



Burkina Faso

Country Reports on Human Rights Practices - [2002](#)

Released by the Bureau of Democracy, Human Rights, and Labor

March 31, 2003

President Blaise Compaore continued to dominate the Government of the Fourth Republic, assisted by members of his party, the Congress for Democracy and Progress (CDP), despite gains made by the opposition in the May 5 legislative elections. The Government included a strong presidency, a prime minister, a cabinet, a one-chamber National Assembly, and the judiciary. In 1998 President Compaore was reelected to a second 7-year term with 88 percent of the vote; 56 percent of the electorate voted; however, some serious political figures boycotted the election. The two candidates who opposed the President provided only token opposition and reportedly were persuaded by the Government to run for the presidency to help create the appearance of a contested election. International observers considered the May 5 legislative elections to have been substantially free and fair, although a collective of 14 local nongovernmental organizations (NGOs) cited voter list irregularities and cases of fraud. The judiciary was subject to executive influence.

The security apparatus consisted of the armed forces and the gendarmerie, which were controlled by the Ministry of Defense; the national police, controlled by the Ministry of Security; and the municipal police, controlled by the Ministry of Territorial Administration. The Presidential Guard was an autonomous security force, although it technically was subject to the jurisdiction of the armed forces and part of the army. Civilian authorities, under the direct control of the President, effectively controlled the military. Members of the security forces committed serious human rights abuses.

An estimated 80 percent of the population of approximately 12.6 million engaged in subsistence agriculture. Frequent drought and limited communication and transportation infrastructures, in addition to a 77 percent illiteracy rate, were longstanding problems. In 2000 the Government adopted an antipoverty strategy to open the economy to market forces, while shifting resources to the education and health sectors. Gross national product per capita was \$230.

The Government's human rights record remained poor, and it continued to commit abuses. The continued dominance of President Compaore and his ruling party limited citizens' right to change their government, although the gains made by the opposition in the May 5 legislative elections represented another step toward democratic government. The security forces were responsible for numerous extrajudicial killings and continued to abuse detainees. During the year, there were credible reports that security forces summarily executed suspected criminals. Prison conditions remained harsh. Arbitrary arrest and detention were problems, and authorities did not provide detainees with due process. Although the Government continued attempts to improve its human rights performance, a general climate of impunity for members of the security forces and members of the President's family, along with slow progress in identifying or punishing those responsible for abuses, continued to be problems. Courts were subject to executive influence, and authorities did not ensure fair trials. At times authorities restricted media activity, and the media practiced self-censorship. The deaths of internationally respected journalist Norbert Zongo, his brother, and two other men in a suspicious car fire in December 1998 remained a focus of public concern during the year. The Government at times restricted freedom of assembly. Violence and discrimination against women, including female genital mutilation (FGM), were problems. Violence against children, child labor, and child trafficking continued to be problems. The Government took steps to combat FGM and trafficking in persons. Social discrimination against persons with disabilities was widespread. Killing or severe beating of criminal suspects by vigilante mobs remained common. Burkina Faso was invited by the Community of Democracies' (CD) Convening Group to attend the November 2002 second CD Ministerial Meeting in Seoul, Republic of Korea, as an observer.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

The security forces were responsible for numerous extrajudicial killings during the year. The Burkinabe Movement for Human Rights (MBDHP), the country's largest human rights organization and a vocal critic of the Government, alleged that security forces committed numerous extrajudicial killings during the year. Although the numbers and names of victims could not be verified independently, there were credible reports that security forces summarily executed suspected criminals during the year in response to public concerns about rising crime. The Security Minister denied allegations of extrajudicial killings but admitted that security forces had killed an unspecified number of persons in gun battles with "armed bands."

On March 14, the press reported that the bodies of four persons were discovered on the road to the western city of Niangoloko. These persons reportedly were known criminals in Banfora, Comoe Province. It was believed that security forces might have killed them as part of the Government's anticrime campaign. No known official action was taken by year's end.

On June 17, the MBDHP reported the death of Mahamadi Bonkougou, who died under mysterious circumstances on May 5 while in police custody. Bonkougou was arrested for theft on February 4 and was detained until May 5, which exceeds the legal time of detention without charge (see Section 1.d.). The MBDHP alleged that this death likely was connected with the Government's anticrime campaign, initiated in 2001. No official action was taken on this case by year's end.

On August 1, unknown persons killed former Cote d'Ivoire Minister of Higher Education and opposition leader Balla Keita in his home in Ouagadougou. Keita, an Ivorian citizen, had arrived in the country in March 2001 as a political refugee. According to Prosecutor General Abdoulaye Barry, the killing could be a political killing perpetrated by agents of the Government of the Cote d'Ivoire. There were no developments in the case by year's end.

There was no action in the following 2001 cases: The February killing of Jean Roger Sanou in Bobo-Dioulasso by security forces; the May killing of Issa Diallo by gendarmes in the small city of Pouytenga, Kouritenga Province; the September killing of Daouda Ouedraogo in Ouagadougou by Presidential Guard Sergeant Momouni Koueba.

In March 2001, retainers of the King of Po beat to death petty theft suspect Jules Nankouly after gendarmes turned over Nankouly to the King. The King was an activist in the ruling CDP party and also the mayor of Po, a city in Nahouri Province. On July 15, the King was arrested, indicted, and jailed at Ouagadougou Main Prison. In August he was released on bail. On September 6, the Ministry of Territorial Administration ordered him suspended from office; however, there still was no action taken against his retainers by year's end.

There were no developments in the 2000 shooting and killing by gendarmes of 12-year-old Flavien Nebie.

In 2001 the Government filed murder and arson charges against former Presidential Guard Marcel Kafando, a key suspect in the 1998 murder of respected journalist Norbert Zongo and his companions. Kafando and two other former Presidential Guards were convicted and sentenced to prison in 2000 for killing the chauffeur of President Compaore's brother Francois; Norbert Zongo's newspaper had been leading investigations into the death of the chauffeur. Two of the convicted Presidential Guards died under suspicious circumstances in 2001. Kafando remained jailed in poor health, and there were no further developments reported in the investigation of the Zongo case by year's end.

A 2001 MBDHP report stated that a grave containing the remains of approximately five persons had been found in Wayen, Ganzourgou Province. The dates of death, causes of death, and identities of the bodies have not been determined; however, the MBDHP alleged that the deceased were victims of political violence. There were no further developments by year's end.

The June 2000 killing of Mamadou Kere by self-styled militiamen who claimed allegiance to the Naba Tigre was resolved during the year. On May 24, 11 perpetrators of the Kere killing were charged with "not helping a person in danger, unlawful arrest and sequestration, and fatal blows." Five of the defendants received 1 to 3 years' imprisonment, and six of them were acquitted.

Killings by vigilante mobs and self-styled militias remained a problem nationwide. The vast majority of such killings targeted suspected thieves and other alleged criminals, who typically were burned or beaten to death. On several occasions in 2001, vigilantes destroyed the property of persons accused of sorcery or witchcraft and expelled them

from their communities; however, there were no reports of such activity during the year.

b. Disappearance

There were no reports of politically motivated disappearances.

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

The law prohibits such practices; however, members of the security forces continued to abuse persons, and suspects often were subject to beatings, rough handling, and threats, frequently to extract confessions. There were credible reports that officials at the Ouagadougou House of Arrest and Correction (MACO) prison continued to employ degrading treatment subjecting prisoners to overcrowding, unsanitary conditions, and inadequate food. The Government was not known to have taken any disciplinary action against those responsible for abuses, and the climate of impunity created by the Government's failure to prosecute abusers remained the largest obstacle to ending abuses.

Security forces commonly beat suspected criminals.

In October and November, gendarmes forcibly dispersed student protests in and around the University of Ouagadougou (see Section 2.b.).

Citizens of the town of Kaya alleged that on December 18, soldiers from a nearby military barracks raided the police station of the city and beat up police officers as well as a number of civilians, including women, children, and old men. The MBDHP reported that the soldiers were protesting police treatment of one of their military colleagues, who was stopped in civilian dress by police earlier in the week and beaten after refusing to show his identification card. A citizens' group was formed to protest the treatment of civilians, and an investigation was ongoing at year's end.

There was no action taken against the responsible members of the security forces who arrested, stripped naked, and shaved the heads of numerous elderly male residents of Bobo-Dioulasso in February 2001; beat, illegally detained, and humiliated dozens of local residents including women, the elderly, and children in the city of Mani, Gnagna Province in April 2001; or beat a suspected thief in Mouhoun Province, in the western part of the country also in April.

There was no known action taken against the members of the security forces responsible for beating or otherwise abusing the persons in the following cases in 2000: The April case in which police used tear gas to disperse a march; the April cases in which police shaved the heads of several demonstrators; the August case in which police used tear gas to disperse a refugee demonstration; the November beating of approximately 15 students; and the December case in which police used tear gas to disperse a student demonstration.

Progovernment vigilantes in several locations have used violence and threats of violence against persons and properties to harass and intimidate opponents; however, unlike in the previous year, there were no confirmed reports of such activity.

There was no action taken, nor was any likely to be, against progovernment vigilantes who detained, tied up, and threatened human rights activists, cut with a machete an activist who tried to negotiate their release, and forced a high school teacher and student to flee Fada N'Gourma in December 2000.

Prison conditions were harsh, overcrowded, and could be life threatening. The federal prison in Bobo-Dioulasso, built in 1947, housed approximately 1,000 prisoners, although it was designed to hold less than half that number. The prison diet was poor, and inmates often relied on supplemental food from relatives. There were separate facilities for men, women, children, and high-profile persons; however, these facilities typically were crowded, common rooms rather than individual cells. Pretrial detainees usually were not held separately from convicted prisoners.

According to human rights monitors, prison visits were granted at the discretion of prison authorities. Permission generally was granted routinely, and advance permission was not required. Prison monitors visited prisons during the year.

d. Arbitrary Arrest, Detention, or Exile

The Constitution provides for the right to expeditious arraignment and access to legal counsel; however arbitrary arrest and detention were problems, and authorities did not ensure due process. The law limits detention for investigative purposes without charge to a maximum of 72 hours, renewable for a single 48-hour period; however, in practice police rarely observed these provisions. The average time of detention without charge was 1 week, and the law allows judges to impose an unlimited number of 6-month preventive detention periods. It was not unusual for defendants without access to legal counsel to be detained for weeks or months before appearing before a magistrate. In some cases, prisoners were held without charge or trial for a longer period than the maximum sentence that they would have received if convicted of the alleged offense. There was a pretrial release system; however, it was unknown how often it was used.

Gendarmes arrested journalists during the year (see Section 2.a.). Gendarmes also arrested several student activists following protests in and around the University of Ouagadougou; the students were held for several days without being charged (see Section 2.b.).

The law prohibits forced exile, and the Government did not use it.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary; however, in practice the judiciary was subject to executive influence. The President has extensive appointment and other judicial powers. The Constitution stipulates that the Head of State also was the President of the Superior Council of the Magistrature, which can nominate and remove high-ranked magistrates and can examine the performance of individual magistrates.

The Zongo killing (see Section 1.a.) and its aftermath focused attention on the systemic weaknesses in the justice system, including removability of judges, outdated legal codes, an insufficient number of courts, a lack of financial and human resources, and excessive legal costs.

The 2000 amended Constitution replaced the Supreme Court with four higher courts: The Supreme Court of Appeal, the Council of State, the Audit Court and Office, and the Constitutional Council. All of the higher courts were operational by year's end. Beneath these higher courts were 2 Courts of Appeal and 10 provincial courts. There also was a High Court of Justice, with jurisdiction to try the president and senior government officials for treason and other serious crimes. The ostensibly independent military court system, which tried only military cases, was subject to executive influence. In June 2001, the Supreme Court ruled that civil courts lacked jurisdiction in a wrongful death case brought by the widow of murdered former Chief Executive Captain Thomas Sankara. The Court ruled that jurisdiction was vested in the military court system. No further action was taken by year's end.

In addition to the formal judiciary, customary or traditional courts presided over by village chiefs, handled many neighborhood and village problems, such as divorce and inheritance disputes. Citizens generally respected these decisions, but they also may take a case to a formal court.

The Constitution provides for the right to public trial, access to counsel, a presumption of innocence, and has provisions for bail and appeal. While these rights generally were respected, the ability of citizens to obtain a fair trial remained restricted by their ignorance of the law and by a continuing shortage of magistrates.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution prohibits such actions, and the Government generally respected these prohibitions in practice. However, in national security cases a law permits surveillance, searches, and monitoring of telephones and private correspondence without a warrant. By law and under normal circumstances, homes may be searched only with the authority of a warrant issued by the Attorney General.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution and the law provide for freedom of speech and of the press; however, the Government at times restricted these rights and intimidated journalists into practicing self-censorship. The President and his Government remained sensitive to criticism. Journalists charged with libel may defend themselves in court by

presenting evidence in support of their allegations. The independent press, particularly the written press, continued to exercise greater freedom of expression. However, the suspicious death in 1998 of internationally respected journalist and newspaper editor Norbert Zongo, who was well known for his investigative reports on government scandals, raised serious questions on the limits to the exercise of this freedom (see Section 1.a.).

All media were under the administrative and technical supervision of the Ministry of Communication and Culture. The audiovisual media were regulated further by the Superior Council of Information (CSI).

The official media, including the daily newspaper Sidwaya, and the national radio and television, displayed progovernment bias. The independent press included five daily and approximately a dozen weekly newspapers; some newspapers appeared only occasionally. There were numerous independent radio stations and a religious television station. The Government licensed several private radio stations during the year. These media outlets included stations that were critical of the Government. Voice of America, Radio France International, Africa Number 1, and the British Broadcasting Corporation broadcast without government interference.

Despite self-censorship, independent newspapers and radio stations often criticized the Government, reporting allegations of corruption and mismanagement by authorities and accusing the Government of human rights violations. The independent media also reported the opposition's and human rights associations' criticism of the Government's failure to investigate and prosecute human rights violations.

On August 7, gendarmes arrested, detained, and interrogated for 2 days Christophe Koffi, an Ivorian citizen and correspondent of both Agence France Presse and Reporters without Borders (RSF). He was suspected of spying for Ivorian authorities who were suspected to be behind the killing of Balla Keita (see Section 1.a.). Police released Koffi after questioning; there were no further developments by year's end.

On August 8, gendarmes arrested and interrogated for several hours Newton Ahmed Barry, editor of the monthly independent paper L'Evenement. He was accused of providing information to the Ivorian press in connection with the killing of Balla Keita (see Section 1.a.) and spying for a foreign power. Police released Barry after questioning; there were no further developments by year's end.

There were regulations for private and independent radio and television. The regulations allowed reinstatement of call-in shows, which were suspended in 1997. However, radio stations were held responsible if their call-in programs threatened the public order or the rights of any third party.

During the May 5 legislative elections, the CSI fulfilled its responsibility under the electoral code to ensure equal media treatment of the candidates prior to the elections. Despite some minor criticisms from the opposition, the general belief was that press reporting on candidates' campaigns was more balanced than the previous legislative elections.

The Government did not restrict access to the Internet.

The Government usually respected academic freedom. In previous years, the Government generally tolerated peaceful student strikes to protest government education policy or demand better school conditions; however, on a number of occasions, security forces used the threat of violence to disrupt meetings of striking students, and student leaders and protesters have been arrested, detained, and abused (see Section 2.b.).

b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of assembly; however, at times the Government restricted this right in practice. Demonstrations generally were tolerated following the rescission in March 2001 of a 2000 decree that banned all public demonstrations or gatherings except for weddings, funerals, or religious ceremonies.

After the March 2001 rescission, political parties and labor unions were allowed to hold meetings and rallies without requesting government permission. However, the law also requires that authorities be notified in advance of planned demonstrations and allows the authorities to invoke the need to preserve public order to forbid demonstrations. Penalties for violation of the advanced notification requirement include 2 to 5 years' imprisonment. Permits must be obtained from municipal authorities for political marches. Applicants must indicate the date, time, duration, and itinerary of the march or rally, and authorities may alter or deny requests on grounds of public safety. Denials or modifications may be appealed before the courts.

Police forcibly dispersed a student demonstration on the campus of the University of Ouagadougou in October; students were protesting a doubling of registration fees. On November 21, police raided a meeting of a student union that had previously organized protests against the fee increase, forcing the student activists out of the classroom where the meeting was being held. Once out in the streets, some of the protesters damaged cars and burned one government vehicle. On November 21, six student leaders were arrested after the protests and were held in Ouagadougou's main prison without formal charges for 10 days. On December 17, the students were put on trial for vehicle destruction, assault of a police officer, and illegal assembly. The alleged ringleader, the president of one of the student unions, received a sentence of 1 month in jail and a fine of approximately \$23,000 (15,600,000 CFA). Two other students also received a month's sentence and lighter fines; the other three students were released for lack of evidence. Lawyers for the sentenced students said they intended to appeal. The University continued to experience student unrest throughout December. On December 3 and 4, secondary school students in Ouagadougou and Bobo Dioulasso also called a strike. Security forces in Bobo Dioulasso used tear gas to disperse forcibly the students; however, there were no reported deaths or injuries.

No action was taken against members of the security force who used excessive force to disperse the 2001 demonstration by those who opposed the inauguration of the mayor of Bobo-Dioulasso, the country's second largest city.

No action was taken against members of the security forces who used excessive force to disperse demonstrations on the following months in 2000: April; August; and December.

The Constitution provides for freedom of association, and the Government generally respected this right in practice. Political parties and labor unions usually were permitted to organize without seeking government permission.

c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government generally respected this right in practice.

The Government required that religious groups register with the Ministry of Territorial Administration. Registration established a group's legal presence in the country but entailed no specific controls or benefits. Religious groups only were taxed if they carried on lucrative activities, such as farming. There were no penalties for failure to register. All groups were given equal access to licenses, and the Government approved registrations in a routine fashion.

For a more detailed discussion see the 2002 International Religious Freedom Report.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides for these rights, and the Government generally respected them in practice. Gendarmes routinely stopped travelers for identity and customs checks and the levying of road taxes at police and military checkpoints. There were no restrictions on foreign travel; however, in 2000 some foreign journalists were not permitted to enter the country.

Following the Government's ban on demonstrations in 2000 (see Section 2.b.), progovernment vigilantes intimidated human rights activists and forced some to flee from cities such as Koudougou. Activists in Bobo-Dioulasso, Kaya, and Fada N'Gourma also complained of similar harassment in 2001. However, unlike in previous years, there were no reports that progovernment vigilantes harassed human rights activists.

The law provides for the granting of asylum and refugee status in accordance with the provisions of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. Refugees were accepted freely. The Government provided first asylum. The Government cooperated with the office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. Approximately 450 persons with refugee status and an estimated 300 persons who had requested refugee status reside in the country. Most were nationals of Rwanda, Burundi, the Democratic Republic of the Congo, and the Republic of the Congo; others were from Chad, Liberia, and Sierra Leone. Almost all the refugees and applicants live in Ouagadougou.

During the year, the UNHCR continued its efforts to respond to the needs of the refugees, notably during visits in the spring and in fall. The refugees continued to receive some assistance for school and medical fees; however, their monthly financial assistance from the UNHCR was terminated during the year. Some of the refugees asked the UNHCR to send them to third countries; these requests were being evaluated at year's end.

There was a surge in voluntary repatriation of Burkinabe nationals from Cote d'Ivoire late in the year, as a result of the ongoing crisis in Cote d'Ivoire. Burkinabe returnees reported harassment from Ivoirian police officials, usually in the form of demands for money but also in the form of physical abuse.

There were no reports of the forced return of persons to a country where they feared persecution.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully through multiparty elections; however, in practice citizens were unable to exercise this right fully due to the continued dominance of the President and his ruling party. In the 1998 presidential election, President Compaore won 88 percent of the vote; 56 percent of the eligible voters went to the polls. The irregularities cited by observers in the actual voting process were limited in number and scope and did not appear to affect the ultimate outcome of the election. However, the national observers identified a number of systemic weaknesses in the electoral code that precluded a totally regular and transparent vote, and a coalition representing a number of opposition parties boycotted the election. Nevertheless, neither of the two candidates opposing President Compaore contested the results.

The Compaore Government included a strong presidency, a Prime Minister, a cabinet presided over by the President, a one-chamber (formerly two-chamber) National Assembly, and the judiciary. The legislature was independent, but it remained susceptible to influence from the executive branch.

In 1999 President Compaore instructed the Prime Minister to reshuffle and broaden the Government. The new cabinet included four members from small opposition parties; however, the major opposition bloc, the Group of 14 February (G-14), refused to participate. In 1999 the Council of Ministers passed decrees creating a Commission for Political Party Consultations, a Commission of National Reconciliation, and a Commission on Political Reforms.

Pursuant to the Commissions' recommendation in 1999, Article 37 of the Constitution was amended in April 2001 to provide that the presidential term of office be 5 years, renewable once, starting in 2005. The provision was not retroactive, and the National Assembly has determined that this provision will not be applied retroactively to President Compaore. Previously the Constitution allowed the President to run for an unlimited number of terms.

In 2000 the Government promulgated a new electoral code that gave more independence to the government-funded Independent National Electoral Commission (CENI). Under the revised code, the CENI has full responsibility for managing its budget and was the only organization responsible for monitoring elections and referendums. However, during the 2000 municipal elections, the CENI was criticized for deferring to the Government on important questions such as postponing the elections and candidate eligibility. In 2001 a new CENI, composed of 15 members, was sworn in. Five representatives of opposition parties, including the G-14 coalition, agreed to serve on the CENI in addition to five representatives of progovernment parties (including the CDP) and five representatives of civil society.

On May 5, the Government held parliamentary elections. For the first time in the country's history, multiple (13) political parties, including the opposition, participated in the elections. The ruling CDP won 57 out of the 111 parliamentary seats. The opposition parties unified to compete in the elections and won 54 seats. Domestic observers characterized the elections as generally free and fair.

Following the May 5 legislative elections, the Government was reorganized, and the November 2000 protocol, which ceded one-third of cabinet posts to the opposition and which the Prime Minister and opposition had signed, was voided. Of the 30 cabinet members, there were six ministers from parties other than the ruling CDP.

There were no restrictions in law or practice on the participation of women or minority group members in politics. There were 12 women in the 111-seat National Assembly, and there were 3 female ministers in the 30-member Cabinet. The President of the Social and Economic Council was a woman. In part because of the important role that women played in reelecting President Compaore in 1998, the CDP increased the number of women on its National Executive Council from two to six in 1999.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of human rights groups, including the MBDHP, the Association of Christians for the Group for Study and

Research on Democracy and Economic and Social Development in Burkina Faso (GERDES), and Abolition of Torture (ACAT), generally operated without government restriction; however, government-paid informers reportedly infiltrated groups that were critical of the Government.

Following the Government's 2000 ban on demonstrations, progovernment vigilantes intimidated human rights activists and forced some to flee from cities such as Koudougou (see Section 2.d.). Unlike in the previous year, there were no reports that progovernment vigilantes intimidated human rights activists and forced some to flee from cities.

The Government permitted international human rights groups to visit and operate in the country. The MBDHP was affiliated with the Inter-African Human Rights Union (UIDH).

The Government failed to honor repeated requests for information from the OAU about alleged human rights abuses that occurred between 1983 and 1997. In 2001 the OAU's Human Rights Commission issued a report that criticized the Government for failing to investigate human rights violations that occurred between 1983 and 1997, criticized the Government for not responding adequately to the OAU's requests for information, and called on the Government to prosecute the perpetrators of these offenses and to compensate the victims. The Government had not responded by year's end.

In 2001 the Government, at the initiative of the Junior Minister for Human Rights, established a National Commission on Human Rights to serve as a permanent framework for dialog on human rights concerns. Commission members included representatives of human rights NGOs, union representatives, government officials, and representatives from professional associations. In December 2001, the commission adopted a plan of action to promote human rights; however, it took no specific action by year's end.

Section 5 Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Constitution prohibits discrimination on the basis of race or ethnic origin. Minority ethnic groups, like the majority Mossi, were represented in the inner circles of the Government, and government decisions did not favor one group over another.

Women

Domestic violence against women, especially wife beating, occurred frequently. Cases of wife beating usually were handled through customary law and practice. There were no statistics on rape, although it was recognized as a crime. Spousal rape was not discussed. There were organizations that counselled rape victims, including Catholic and Protestant missions, the Association of Women Jurists in Burkina, the Burkinabe Movement for Human Rights, the Association of Women, and Promofemmes--a regional network that works to combat violence against women. The Government has attempted to change attitudes toward women, using education through the media. The Penal Code explicitly prohibits sexual harassment; however, there are no special laws protecting women against violence other than general laws dealing with violence.

The law prohibits forced marriage, with specific penalties under the Penal Code for violators. Polygyny was permitted, but both parties must agree to it prior to a marriage, and the woman maintained the power to oppose further marriages by her husband if she could provide evidence that he abandoned her and her children. Either spouse could petition for divorce; custody of children was granted to either parent based on the children's best interests.

FGM was practiced widely, especially in many rural areas, and usually was performed at an early age. The percentage of girls and women who have undergone this procedure may be as high as 70 percent. The Government has made a strong commitment to eradicate FGM through educational efforts, and the National Committee for the Fight Against Excision campaigns against the practice. FGM is a crime, with strict punishments for those involved in its practice. Perpetrators were subject to 6-months' to 3-years' imprisonment and a significant fine. The Government continued its sensitization campaign regarding the deleterious effects of this practice. There were no reports of FGM-related arrests or prosecutions during the year. Another form of mutilation, scarification of the faces of both boys and girls of certain ethnic groups, gradually was disappearing.

There were occasional reports of trafficking in women (see Section 6.f.).

Although the law provides equal property rights to women and some inheritance benefits depending on other family

relationships, in practice customary law prohibits women from the right to own property, particularly real estate. In rural areas, land belonged to the family of the man whom a woman marries even though women represented 45 percent of the workforce. Women still did much of the subsistence farming work. Customary law does not recognize inheritance rights for women and regards the woman as property that can be inherited upon her husband's death.

There were no specific constitutional provisions or laws protecting women, who faced extensive discrimination. In general women continued to occupy a subordinate position and experienced discrimination in such areas as education, jobs, property, and family rights. Overall, women represented 45 percent of the workforce. In the modern sector women make up one-fourth of the government workforce, although they usually were found in lower paying positions. The Ministry of Women's Affairs actively promoted women's rights during the year; the Minister was a woman.

Children

The Constitution nominally protects children's rights. The Government demonstrated its commitment to improving the condition of children by continuing efforts, in cooperation with donors, to revitalize primary health care by focusing on care for nursing mothers and infants; vaccination campaigns for measles, meningitis, and other illnesses; and health education.

Although the Government dedicated approximately 25 percent of the national budget to education and the law provides for free compulsory education, the Government lacked the means to provide universal, free primary education. If a child qualified on the basis of grades and social condition (that is, the family was "poor"), free education could continue through junior high and high school. In practice the family condition requirement often was ignored, giving many children a free education through high school. Many children, especially girls, did not attend school; girls represented only 38 percent of school enrollment. The Government has taken steps to promote primary education for girls. Girls made up approximately one-third of the total student population in the primary school system and were represented in the secondary and higher educational systems, although the percentage decreased significantly beyond the primary level. Schools in rural areas had even lower percentages of female students than schools in urban areas, and illiteracy for girls in the rural areas ran as high as 95 percent. The Government set up a scholarship program for female secondary students to encourage them to stay in school. The estimated adult literacy rate was 23 percent. The rate of male literacy was approximately 30 percent and female literacy was 9 percent.

FGM was performed commonly on young girls (see Section 5, Women).

There were reports of trafficking in children (see Section 6.f.).

Persons with Disabilities

There was no legislation to protect persons with disabilities from discrimination. While there were modest government subsidies for workshops for persons with disabilities, there was no government mandate or legislation concerning accessibility for persons with disabilities. Programs to aid persons with disabilities were limited, and their advocates reported that such persons often faced social and economical discrimination. Persons with disabilities who were willing and able to work frequently found it difficult to find employment, including in government service, because of deeply entrenched societal attitudes which held that persons with disabilities should be under the care of their family and should not enter the workforce.

Section 6 Worker Rights

a. The Right of Association

The Labor Code was amended several times during the past decade. Under the Labor Code, workers, including civil servants, enjoyed a legal right of association, which was recognized under the Constitution. There were 4 major labor confederations and 12 autonomous trade unions linked by a national confederate committee. They represented a wide ideological spectrum; the largest and most vocal member espoused a socialist doctrine. Approximately 85 percent of the workforce was engaged in subsistence agriculture. Of the remainder, approximately 50 percent of private sector employees and 60 percent of public sector employees were union members. Essential workers, such as police, could not join unions.

The Labor Code prohibits antiunion discrimination. The Labor Ministry handled complaints about such discrimination, which the plaintiff may appeal to a labor tribunal. If the tribunal sustains the appeal, the employer must reinstate the worker. Union officials believed that this system functions adequately.

Labor unions may affiliate freely with international trade unions. Both the National Confederation of Burkinabe Workers (CSB) and the National Organization of Free Trade Unions (ONSL) were affiliated with the International Confederation of Free Trade Unions (ICFTU).

b. The Right to Organize and Bargain Collectively

Unions have the right to bargain for wages and other benefits, both directly with employers and with industry associations. These negotiations were governed by minimums on wages and other benefits contained in the Inter-professional Collective Convention and the Commercial Sector Collective Convention, which were established with government participation. If no agreement was reached, employees could exercise their right to strike. Either labor or management could refer an impasse in negotiations to labor tribunals. Appeals could be pursued through the Court of Appeal to the Supreme Court, whose decision was binding on both parties. Collective bargaining was extensive in the modern wage sector, but it encompassed only a small percentage of workers.

The Constitution provides for the right to strike, and workers used strike actions to achieve labor goals. Labor organizations called many strikes during the year to advance worker objectives, such as opposing the privatization of state-owned enterprises and demanding salary and pension increases. The Collective of Mass Organizations and Political Parties called strikes to press for justice in the aftermath of the 1998 Zongo killings. There was no governmental interference in these demonstrations and strikes.

On April 23 and 24, a strike, which was organized by all the major trade union federations and autonomous unions, shutdown public institutions and private enterprises throughout the country. There also were strikes by bus drivers and insurance employees during the year.

The International Labor Organization (ILO) Committee of Experts has expressed concern about the right to strike of public servants, particularly the law that allows the authorities to requisition striking civil servants and state officials. The ILO has been critical of the law for years for defining essential services too broadly and opening the door for abuse by the authorities.

There were no export processing zones.

c. Prohibition of Forced or Bonded Labor

The law prohibits forced or bonded labor, including by children; however, there were reports of household employment of children outside their own families without any status or formal remuneration as well as the procurement and exploitation of young immigrant girls (see Section 6.f.). In cooperation with donors, the Government has undertaken many sensitization programs to inform children and parents of the dangers of sending children away from home to work.

d. Status of Child Labor Practices and Minimum Age for Employment

The Labor Code sets the minimum age for employment at 14 years; however, child labor was a problem. In the domestic and agricultural sectors, the law permits children under the age of 14 to perform limited activities for up to 4½ hours per day; however, many children under the age of 14 years worked longer hours. According to a pamphlet published by the Ministry of Labor in 2000, more than 50 percent of children worked, largely as domestic servants or in the agricultural or mining sectors. Children commonly worked with their parents in rural areas or in family-owned small businesses in villages and cities. Most children actually began working at an earlier age on small, family subsistence farms, in the traditional apprenticeship system, and in the informal sector. According to a recent study by the ILO, 70 percent of child workers were in the informal sector. There were no reports of children under the age of 14 employed in either state or large private companies.

The Ministry of Employment, Labor, and Social Security, which oversees labor standards, lacked the means to enforce this provision adequately, even in the small business sector. In cooperation with UNICEF, the ILO, and local NGOs in 1997, the Government developed a national plan of action on child labor. During the year, the Government worked to update this plan of action; the updated plan was pending the National Assembly's approval at year's end. The International Program to Eliminate Child Labor (IPEC) has been working with the Government

since 1999 to fund child labor projects. The Government also has organized workshops and produced films and a television series on the problem of child labor.

e. Acceptable Conditions of Work

The Labor Code mandates a minimum monthly wage, which was approximately \$40 (28,811 CFA francs) in the formal sector; it did not apply to subsistence agriculture. The Government last set a minimum wage in 1996; it did not provide a decent standard of living for an urban worker and family. Wage earners usually supplemented their income through reliance on the extended family, subsistence agriculture, or trading in the informal sector. The Labor Code also mandates a standard workweek of 40 hours with at least one 24-hour rest period for nondomestic workers and a 60-hour workweek for household workers, and establishes safety and health provisions.

A system of government inspections under the Ministry of Employment, Labor, and Social Security and the labor tribunals was responsible for overseeing occupational health and safety standards in the small industrial and commercial sectors, but these standards did not apply in the subsistence agricultural sector. The Government paid social security benefits on a sliding scale according to an employee's length of service and pay, up to a ceiling of \$308 (approximately 221,000 CFA francs) per month, and payments were timely. However, the Government's Labor Inspector Corps did not have sufficient resources to fulfill its duties adequately. Every company was required to have a work safety committee. If a workplace was declared unsafe by the Government's Labor Inspection Office for any reason, workers had the right to remove themselves from the dangerous work without jeopardy to continued employment. In practice there were indications that this right was respected, but such declarations by the Labor Inspection Office were relatively rare.

Foreign workers, both legal and illegal, were protected by the law governing working conditions in the formal sector.

f. Trafficking in Persons

There was no law that specifically criminalizes the act of trafficking; however, a range of other relevant laws may be used to prosecute traffickers. The Constitution specifically prohibits slavery, inhumane treatment, and mistreatment of children and adults, and the Penal Code prohibits kidnaping, violence, and mistreatment of children; however, trafficking of children and women was a problem.

In April 2001, for the first time a court tried an accused child trafficker, and he was sentenced to 3-months' suspended prison time. The Government provided initial shelter to the child victims and helped return them to their homes. Some children asserted that they were going voluntarily to Cote d'Ivoire in search of work.

The Ministry of Social Affairs and the Directorate of Labor Health and Security, Child Labor, and Trafficking Division of the Ministry of Labor implement and enforce child labor laws and regulations. Despite good intentions, the Government only has limited resources to combat trafficking in women and children.

The country was a source, transit, and destination country for internationally trafficked persons, including children. It was an occasional source country for women who traveled to Europe to work as domestics but upon their arrival were exploited sexually. The country was a transit point for trafficked children, notably from Mali. Children from Mali often were trafficked to Cote d'Ivoire. Malian children also were trafficked into the country. Destinations for trafficked Burkinabe children included Cote d'Ivoire, Ghana, and Nigeria.

In many instances, children voluntarily traveled to Cote d'Ivoire to work as agricultural laborers to escape poverty at home; however, in other cases, children were lured to plantation work in Cote d'Ivoire by false promises of generous remuneration, only to be forced to work under very harsh conditions for little or no payment. Some children were forced to work long hours without pay, allegedly to repay costs of their transport to Cote d'Ivoire and the costs of food and housing on the plantation.

The Government worked with international donors and the ILO to address child trafficking. The Government also organized seminars against child trafficking for customs officers. During the year, similar workshops and seminars were organized for gendarmes and the civil society.

During the year, in coordination with donors, the Government started a program to establish watch committees in certain provinces in which child trafficking and labor were problems. The watch committees included representatives of industries usually implicated in child labor (cotton growers, for example), the police, NGOs, and social welfare agencies.

Since August 2001, the Coalition in Burkina Faso for Children's Rights (COBUFADE) conducted, in conjunction with IPEC, a sensitizing campaign on child labor to develop and strengthen children's rights. The campaign targeted at least 30,000 working children in various sectors, 3,000 employers, 5,000 business and social leaders, and 250 associations. In addition, in June IPEC initiated a program of action to prevent child trafficking for work purposes on cotton plantations, and the program was expected to run from October through September 2003.