



Burkina Faso

Country Reports on Human Rights Practices - [2004](#)

Released by the Bureau of Democracy, Human Rights, and Labor
February 28, 2005

Burkina Faso is a parliamentary republic. 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 2002 legislative elections. In 1998, President Compaore was reelected to a second 7-year term with 88 percent of the vote. International observers considered the 2002 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 and corruption.

The security apparatus consists of the armed forces and the gendarmerie, which are 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 is an autonomous security force, although technically it is subject to the jurisdiction of the armed forces and part of the army. The civilian authorities maintained effective control of the security forces. Some members of the security forces committed serious human rights abuses.

The economy was market-based; an estimated 85 percent of the population of approximately 12.2 million engaged in subsistence agriculture. A locust outbreak in August severely damaged the grain harvest in the northern provinces. Frequent drought, limited communication and transportation infrastructures, and a 77 percent illiteracy rate were longstanding problems. The Government's antipoverty strategy to open the economy to market forces while shifting resources to the education and health sectors continued during the year. Gross national product per capita was \$375.

The Government's human rights record remained poor; although there were some improvements in a few areas, serious problems remained. The continued dominance of President Compaore and his ruling party limited citizens' right to change their government. Security forces were responsible for some killings of criminal suspects; however, there were fewer reports of such killings than in previous years. Security forces continued to torture and abuse detainees, although there were fewer such cases than in previous years. Prison conditions remained harsh. Arbitrary arrest and detention were problems, and authorities on occasion did not provide detainees with due process. Impunity remained a problem. Unlike in the previous year, authorities did not restrict the media; however, at times, journalists practiced self-censorship. Police used violence to disperse meetings and demonstrations. Violence and discrimination against women, including female genital mutilation (FGM); violence against children; child labor; and child trafficking continued to be problems. The Government continued to take steps to combat FGM, child labor, and trafficking in persons. Social discrimination against persons with disabilities was widespread. Mobs killed or beat criminal suspects during the year.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life

There were no politically motivated killings by the Government or its agents; however, security forces were responsible for the deaths of criminal suspects and detainees, although fewer than in the previous year.

On February 1, Badolo Wango was tortured and died in Koudougou prison, Boulkiemde Province, after an unsuccessful escape attempt. Four of the prison guards accused in his death were removed from their post, arrested, and jailed; however, the four were subsequently released on bail, and no further action had been taken by year's end.

On April 4, the Burkinabe Movement for Human Rights (MBDHP) reported that security forces were responsible for the deaths of two unidentified criminal suspects whose bodies had been found near the road to Tougouri, Sanmatenga Province; the victims apparently had been shot to death. The MBDHP, the country's largest human rights organization and a vocal critic of the Government, demanded an investigation; however, no action had been taken by year's end.

On July 25, Pitroipa Yemdaogo died after being detained for approximately 6 months at the House of Arrest and Correction of Ouagadougou; Yemdaogo was arrested in Ghana on February 25 for suspected involvement in the killing of three policemen in Zaogho, Kouritenga Province, and subsequently repatriated. Authorities had given no official reason for Yemdaogo's death by year's end; however, some human rights NGOs suspected his death was the result of abuse.

No action was taken during the year against security forces believed to be responsible for the 2003 executions of 6 men in Godin, Boulkiemde Province and 12 men in Fada N'Gourma or in the 2003 killings of 18 criminal suspects or of 4 persons who died under suspicious circumstances following incarceration or contact with security forces.

There were no developments in any of the 2002 cases of killings by security forces.

On June 22, a trial was conducted in the 1999 killing by police in Banfora, Camoe Province, of Mamadou Kone, who was shot after striking two policemen during an escape attempt. Dabila Ouattara, one of the policemen accused in the case, was acquitted; however, the court ordered the Government to pay Kone's family approximately \$176,000 (100.3 million CFA francs) in compensation.

Societal violence resulted in deaths during the year. On April 30, conflict between the residents of Sigle county seat and Tiemnore village, Boulkiemde Province, resulted in the death of Urbain Sibnoga Gansore from Sigle. Police subsequently charged and detained Arsene Kabore of Tiemnore with the killing. In revenge for the killing of Gansore, residents of Sigle looted the police station and beat Kabore to death. Police arrested and detained 10 persons, who subsequently were released on bail and awaiting trial at year's end.

On June 29 and 30, a land use conflict between Gourmantches farmers and Fulani herders from the village of Balere resulted in the deaths of 10 Fulani cattle herders; approximately 15 farmers from the Gourmantche and Zaosse ethnic groups were arrested, and an investigation was ongoing at year's end. Farmers have traditionally accused herders of destroying scarce farmland.

On November 30 and December 1, in Po county seat, another land use conflict between Kassena farmers of the Gourunsi ethnic group and Fulani herders resulted in the death of a Fulani herder, the injuring of another, the displacement of hundreds of Fulanis, and the destruction of Fulani houses and property. Police arrested 15 Kassena farmers, who were awaiting trial at year's end.

There were no results in the investigation of the November 2003 killing of Assami Tonde, who reportedly had trespassed on sacred ground prior to a traditional ceremony; Tonde was allegedly beaten to death by the retainers of the Naaba Kiiba of Yatenga, a traditional chieftain. There were no further developments.

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 were frequently subjected to beatings and threats and sometimes torture to extract confessions. Abuse by security forces resulted in deaths (see Section 1.a.).

The Government took no known 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.

On June 6, police arrested, stripped naked, and beat with rubber batons 11 residents of Yako, Passore Province for allegedly instigating riots and assaulting a detainee in the Yako jail; the 11 were subsequently released on bail. No action had been taken against the police by year's end.

Police beat persons during demonstrations (see Section 2.b.).

There were no developments in the 2002 case in which soldiers beat police and civilians in the town of Kaya.

Prison conditions were harsh and could be life threatening. The federal prison in Bobo-Dioulasso, built in 1947, housed approximately 900 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.

Prison visits were granted at the discretion of prison authorities; however, permission generally was granted, and advance permission was not required. Prison observers visited prisons during the year.

Numerous human rights organizations and the International Committee of the Red Cross were permitted to visit the 16 detainees accused of participating in an alleged coup plot in October 2003 (see Section 1.e.).

d. Arbitrary Arrest or Detention

The Constitution prohibits arbitrary arrest and detention; however, the Government did not observe these prohibitions in practice.

The national police, under the Ministry of Security, and the municipal police, under the Ministry of Territorial Administration, are responsible for public security; gendarmes reporting to the Ministry of Defense also are responsible for some aspects of public security. Corruption was widespread, particularly among lower levels of the police. A Committee Against Corruption continued to address corrupt practices within the police.

The Constitution provides for the right to expeditious arraignment and access to legal counsel after a detainee has been charged before a judge; however, 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, police rarely observed these provisions in practice. 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. Defendants without access to legal counsel were often detained for weeks or months before appearing before a magistrate. In some cases, prisoners were held without charge or trial for longer periods than the maximum sentence 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.

On September 28, police detained opposition leader Herman Yameogo and his cousin and political aide Noel Yameogo upon their arrival at Ouagadougou airport from a trip to several neighboring countries. The Government, which accused the men of providing Mauritania, Cote d'Ivoire, Guinea, and the NGO Reporters Without Borders with false information, subsequently released Herman Yameogo after confiscating his diplomatic passport and threatening to remove his parliamentary immunity. On October 7, the State Prosecutor indicted Noel Yameogo for treason and for being "a threat to state safety"; he remained in detention awaiting trial at year's end. On December 2, the day before Yameogo challenged the passport confiscation in court, the Government returned his passport.

Police arbitrarily arrested a journalist and detained demonstrators during the year (see Sections 2.a. and 2.b.).

On April 6, 13 of the 17 military and civilian persons detained in connection with the October 2003 coup plot went on trial (see Section 1.e.).

e. Denial of Fair Public Trial

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

Systemic weaknesses in the justice system included the removability of judges, outdated legal codes, an insufficient number of courts, a lack of financial and human resources, and excessive legal costs.

There are four operational higher courts: The Supreme Court of Appeal; the Council of State; the Audit Court and Office; and the Constitutional Council. Beneath these higher courts are 2 courts of appeal and 18 provincial courts. There also is a High Court of Justice with jurisdiction to try the president and senior government officials for treason and other serious crimes. On September 8, the National Assembly passed a bill that established a tribunal to try persons under 18 who are charged with felonies or misdemeanors as children rather than adults. The military court system, which tried only military cases, was subject to executive influence.

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 were generally 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.

On April 6, 13 of the 17 military and civilian persons detained in connection with the October 2003 coup plot went on trial: 4 were convicted and sentenced to between 5 and 10 years' imprisonment; 3 received suspended sentences of between 12 months and 2 years; and the remaining 6 were acquitted. Several of the defendants retracted their confessions during the trial, alleging that they had been beaten and coerced into signing the statements. The MBDHP and other human rights groups that visited the defendants during pretrial detention reported that the defendants had been well treated.

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 also could take a case to a formal court.

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. The Government did not restrict academic freedom.

The official media, including the daily newspaper Sidwaya, and the national radio and television, displayed progovernment bias. The independent press included three daily and approximately a dozen weekly newspapers; some newspapers appeared only occasionally. There were numerous independent radio stations and three television stations. Some of these media outlets were critical of the Government. Foreign radio stations broadcast without government interference.

All media were under the administrative and technical supervision of the Ministry of Information. The audiovisual media were regulated further by the Superior Council of Information, which was under the Presidential office and had limited independence.

There are regulations for private and independent radio and television. Radio stations were held responsible if their call-in programs threatened the public order or the rights of any third party.

Presse Dimanche, a popular television talk show cancelled in November 2003 allegedly at the behest of the Minister of Information, did not resume broadcasting during the year.

Despite some self-censorship, independent newspapers and radio stations often criticized the Government, reported allegations of corruption and mismanagement by authorities, and accused 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 November 5, police arrested journalist and opposition activist Mathieu N'Do upon his arrival from a reporting mission in Cote d'Ivoire. N'Do, who was detained for questioning for 6 days at the riot police headquarters, was accused of having had close contact with the President of Cote d'Ivoire; however, no charges were filed upon his release.

The Government did not restrict access to the Internet.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of assembly; however, the Government at times restricted this right in practice.

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 advance notification requirement include 2 to 5 years' imprisonment. Permits must be obtained from municipal authorities for political marches, and authorities may alter or deny requests on grounds of public safety. Denials or modifications may be appealed before the courts.

On February 12, police surrounded a group of merchants who had gathered to discuss government plans to relocate them from Central Ouagadougou Market, which had burned down in a fire, to an area outside of Ouagadougou, where business was not as profitable. The police fired directly into the crowd with shotguns and teargas and also beat individuals with rubber batons. An estimated 10 persons were injured, including a man whose foot had to be amputated after being hit with buckshot. On February

13, merchants and unemployed youth responded by blocking roads, burning vehicles and buses, and attacking foreign businesses and property; police again used shotguns and teargas to disperse demonstrators. A total of 75 persons were arrested and subsequently released. In justifying police action, the mayor of Ouagadougou claimed that he had not authorized the merchants' gathering. No action had been taken against police by year's end.

On May 1, Konde Hakani Elizabeth, the mayor of Dedougou city, Mouhoun Province, restricted a union's peaceful march around the city. The mayor claimed that she had not received any request for a permit to march; however, the union claimed to have sent the request on April 28.

The Constitution provides for freedom of association, and the Government generally respected this right in practice. Political parties and labor unions 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. 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 [2004 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 and police agents routinely stopped travelers for identity checks and to levy road taxes. Customs agents stopped travelers for customs checks. During the year, the Government confiscated the passport of a political leader (see Section 1.d.).

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

The law provides for the granting of asylum or refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees or its 1967 Protocol, and the Government has established a system for providing protection to refugees. In practice, the Government provided protection against refoulement, the return of persons to a country where they faced persecution, and granted refugee or asylum status. The Government cooperated with the office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees and asylum seekers. The Government also provided temporary protection to individuals who may not qualify as refugees under the 1951 Convention/1967 Protocol. There were 465 persons with refugee status and 549 persons who had requested refugee status residing in the country. Most were nationals of Cote d'Ivoire, Rwanda, Burundi, the Democratic Republic of the Congo, and the Republic of the Congo; others were from Chad and Liberia. Almost all the refugees and applicants lived in Ouagadougou.

During the year, the governmental National Refugee Committee and UNHCR continued their efforts to respond to the needs of refugees. Some refugees asked the UNHCR to send them to third countries; these requests were still being evaluated at year's end.

Despite increased violence in Cote d'Ivoire, there were fewer voluntary repatriations of Burkinabe nationals from Cote d'Ivoire than in previous years. Burkinabe returnees reported physical abuse, harassment, and extortion from Ivoirian police officials.

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 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. 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. The cabinet includes four members from small opposition parties who generally support the ruling party; however, the major opposition bloc, the Group of 14 February (G-14), refused to participate.

In 2001, the Constitution was amended 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.

The government-funded Independent National Electoral Commission (CENI) has full responsibility for managing its budget and is the only organization responsible for monitoring elections and referendums. Five representatives of opposition parties, including the G-14 coalition, served on the CENI, in addition to five representatives of progovernment parties (including the CDP) and five representatives of civil society.

In 2002, the Government held parliamentary elections. For the first time in the country's history, multiple political parties, including opposition parties, 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. Independent observers characterized CENI's conduct during the elections as generally fair.

Following the May 2002 legislative elections, the Government was reorganized, and the 2000 protocol, which ceded one-third of cabinet posts to the opposition and which the Prime Minister and opposition had signed, was voided by the ruling party. Of the 31 cabinet members, there were 4 ministers from parties other than the ruling CDP. All but one of the country's mayors were CDP members, most appointed provincial officials were members of the CDP, and most traditional chiefs also were members of the CDP.

CDP membership conferred advantages, particularly for businessmen and traders in competition for open bidding contracts.

On April 27, the National Assembly adopted a controversial bill to revise the electoral code through redistricting and other measures. The CDP claimed the law would correct imbalances in the previous system; however, opposition parties, which boycotted the April 27 session, charged that the bill was designed to rescind reforms that facilitated large opposition gains in the May 2002 legislative elections. Most observers believed the changes would favor larger and more organized parties.

During the year, the Government continued efforts to curb official corruption, which was a serious problem. In January, the High Authority to Fight Against Corruption issued a report that cited numerous instances of corruption in government and civil society. However, there were no prosecutions of corrupt officials during the year.

There were no laws that provided for public access to government information; however, government ministries generally released non-sensitive documents.

There were 12 women in the 111-seat National Assembly, 3 women in the 31-member Cabinet, and 4 women in the Supreme Court. The Cabinet included 17 minority members; the National Assembly included 61 minority representatives.

Section 4 Governmental Attitude Regarding International and

Nongovernmental Investigation of Alleged Violations of Human Rights

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

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.

The Government failed to honor repeated requests for information from the African Union about alleged human rights abuses that occurred between 1983 and 1997. The Government did not prosecute the perpetrators of these offenses; however, in 2002, it established a \$9 million fund to compensate families of the victims of political violence. By year's end, the Government had distributed more than \$7 million (approximately 3.99 billion CFA francs) of the fund.

On August 22, a U.N. Independent Commission of Inquiry arrived in the country to investigate human rights violations in Cote d'Ivoire. The 5-member team also met with some of the more than 350,000 citizens of the country who have returned from Cote d'Ivoire since September 2002; many claimed to have been mistreated.

The National Commission on Human Rights serves as a permanent framework for dialogue on human rights concerns. Commission members included representatives of human rights NGOs, union representatives, government officials, and representatives from professional associations. The MBDHP, which did not participate on the Commission, has charged that the Commission was established to undermine human rights organizations that criticized the Government; however, there were no clear indications of such interference.

During the year, the Government took several steps to advance human rights. On June 4, the Ministry for the Promotion of Human Rights, which was established in 2002, opened an information center in Bobo-Dioulasso, the second biggest city of the country. From June 17 to 18, the Ministry held a training seminar for the 34 members of the Commission on human rights principles and the roles of the U.N. and regional NGOs in protecting human rights. On August 16, the Commission held a conference on preventing deaths in detention in Bobo-Dioulasso.

Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The Constitution prohibits discrimination on the basis of race, ethnic origin, gender, disability, and social status; however, the Government was unable to enforce this prohibition effectively. Discrimination against women and persons with disabilities remained a problem. Various ethnic groups 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. No law specifically protects women from domestic violence, and 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 counseled rape victims, including Catholic and Protestant missions, the Association of Women Jurists in Burkina, the MBDHP, 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.

FGM was practiced widely, especially in many rural areas, and usually was performed at an early age. Up to 70 percent of girls and women have undergone this procedure; however, the Government has demonstrated its commitment to eradicate FGM through education, and the National Committee for the Fight Against Excision reported that the incidence of excision has decreased by approximately 40 percent since 1990. FGM is a crime, with strict punishments for those involved in its practice. Perpetrators were subject to imprisonment of 6 months to 3 years and a significant fine.

During the year, the Government arrested and prosecuted several women who performed FGM. On January 21, police arrested Yiere Mamou Berte for practicing FGM on 41 young girls in Sefina village, Kenedougou Province; Berte was in prison awaiting trial at year's end. On February 4, Mariam Kone was given a 12-month suspended sentence for practicing FGM on eight young girls in Banwa Province. On August 16, police arrested a woman in Ouagadougou for circumcising 12 girls ranging in age from 2 to 12; the arrest received widespread media coverage because of the public outcry that the practice still occurred in metropolitan areas.

The law does not specifically prohibit prostitution; however, pimping and soliciting are illegal.

Scarification of the faces of both boys and girls of certain ethnic groups was gradually disappearing.

There were occasional reports of trafficking in women (see Section 5, Trafficking).

The Penal Code explicitly prohibits sexual harassment; however, such harassment was common.

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.

Although the law provides equal property rights for 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 married. 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 comprised one-fourth of the government workforce, although usually they were found in lower paying positions. The Ministry of Women's Promotion actively promoted women's rights during the year; the Minister was a woman. The Government also established income generating activities for women during the year, including the production of fabric, shea butter, and soap.

Several NGOs were active in promoting women's rights, including Women in Law and Development in Africa, Association of Female Judges, Association of Elected Women of Burkina Faso, Women's Coalition of Burkina Faso, and Kebayina Association of Women of Burkina Faso.

Children

The Constitution nominally protects children's rights. The Government demonstrated its commitment to improve 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.

The Government allotted approximately 25 percent of the national budget to education, and the law provides for free compulsory education; however, 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"), tuition-free education could continue through junior high and high school. Children still were responsible for paying for school supplies, and many parents could not afford to lose a child's labor in the fields or at other remunerative jobs; as a result, overall school enrollment was approximately 52 percent (46 percent for girls). The Government has taken steps to promote primary education for girls through encouragement of donor scholarships, school feeding programs, and information campaigns to change societal attitudes toward educating girls. Girls made up slightly more than one-third of the total student population in the primary school system. 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 rate of male literacy was approximately 32 percent, and female literacy was 15 percent.

The law prohibits the abuse of children under 15 years old and provides for the punishment of abusers. On March 3, the tribunal of Koudougou, Boukiemde Province, sentenced Pauline Ouoba and her husband Saidou Pandamba to 6 months' imprisonment and 12 months' suspended sentence, respectively, for severely beating their 12-year-old adopted child.

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

Trafficking of children was a problem (see Section 5, Trafficking).

Trafficking in Persons

The Constitution specifically prohibits slavery, inhumane treatment, and mistreatment of children and adults, and the Penal Code prohibits kidnapping, violence, and mistreatment of children; however, the country was a source, transit, and destination country for internationally trafficked persons, including children. In May 2003, the National Assembly adopted an anti-trafficking law that punishes child traffickers with 1 to 10 years' imprisonment and fines of \$525 (299,250 CFA francs) to \$2,600 (1.5 million CFA francs); however, the law had not been implemented by year's end. The sexual exploitation of children was a problem.

During the year, 25 child traffickers were arrested: At year's end, 16 had been sentenced to prison; 3 were being tried; and 6 were in detention awaiting trial.

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; however, the Government had limited resources to combat trafficking in women and children.

The country was an occasional source for women who traveled to Europe to work as domestics, but subsequently were exploited sexually. The country was a transit point for trafficked children, notably from Mali, who often were trafficked to Cote d'Ivoire. Malian children also were trafficked into the country. Destinations for trafficked children of the country included Mali, Cote d'Ivoire, Ghana, and Nigeria.

Trafficked children were subject to violence, sexual abuse, forced prostitution, and deprivation of food, shelter, schooling, and medical care. Organized child trafficking networks existed throughout the country. One study identified eight networks in Ouagadougou and seven in Bobo-Dioulasso. Child trafficking networks cooperated with regional smuggling rings.

In January, the Directorate for the Protection of Infants and Adolescents published a report based on interviews with the 1,710 trafficked children whom security forces had intercepted from 2000-03: 45 percent were between the ages of 12 and 15, and 80 percent had never gone to school. The report estimated that 175,000 children between the ages of 6 and 17 worked and lived apart from their families, including 95,000 who worked abroad.

In the past, some children voluntarily traveled to Cote d'Ivoire to work as agricultural laborers to escape poverty at home. 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 the cost of their transport to Cote d'Ivoire and of the food and housing on the plantation.

However, according to Lutrena, a local NGO that collaborated with both the International Program for Elimination of Child Labor (IPEC) and the International Labor Organization (ILO) to fight against child trafficking, the flow children going to Cote d'Ivoire for work purposes declined significantly following the September 2002 military rebellion there. Many of these working children reportedly headed for Mali either to work in rice plantations or study in Islamic schools or for coastal countries like Benin. According to the Ministry of Social Action and National Solidarity, security forces and regional trafficking surveillance committees intercepted 644 trafficked children in 2003.

The Government worked with international donors and the ILO to address child trafficking, in part by organizing seminars against child trafficking for customs officers. During the year, security services and civil society groups organized similar workshops and seminars. The Government also established 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. An IPEC program to prevent child trafficking for work purposes on cotton plantations continued during the year.

Persons with Disabilities

There was no legislation to protect persons with disabilities from discrimination, and advocates reported that such persons often faced social and economical discrimination. There was no government mandate or legislation concerning accessibility for persons with disabilities. Programs to aid persons with disabilities were limited. 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 that persons with disabilities should be under the care of their family and should not enter the workforce.

Other Societal Abuses or Discrimination

Societal discrimination against homosexuals and persons with HIV/AIDS was a problem.

Section 6 Worker Rights

a. The Right of Association

The law provides workers, including civil servants, the right of association, and workers exercised this right. Essential workers, such as police, could not join unions. 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.

b. The Right to Organize and Bargain Collectively

Unions have the right to bargain directly with employers and industry associations for wages and other benefits, and there was extensive collective bargaining in the modern wage sector; however, it encompassed only a small percentage of workers. There are no export processing zones.

The Constitution provides for the right to strike, and workers exercised this right in practice. Legal strikes occurred during the year, including a 3-day strike by health workers for better pay and working conditions. In May 2003, all the major trade union federations and autonomous unions called a strike, in part to protest the privatization of parastatal organizations; none of their demands were met, and some public institutions and private enterprises were closed.

During the year, the mayor of Dedougou city restricted a union march (see Section 2.b.).

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, including by children; however, there were reports that children were employed for domestic labor outside their own families without any status or formal remuneration and that young girls were procured for domestic labor (see Sections 5 and 6.d.). Trafficking of women and girls was a problem (see Section 5).

d. Prohibition of Child Labor 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, where working conditions were harsh. 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. 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 Youth, which oversees labor standards, lacked the means to enforce work safety and age limit legislation adequately, even in the small business sector.

The Government organized workshops during the year, and in cooperation with donors, has undertaken many sensitization programs to inform children and parents of the dangers of sending children away from home to work.

e. Acceptable Conditions of Work

The Labor Code mandates a minimum monthly wage of approximately \$40 (22,800 CFA francs) in the formal sector; the wage did not apply to subsistence agriculture. The minimum wage 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 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 Youth 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 established by presidential decree in January 2003 of \$1,051 per month (599,070 CFA francs). 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 the Government's Labor Inspection Office declared a workplace unsafe for any reason, workers had the right to remove themselves from the dangerous work without jeopardy to continued employment. There were indications that this right was respected in practice; however, such declarations by the Labor Inspection Office were relatively rare.