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## Burkina Faso

### Country Reports on Human Rights Practices - [2005](#)

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Burkina Faso is a parliamentary republic with a population of approximately 12.2 million. On November 13, President Blaise Compaore was reelected to a third term with 80 percent of the vote. Observers considered the election free, despite minor irregularities, but not entirely fair due to the resource advantage held by the president. President Compaore, assisted by members of his party, the Congress for Democracy and Progress (CDP), continued to dominate the government. The 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. Poverty, unemployment, a weak infrastructure, and drought exacerbated some of the following human rights problems:

- security force use of excessive force against civilians, criminal suspects, and detainees, which resulted in deaths and injuries
- societal violence
- abuse of prisoners and harsh prison conditions
- official impunity
- arbitrary arrest and detention
- occasional restrictions on freedom of the press and assembly, including the forcible dispersion of demonstrations
- violence and discrimination against women and children, including female genital mutilation (FGM)
- trafficking in persons, including children
- discrimination against persons with disabilities
- child labor

During the year the government continued significant efforts to combat FGM and trafficking in persons.

### 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 known politically motivated killings by the government or its agents; however, security forces were responsible for the deaths of civilians, criminal suspects, and detainees.

On February 13, Karim Bikienga died after being detained for 18 days in Ouagadougou Prison; Bikienga was suspected of involvement in the killing of 3 policemen in Ghana. The government provided no explanation for Bikienga's death, but human rights nongovernmental organizations (NGOs) charged that it was likely the result of abuse by prison authorities. No investigation was being conducted at year's end.

On March 10, gendarmes killed three residents, injured several others, and destroyed property during a raid on Bossoura village in Poni; six residents were arrested and subsequently sentenced to prison terms from one to three years. The raid occurred after a mob from Bossoura broke into the local gendarmerie station and freed a prisoner suspected of assault and theft. The gendarmes charged that the villagers had fired at them when they tried to re-arrest the freed suspect. The Burkinabe Movement for Human Rights (MBDHP), the country's largest human rights organization and a vocal critic of the government, denounced the raid and demanded that the security minister take action against the responsible gendarmes; however, no action had been taken by year's end.

No further action was taken during the year against security forces believed to be responsible for the following 2004 killings: The February torture and killing of Badolo Wango; the April deaths of two criminal suspects; and the July death in detention of Pitroipa Yemdaogo.

There were no developments in any of the reported 2003 killings by security forces.

During the year regional governor Kilimite Hien instructed security forces to execute suspected highway bandits. Similar orders reportedly were issued in other areas of the country. The government had made no comment on the instructions by year's end.

Societal violence resulted in deaths and injuries during the year (see section 1.c.). On September 1, the body of an unidentified man was found along the roadside in Ouagadougou. Witnesses alleged that an angry mob lynched the man after he attempted to break into a store. An investigation was ongoing at year's end.

There were no developments in the April 2004 societal killings in Sigle county seat and Tiemnore village.

During the year the government continued to distribute funds from the \$9 million (5 billion CFA francs) fund to compensate the families of victims of the political violence that occurred between 1983 and 1997. By year's end \$6.5 million (3.7 billion CFA francs) had been distributed.

Unlike in the previous year, there were no deaths or injuries that resulted from land use conflicts between farmers and herders. During the year the 19 Kassena farmers accused of such killings in 2004 were released pending trial. remained in detention at year's end. The case of the 15 Kassena farmers arrested for the June 2004 killings of 10 Fulani herders was settled out of court, and the farmers were released.

#### b. Disappearance

There were no reports of politically motivated disappearances.

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

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

On February 27, two army recruits in Ouahigouya, Yatenga Province, beat high school teacher Aristide Kambou for allegedly harassing a local beer vendor. Kambou's family filed a case in court, but no action had been taken against the two recruits by year's end.

On June 10, six soldiers from the Bobo-Dioulasso airbase beat Jonathan Bonkian for allegedly insulting them. The soldiers reportedly received disciplinary sanctions. The family filed a court complaint to seek stricter punishment, and the case was pending at year's end.

On August 27, police in Bobo-Dioulasso beat Desire Sanou with batons and a metal ruler to extract a confession that he had stolen a mobile phone. The family filed a case in court, but no action had been taken against the police officers by year's end.

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

No action was taken against police who arrested, stripped naked, and beat with rubber batons 11 residents of Yako, Passore Province in 2004.

Societal violence was a problem. On September 2, a mob severely beat Noufou Bance for suspected witchcraft and destroyed his home and other property in Ouaregou village, Boulgou Province. Police arrested 10 suspects, who were awaiting trial at year's end.

#### Prison and Detention Center Conditions

Prison conditions were harsh and could be life threatening. Prisons were overcrowded, and medical care and sanitation were poor. The prison diet was inadequate, and inmates often relied on supplemental food from relatives. Pretrial detainees usually were not held separately from convicted prisoners.

Prison authorities granted prison visits at their discretion. Permission generally was granted, and advance permission was not required. Prison observers visited prisons during the year.

#### d. Arbitrary Arrest or Detention

The constitution prohibits arbitrary arrest and detention; however, the government did not 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 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, and 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 ending abuses.

On February 18, police and police cadets began a strike to demand transparency in the assignments process, better equipment and training, higher pay, and the right to join a union. The government used riot police to forcibly disperse the march, expelled 500 cadets, and closed the police academy for nearly a month. Under pressure from the police force, President Compaore reopened the school and reinstated the cadets, once they apologized.

#### Arrest and Detention

The constitution 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; however, authorities did not ensure due process.

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

On February 9, police released Noel Yameogo after he reportedly agreed to cooperate with the state's investigation of opposition leader Hermann Yameogo. Since his September 2004 arrest on treason charges, Noel Yameogo was held in solitary confinement and was not allowed visits from his family or his lawyer, according to press reports.

On March 30, two of the remaining four persons detained in connection with the October 2003 coup plot received presidential pardons and were immediately released; the other two remained in prison at year's end.

The law limits detention for investigative purposes without charge to a maximum of 72 hours, renewable for a single 48-hour period, although police rarely observed these provisions in practice. The average time of detention without charge was a 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. 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. Approximately 72 percent of those held in Ouagadougou Prison were pretrial detainees. There was a pretrial release system; however, the extent of its use was unknown.

#### e. Denial of Fair Public Trial

The law provides for an independent judiciary; however, the judiciary was subject to executive influence in practice. 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, 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 20 provincial courts. There is a high court of justice with jurisdiction over the president and senior government officials. In addition, there is a tribunal to try persons under 18 who are charged with felonies or misdemeanors as children rather than adults. 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.

#### Trial Procedures

Trials are public but do not use juries. Defendants are presumed innocent and have the right to consult and be represented by an attorney. Defendants can challenge and present witnesses and have the right of appeal. 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 and were subject to executive influence.

#### Political Prisoners

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. 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 law provides 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 independent press, particularly the

written press, continued to exercise great freedom of expression.

The official media, including the daily newspaper *Sidwaya*, and the national radio and television displayed a progovernment bias. There were numerous independent press, 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 industry.

On February 3, six policemen from Bobo-Dioulasso beat journalist Urbain Kabore following a heated discussion over press access to returning Hajj pilgrims. The newspaper filed a case in court; however, no action had been taken against the police by year's end.

There were no new developments in the government's investigation of the 1998 killing of journalist Norbert Zongo, who had been investigating a scandal close to the presidency. This case continued to be a high-priority for both international and domestic human rights activists, who on December 13 commemorated his killing with a march to demand the arrest and trial of those responsible.

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

There were no government restrictions on the Internet or academic freedom.

#### b. Freedom of Peaceful Assembly and Association

##### Freedom of Assembly

Although the law provides 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 modifications of the requested march route or schedule may be appealed before the courts.

On February 18, riot police forcibly dispersed striking police (see section 1.d.).

On April 23 and June 2, youths believed to be supporters of the ruling CDP attacked authorized marches by the Collective for the Defense of the Constitution (CODECO). The police subsequently arrested and detained CODECO activists for several hours; no CDP supporters were arrested.

On July 7, security forces in Bobo-Dioulasso threatened to arrest and forcibly disperse an unapproved march by civil society organizations protesting the rising cost of living and the lack of security in the city's industrial zone. The organizations cancelled the march.

No action was taken against police responsible for the violent dispersal of Ouagadougou merchants in February 2004.

##### Freedom of Association

The law 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 law 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.

##### Societal Abuses and Discrimination

There is no Jewish community in the country, and there were no reports of anti-Semitic acts.

For a more detailed discussion, see the 2005 [International Religious Freedom Report](#).

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

The law 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.

Unlike in the previous year, there were no reports that the government confiscated passports from political leaders.

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

#### 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/1967 protocol. There were 521 persons with refugee status and 541 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 the 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. Some refugees asked the UNHCR to send them to third countries; these requests were being evaluated at year's end.

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

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

The law 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 2001 the National Assembly decided a constitutional amendment providing for presidential term limits was not explicitly retroactive and would not be applied to President Compaore. On August 10, President Compaore announced his decision to seek a third term as president. On October 2, the constitutional court ruled that there was no legal impediment to Compaore's candidacy, overruling appeals by several opposition candidates.

On November 13, President Blaise Compaore won the presidential election with 80 percent of the vote. Opposition candidate Benewende Sankara, the closest runner-up, received 5 percent of the vote. Despite minor irregularities, international observers considered the election free but not entirely fair due to the resource advantage held by the president.

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 served on the CENI in addition to five representatives of progovernment parties and five representatives from civil society.

In April 2004 the National Assembly adopted a controversial bill to revise the electoral code for municipal elections. The CDP claimed the law would correct imbalances in the previous system; however, opposition parties charged that the bill was designed to reverse reforms that facilitated large opposition gains in the 2002 legislative elections. Most observers believed the changes would favor larger and more organized parties.

Most appointed provincial officials, most traditional chiefs, and all but one of the country's mayors were members of the ruling CDP. On July 27, the Ministry of Territorial Administration removed the country's only opposition mayor for alleged mismanagement; however, the opposition-dominated city council elected another opposition member to replace him.

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

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

#### Government Corruption and Transparency

Official corruption was a serious problem, especially in the police and customs services. At the outset of the country's food crisis during the summer, police arrested several regional officials for embezzling food aid, and in September the government removed the minister of basic education and literacy for alleged corruption. However, despite the citation of numerous instances of high-level corruption in the 2004 report of the High Authority to Fight Against Corruption, no senior officials were prosecuted for corruption during the year.

There were no laws that provided for public access to government information; however, government ministries generally released

nonsensitive documents.

#### 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 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.

In April 2004 the UN Independent Commission of Inquiry released its report on human rights violations committed against Burkinabe refugees in Cote d'Ivoire. The report found that Ivorian security forces targeted specific communities of foreigners, including Burkinabe, in suppressing opposition demonstrations.

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

The law prohibits discrimination on the basis of race, ethnic origin, gender, disability, and social status; however, the government was not able to enforce this prohibition effectively. 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 through customary law and practice. Rape was a crime, although there were no statistics on rape. 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 efforts to change attitudes toward women through media campaigns.

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. The government has demonstrated its commitment to eradicate FGM through education, and the National Committee for the Fight Against Excision (CNLPE) reported that the incidence of excision has decreased by approximately 40 percent since 1996, when the parliament passed legislation making FGM a crime. Perpetrators were subject to a significant fine and imprisonment of 6 months to 3 years, or up to 10 years if the victim died. More than 400 persons have been sentenced since 1996 for perpetrating FGM. "Operation Hotline," established by the CNLPE to provide citizens with a fast and anonymous way to report violations, received approximately 150 calls during the year.

On April 17, the tribunal of Dedougou, Mouhoun Province, sentenced Mariam Ouedraogo to one year imprisonment and two of her accomplices to eight months' imprisonment for practicing FGM on nine girls in Siwi village, Mouhoun Province.

On August 25, gendarmes in Ouahigouya arrested Kadiiso Ouedraogo for practicing FGM on eight girls in Ouahigouya city and Bissiguin village, Yatenga Province. Ouedraogo was in prison awaiting trial at year's end.

On September 2, gendarmes arrested Azeta Ouedraogo for practicing FGM on 16 girls in Tansaliga village, Loroum Province. Ouedraogo was in prison awaiting trial at year's end.

Yiere Mamou Berte, who was arrested in January 2004 for practicing FGM on 41 girls in Sefina village, remained in prison awaiting trial at year's end.

During the year the woman arrested in August 2004 for practicing FGM on 12 girls ranging in age from 2 to 12 was sentenced to 3 years' imprisonment. The case 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. Prostitution was widespread and tolerated by security forces.

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

The law explicitly prohibits sexual harassment, but such harassment was common.

The law prohibits forced marriage, with specific penalties for violators. Polygyny was permitted, but both parties must agree to it prior to a marriage, and the woman could 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.

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 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. Traditional law does not recognize inheritance rights for women and regards the 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, although they usually held lower paying positions. The Ministry of 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 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 including 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 primary education until the age of 16; 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, 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 government has 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 made up slightly more than one-third of the student population. Schools in rural areas had even lower percentages of female students, and illiteracy for girls in the rural areas were 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; however, corporal punishment was accepted and widely practiced.

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

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

## Trafficking in Persons

The law prohibits trafficking in children; however, the country was a source, transit, and destination country for internationally trafficked persons, including children. The law also specifically prohibits slavery, inhumane treatment, and mistreatment of children and adults, kidnapping, violence, and mistreatment of children. The penalty for child trafficking is 1 to 10 years' imprisonment and fines from \$525 (299,250 CFA francs) to \$2,600 (1.5 million CFA francs). The sexual exploitation of children was a problem.

Since 2004 police have arrested 41 child traffickers and intercepted 921 trafficked children: at year's end, 16 traffickers had been sentenced to prison; 6 were being tried; and 19 were in detention awaiting trial.

The ministries of social affairs and labor were responsible for enforcing trafficking and child labor laws and regulations; however, the government had limited resources to combat trafficking.

The government has cooperated with Cote d'Ivoire in several trafficking cases and signed a cooperative agreement with the government of Mali to combat transborder child trafficking.

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 from the country included Mali, Cote d'Ivoire, Ghana, Benin, 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, and during the year security forces dismantled four such networks. Child trafficking networks cooperated with regional smuggling rings.

According to the 2004-05 report by the Protection of Infants and Adolescents office, security forces intercepted 921 trafficked children, more than half of whom were girls; 158 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. 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.

From 2003-04 the NGO Research Action Group for an Endogenous Development of Rural Women in Burkina Faso conducted a nationwide education campaign that reached 700 thousand persons and established a rehabilitation center that rehabilitated 70 trafficked children. The government operated a center in Ouagadougou to assist with the social reintegration of trafficked children. In a joint venture with UNICEF, the government operated 19 transit centers for trafficked children. In 2004 these centers served 921 children, 158 of whom were foreign children. Children typically stayed in the transit centers for a few days before being returned to their families. The government also used financial assistance from UNICEF and other aid partners to assist victims and their families.

#### Persons with Disabilities

There was no legislation to protect persons with disabilities from discrimination, and advocates reported that such persons often faced social and economic 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 not in the workforce.

#### Other Societal Abuses and Discrimination

Societal discrimination against homosexuals and persons with HIV/AIDS was a problem. Persons who tested positive for HIV/AIDS were sometimes shunned by their families, and HIV/AIDS positive wives were sometimes evicted from their homes.

#### 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 and did not belong to unions. Of the remainder approximately 50 percent of private sector employees and 60 percent of public sector employees were union members.

The law prohibits antiunion discrimination.

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

The law allows unions to conduct their activities without interference, and the government protected 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, it encompassed only a small percentage of workers. There are no export processing zones.

The law provides for the right to strike, and workers exercised this right. On May 10, all the major trade union federations and autonomous unions called a strike to demand higher salaries and pensions, a decrease in taxes on basic products, and the reopening of the central market. Some public institutions and private enterprises were closed. None of the strikers' demands were met by year's end.

During the year the president expelled 500 police cadets from the police academy and closed the academy in response to a strike by police and police cadets (see section 1.d.).

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

The law prohibits forced or compulsory labor, including by children; however, there were reports that children were used 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 in persons, including children, was a problem (see section 5.).

##### 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 minimal age for employment was inconsistent with the age for completing educational requirements, which was 16 years. 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; many children under the age of 14 years worked longer hours. An estimated 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. There were no reports of children under the age of 14 employed in either state or large private companies.

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

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. Punishments for violating child labor laws included prison terms of up to 5 years and fines of up to \$1,078 (600 thousand CFA francs).

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 law mandates a minimum monthly wage of approximately \$53 (22,800 CFA francs) in the formal sector; the wage does not apply to subsistence agriculture. The minimum wage did not provide a decent standard of living for a worker and family. 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 Employment, Labor, and Youth and the labor tribunals were 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'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, although such declarations by the Labor Inspection Office were relatively rare.

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