religious organizations regular access to prisoners to provide supplementary psychological and medical care.

#### **d. Arbitrary Arrest or Detention**

The constitution and law prohibit arbitrary arrest and detention and provide for the right of persons to challenge the lawfulness of their arrest or detention in court. Arbitrary arrests occurred, and judicial corruption and inadequate staffing of the judiciary deterred detainees from challenging the lawfulness of their arrest in court.

#### **Role of the Police and Security Apparatus**

The Ministry of Internal Security and the Ministry of Defense are responsible for internal security. The Ministry of Internal Security includes the National Police and the gendarmerie. The army, which operates within the Ministry of Defense, is responsible for external security but sometimes assists with missions related to domestic security. Use of excessive force, corruption, widespread impunity, and lack of training contributed to police ineffectiveness. The government announced some investigations were in progress, and others had resulted in prosecutions. Inadequate resources also impeded police effectiveness.

The Military Justice Administration examines all cases involving killings by military personnel or gendarmes to determine whether they occurred in the line of duty or were otherwise justifiable. The administration refers cases deemed outside the line of duty or unjustifiable to civilian courts. Civilian courts automatically handle killings involving police. The gendarmerie is responsible for investigating abuse by police and gendarmes, but it rarely made public the results of its investigations.

NGOs and the Ministry of Justice, Human Rights, and Civic Promotion conducted numerous training activities on human rights for security forces throughout the year.

#### **Arrest Procedures and Treatment of Detainees**

By law police and gendarmes must possess a court-issued warrant based on sufficient evidence before apprehending a person suspected of committing a crime, but authorities did not always follow these procedures. Authorities did not consistently inform detainees of charges against them. By law detainees have the right to expeditious arraignment, bail, access to legal counsel, and, if indigent, access to a lawyer provided by the government after being charged. A judge may order temporary release without bail pending trial. Authorities seldom respected

these rights. The law does not provide detainees access to family members, although authorities generally allowed detainees such access through court-issued authorizations.

The law limits detention without charge for investigative purposes to a maximum of 72 hours, renewable for a single 48-hour period. In terrorism investigations, the law allows detention for a 10-day period. In cases not related to terrorism, police rarely observed the law, and the average time of detention without charge (preventive detention) was one week. Once authorities charge a suspect, the law permits judges to impose an unlimited number of consecutive six-month preventive detention periods while the prosecutor investigates charges. Authorities often detained defendants without access to legal counsel for weeks, months, or even years before the defendant appeared before a magistrate. There were instances in which authorities detained suspects incommunicado.

Arbitrary Arrest: On August 29, elite security forces arrested political and web activist Safiatou Lopez, an outspoken critic of the government, without a warrant, encircling her house at nightfall and flying an intelligence drone overhead. Without presenting any evidence, authorities charged her with an attempt to “destabilize the state.” At year’s end she remained in detention.

Pretrial Detention: Authorities estimated 46 percent of prisoners nationwide were in pretrial status. In some cases authorities held detainees without charge or trial for longer periods than the maximum sentence for conviction of the alleged offense. A pretrial release (release on bail) system exists, although the extent of its use was unknown.

Detainee’s Ability to Challenge Lawfulness of Detention before a Court: The law provides persons arrested or detained the right to challenge in court the legal basis or arbitrary nature of their detention. Prisoners who did so, however, reportedly faced difficulties due to either judicial corruption or inadequate staffing of the judiciary.

#### **e. Denial of Fair Public Trial**

The constitution and law provide for an independent judiciary, but the judiciary was corrupt, inefficient, and subject to executive influence, according to NGOs. There were no instances in which the trial outcomes appeared predetermined, and authorities respected court orders. Legal codes remained outdated, there were not

enough courts, and legal costs were excessive. Citizens' poor knowledge of their rights further weakened their ability to obtain justice.

Military courts try cases involving military personnel charged with violating the military code of conduct. Rights provided in military courts are equivalent to those in civil criminal courts. Military courts are headed by a civilian judge, hold public trials, and publish verdicts in the local press.

### **Trial Procedures**

The law presumes defendants are innocent. Defendants have the right to be promptly informed and in detail of the charges, with free assistance of an interpreter. Trials are public but may be delayed. Judicial authorities use juries only in criminal cases. Defendants have the right to be present at their trials and to legal representation, consultation, and adequate time and facilities to prepare a defense. Defendants have the right to provide evidence. Defendants have the right not to be compelled to testify or confess guilt, but a refusal to testify often resulted in harsher decisions. Defendants may challenge and present witnesses, and they have the right of appeal. In civil cases where the defendant is destitute and files an appeal, the state provides a court-appointed lawyer. In criminal cases court-appointed lawyers are mandatory for those who cannot afford one. The law extends these rights to all defendants, but the government did not always respect these rights, due in part to popular ignorance of the law and a continuing shortage of magistrates and court-appointed lawyers.

The Ministry of Justice, Human Rights, and Civic Promotion claimed courts usually tried cases within three months, although human rights organizations reported major case backlogs. The 2011 "processing of criminal penalties in real time" reform to shorten pretrial detention allows the prosecutor and investigators (police and gendarmerie) to process a case prior to the criminal hearing. This countrywide approach allows authorities to inform defendants of the charges and trial date before authorities release them pending trial.

### **Political Prisoners and Detainees**

There were no reports of political prisoners or detainees during the year, although some arrests and detentions may have been politically motivated.

In December 2017 security forces arrested and detained Colonel Auguste Denise Barry on charges of "conspiracy to destabilize the state," although the government

did not provide any evidence to justify his arrest. On August 29, authorities provisionally released him without a trial.

### **Civil Judicial Procedures and Remedies**

There is an independent judiciary in civil matters, but it was often inefficient, corrupt, and subject to executive influence. As a result, citizens sometimes preferred to rely on the Office of the Ombudsman (see section 5, Government Human Rights Bodies) to settle disputes with the government.

The law provides for access to a court to file lawsuits seeking damages for, or cessation of, a human rights violation, and both administrative and judicial remedies were available for alleged wrongs. Victims of human rights violations may appeal directly to the Economic Community of West African States (ECOWAS) Court of Justice, even before going through national courts. For civil and commercial disputes, authorities may refer cases to the ECOWAS Common Court of Justice and Arbitration in Abidjan, Cote d'Ivoire. The courts issued several such orders during the year.

There were problems enforcing court orders in sensitive cases involving national security, wealthy or influential persons, and government officials.

### **f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence**

The constitution and law prohibit such actions, and the government generally respected these prohibitions. In cases of national security, however, the law permits surveillance, searches, and monitoring of telephones and private correspondence without a warrant.

### **g. Abuses in Internal Conflict**

Killings: As of October 18, alleged terrorists belonging to Ansaroul Islam, JNIM and Islamic State Greater Sahara (ISGS) carried out more than 35 attacks throughout the country, killing at least 34 security force members and 13 civilians. For example, on September 15, unidentified armed individuals shot and killed eight citizens, including an imam and his family members, in the villages of Diapiga and Kompienbiga in the Est Region. Between August and October, terrorist groups carried out seven attacks using IEDs in the Est Region. On April

1, terrorists claiming to be from ISGS shot and killed Hamidou Koundaba, mayor of Koutougou in the Sahel Region.

Authorities continued to investigate Human Rights Watch's (HRW) allegations that state security forces executed 14 individuals suspected of engaging in terrorist activities in December 2017. As of September 16, the minister of justice had appointed a military prosecutor, who created an investigative commission composed of judicial police officers to interview witnesses.

Abductions: As of November 16, terrorist groups associated with JNIM and ISGS abducted at least 12 individuals throughout the country. For example, on April 12, terrorists kidnapped primary school teacher Issouf Souabo in the northern town of Bourou, allegedly because he was teaching in French. A stray bullet fired during the abduction killed Sana Sakinatou, a primary school student. Terrorists released Souabo on June 11.

Physical Abuse, Punishment, and Torture: According to HRW, on February 26, the bodies of Harouna Hassan Dicko and Housseni Ousmanne Dicko were found in the northern town of Djibo with deep gashes in their throats. Neighbors reported that jihadists had abducted and tortured the men because they had provided information to the government.

Other Conflict-related Abuse: NGOs reported that terrorist groups recruited boys under age 15 to fight. Local authorities in the Sahel, Nord, and Est Regions reported that terrorists displaced thousands of civilians and limited movement in rural areas.

## **Section 2. Respect for Civil Liberties, Including:**

### **a. Freedom of Expression, Including for the Press**

The constitution and law provide for freedom of expression, including for the press, but the government did not always respect this right. A 2015 law decriminalizes press offenses and replaces prison sentences with penalties ranging from one million to five million CFA francs (\$1,800 to \$9,200). Some editors complained that few newspapers or media outlets could afford such fines.

Despite the advent of the 2015 law, journalists occasionally faced criminal prosecution for libel and other forms of harassment and intimidation.

Freedom of Expression: The law prohibits persons from insulting the head of state or using derogatory language with respect to the office. On June 14, authorities arrested web activist Naim Toure after he criticized the government in a Facebook post for failing to deliver adequate medical care to soldiers recently wounded in the line of duty. On July 3, a judge sentenced Toure to two months in jail.

Press and Media Freedom: There were numerous independent newspapers, satirical weeklies, and radio and television stations, some of which strongly criticized the government. Foreign radio stations broadcast without government interference. Government media outlets--including newspapers, television, and radio--sometimes displayed a progovernment bias but allowed significant opposition participation in their newspaper and television programming.

All media are under the administrative and technical supervision of the Ministry of Communications, which is responsible for developing and implementing government policy on information and communication. The Superior Council of Communication (CSC) monitored the content of radio and television programs, newspapers, and internet websites to enforce compliance with standards of professional ethics and government policy. The CSC may summon journalists and issue warnings for subsequent violations. Hearings may concern alleged libel, disturbing the peace, inciting violence, or violations of state security.

Censorship or Content Restrictions: In addition to prohibitions on insulting the head of state, the law also prohibits the publication of shocking images or material that demonstrates lack of respect for the deceased. Journalists practiced self-censorship, fearing that publishing blatant criticism of the government could result in arrest or closure their newspaper.

## **Internet Freedom**

The government did not restrict or disrupt access to the internet, although the CSC monitored internet websites and discussion forums to enforce compliance with regulations. According to the International Telecommunication Union, 16 percent of the population used the internet in 2017.

## **Academic Freedom and Cultural Events**

There were no government restrictions on academic freedom or cultural events.

## **b. Freedoms of Peaceful Assembly and Association**

## Freedom of Peaceful Assembly

The constitution and law provide for freedom of peaceful assembly, and the government generally respected this right.

In October 2017 national police arrested Pascal Zaida, a civil society leader and open government critic, for holding a demonstration to protest against the administration without a permit. National police issued a statement that they had denied his three prior requests to protest because the protest presented “a risk of disturbing public order.” Authorities released Zaida in November 2017 after 37 days in pretrial detention.

Political parties and labor unions may hold meetings and rallies without government permission, although advance notification and approval are required for public demonstrations that may affect traffic or threaten public order. If a demonstration or rally results in violence, injury, or significant property damage, penalties for the organizers include six months to five years’ imprisonment and fines of between 100,000 and two million CFA francs (\$180 and \$3,600). These penalties may be doubled for conviction of organizing an unauthorized rally or demonstration. Demonstrators may appeal denials or imposed modifications of a proposed march route or schedule before the courts.

### c. Freedom of Religion

See the Department of State’s *International Religious Freedom Report* at [www.state.gov/religiousfreedomreport/](http://www.state.gov/religiousfreedomreport/).

### d. Freedom of Movement

The constitution provides for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights. The government cooperated with the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

In-country Movement: The government required citizens to carry a national identity document (ID), and it authorized officials to request the ID at any time. Without a national ID card, citizens could not pass between certain regions of the

country and were subject to arrest and fines. On September 2, in Bobo Dioulasso, local police fired warning shots to stop vehicles in a wedding procession, resulting in the injury and hospitalization of two women.

Armed terrorists restricted movement of thousands of rural people in the north. In response to dozens of attacks by unknown armed assailants presumed to be terrorists, local authorities instituted a ban on motorcycle traffic from 7 p.m. until 5 a.m. in the Est and Nord Regions.

### **Internally Displaced Persons (IDPs)**

Attacks in the Nord and Est Regions caused a steep increase in the number of IDPs from 3,600 in October 2017 to 39,731 registered in October 2018, according to the UN Office of Humanitarian Affairs. In response, the Ministry of Justice, Human Rights, and Civic Promotion organized a training session August 29-31 in the northern town of Dori to educate development partners on the international human rights standards afforded to IDPs. The majority of IDPs were located in the Sahel, Nord, and Centre-Nord Regions.

### **Protection of Refugees**

Access to Asylum: The law provides for granting asylum or refugee status, and the government has established a system for providing protection to refugees. The Ministry of Women, National Solidarity, and Family, aided by the National Committee for Refugees (CONAREF), is the focal point for coordination of national and international efforts.

In 2012 fighting resumed in northern Mali between government forces and Tuareg rebels, resulting in the flight of more than 250,000 Malians to neighboring countries, including Burkina Faso. According to UNHCR, approximately 50,000 Malians--most of them Tuaregs and Arabs--fled across the border to Burkina Faso and registered with local authorities as displaced persons. Authorities granted all displaced persons from Mali prima facie refugee status, pending the examination of all applications individually. Authorities settled most of the refugees in Soum and Oudalan Provinces in the Sahel Region. The ministry, aided by CONAREF, was the government's focal point to help coordinate all national and international efforts. During the year, refugees received an undetermined amount of government assistance.

### **Stateless Persons**

According to UNHCR, more than 700,000 habitual residents were legally or de facto stateless, mostly due to a lack of documentation. During the year the Ministry of Justice, Human Rights, and Civic Promotion worked with UNHCR to deploy mobile courts to remote villages in order to issue birth certificates and national identity documents to residents who qualified for citizenship. The goal was to register 32,000 during the year, but no final statistics were available.

### **Section 3. Freedom to Participate in the Political Process**

The constitution provides citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage.

#### **Elections and Political Participation**

Recent Elections: In the 2015 national elections, Roch Mark Christian Kabore won the presidency with 53 percent of the popular vote. His party, the People's Movement for Progress, won 55 of the 127 seats in the National Assembly. The Union for Progress and Change won 33 seats, and the former ruling party, the Congress for Democracy and Progress, won 18 seats. National and international observers characterized the elections as free and fair.

In the 2016 municipal and regional council elections, the postelection selection process of mayors by municipal councils was marred by clashes among political party activists, resulting in at least three deaths and dozens of injuries in Karangasso and Kantchari. As of September 20, authorities had taken no legal action against anyone involved in the violence.

The 2015 electoral code approved by the National Transitional Council (CNT) stipulated the exclusion of certain members of the former political majority. The code stated that persons who "supported a constitutional change that led to a popular uprising" are ineligible to be candidates in future elections. On July 30, the National Assembly passed a new electoral law that allows all political candidates to run for election and opened the vote to members of the Burkinabe diaspora in possession of a national identity card or passport.

Participation of Women and Minorities: There are no laws limiting the participation of women and members of minorities in the political process, and they did participate. Although the gender quota law requires political parties to

name women to fill at least 30 percent of the positions on their candidate lists in legislative and municipal elections, no political party met this requirement during the May 2016 and the May 2017 make-up municipal elections. Parties and government officials said women were less engaged in politics, due to cultural and traditional factors. Women held five of 35 ministerial seats and 14 of 127 seats in the parliament.

#### **Section 4. Corruption and Lack of Transparency in Government**

The law provides criminal penalties for corruption by officials, but the government did not implement the law effectively, and officials often engaged in corrupt practices with impunity. Local NGOs criticized what they called the overwhelming corruption of senior civil servants. They reported pervasive corruption in the customs service, gendarmerie, tax agencies, national police, municipal police, public health service, municipal governments, education sector, government procurement, and the Ministry of Justice, Human Rights, and Civic Promotion. The local NGO Anticorruption National Network categorized the municipal police as the most corrupt government sector in its 2017 annual report. They reported a lack of political will to fight corruption, and stated the government rarely imposed sanctions against prominent government figures.

Corruption: News media and NGOs reported that government officials practiced nepotism on a widespread basis. For example, in January the National Agency for the Promotion of Employment hired 85 administrative agents to work for the National Social Security Fund (CNSS). In June auditors working within the CNSS office found that one third of the hires had family connections with officials working within the institution, including the wife, niece, and nephew of the director of human resources at CNSS.

Financial Disclosure: A 2015 anticorruption law requires government officials--including the president, lawmakers, ministers, ambassadors, members of the military leadership, judges, and anyone charged with managing state funds--to declare their assets and any gifts or donations received while in office. The Constitutional Council is mandated to monitor and verify compliance with such laws and may order investigations if noncompliance is suspected. Disclosures are not made public, however, and there were no reports of criminal or administrative sanctions for noncompliance. As of September national assembly members elected in 2015 had not complied with this law yet faced no sanctions.

In June 2016 the Higher Authority for State Control and the Fight against Corruption extended the requirement to declare assets to include government officials' spouses and minor children. Infractions are punishable by a maximum prison term of 20 years and fines of up to 25 million CFA francs (\$45,000). The law also punishes persons who do not reasonably explain an increase in lifestyle expenditures beyond the 5 percent threshold set by regulation in connection with lawful income. Convicted offenders risk imprisonment for two to five years and a fine of five million to 25 million CFA francs (\$9,200 to \$45,000). In April 2016 a law was passed limiting the value of a gift a government official could receive to 35,000 CFA francs (\$63).

### **Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Abuses of Human Rights**

A variety of domestic and international human rights groups operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were generally cooperative and responsive to their views.

The United Nations or Other International Bodies: The government did not comply with a December 2017 recommendation from the UN Working Group on Arbitrary Detention for the release of Djibrill Bassole, a former foreign minister arrested in 2015 on charges of treason. At year's end he remained under house arrest.

Government Human Rights Bodies: The Office of the Ombudsman addresses citizen complaints regarding government entities and other bodies entrusted with a public service mission. The ombudsman, whom the president appoints for a nonrenewable five-year term and who may not be removed during the term, was generally viewed as effective and impartial. For example, in May Ombudsman Saran Sereme Sere presided over a two-day community dialogue in the Boucle du Mouhoun Region to resolve a conflict between the Mossi and Banwana ethnic groups in the village of Solenzo. During 2017, the most recent year for which statistics were available, the office registered 560 complaints, approximately 59 percent of which it resolved.

The Ministry of Justice, Human Rights, and Civic Promotion is responsible for the protection and promotion of human and civil rights, and during the it year conducted education campaigns for the general public as well as administered human rights training for security force and judicial sector members to raise their

awareness of human rights. In its most recent annual report, for 2017, the ministry reported it received 356 human rights related cases, of which 270 went to trial, and the remaining 86 were settled out of court.

The government-funded National Commission on Human Rights provides a permanent framework for dialogue on human rights concerns. Its members include representatives of human rights NGOs, unions, professional associations, and the government. The Burkinabe Movement for Human and People's Rights, which did not participate on the commission, charged that the commission was subject to government influence. Although inadequately funded, the commission continued to be more effective and visible in promoting human rights than in previous years.

## **Section 6. Discrimination, Societal Abuses, and Trafficking in Persons**

### **Women**

Rape and Domestic Violence: Under the law conviction for rape, including spousal rape, is punishable by five to 10 years' imprisonment and may include fines of 100,000 to 500,000 CFA francs (\$180 to \$900). According to human rights NGOs, rape occurred frequently. Although authorities prosecuted rape cases during the year, no statistics were available on the number of cases reported or prosecuted. For example, in April local media reported that a man raped his eight-year-old niece repeatedly before her parents took her to receive medical and psychological care. His arrest was delayed because the crime was perpetrated in a different county from where the victim reported the crime and received treatment. As of October 22, the case was with an investigative judge.

The law does not specifically mention domestic violence, but it enumerates all forms of violence that in substance covers domestic violence. Domestic violence against women occurred habitually; Catholic, Protestant, and Muslim religious leaders in Kaya stated on July 19 that their followers frequently abused their wives. They noted the husbands' anger was often triggered by their wives' requests for money for food, clothing, or school fees for their children.

Victims seldom pursued legal action due to shame, fear, or reluctance to take their spouses to court. For the few cases that went to court, the Ministry of Justice, Human Rights, and Civic Promotion could provide no statistics on prosecutions, convictions, or punishment. A government-run shelter for women and girls who were victims of gender-based violence welcomed victims regardless of nationality. In Ouagadougou the Ministry of Women, National Solidarity, and Family assisted

victims of domestic violence at four centers. The ministry sometimes provided counseling and housing for abused women.

The ministry has a legal affairs section to educate women on their rights, and several NGOs cooperated to protect women's rights. To raise awareness of gender discrimination and reduce gender inequalities, the ministry organized numerous workshops and several awareness campaigns mainly in the Nord, Sahel, Est, and Center-West Regions.

The law makes conviction of "abduction to impose marriage or union without consent" punishable by six months to five years in prison. Conviction of sexual abuse or torture or conviction of sexual slavery is punishable by two to five years in prison. Conviction of the foregoing abuses may also carry fines of 500,000 to one million CFA francs (\$920 to \$1,800).

The law requires police to provide for protection of the victim and her minor children and mandates the establishment of chambers in the High Court with exclusive jurisdiction over cases of violence against women and girls. The law requires all police and gendarmerie units to designate officers to assist female victims of violence--or those threatened by violence--and to respond to emergencies; however, some units had not complied by year's end. It also mandates the creation of care and protection centers in each commune for female victims of violence and a government support fund for their care. The centers receive victims on an emergency basis, offer them security, provide support services (including medical and psychosocial support), and, when possible, refer the victims to court.

Female Genital Mutilation/Cutting (FGM/C): The law prohibits FGM/C for women 18 and above and girls below 18, but it was practiced discreetly in both urban and rural areas on victims ranging between 10 months and 24 years of age. Perpetrators, if convicted, are subject to a fine of 150,000 to 900,000 CFA francs (\$270 to \$1,620) and imprisonment of six months to three years, or up to 10 years if the victim dies.

On September 18, authorities arrested and charged 30 perpetrators of FGM/C. Throughout the year the National Secretariat against Circumcision worked with local populations to combat the practice. The first lady participated in training and awareness campaigns in cooperation with NGOs and the Ministry of Women, National Solidarity, and Family. NGOs reported an overall decrease in the practice from 10 years ago.

For additional information, see Appendix C.

Other Harmful Traditional Practices: The law makes the conviction of physical or moral abuse of women or girls accused of witchcraft punishable by one to five years in prison, a fine of 300,000 to 1.5 million CFA francs (\$540 to \$2,700), or both. Neighbors accused elderly women, and less frequently men, without support, living primarily in rural areas, and often widowed in the case of women, of witchcraft and subsequently banned them from their villages, beat them, or killed them. In April the Ministry of Justice, Human Rights, and Civic Promotion announced an action plan for assistance to and social reintegration of girls and women marginalized by their communities.

Sexual Harassment: The law provides for sentences of three months to one year in prison and a fine of 300,000 to 500,000 CFA francs (\$540 to \$900) for conviction of sexual harassment; the maximum penalty applies if the perpetrator is a relative, in a position of authority, or if the victim is “vulnerable.” The government was ineffective in enforcing the law.

Coercion in Population Control: There were no reports of coerced abortion or involuntary sterilization.

Discrimination: Although the law generally provides the same legal status and rights for women as for men--including under family, labor, property, and inheritance laws--discrimination frequently occurred. Labor laws provide that all workers--men and women alike--should receive equal pay for equal working conditions, qualifications, and performance. Women nevertheless generally received lower pay for equal work, had less education, and owned less property.

Although the law provides equal property and inheritance rights for women and men, land tenure practices emphasized family and communal land requirements more than individual ownership rights. As a result, authorities often denied women the right to own property, particularly real estate. Many citizens, particularly in rural areas, held to traditional beliefs that did not recognize inheritance rights for women and regarded a woman as property that could be inherited upon her husband’s death.

NGOs reported that authorities arrested women working in the sex industry on charges of prostitution, while ignoring men who sought to hire prostitutes alone.

The government conducted media campaigns to change attitudes toward women. It sponsored a number of community outreach efforts and awareness campaigns to promote women's rights.

## **Children**

Birth Registration: Citizenship derives either from birth within the country's territory or through a parent. Parents generally did not register births immediately; lack of registration sometimes resulted in denial of public services, including access to school. To address the problem, the government periodically organized registration drives and issued belated birth certificates.

For additional information, see Appendix C.

Education: According to multiple government sources and NGOs, more than 473 schools closed due to fear of attacks, leaving more than 64,000 children without an option for education.

Child Abuse: Authorities tolerated light corporal punishment, and parents widely practiced it. The government conducted seminars and education campaigns against child abuse. The penal code mandates a one- to three-year prison sentence and fines ranging from 300,000 to 900,000 CFA francs (\$540 to \$1,620) for conviction of inhuman treatment or mistreatment of children.

The government did not effectively enforce the law. None of the calls to report violence against children, which led to intervention by security force members, resulted in an arrest or prosecution.

Early and Forced Marriage: The legal age for marriage is 17 for girls and 20 for boys, but early and forced marriage was a problem. The law prohibits forced marriage and prescribes penalties of six months to two years in prison for violators, and a three-year prison term if the victim is under age 13. There were no reports of prosecutions during the year. A government toll-free number allowed citizens to report forced marriages.

The Ministry of Women, National Solidarity, and Family conducted information and awareness campaigns. On April 21, local authorities from the ministry in Sanmatenga, a rural region with a historically high rate of child marriage, organized a march and publicly denounced the practice.

According to media reports, the traditional practice persisted of kidnapping, raping, and impregnating a virgin girl and then forcing her family to consent to her marriage to her violator.

Sexual Exploitation of Children: The law provides penalties for conviction of “child prostitution” or child pornography of five to 10 years’ imprisonment, a fine of 1.5 to three million CFA francs (\$2,700 to \$5,400), or both. The minimum age of consensual sex is 15. A 2014 law criminalizes the sale of children, child commercial sexual exploitation, and child pornography. Children from poor families were particularly vulnerable to sex trafficking. The government did not report any convictions for violations of the law during the year.

Infanticide or Infanticide of Children with Disabilities: The law provides for a sentence of 10 years’ to life imprisonment for infanticide. Newspapers reported several cases of abandonment of newborn babies.

Displaced Children: Repeated armed attacks in the Sahel, Nord, and Est Regions caused the displacement of thousands of children throughout the year. Between January and July, UNHCR registered 27,347 IDPs, of whom 57 percent were children. There were numerous street children, primarily in Ouagadougou and Bobo-Dioulasso. Many children ended up on the streets after their parents sent them to the city to study with an unregistered Quranic teacher or to live with relatives and go to school. In August in the capital, the government launched an initiative to recruit children living on the streets and place them in government-run youth centers where the youth had access to food, shelter, and limited vocational training.

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State’s *Annual Report on International Parental Child Abduction* at <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data.html>.

## **Anti-Semitism**

There was no known Jewish community. There were no reports of anti-Semitic acts.

## **Trafficking in Persons**

See the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip/rls/tiprpt/](http://www.state.gov/j/tip/rls/tiprpt/).

### **Persons with Disabilities**

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, transportation, access to health care, the judicial system, or the provision of other state services, but the government did not effectively enforce these provisions. There is legislation to provide persons with disabilities less costly or free health care and access to education and employment. The law also includes building codes to provide for access to government buildings. Authorities did not implement all of these measures effectively.

Persons with disabilities encountered discrimination and reported difficulty finding employment, including in government service.

The government had limited programs to aid persons with disabilities, but NGOs and the National Committee for the Reintegration of Persons with Disabilities conducted awareness campaigns and implemented integration programs.

The government continued to arrange for candidates with vision disabilities to take the public administration recruitment exams by providing the tests in Braille. Additionally, authorities opened specific counters at enrollment sites to allow persons with disabilities to register more easily for public service admission tests. According to the Ministry of Education, children with disabilities attended school at lower rates than others, although the government did provide for limited special education programs in Ouagadougou.

### **National/Racial/Ethnic Minorities**

Longstanding conflicts between Fulani (Peuhl) herders and sedentary farmers of other ethnic groups sometimes resulted in violence. Herders commonly triggered incidents by allowing their cattle to graze on farmlands or farmers attempting to cultivate land set aside by local authorities for grazing. Government efforts at dialogue and mediation contributed to a decrease in such incidents.

On April 15, conflict broke out between members of the Peuhl and Gourmantche ethnic groups living in the Est Region over the alleged murder of a Gourmantche man. Local newspapers reported that in retaliation, members of the Gourmantche

community allegedly burned several buildings in a Peuhl village, displacing approximately 100 persons.

### **Acts of Violence, Discrimination, and Other Abuses Based on Sexual Orientation and Gender Identity**

The country has no hate crime laws or other criminal justice mechanisms to aid in the investigation, prosecution, or sentencing of bias-motivated crimes against the lesbian, gay, bisexual, transgender, and intersex (LGBTI) community. NGOs reported police occasionally arrested gay men and humiliated them in detention before releasing them.

Societal discrimination against LGBTI persons was a problem, and it was exacerbated by religious and traditional beliefs. LGBTI individuals were occasionally victims of verbal and physical abuse, according to LGBTI support groups. There were no reports the government responded to societal violence and discrimination against LGBTI persons.

LGBTI organizations had no legal status in the country but existed unofficially with no reported harassment. There were no reports of government or societal violence against such organizations, although incidents were not always reported due to stigma or intimidation.

### **HIV and AIDS Social Stigma**

Societal discrimination against persons with HIV/AIDS was a problem, and families sometimes shunned persons who tested positive. Families sometimes evicted HIV-positive wives from their homes, although families did not evict their HIV-positive husbands. Some property owners refused to rent lodgings to persons with HIV/AIDS. The government distributed free antiretroviral medication to some HIV-positive persons who qualified according to national guidelines.

### **Other Societal Violence or Discrimination**

Vigilante groups apprehended and sometimes arbitrarily detained individuals, usually involved in petty crime, employing severe beatings to solicit a confession. On May 2, assailants attacked a school in Kaya and set on fire the headquarters of vigilante group Kogleweogo. NGOs reported that the dominant Mossi ethnic group often discriminated against the Fulani ethnic group, stigmatized them as terrorists, and in some cases refused to lease housing to or hire Fulanis. NGOs

reported that police often arrested a Fulani person based on their physical appearance, questioning them on charges of terrorism before eventually releasing them without charge.

## **Section 7. Worker Rights**

### **a. Freedom of Association and the Right to Collective Bargaining**

The law allows workers to form and join independent unions of their choice without prior authorization or excessive requirements, but essential workers, such as magistrates, police, military, and other security personnel, may not join unions. The law provides unions the right to conduct their activities without interference.

The law provides for the right to strike, although it stipulates a narrow definition of this right. For strikes that call on workers to stay home and that do not entail participation in a rally, the union is required to provide eight to 15 days' advance notice to the employer. If unions call for a march, they must provide three days' advance notice to the city mayor. Authorities hold march organizers accountable for any property damage or destruction that occurs during a demonstration. The law also gives the government extensive requisitioning powers, authorizing it to requisition private- and public-sector workers to secure minimum service in essential services.

The law prohibits antiunion discrimination and allows a labor inspector to reinstate immediately workers fired because of their union activities, although in private companies such reinstatement was considered on a case-by-case basis. Relevant legal protections cover all workers, including migrants, workers in the informal sector, and domestic workers. There were no reports of antiunion discrimination during the year.

The law provides for freedom of association and collective bargaining. The government effectively enforced the law. The law lists sanctions for violations, including warnings, penalties, suspension, or dissolution, and were generally sufficient to deter violations. Penalties consist of imprisonment and fines and vary depending on the gravity of the violation. Amendments to the law award a legal existence to labor unions of NGOs, create a commission of mediation, and require that associations abide by the law concerning funding terrorism and money laundering. The law also states that no one may serve as the head of a political party and the head of an association at the same time.

The government generally respected freedom of association and the right to collective bargaining.

The government generally respected the right of unions to conduct activities without interference. Government resources to enforce labor laws were not sufficient to protect workers' rights.

Unions have the right to bargain directly with employers and industry associations for wages and other benefits. Worker organizations were independent of the government and political parties. There were no reports of strikebreaking during the year.

There were no reports of government restrictions on collective bargaining during the year. There was extensive collective bargaining in the formal wage sector, as the subcontracting sector was where many worker rights violations occurred.

#### **b. Prohibition of Forced or Compulsory Labor**

The law prohibits all forms of forced or compulsory labor. The law considers forced or compulsory any labor or service provided by an individual under the threat of any type of sanction and not freely offered. The government did not effectively enforce applicable laws. Forced child labor occurred in the agricultural (particularly cotton), informal trade, domestic labor, restaurant, and animal husbandry sectors, as well as at gold panning sites and stone quarries. Educators forced some children sent to Quranic schools by their parents to engage in begging (see section 6, Children). The government did not have a significant, effective program in place to address or eliminate forced labor. Women from other West African countries were fraudulently recruited for employment and subsequently subjected to forced prostitution, forced labor in restaurants, or domestic servitude in private homes. The government continued to conduct antitrafficking advocacy campaigns and operated a toll-free number for individuals to report cases of violence and trafficking.

See the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip/rls/tiprpt/](http://www.state.gov/j/tip/rls/tiprpt/).

#### **c. Prohibition of Child Labor and Minimum Age for Employment**

The law sets the minimum age for employment at 16 and prohibits children under age 18 from working at night, except in times of emergency. The minimum age

for employment was consistent with the age for completing educational requirements, which is 16. In the domestic labor and agricultural sectors, the law permits children who are 13 and above to perform limited activities for up to four and one-half hours per day.

The law prohibits the worst forms of child labor, including the commercial sexual exploitation of children, child pornography, and jobs that harm the health of a child. The government was implementing the National Action Plan to combat the worst forms of child labor and to reduce significantly exploitative child labor. In 2015 the CNT adopted a revised mining code that includes new provisions prohibiting child labor in mines. The amendment establishes a penalty of two to five years in prison and a fine of five million CFA francs (\$9,200) to 24 million CFA francs (\$43,300) for violators. Antitrafficking legislation provides penalties of up to 10 years for violators and increases maximum prison terms from five to 10 years. The law also provides terms as long as 20 years' to life imprisonment under certain conditions.

The National Action Plan against the worst forms of child labor coordinated the efforts of several ministries and NGOs. Its goals included greater dissemination of information in local languages, increased access to services such as rehabilitation for victims, revision of the penal code to address the worst forms of child labor, and improved data collection and analysis. A 2014 law criminalizes the sale of children, child prostitution, and child pornography.

Punishment for violating child labor laws includes prison terms of up to five years and fines of up to 600,000 CFA francs (\$1,080). The government did not consistently enforce the law. The Ministry of Civil Service, Labor, and Social Security, which oversees labor standards, lacked sufficient inspectors, transportation, and other resources to enforce worker safety and the minimum age law. No data were available on number of prosecutions and convictions during the year.

The government organized workshops and conferences to inform children, parents, and employers of the dangers of exploitative child labor. Despite efforts by the government and several NGOs, violence against children, child labor, and child trafficking occurred. According to 2011 statistics compiled by the National Institute of Statistics, 76 percent of children between the ages of five and 17 engaged in some form of economic activity, 81 percent of whom worked in the agricultural sector. Children commonly worked with their parents in rural areas or in family-owned small businesses in villages and cities. There were no reports of

children under the age of 15 employed by either government-owned or large private companies.

Children also worked in the mining, trade, construction, and domestic labor sectors. According to a 2012 UNICEF study, 20,000 children worked as servants, gold washers, or diggers in the gold mining sector. Some children, particularly those working as cattle herders and street hawkers, did not attend school. Many children under age 15 worked long hours. A study by the International Labor Organization reported that children working in artisanal mining sometimes worked six or seven days a week and up to 14 hours per day. Street beggars often worked 12 to 18 hours daily. Such children suffered from occupational illnesses, and employers sometimes physically or sexually abused them. Child domestic servants earned from 3,000 to 6,000 CFA francs (\$5.40 to \$10.80) per month and worked up to 18 hours per day. Employers often exploited and abused them. Criminals transported Burkinabe children to Cote d'Ivoire, Mali, and Niger for forced labor or sex trafficking.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at [www.dol.gov/ilab/reports/child-labor/findings/](http://www.dol.gov/ilab/reports/child-labor/findings/).

#### **d. Discrimination with Respect to Employment and Occupation**

The law prohibits discrimination with respect to employment and occupation. The government did not effectively enforce the laws and regulations. Discrimination occurred based on race, color, sex, religion, political opinion, social origin, gender, disability, language, sexual orientation or gender identity, HIV-positive status or other communicable diseases, or social status with respect to employment and occupation. The government took few actions during the year to prevent or eliminate employment discrimination.

#### **e. Acceptable Conditions of Work**

The law mandates a minimum monthly wage in the formal sector, which does not apply to subsistence agriculture or other informal occupations. The minimum wage was less than the poverty income level. Approximately 46 percent of the population lived below the poverty line. Poverty remained higher in rural areas.

The law mandates a standard workweek of 40 hours for nondomestic workers and a 60-hour workweek for household employees. The law provides for overtime

pay, and there are regulations pertaining to rest periods, limits on hours worked, and prohibitions on excessive compulsory overtime.

The government sets occupational health and safety standards. There are explicit restrictions regarding occupational health and safety in the labor law. Employers must take measures to provide for safety and protect the physical and mental health of all their workers and assure that the workplace, machinery, materials, substances, and work processes under their control do not present health or safety risks to the workers.

The law requires every company with 30 or more employees to have a work safety committee. If an employee decides to remove himself due to safety concerns, a court rules on whether the employee's decision was justified.

The Ministry of Civil Service, Labor, and Social Security is responsible for enforcing the minimum wage and hours of work standards. Ministry inspectors and labor tribunals are responsible for overseeing occupational health and safety standards in the small industrial and commercial sectors, but these standards do not apply in subsistence agriculture and other informal sectors.

These standards were not effectively enforced. Penalties for violations were insufficient to deter violations. There were no reports of effective enforcement of inspection findings during the year.

Employers often paid less than the minimum wage. Employees usually supplemented their income through reliance on extended family, subsistence agriculture, or trading in the informal sector. Mining sector companies generally respected hours of work, overtime, and occupational safety and health standards. Employers subjected workers in the informal sector, which made up approximately 50 percent of the economy, to violations of wage, overtime, and occupational safety and health standards.