



## U.S. DEPARTMENT of STATE

### Burkina Faso

#### Country Reports on Human Rights Practices - [2006](#)

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Burkina Faso is a parliamentary republic with a population of approximately 13.9 million. In November 2005 President Blaise Compaore was reelected to a third term with 80 percent of the vote. Observers considered the election to be generally free, despite minor irregularities, but not entirely fair due to the ruling party's control of official resources. Some in the opposition also contested the legality of the president's candidacy. President Compaore, assisted by members of his party, the Congress for Democracy and Progress (CDP), continued to dominate the government. Civilian authorities generally maintained effective control of the security forces.

The government's human rights record remained poor, but there were improvements in some areas. The following human rights problems were reported: use of excessive force against civilians, criminal suspects, and detainees by security forces, resulting in deaths and injuries; societal violence; abuse of prisoners and harsh prison conditions; arbitrary arrest and detention; official impunity; occasional restrictions on freedom of the press and freedom of assembly; violence and discrimination against women and children, including female genital mutilation (FGM); trafficking in persons, including children; discrimination against persons with disabilities; and child labor.

#### RESPECT FOR HUMAN RIGHTS

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

###### a. Arbitrary or Unlawful Deprivation of Life

The government or its agents did not commit any known politically motivated killings; however, security forces killed civilians, criminal suspects, and detainees. There were approximately 12 killings.

On February 17, Fousseni Traore, a soldier, killed his girlfriend, Alima Sakande, in Tampouy, Ouagadougou City. On February 22, police arrested Traore in Leraba Province and transferred him to military custody soon thereafter. No further information was available.

On April 7, suspected gang member Salam Sawadogo died in detention at Meguet police station in Ganzourgou. Police, who claimed that Sawadogo died of heat stroke in his cell, buried his body without the family's consent. No investigation was conducted by year's end. The family did not file a report against the police. Human rights associations suspected that Sawadogo died under police torture (see section 1.c.).

On May 3, a gendarme killed Michel Bakouan in Didyr, Sanguie, reportedly for attempting to escape from custody. Bakouan, who had been detained at the Didyr gendarmerie for several hours, was accused of assaulting a cattle farmer and stealing his cattle grazing and transportation permit. An investigation was reportedly conducted but no results were released. No action was taken against the responsible gendarme by year's end.

On October 28, police summarily executed Djolgou Yarga, Dayamba Hamsouaguini, and Bandambe Lankouande from Piela, Gnagna Province. Police suspected them of being highway bandits. A group of parliamentarians and human rights associations expressed their shock and indignation at the killings. Human rights groups, families, and friends of the victims denied police allegations that the victims were armed and killed in a fire fight. They argued that the three men were unarmed, taken to the police station for questioning, and then summarily executed without trial. The parliamentarians and human rights associations demanded an independent investigation of the case; however, no investigation was conducted by year's end.

On December 20, a fight between a group of soldiers and police in Ouagadougou resulted in the killings of four soldiers--Adi Kabore, Ben Isidine Simporé, Issouf Nacanabo, and Batiébe Ouedraogo, two policemen--Sayouba Ouedraogo and Laurent Tiendrebeogo, and an unknown number of civilians whose names were not published. There were also more than 10 injured, including civilians. Damage to police property was significant. In their attack on police targets, demonstrating soldiers broke into Ouagadougou Central Prison and approximately 614 prisoners escaped. Prison security guards killed one prisoner trying to escape and wounded five others. Less than one hundred of the prisoners returned or were recaptured by year's end. There had been long-standing tension between the military and police. This specific conflict resulted from Ouagadougou police having beaten and held in detention a young military recruit for illegally having taken a seat at a concert without paying the appropriate ticket price.

There were no further developments in the February 2005 prison death of Karim Bikienga.

No action was taken against the gendarmes who in March 2005 killed three residents-Prissare Hien, Tiadouane Hien, and Tikpare Hien, injured several others, and destroyed property during a raid on Bossoura village, Poni. The raid was an attempt to recapture a prisoner freed by a Bossoura mob, which had broken into the local gendarmerie station. In 2005 the Burkinabe Movement for Human Rights (MBDHP), the country's largest human rights organization and a vocal critic of the government, demanded that the minister of security take action against the responsible gendarmes; however, no action was taken by year's end.

In December 2005 police killed four persons, Abdoul Aziz Ouedraogo, Adama Sawadogo, Jean-Baptiste Nacanabo, and Jean-Raphael Ouedraogo, who reportedly attempted to flee a checkpoint set up to stop highway bandits. In response to complaints by human rights nongovernmental organizations (NGOs), the Ministry of Security conducted an investigation, but no results were released by year's end.

There were no known instances of societal violence that resulted in deaths and injuries during the year; however, such incidents occur at times without being widely known. In September 2005 the body of an unidentified man was found along the roadside in Ouagadougou. Witnesses alleged that an angry mob had killed the man after he attempted to break into a store. A 2005 investigation did not produce any results.

The results of the investigation into the alleged September 2005 killing of a suspected thief had not been released by year's end.

The government continued to distribute money from the approximately \$9.5 million (five billion CFA francs) fund set up to compensate the families of victims of incidents of political violence that occurred between 1960 and 2001; however, the actual amount disbursed during the year was unclear.

In 2005 the 19 Kassena farmers accused of killing herders in land use conflicts in 2004 were released without any trial having been held.

#### b. Disappearance

There were no reports of politically motivated disappearances.

#### c. Torture and Other Cruel, Inhuman, or Degrading

##### Treatment or Punishment

Although the constitution and law prohibit such practices, members of the security forces continued to abuse persons with impunity, and suspects were frequently subjected to beatings, threats, and occasionally torture to extract confessions. Abuse by security forces resulted in deaths (see section 1.a.).

Security force use of excessive force to disperse demonstrators during the year resulted in injuries (see sections 2.a. and 2.b.).

On May 4, after a series of escalating conflicts with residents, police cadets used clubs and belts to beat civilians in Ouidi, a neighborhood in Ouagadougou; 10 persons were injured and several small businesses were damaged. The conflict reportedly began when a police cadet beat a young boy accused of theft, a civilian beat the cadet in retaliation, and police cadets attacked civilians in response. Police provided medical care to the injured persons. Unspecified disciplinary measures reportedly were taken against the responsible cadets.

There were no further developments in the following 2005 cases: the February beating of a high school teacher by two army recruits in Ouahigouya, Yatenga; the June beating of Jonathan Bonkian by six soldiers in Bobo-Dioulasso; and the August beating by police of Desire Sanou, whose family filed a case in court in 2005.

Police forcibly dispersed demonstrators during the year (see sections 1.d., 2.a., and 2.b.).

The September 2005 witchcraft case involving Noufou Bance was resolved out of court.

##### Prison and Detention Center Conditions

Prison conditions were harsh and could be life threatening. Prisons were overcrowded, and medical care and sanitation were poor. Prison diet was inadequate, and inmates often relied on supplemental food from relatives. Pretrial detainees usually were held with convicted prisoners.

There were no confirmed reports of deaths from prison conditions or neglect during the year; however, human rights associations argued that such occurrences were not uncommon.

Prison authorities granted prison visits at their discretion. Permission generally was granted, and advance permission was not required. There were no reports of prison visits by international organizations during the year; however, during the year local NGOs visited prisons.

#### d. Arbitrary Arrest or Detention

The constitution and law prohibit arbitrary arrest and detention; however, the government did not consistently observe these prohibitions in

practice.

#### Role of the Police and Security Apparatus

The national police, under the Ministry of Security, and the municipal police, under the Ministry of Territorial Administration, are responsible for public security. Gendarmes report to the Ministry of Defense and are responsible for some aspects of public security. Human rights associations questioned the effectiveness of security forces. They believed that security forces were less effective than before in ensuring protection for the population, based on perceived growing insecurity in the country. Corruption was widespread, particularly among lower levels of the police and gendarmerie. The 2006 report by the anticorruption NGO National Network to Fight Against Corruption (RENLAC) stated that the police and gendarmerie were among the most corrupt institutions in the country. Impunity was a serious problem. The gendarmerie is responsible for investigating police and gendarme abuse; however, 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 reducing abuses.

Unlike in the previous year, there were no strikes by police cadets to protest conditions of employment.

#### Arrest and Detention

The law provides for the right to expeditious arraignment, bail, access to legal counsel after a detainee has been charged before a judge, and, if indigent, access to a lawyer provided by the state. Police have to possess a warrant to legally search or arrest. However, authorities did not ensure due process.

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

The law limits detention without charge for investigative purposes to a maximum of 72 hours, renewable for a single 48-hour period, although police rarely observed these restrictions in practice. Detainees were promptly informed of charges against them. The average time of detention without charge (preventive detention) was one week, and the law permits judges to impose an unlimited number of six-month preventive detention periods. Defendants without access to legal counsel were often detained for weeks or months before appearing before a magistrate. An estimated 48 percent of detainees nationwide were in pretrial status. Approximately 52 percent of those held in Ouagadougou Prison were pretrial detainees. 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 (release on bail) system; however, the extent of its use was unknown.

#### e. Denial of Fair Public Trial

The constitution and law provide for an independent judiciary; however, the judiciary was subject to executive influence, and was corrupt and inefficient. The president has extensive appointment and other judicial powers. Constitutionally, the head of state also serves as president of the Superior Council of the Magistrature, which nominates and removes senior magistrates and examines the performance of individual magistrates. Systemic weaknesses in the justice system included the removability of judges, corruption of magistrates, 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 two courts of appeal and 25 provincial courts. There is a High Court of Justice with jurisdiction over the president and other senior government officials. In addition there is a tribunal to try juveniles under 18.

Customary or traditional courts presided over by village chiefs previously handled many family problems, but such courts ceased to exist in 1984.

#### Trial Procedures

Trials are public but do not use juries. Defendants are presumed innocent and have the right to consult with and be represented by an attorney. Defendants have the right to be present at their trials, to be informed promptly of charges against them, to provide their own evidence, and to access government-held evidence. Defendants can challenge and present witnesses and have the right of appeal, and, if indigent, access to a lawyer provided by the state. While these rights were generally respected, citizens' ignorance of the law and a continuing shortage of magistrates limited the right to a fair trial.

Military courts tried only military cases; they were subject to executive influence.

#### Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

#### Civil Judicial Procedures and Remedies

The constitution and law provide for an independent judiciary; however, the judiciary was subject to executive influence. Citizens criticized the judiciary for being corrupt and inefficient. At times people relied on the ombudsman to settle disputes with the government.

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

## Correspondence

The constitution and law prohibit such actions, and the government generally respected these prohibitions in practice. 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 if the attorney general issues a warrant.

During the year there were reports that customs officers searched the private mail of author Vincent Ouattara, who had written a book that criticized President Compaore's regime.

## Section 2 Respect for Civil Liberties, Including:

## a. Freedom of Speech and Press

The constitution and 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.

The official media, including the daily newspaper, Sidwaya, and the government-controlled radio and television, displayed a progovernment bias. There were numerous independent papers, and radio and television stations, some of which 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 Superior Council of Communication, which was under the presidential office and had limited independence, regulated the media.

During a January 16 demonstration, police confiscated the camera of Lierme Some, director of publication of the investigative paper L'Independant, who was covering the incident. After protests by journalists' associations, police returned the camera; however, the film was not in it.

On July 18, the judge investigating the 1998 killing of journalist Norbert Zongo dismissed charges against the sole suspect, warrant officer Marcel Kafando, former head of the presidential guard, claiming there was insufficient evidence. Media entities, human rights organizations, the donor community, and unions denounced the decision and called for an immediate reopening of the case.

No action was taken against the six police officers responsible for the 2005 beating of journalist Urbain Kabore.

Journalists charged with libel may defend themselves in court by presenting evidence to support their allegations, but the burden of proof rests on journalists.

## Internet Freedom

There were no government restrictions on access to the Internet or reports that the government monitored e-mail or Internet chatrooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by electronic mail. However, dire poverty and the high rate of illiteracy limited public access to the Internet.

## Academic Freedom and Cultural Events

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

## b. Freedom of Peaceful Assembly and Association

## Freedom of Assembly

Although the constitution and law provide for freedom of assembly, the government at times restricted this right in practice.

Political parties and labor unions are allowed to hold meetings and rallies without requesting government permission; however, advance notification is required for planned demonstrations that might threaten public peace. Penalties for violation of the advance notification requirement include two to five years' imprisonment. Denials or imposed modifications of a proposed march route or schedule may be appealed to the courts.

On January 16, security forces used teargas and batons to disperse a demonstration against mayoral mismanagement in Diebouyou, Bougouriba Province; 30 persons were injured. In response protestors destroyed a police vehicle and wounded a police officer. Security forces detained 33 persons and wounded 20 demonstrators. The police released 19 detainees three days later; the other 14 were charged with participation in an illegal demonstration, violence, and arson. On January 31, the 14 detainees were tried, fined approximately \$760 (397,000 CFA francs) each, and given suspended sentences of 10 months' imprisonment; the 14 were released soon thereafter.

On April 12, police in Koudougou, Boulkiembe, used teargas and rubber batons to disperse high school students protesting the last-minute cancellation of an exam. Police detained three students for questioning for several hours.

#### Freedom of Association

The constitution and law provide for freedom of association, and the government generally respected this right in practice. Political parties and labor unions were permitted to organize without government permission.

#### c. Freedom of Religion

The constitution and law provide for freedom of religion, and the government generally respected this right in practice.

Religious groups must register with the Ministry of Territorial Administration, and failure to register may result in a fine of approximately \$95 to \$287 (50,000 to 150,000 CFA francs). All groups were given equal access to permits, and the government approved registrations in a routine fashion.

#### Societal Abuses and Discrimination

There were no reports of discrimination against members of religious groups or anti-Semitic acts.

For a more detailed discussion, see the [2006 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.

The law prohibits forced exile, and there were no reports that the government used it during the year.

#### Protection of Refugees

The law provides for the granting of asylum or refugee status in accordance with the 1951 UN 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 UN 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 or 1967 protocol. There were 522 persons with refugee status and 609 persons who had requested refugee status residing in the country. Most were nationals of Cote d'Ivoire, Togo, Rwanda, Burundi, the Democratic Republic of the Congo, and the Republic of Congo; others were from Chad and Liberia. Almost all the refugees and applicants lived in Ouagadougou.

During the year the government's national refugee committee and UNHCR continued their efforts to respond to the needs of refugees.

Unlike in previous years, there were no official reports of citizens returning from Cote d'Ivoire during the year, since conditions of security in Cote d'Ivoire had improved, although it is likely that individual and small scale cross-border movements continued during the year.

#### 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.

#### Elections and Political Participation

In November 2005 President Blaise Compaore won the presidential election with 80 percent of the vote, with a turnout of 57.5 percent. Opposition candidate Benewende Sankara, the closest runner-up, received 5 percent of the vote. Despite some irregularities, international observers considered the elections generally free but not entirely fair, due to the resource advantage held by the president.

On April 23, there were local elections in 351 communes; 10 communes held repeat elections on July 9 due to irregularities. A total of 318 of the 351 new mayors were members of the ruling CDP party. Only five of the new mayors represented opposition parties. The remaining 28 mayors belonged to parties allied with President Compaore. Despite minor irregularities, international observers considered the local elections generally free but not entirely fair, due to the resource advantage held by the ruling party.

CDP membership conferred advantages, particularly for businessmen and traders seeking ostensibly open bidding contracts.

Individuals and parties can freely declare their candidacies and stand for election in presidential elections; however, individuals must be members of a political party to run in legislative or municipal elections.

There were 12 women in the 111-seat National Assembly and five women in the 35-member cabinet. One of the three higher courts was led by a woman, 18 of the elected mayors were women, and an estimated 40 to 45 percent of new communal councilors were women.

The cabinet included 20 minority members; the National Assembly included 61 minority representatives.

#### Government Corruption and Transparency

Official corruption was a serious problem, especially in the police, gendarmerie, and customs services. Unlike reports from the audit courts (responsible for auditing the government's accounts), which are published, reports from the government's High Authority to Fight Against Corruption (HACLC) were not published; however, contents were sometimes "leaked." It was rumored that the HACLC report was critical of the extent of official corruption. The anticorruption NGO RENLAC noted an increase in levels of corruption in the country.

On May 24, under pressure from RENLAC, local media, and unions, the government removed Idrissa Zampaligre, director general of the social security office. Under Zampaligre, an estimated \$9.7 million (five billion CFA francs) were invested in overseas financial markets; RENLAC suspected that funds had been diverted.

Despite numerous instances of high-level corruption during the year and in 2005, no senior officials were prosecuted for corruption.

There were no laws that provided for public access to government information; however, government ministries generally released nonsensitive documents to citizens and noncitizens, including foreign media.

#### Section 4 Governmental Attitude Regarding International and Non-governmental Investigation of Alleged Violations of Human Rights

A number of domestic and international 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.

During the year there were no reports that the government met with domestic NGO monitors, responded to any inquiries, or took action in response to any reports or recommendations. Despite human rights NGOs' criticism of the government's human rights policies, it was generally believed that they operated without government interference. A Bobo-Dioulasso-based NGO, however, denounced the government-controlled media's censoring its views critical of government policies during the year.

The government permitted international human rights groups to visit and operate in the country; however, there were no reported visits during the year by UN or other international organizations. The MBDHP was affiliated with the Inter-African Human Rights Union.

On March 28, the United Nations Human Rights Council (UNHRC) notified the government that it had violated Articles 7 and 9 of the International Covenant on Civil and Political Rights in connection with the 1987 assassination of former president Thomas Sankara. In its response the government concurred with the UNHRC's observations and agreed to act on its recommendations. In April the government posted the UNHRC observations on its Web site and distributed copies to the media, rewrote Sankara's death certificate to show the actual cause of death, and undertook actions to pay Sankara's military pension to his family. It also agreed to pay his family more than \$82,000 (43 million CFA francs) from a family compensation fund established in 2001. However, no pension or compensation monies had been paid; Sankara's family demanded that the case be investigated and the perpetrators punished prior to accepting any financial compensation.

In June the government ombudsman, Amina Ouedraogo, submitted an activity report for the two-year period 2004-05. According to the report, the office handled 500 cases, primarily regarding administrative matters, such as civil servants' pension benefits or land disputes; the ombudsman's duties also include handling human rights cases. Approximately 30 percent of cases handled were resolved. The ombudsman's limited resources did not permit fully effective implementation of its mandate. The ombudsman is appointed by the president for a nonrenewable five-year term; the ombudsman cannot be removed during the term.

The National Commission on Human Rights serves as a permanent framework for dialogue on human rights concerns and included representatives of human rights NGOs, unions, professional associations, and the government. The MBDHP did not participate on the commission and continued to charge that the commission was subject to government influence.

#### Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The constitution and law prohibit discrimination on the basis of race, ethnic origin, gender, disability, and social status; however, the government did not effectively enforce these prohibitions. Discrimination against women and persons with disabilities remained a problem.

##### 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 out of court. There were no available statistics on how many persons were prosecuted, convicted, or punished for domestic violence; however, it was believed such legal actions were infrequent because women were reluctant or ashamed to take their spouses to court. Cases that involved severe injury usually were handled through the legal system. The ministries for

women's promotion, and social action and national solidarity, and several NGOs have cooperated to protect women's rights.

Childless old women with no support, particularly if their husbands had died, were usually accused of witchcraft. They were often banned from living in their villages, since they often were accused of eating the soul of a relative or a child who died. These women sought refuge at centers run by charitable organizations in big cities like Ouagadougou.

Rape was a crime and occurred frequently. There is no explicit discussion of spousal rape in the law, and there have been no recent court cases. 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 continued media campaigns to change attitudes that viewed women as inferior.

FGM was practiced widely, especially in rural areas, and usually was performed at an early age. According to a 2006 report by the National Committee for the Fight Against Excision (CNLPE), up to 81 percent of women aged 25 and older, and approximately 34 percent of girls and women under 25, have undergone FGM. The government demonstrated its commitment to eradicate FGM through education and law enforcement. The report also indicated that the incidence of excision had decreased by approximately 49.5 percent since 1990. The adoption by the parliament of the 1996 anti-FGM legislation was credited with helping to decrease the occurrence of FGM. Perpetrators were subject to a significant fine and imprisonment of six months to three years, or up to 10 years if the victim died. More than 77 persons were sentenced during the year for perpetrating FGM. "Operation Hotline," established by the CNLPE to provide citizens with a fast and anonymous way to report violations, received approximately 32 calls during the year. The 700 percent drop in calls received compared to the previous year was due to limited anti-FGM campaigning. Another reason was that the government reportedly failed, due to limited resources, to take immediate action or promptly investigate many suspected cases.

On January 26, police in Pouytenga, Boulgou, arrested seven persons for having practiced FGM on four girls aged two years. The detainees remained in prison awaiting trial at year's end.

During the year suspected FGM practitioners Kadisso Ouedraogo, Azeta Ouedraogo, and Yiere Berte, who had been arrested in 2005 and 2004, were released without trial.

In December 2005 the tribunal of Kaya, Sanmatenga, sentenced six women to three months' imprisonment for performing FGM on nine young girls. The women were released after completing their prison terms.

The law does not specifically prohibit prostitution; however, pimping and soliciting are illegal. Prostitution was widespread and tolerated by security forces.

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

The labor code explicitly prohibits sexual harassment, but such harassment was common. The law prescribes fines from approximately \$100 to \$1,203 (50,000 to 600,000 CFA francs) and prison terms varying from one month to five years.

The law prohibits forced marriage, and prescribes penalties from six months to two years in prison. The prison term may increase to three years if the victim is under 13; however, there were no reports of any prosecutions of violators. Polygyny was permitted, but both parties must agree to it prior to a marriage. A wife could oppose further marriages by her husband if she provided evidence that he had abandoned her and her children. Either spouse could petition for divorce; the law provided that custody of a child be granted to either parent, based on the child's best interests.

Women continued to occupy a subordinate position and experienced discrimination in education, jobs, property, and family rights. Although the law provides equal property rights for women and inheritance benefits depending on other family relationships, in practice traditional law denied women the right to own property, particularly real estate. In rural areas, land belonged to the family of a woman's husband. Women still did much of the subsistence farming work. Traditional law does not recognize inheritance rights for women and regards a woman as property that can be inherited upon her husband's death.

Overall, women represented 45 percent of the workforce. In the modern sector, women comprised one-fourth of the government workforce, primarily in lower paying positions.

The Ministry for Women's Promotion actively promoted women's rights during the year, and the minister was a woman. During the year the government continued to establish income-generating activities for women, including market gardening and the production of fabric, shea butter, and soap.

## 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 including care for nursing mothers and infants; vaccination campaigns against measles, meningitis, and other illnesses; and health education.

The government allotted approximately \$182 million (95 billion CFA francs) of the national budget to education, and the law provides for free, compulsory, and universal primary education until the age of 16; however, the government lacked the means to provide it fully. If a child qualified on the basis of grades and social condition (that is, the family was very poor), tuition-free education could continue through junior

high and high school. Children still were responsible for paying for school supplies, which often cost significantly more than tuition. 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 57 percent (51 percent for girls.) The highest grade level achieved by most children was sixth grade.

The government promoted primary education for girls through encouragement of donor scholarships, school feeding programs, and information campaigns to change societal attitudes toward educating girls. In the primary school system, girls constituted slightly more than one-third of pupils. Schools in rural areas had even lower percentages of female students, and illiteracy among girls in rural areas was 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 and provides for the punishment of abusers. The penal code mandates a one- to three-year prison sentence and fines ranging from approximately \$601 to \$1,804 (300,000 to 900,000 CFA francs) for proven inhumane treatment or mistreatment of children; however, light corporal punishment was tolerated and widely practiced in society, although the government conducted seminars and education campaigns against child abuse.

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

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

Several NGOs believed that child marriage was a problem in the provinces of Senou, Soum, Fada, Pama, and Diapaga; however, there were no reliable statistics. The legal age for marriage is 17.

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

Child labor was a problem (see section 6.d.).

#### Trafficking in Persons

The law prohibits trafficking in children; however, the law does not prohibit trafficking in adults. The country was a source, transit point, and destination country for internationally trafficked persons, mostly children. The law prohibits slavery, inhumane treatment, mistreatment of children and adults, kidnapping, and violence. The penalty for child trafficking is one to 10 years' imprisonment and fines of approximately \$601 to \$3,012 (299,250 to 1.5 million CFA francs). Sexual exploitation of children was a problem.

In 2005 and during the reporting period police arrested a total of 44 child traffickers and intercepted 1,253 trafficked children. At year's end six traffickers had been sentenced to prison, and two were in detention awaiting trial in trafficking cases which began during the year.

The Ministry of Social Action and National Solidarity and that of Labor and Social Security were responsible for enforcing trafficking and child labor laws and regulations; however, the government had limited resources to combat trafficking. The national plan of action, drafted in 2004, has not been approved by the Council of Ministers. The plan was being redeveloped to take into account regional and international agreements that the government had signed but which were not included in the earlier version.

The government cooperated with Cote d'Ivoire in several trafficking cases and signed a cooperative agreement with the government of Mali to combat cross-border child trafficking. On July 6, central African countries and members of the Economic Community of West African States, including Burkina Faso, signed a multilateral antitrafficking cooperation agreement.

The country was an occasional source country for women trafficked to Europe for sexual exploitation. The country was a transit point for trafficked children, notably from Mali, who often were trafficked to Cote d'Ivoire. Malian and Nigerian children also were trafficked into the country. Destinations for trafficked children from the country included Mali, Cote d'Ivoire, Ghana, Benin, Nigeria, Niger, and Togo.

Child traffickers typically acted as intermediaries for poor families, promising to place a child in a decent work situation. Once the child was in the hands of traffickers, these promises were often disregarded. Some traffickers were distant relatives, often referred to as "aunts." Traffickers occasionally kidnapped children. Once placed in a work situation, whether in the country or beyond its borders, children were often not free to leave and were forced to work without pay and under very bad conditions.

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, and in 2005 security forces dismantled four such networks; however, none were dismantled during the reporting period. Child trafficking networks cooperated with regional smuggling rings.

According to the 2005-06 report by the Protection of Infants and Adolescents Office, security forces intercepted 1,253 trafficked children, more than half of whom were girls; 525 were destined for international trafficking.

The government worked with international donors and the International Labor Organization to address child trafficking, in part by organizing seminars against child trafficking for customs officers. In 2005 and during the reporting period, security services and civil society groups organized similar workshops and seminars. Over the course of several years, the government has established 128 watch committees, including 27 during the year, in 12 of the 13 regions in which child trafficking and child 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. The government also worked with international and domestic NGOs in the fight against trafficking.

The government, in collaboration with the UN Children's Fund, operated transit centers for destitute children, including trafficked children, where food and basic medical care were provided. It also helped children return to their families. Most reintegration programs for trafficked children were run by NGOs.

#### Persons with Disabilities

The law prohibits discrimination against persons with physical or mental disabilities in employment, education, access to health care, the provision of other state services, or other areas; however, the government did not effectively enforce these provisions. There was no government mandate or legislation concerning accessibility for persons with disabilities. Advocates reported that persons with disabilities often faced social and economic discrimination. Such persons 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 families and not in the workforce.

Programs to aid persons with disabilities were limited. In 2005 the government established a national committee for the reintegration of persons with disabilities. During the year the committee implemented reintegration programs, capacity-building programs to better manage income generating activities, and conducted sensitizing campaigns.

#### Other Societal Abuses and Discrimination

Societal discrimination against homosexuals and persons with HIV/AIDS were problems. Persons who tested positive for HIV/AIDS were sometimes shunned by their families, and HIV/AIDS positive wives were sometimes evicted from their homes. In addition there were reports that some house owners refused to rent lodgings to persons with HIV/AIDS.

Homosexuals were discriminated against and were at times victims of verbal and physical abuse. Both religious and traditional beliefs were intolerant of homosexuality.

#### 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. However, "essential" workers such as police could not join unions. Approximately 85 percent of the workforce was engaged in subsistence agriculture and did not belong to unions. Of the remainder, an estimated 50 percent of private sector employees and 60 percent of public sector workers were union members.

##### b. The Right to Organize and Bargain Collectively

The law allows unions to conduct their activities without interference, and the government respected this right in practice. 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, this sector included only a small percentage of workers. The law provides for the right to strike, and workers exercised this right. Major trade union federations and unions called multiple strikes during the year. Unions and government officials met during the year to discuss union grievances.

There are no export processing zones.

##### c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, including by children; however, children were trafficked and used for informal labor outside their own families, sometimes without pay (see sections 5 and 6.d.).

##### d. Prohibition of Child Labor and Minimum Age for

#### Employment

The law sets the minimum age for employment at 14 years; however, child labor was a problem. The minimum age for employment was inconsistent with the age for completing educational requirements, which generally was 16. In the domestic and agricultural sectors, the law permits children under the age of 14 to perform limited activities for up to four and one-half hours per day; however, many children under the age of 14 worked longer hours. An estimated 51 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. There were no reports of children under the age of 14 employed in either state-owned or large private companies.

Trafficking of children was a problem (see section 5).

The Ministry of Labor and Social Security, which oversees labor standards, lacked the means to adequately enforce work safety and age

limit legislation, even in the small business sector. Punishments for violating child labor laws included prison terms of up to five years and fines of up to approximately \$1,149 (600,000 CFA francs).

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

e. Acceptable Conditions of Work

The law mandates a minimum monthly wage of approximately \$55 (28,811 CFA francs) in the formal sector; the minimum wage does not apply to subsistence agriculture or other informal occupations. The minimum wage did not provide a decent standard of living for a worker and family. Employers often paid less than the minimum wage. Wage earners usually supplemented their income through reliance on the extended family, subsistence agriculture, or trading in the informal sector. The law also mandates a standard workweek of 40 hours for nondomestic workers and a 60-hour workweek for household workers, provides for overtime pay, and establishes safety and health provisions.

A system of government inspectors under the Ministry of 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 and other informal sectors. The government's Labor Inspector Corps did not have sufficient resources to adequately fulfill its duties. 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 without jeopardy to continued employment. There were indications that this right was respected in practice, although such declarations by the Labor Inspection Office were rare.