



Burkina Faso

Country Reports on Human Rights Practices - [2003](#)

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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 May 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 May 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.

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. Civilian authorities, under the direct control of the President, effectively controlled the military. Some members of the security forces committed serious human rights abuses.

The economy was market-based; an estimated 80 percent of the population of approximately 12.2 million engaged in subsistence agriculture. 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. The September 2002 military rebellion in Cote d'Ivoire and the subsequent closing of the border until September negatively affected the economy. Gross national product per capita was \$350.

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 numerous killings of criminal suspects; however, there were fewer reports of such killings than in previous years. Security forces continued to abuse detainees, which at times resulted in death. 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. At times authorities restricted media activity, and the media practiced some self-censorship, although less than in previous years. Unlike in previous years, the Government did not restrict freedom of assembly. Violence and discrimination against women, including female genital mutilation (FGM); violence against children; child labor; and child trafficking continued to be problems. The Government took steps to combat FGM, child labor, and trafficking in persons. Social discrimination against persons with disabilities was widespread. Trafficking was a problem. Unlike in previous years, there were no reports that vigilante mobs killed or beat criminal suspects.

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 political killings; however, security forces were responsible for numerous killings during the year. Four persons died under suspicious circumstances following incarceration or contact with security forces, and 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 18 killings of criminal suspects during the year. The Security Minister denied that security forces were responsible for any such killings. In May, the National Assembly passed a national internal security law that provides security forces with wide latitude in fighting criminality; human rights groups charged that the new law would give public and some private security organizations an uncontrolled role in maintaining public order.

During the year, there were reports of executions. For example, according to MBDHP and the Collective against Impunity, in March, in the village of Godin, Boulkiemde Province, the bodies of six young men were found with their hands tied behind their backs. In June the MBDHP reported that the bodies of 12 men with their hands tied behind their backs were found in the

eastern city of Fada N'Gourma. Human rights organizations claimed that security forces were responsible for the killings, and MBDHP demanded an investigation; however, no action had been taken by year's end.

Several persons died after being in police custody. For example, on March 9, MBDHP reported that 14-year-old Sylvain Ilboudo died at the Ouagadougou central police station after being arrested for theft.

On April 24, gendarmes of Baskuy Gendarmerie in Ouagadougou arrested Jean-Baptiste Balima on charges of petty theft; Balima died the same day of injuries inflicted while he was in custody. Police subsequently discovered that Balima was not responsible for the theft; however, no action was taken against the gendarmes responsible for his death. On April 29, another person reportedly died after being detained for 5 days by gendarmes in Sequenega. One of the gendarmes in charge was transferred to another district, and an investigation was being conducted at year's end.

On June 19, police arrested self-proclaimed clairvoyant and minor television personality Mor Alim Kabore on charges of trying to defraud President Compaore; Kabore subsequently died in police custody. The police claimed that Kabore had "some sort of fit" and died after being taken to the hospital in Ouagadougou. Human rights groups and Kabore's family demanded an autopsy; however, the autopsy, which police reportedly cleared, had not been released publicly by year's end.

There were no developments in the following 2002 cases: The March discovery of the bodies of four persons believed to be criminals killed by security forces, the May death of a prisoner in police custody, or the August killing by unknown assailants of former Cote d'Ivoire Minister of Higher Education Balla Keita.

There was no action in the 2001 killings by security forces.

On November 27, retainers of the Naaba Kiiba of Yatenga, a traditional chieftain, allegedly beat to death Assami Tonde, who reportedly was trespassing on sacred ground prior to a traditional ceremony. No arrests had been made in connection with the incident, which was being investigated at year's end.

On August 26, the King of Po and his retainers were tried for the 2001 death of petty theft suspect Jules Nankouly. The King received a 3-year suspended sentence; 11 of his retainers were sentenced to from 8 to 20 years imprisonment. They also were required to compensate the family of the victim for approximately \$176,000 (10 million CFA francs).

There were no further developments reported in the investigation of the 1998 death of respected journalist Norbert Zongo.

Unlike in previous years, there were no reports that vigilante mobs and self-styled militias committed killings 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 subjected to beatings, rough handling, and threats, frequently to extract confessions. 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; some died from such abuse (see Section 1.a.).

Unlike in the previous year, there were no reports that gendarmes forcibly dispersed student demonstrations.

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

No action was taken against security forces responsible for beating or otherwise abusing persons in 2001.

Prison conditions were harsh 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.

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

d. Arbitrary Arrest, Detention, or Exile

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. In March, the national police created a Committee Against Corruption 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. 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.

In early October, security forces arrested 17 military and civilian persons in connection with an alleged October coup plot; one detainee hung himself in his cell shortly after his arrest. Charges against the detainees, who were held in separate facilities at a gendarme station in Ouagadougou, were not filed for 4 weeks, which delayed access to legal counsel; the detainees also were denied access to their families. During the year, numerous human rights groups and the ICRC were allowed to visit the detainees and reported that detention conditions were better than in the country's prisons. The 16 detainees were awaiting trial at year's end.

During the year, police detained a journalist (see Section 2.a.).

Unlike in the previous year, there were no reports that gendarmes arrested students during the year;

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 is 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.

Systemic weaknesses in the justice system include 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 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 military court system, which tried only military cases, was subject to executive influence.

No further action was taken in the wrongful death case of former Chief Executive Captain Thomas Sankara.

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.

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. There were fewer such cases than in previous years. 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 official media, including the daily newspaper Sidwaya, and the national radio and television, displayed pro-government 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 a religious television station. 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.

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.

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 February 18, gendarmes in Bobo-Dioulasso detained for several hours Mountamou Kani, Chief Editor of the independent daily paper, L'Express Du Faso for refusing to give the source of a story he wrote about gendarmes of that city. Bobo-Dioulasso was released without any formal charges after other publications protested.

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.

In late November, the Minister of Information reportedly ordered the cancellation of Presse Dimanche, a popular television talk show on the government-owned Burkina National Television network; the show went off the air immediately. No official reason was given by the Government or the national television network for the cancellation; however, human rights groups alleged it was in response to the show's coverage of controversial issues, such as discussions of the interest-free loans granted to members of the Government earlier in the year.

The Government did not restrict access to the Internet.

The Government did not restrict academic freedom, and the Government generally tolerated peaceful student strikes to protest government education policy or demand better school conditions. Unlike in the previous year, security forces did not disrupt meetings of striking students by threatening violence or arrest, detain, or abuse student leaders and protesters.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of assembly; unlike in previous years, the Government did not restrict 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. 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; however, no such denials were reported during the year. Denials or modifications may be appealed before the courts.

Unlike in the previous year, police did not forcibly disperse student demonstrations.

On January 3, the students who had been arrested and sentenced in connection with the November 2002 demonstrations were

released. Appeals of the sentences, which had been filed by the students' attorneys, were pending at year's end.

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 [2003 International Religious Freedom Report](#).

c. 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 the levying of road taxes on turnpikes. Customs agents stopped travelers for customs checks. There were no restrictions on foreign travel; however, the border with Cote d'Ivoire, which was closed following the 2002 military unrest in Cote d'Ivoire, did not reopen until September 10.

Unlike in previous years, there were no reports that human rights activists were forced to flee from cities.

The law provides for the granting of refugee status or asylum to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. In practice, the Government provided protection against refoulement 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. The Government also provided temporary protection to certain individuals who fall outside of the definition of the 1951 U.N. Convention Related to the Status of Refugees or its 1967 Protocol. There were 449 persons with refugee status and 488 persons who had requested refugee status residing 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 lived in Ouagadougou.

During the year, the UNHCR continued its efforts to respond to the needs of the refugees. The refugees continued to receive some assistance for fees. Some refugees asked the UNHCR to send them to third countries; these requests were still being evaluated at year's end.

There was a surge in voluntary repatriation of Burkinabe nationals from Cote d'Ivoire in 2002 and during 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.

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; 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 was 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 pro-government parties (including the

CDP) and five representatives of civil society.

In May 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 30 cabinet members, there were 6 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.

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, the Burkina Movement for the Emergence of Social Justice, and Christian Action for the Abolition of Torture generally operated without government restriction, and the Government was responsive to their views. Unlike in previous years, there were no reports that government-paid informers infiltrated groups that were critical of the Government.

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 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 over \$5 million (approximately 3 billion CFA francs) of the fund.

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. In 2001, the Commission adopted a plan of action to promote human rights. From August 12 to 14, the Ministry for the Promotion of Human Rights held a workshop on its programs and identified six priorities: Informal education in human rights; strengthening the human rights legal framework; humanizing prisons and other detention centers; strengthening political and civil rights; strengthening cultural, social, and economic rights; and promoting and strengthening differential/category rights.

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

The Constitution prohibits discrimination on the basis of race or ethnic origin, and the Government enforced this prohibition. 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. 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 MPDHP, 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.

FGM was practiced widely, especially in many rural areas, and usually was performed at an early age. Up to 70 percent girls and women have undergone this procedure. The Government has made a strong commitment to eradicate FGM through educational efforts, and the National Committee for the Fight Against Excision campaigned against the practice. 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. The Government continued its sensitization campaign regarding the deleterious effects of this practice.

The Government prosecuted those who performed FGM during the year. For example, on March 8, gendarmes arrested Tongdo Sonde and five accomplices for practicing FGM on seven young girls in Kaya; those arrested were sentenced to 4 to 10 months' imprisonment. On September 19, gendarmes in Boulsa arrested six women for practicing FGM on eight young girls; those arrested were placed in investigative detention and subsequently were sentenced to between 2 and 6 months'

imprisonment.

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.).

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 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 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. In practice the family condition requirement often was ignored, giving many children a tuition-free education through 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 only 42 percent, and 37 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 30 percent, and female literacy was 9 percent.

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

Trafficking of children was a problem (see Section 6.f.).

Persons with Disabilities

There was no legislation to protect persons with disabilities from discrimination. 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 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 Constitution and the Labor Code provide 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. 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.

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 functioned adequately.

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

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. Collective bargaining was extensive in the modern wage sector, but it encompassed only a small percentage of workers. These negotiations are 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 is reached, employees can exercise their right to strike. Either labor or management can refer an impasse in negotiations to labor tribunals. Appeals can be pursued through the Court of Appeal to the Supreme Court, whose decision is binding on both parties.

The Constitution provides for the right to strike, and workers used strike actions to achieve labor goals. On May 27, all the major trade union federations and autonomous unions called a strike to protest the privatization of parastatal organizations and the Government's decision to grant \$27,235 (15 million CFA francs) free of charge and interest to cabinet members; and to demand an increase in salaries and pensions and a decrease in taxes. None of these demands were met by year's end. Some public institutions and private enterprises were closed. Labor organizations called many strikes in 2002 and one during the year to advance worker objectives, such as opposing the privatization of state-owned enterprises and demanding salary and pension increases. During the year, the collective of Mass Organizations and Political Parties called rallies to press for justice in the 1998 Zongo Killings. There was no governmental interference in these demonstrations and strikes.

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 defining essential services too broadly and allowing for abuse by the authorities.

There are 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 of young girls (see Sections 5 and 6.d.). Trafficking of women and girls was a problem (see Section 6.f.)

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. 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. In cooperation with UNICEF, the ILO, and local NGOs, the Government developed a national plan of action on child labor, which awaited National Assembly approval at year's end. The Coalition in Burkina Faso for Children's Rights 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. The Government also has organized workshops and produced films and a television series on the problem of child labor. 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.

e. Acceptable Conditions of Work

The Labor Code mandates a minimum monthly wage of approximately \$40 (28,811 CFA francs) in the formal sector, unchanged since 1996, that 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 of \$1,051 per month (580,000 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 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

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, trafficking of children and women was a problem. On May 27, the National Assembly adopted an anti-trafficking law that punishes child traffickers with 1 to 10 years' imprisonment and fines of \$525 (300,000 CFA francs) to \$2,600 (1.5 million CFA francs). The new law had not yet been applied by year's end. The country was a source, transit, and destination country for internationally trafficked persons, including children. The sexual exploitation of children was a problem (see Section 5).

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 only has limited resources to combat trafficking in women and children.

The country 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, who 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.

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 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 costs of their transport to Cote d'Ivoire and the costs of food and housing on the plantation.

However, according to Lutrena, a local NGO that collaborates with both the International Program for Elimination of Child Labor (IPEC) and ILO to fight against child trafficking, the flow of Burkinabe working children going to Cote d'Ivoire for work purposes declined significantly because of the closing of the border following the September 2002 military rebellion in Cote d'Ivoire. Many of these working children reportedly headed for Mali either to work in rice plantations or study in Islamic schools or for coast countries like Benin. There were no statistics available about the magnitude of child trafficking by year's end.

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, similar workshops and seminars were organized for gendarmes and civil society. The Government also started establishing 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. These committees continued their work during the year. An IPEC program of action to prevent child trafficking for work purposes on cotton plantations continued during the year.