



2008 Human Rights Report: Burkina Faso

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR

[2008 Country Reports on Human Rights Practices](#)

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Burkina Faso is a parliamentary republic with a population of 14.25 million. In 2005 President Blaise Compaore was reelected to a third term with 80 percent of the vote. Observers considered the election to have been generally free, despite minor irregularities, but not entirely fair due to the ruling party's control of official resources. The president, assisted by members of his party, the Congress for Democracy and Progress (CDP), continued to dominate the government. The CDP won a majority in the May 2007 legislative elections, which observers declared generally free and orderly despite irregularities, including fraud involving voter identification cards. While civilian authorities generally maintained effective control of the security forces, there were instances in which elements of the security forces acted independently.

The following human rights problems were reported: security force use of excessive force against civilians, criminal suspects, and detainees; arbitrary arrest and detention; abuse of prisoners and harsh prison conditions; official impunity; judicial inefficiency and lack of independence; occasional restrictions on freedom of the press and assembly; official corruption; 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

There were no reports that the government or its agents committed arbitrary or unlawful killings during the year.

Unlike in the previous year, there were no reports of vigilante killings. No action was taken in 2007 cases of mob violence.

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.

Forcible dispersions of protesters engaged in violent demonstrations resulted in numerous injuries during the year

(see section 2.b.).

On November 10, the Military Court acquitted eight of the 10 soldiers accused of the June 2007 assault, battery, and destruction of private property of residents in Banfora, Comoe Province; the soldiers reportedly retaliated against local youths who had beaten one of their colleagues in a fight over a girl. The court sentenced one soldier to six months in jail, issued a suspended eight-month sentence to another soldier, and acquitted eight soldiers for insufficient evidence.

No action was taken against soldiers who in June 2007 beat civilians at a dance club in Ouahigouya, Yatenga Province; the soldiers had accused one of the club patrons of disrespecting a colleague by stepping on his foot while he was dancing.

No action was taken against security force members who used military belts and batons to disperse a December 2007 student demonstration in Koudougou, Boulikie Province.

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.

Deaths from prison conditions or neglect occurred, according to human rights organizations. On April 13, Francois Zoundi, one of the February 28 demonstrators protesting the rising cost of living, died in detention of natural causes, according to medical reports. The Burkinabe Movement for Human Rights (MBDHP), however, charged that Zoundi's death was a result of harsh prison conditions. MBDHP noted that 14-16 prisoners were held in Zoundi's cell, which had a capacity for four, that the cell was wet and fostered pneumonia, that food was of poor quality and insufficient, and that there was no medical care.

Prison authorities generally granted permission to visit prisons and did not require advance permission. There were no reports during the year of prison visits by international organizations; however, during the year members of local nongovernmental organizations (NGOs), foreign embassies, and the press 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.

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.

Corruption was widespread, particularly among lower levels of the police and gendarmerie. The 2006 report by the NGO National Network to Fight Against Corruption (RENLAC) stated that the police and gendarmerie were among the most corrupt institutions in the country. Corruption and official impunity were also serious problems in the military. 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 do so remained the largest obstacle to reducing abuses. During the year the Human Rights

Ministry conducted seminars to educate security forces on human rights standards.

Arrest and Detention

By law, police have to possess a warrant to search or arrest, arrests must be made openly, and warrants must be based on sufficient evidence and signed by a duly authorized official. However, authorities did not always respect this process. Detainees were promptly informed of charges against them. 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 after being charged; however, these rights were seldom respected. The law does not provide for access to family members, although detainees were generally allowed such access.

Police arbitrarily arrested numerous demonstrators during the year; however, unlike in previous years, there were no reports of journalists being arrested (see section 2.a.).

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. The average time of detention without charge (preventive detention) was one week; however, the law permits judges to impose an unlimited number of six-month preventive detention periods, and defendants without access to legal counsel were often detained for weeks or months before appearing before a magistrate. Government officials estimated that 23 percent of prisoners nationwide were in pretrial status. In some cases detainees 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. Other 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 24 provincial courts. There is also a High Court of Justice with jurisdiction over the president and other senior government officials. Tribunals in Ouagadougou and Bobo-Dioulasso try juveniles under 18. The Military Court tries military cases only and provides rights equivalent to those in civil criminal courts.

Civil society and human rights groups criticized the March trial of 169 demonstrators involved in the February 28 violent protests, citing lack of transparency and excessive sentences (see section 2.b.).

Traditional courts in rural areas were abolished in 1984 and no longer have any legal standing. However, many traditional chiefs were still highly influential in rural areas and could, for example, illegally keep women from exercising their rights.

Trial Procedures

Trials are public but juries are not used. 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. If indigent, they have the right to a lawyer provided by the state. These rights were seldom respected. In addition, citizen ignorance of the law and a continuing shortage of magistrates limited the right to a fair trial.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

Citizens, who criticized the judiciary for being corrupt and inefficient, sometimes preferred to rely on the ombudsman to settle disputes with the government. The law provides for access to a court to bring lawsuits seeking damages for, or cessation of, a human rights violation, and both administrative and judicial remedies were available for alleged wrongs; however, there were problems enforcing court orders when they concerned sensitive cases.

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

The constitution and law prohibit such actions, and the government generally respected these prohibitions. In national security cases, the 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 justice minister issues a warrant.

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 partially limited press freedom and intimidated journalists into practicing self censorship.

In general citizens and the press could criticize the government without reprisal. However, journalists were occasionally sued by the government or a progovernment political figure under a law that defines libel in excessively broad terms. Government agents sometimes infiltrated political meetings and rallies to impede criticism.

No investigation was conducted into the 2007 death threats against singer and free speech activist Karim Sama, who criticized the Compaore government and called for justice in the 1998 killing of journalist Norbert Zongo. There were no reports of similar threats against Sama during the year.

The official media, including the daily newspaper Sidwaya and the government-controlled radio and television stations, displayed a progovernment bias but allowed significant participation in their programming by those representing opposition views. There were numerous independent newspapers and radio and television stations, some of which were highly critical of the government. Foreign radio stations broadcast without government interference.

All media were under the administrative and technical supervision of the Ministry of Culture, Tourism, Communications, and Spokesman of the Government. The Superior Council of Communication (SCC), which is

under the Office of the President and has limited independence, also regulates the media. The ministry is responsible for developing and implementing government policy and projects concerning information and communication. The SCC oversees the content of radio and television programs and of newspapers to ensure that it adheres to professional ethics and government policy governing information and communication. The SCC may summon a journalist to attend a hearing about his work, followed by a warning that a repeat of "noncompliant behavior" will not be tolerated; journalists received such summons during the year. Hearings may concern alleged libel, disturbing the peace, or violations of state security.

The definition of libel is excessively broad, and libel suits have been used by political and business figures to pressure journalists who produce unflattering press coverage of them or their organizations.

On January 18, L'Independant weekly newspaper was acquitted of libel against Jean Fidel Tapsoba, a government official in the school of forestry in Dinderesso, Houet Province; the newspaper had published allegations that Tapsoba engaged in financial mismanagement and corruption.

Internet Freedom

There were no government restrictions on access to the Internet or reports that the government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. However, 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.

Political parties and labor unions may hold meetings and rallies without government permission; however, advance notification is required for 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.

Police forcibly dispersed several violent demonstrations during the year over the rising cost of living.

On February 20 and 21, demonstrators in Bobo Dioulasso and Ouahigouya marched to protest increased taxes and the rising cost of basic commodities such as gasoline, cooking oil, salt, soap, and bread. The demonstrators, who had not obtained a permit, looted and burned several government and privately owned properties in both cities, including one bank and three gas stations. Demonstrators also destroyed traffic lights and burned tires on the road. Riot police used batons and tear gas to disperse demonstrators, resulting in numerous injuries; 153 demonstrators were arrested, of whom 124 had been released by year's end. The 29 remaining demonstrators were convicted of holding illegal demonstrations and destroying property and were sentenced to prison terms ranging from three to 36 months.

On February 28, in Ouagadougou, demonstrators demanding lower prices for fuel and food attacked government buildings with rocks and metal bars, set fire to piles of tires, and set up roadblocks. Riot police used shotguns,

batons, and tear gas to disperse demonstrators and arrested 184 persons, including Thibaut Nana, the opposition leader who allegedly organized the event. On March 11, 169 persons stood trial in Ouagadougou for their involvement in the February 28 demonstrations: 15 received suspended prison terms; 109 were cleared of all charges and released; and 45 were convicted of holding illegal demonstrations and destroying property and sentenced to prison terms ranging from 12 to 36 months. Thibaut Nana received the maximum prison term of 36 months. Civil society and human rights groups charged that sentences were excessive and the trials lacked due process. None of the accused, including Nana, had access to an attorney, and the trials were held late at night in a room too small to accommodate interested observers. Critics charged that the verdicts would have been different if the trials had been more transparent.

On June 17, students at the University of Ouagadougou rioted after the president of the university refused to meet with them; the students had demonstrated previously during the year for Hepatitis B and Meningitis vaccinations for medical interns, larger and better equipped laboratories, more instructors, and other services. The university called the police and gendarmerie to maintain security, which led to a clash between the students and security forces; 34 students and 14 gendarmes were injured. Police and gendarmes used shotguns, belts, batons, and teargas to disperse the students, resulting in numerous injuries. Security forces arrested 35 students and charged them with assault, battery, and destruction of public and private property. On June 26, after a two-day trial, 31 students were acquitted, and four were sentenced to six months in jail.

Freedom of Association

The constitution and law provide for freedom of association, and the government generally respected this right. Political parties and labor unions could 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. The government routinely approved registration applications.

Societal Abuses and Discrimination

There were no reports of anti-Semitic acts. There was no known Jewish community in the country.

For a more detailed discussion, see the 2008 International Religious Freedom Report at www.state.gov/g/drl/irf/rpt.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

The constitution provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the government generally respected these rights. The government cooperated with the Office of the UN High Commissioner for Refugees and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

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 and its 1967 protocol, and the government has established a system for providing protection to refugees. In practice the government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened. The government granted refugee or asylum status and also provided temporary protection to individuals who may not qualify as refugees under the 1951 convention or the 1967 protocol; during the year 1,911 persons received temporary protection.

The government accepted refugees for resettlement from third countries and facilitated local integration, including access to naturalization. During the year the government assisted the voluntary return of four refugees, including two Ivoirian nationals, one from the Central African Republic and one from the Democratic Republic of the Congo.

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, 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 2005 President Blaise Compaore won reelection with 80 percent of the vote. Opposition candidate Benewende Sankara, the runner-up, received 5 percent. Despite some irregularities, international observers considered the election to have been generally free but not entirely fair, due to the resource advantage held by the president.

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.

In May 2007 legislative elections, the ruling CDP won 73 seats in the 111-seat National Assembly, and the other parties won 38, although 25 of the 38 non-CDP deputies belonged to parties allied with the government. Election observers declared the elections to have been free and orderly, except in four cities where they noted irregularities including several fraud cases involving voter identification cards. Opposition leaders denounced the elections.

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

There were 13 women in the National Assembly and seven women in the 34-member cabinet. One of the four higher courts was led by a woman, the national ombudsman was a woman, 18 elected mayors were women, and an estimated 40-45 percent of new communal councilors were women.

The cabinet included 16 minority members; the National Assembly included 61 minority representatives.

Government Corruption and Transparency

The law provides criminal penalties for official corruption; however, the government did not implement the law effectively, and officials often engaged in corrupt activities with impunity. The World Bank's Worldwide Governance Indicators reflected that there was a serious corruption problem in the country. Corruption was especially acute in the police, gendarmerie, military, customs service, taxing agencies, health and justice ministries, municipalities, government procurement, the education sector, and the media.

In April the government created the Regulatory Authority of Government Tenders (ARMP), a regulatory oversight

body to monitor the tender process for government contracts. The ARMP is authorized to impose sanctions, initiate lawsuits, and publish the names of fraudulent or delinquent businesses; however, it took no action on any of these mandates during the year.

In September 2007 the Court of Accounts, responsible for auditing the government's accounts, published an annual report for 2005 highlighting mismanagement in government agencies, including by the mayor of Ouagadougou. The report found that the government had failed to comply with proper administrative, accounting, and auditing procedures for government tenders. No known action had been taken on any of the report's recommendations by year's end.

Reports from the government's High Authority to Fight Against Corruption (HACLC) were not published, although their contents were sometimes leaked. It was rumored that the 2006 HACLC report criticized the extent of official corruption.

In November 2007 the government ratified legislation to create the Superior Authority of State Control (ASCE), an entity under the authority of the prime minister that merges the HACLC, the State Inspector General, and the National Commission for the Fight Against Fraud. In addition to releasing annual reports from auditing entities, ASCE has the authority to prosecute ethics breaches in the public sector, including by state civil service employees, local and public authorities, state-owned companies, and all national organizations invested with public service missions. Despite this mandate, no action was taken during the year by the ASCE, which observers believed had insufficient power.

Despite numerous instances in recent years of high-level corruption, no senior officials were prosecuted for corruption, and it was unclear whether the Justice Ministry was equipped to handle such cases. In its February report, RENLAC noted that "lack of experience coupled with a deficit of appropriately trained judges has rendered the Justice Ministry incapable of effectively dealing with corruption cases." The report continued that the ministry's resources were insufficient to handle the increasing number of financial crimes, and that its efforts were limited to the smallest racketeering cases rather than higher level corruption.

Some public officials are subject to financial disclosure laws, but these laws were not effectively enforced.

There are no laws that provide for public access to government information. While government ministries released some nonsensitive documents, local journalists complained that ministries were generally unresponsive to requests for information from journalists and other citizens, ostensibly for reasons of national security and confidentiality. They also criticized government spokespersons for strictly limiting the scope of questions that could be raised during official press conferences. There is no procedure to appeal denials of requests for information.

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

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.

In 2007 and 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 NGO criticism of the government's human rights policies, it was generally believed that they operated without government interference. The local NGO MBDHP was the most vocal and critical of the government.

The government permitted international human rights groups to visit and operate in the country; however, there were no reported visits during the year by the UN or other international organizations.

In 2006 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 UNHRC's observations and agreed to act on its recommendations. In 2006 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 43 million CFA francs (\$89,256) from a family compensation fund. However, no pension or compensation monies have been paid because Sankara's family demanded that the case be investigated and the perpetrators punished prior to accepting any financial compensation.

The Ministry of Human Rights, which was created in 2002, is responsible for the protection and promotion of human rights in Burkina Faso. The minister of human rights reports to the prime minister. During the year the ministry assisted in drafting the antitrafficking law that passed on May 15 and conducted education campaigns on human rights that used theater, films, radio, and pamphlets.

The ombudsman, who is appointed by the president for a nonrenewable five-year term and cannot be removed during the term, had limited resources. The public generally trusted the ombudsman's impartiality. No report of the ombudsman's work was published during the year.

The governmental 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. The commission, which issued no reports during the year, was inadequately funded.

Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The constitution and law prohibit discrimination based on race, gender, disability, language, or social status; however, the government did not effectively enforce these prohibitions. Discrimination against women and persons with disabilities remained problems.

Women

Rape is a crime; however, the law was not enforced, and rape occurred frequently. There is no explicit discussion of spousal rape in the law, and there were 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 worked to combat violence against women.

Domestic violence against women, especially wife beating, occurred frequently, primarily in rural areas. 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 during the year; however, it was believed such legal actions were infrequent because women were ashamed, afraid, or otherwise reluctant to take their spouses to court. Cases that involved severe injury usually were handled through the legal system. The Ministry for Promotion of Women, the Ministry for Social Action and National Solidarity, and several NGOs cooperated in an effort to protect women's rights. The Ministry for the Promotion of Women has a legal affairs section to inform women about their rights and encourage them to defend

these rights.

Childless elderly women with no support, primarily in rural areas, and particularly if their husbands had died, were at times accused of witchcraft. They were banned from their villages since they often were accused of eating the soul of a relative or a child who had died. These women sought refuge at centers run by governmental or charitable organizations in larger cities.

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

The labor code explicitly prohibits sexual harassment in the workplace, but such harassment was common. The law prescribes fines of 50,000 to 600,000 CFA francs (\$104 to \$1,245) and prison terms varying from one month to five years for persons convicted of workplace harassment. There were no available statistics on how many persons were prosecuted, convicted, or punished for the offence during the year.

Women continued to occupy a subordinate position and experienced discrimination in education, jobs, property ownership, access to credit, management or ownership of a business, and family rights. Polygyny was permitted, but both parties had to 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, and the law provides that custody of a child be granted to either parent, based on the child's best interests. Since 2007 women can serve in the military; however, women represented approximately 45 percent of the general workforce and were primarily concentrated in lower paying positions. Although the law provides equal property rights for women and, depending on other family relationships, inheritance benefits, 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. Many citizens, particularly in rural areas, clung to traditional beliefs that did not recognize inheritance rights for women and regarded a woman as property that can be inherited upon her husband's death.

The government continued media campaigns to change attitudes toward women, but progress has been slow. The Ministry for Women's Promotion is responsible for promoting women's rights, and the minister was a woman. During the year the government established community banks to promote economic development of grassroots organizations, including women's groups. The banks provided micro loans to fund cereal mills, shea butter production, market gardening, animal fattening, and other small businesses.

Children

The constitution contains provisions that nominally protect children's rights. The government allotted approximately 99.8 billion CFA francs (\$207,000,000) to education.

The government failed to register all births immediately, primarily in rural areas where administrative structures were insufficient and the population did not understand the value of birth certificates. Also, few rural persons could afford birth certificates. Although there were no statistics, failure to possess a birth certificate resulted in discrimination, including the denial of public services.

The government paid tuition, books, and supplies for all students under 16 years of age, although uniforms were the responsibility of the student's family. Children over 16 years old were responsible for paying all education costs unless they qualified for tuition assistance from merit and need-based programs. The overall school enrollment was approximately 72 percent for boys and 66 percent for girls.

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 300,000 to 900,000 CFA francs (\$623 to

\$1,868) for 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.

Female Genital Mutilation (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, up to 81 percent of women aged 25 and older, and approximately 34 percent of girls and women under 25, had undergone 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. During the year security forces and social workers from the Ministry of Social Action arrested several FGM practitioners and their accomplices. In accordance with the law, they were sentenced to prison.

As part of the government's campaign against FGM in West Africa, the first ladies of Burkina Faso and Niger presided over an October 14-15 meeting on FGM in Ouagadougou. Noting that girls were often taken across national borders to countries where excision is legal or law enforcement is weak, participants called on governments to coordinate and enforce national laws against FGM.

Several NGOs believed that child marriage was a problem, primarily in rural areas; however, there were no reliable statistics. The legal age for marriage is 17. The law prohibits forced marriage and prescribes penalties of six months to two years in prison. The prison term may be increased to three years if the victim is under 13 years of age; however, there were no reports of prosecutions of violators.

There were no statistics on child prostitution; however, it was a problem. Children from poor families relied on prostitution to meet their daily needs, including food and, at times, to help their needy parents at home. Trafficked children, primarily Nigerian nationals, were also subject to sexual abuse and forced prostitution.

There were numerous street children, primarily in Ouagadougou and Bobo-Dioulasso. Many children ended up on the streets after travelling from rural areas to find employment in the city or after their parents had sent them to the city to study with a Koranic teacher or live with relatives and go to school. At least one NGO assisted street children. Two directorates within the Ministry of Social Action also ran educational programs, including vocational training, for street children, funded income-generating activities, and assisted in the reintegration and rehabilitation of street children. Nevertheless, the number of street children far outstripped the capacity of these institutions.

Trafficking in Persons

On May 15, the government passed a new antitrafficking law that punishes trafficking in adults as well as children for sexual, labor, and other related practices; the 2003 law applied to traffickers of children only. The new law increases maximum prison terms for traffickers from five to 10 years and allows terms as high as 20 years or life imprisonment under certain conditions. The law also prohibits slavery, inhumane treatment, mistreatment of children and adults, kidnapping, and violence.

The country was a source, transit, and destination country for children and women trafficked for forced agricultural labor and commercial sexual exploitation, forced labor in gold mines and stone quarries, and forced domestic servitude. Internal trafficking of children was also a problem. Burkinabe children were trafficked primarily to Cote d'Ivoire, as well as to Mali, Benin, Nigeria, Togo, Ghana, and Niger. Children were also trafficked from these West African countries to Burkina Faso. To a lesser extent, Burkinabe women were trafficked to Europe for sexual exploitation. Women were believed to have been trafficked to the country from Nigeria, Togo, Benin, and Niger for domestic servitude, forced labor in restaurants, and sexual exploitation. The country was a transit point for

trafficked children, notably from Mali to Cote d'Ivoire.

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 usually 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 usually 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 cooperated with regional smuggling rings; authorities dismantled two networks during the reporting period. Village vigilance committees and public awareness campaigns contributed to successful efforts by the Ministry of Social Action and security forces in the dismantling of these networks.

The majority of international trafficking was believed to be conducted using forged travel documents. Travel occurred both at official ports-of-entry and at unmonitored border-crossing points.

According to the 2008 report by the Office for the Protection of Infants and Adolescents, security forces between January and July intercepted 203 trafficked children, 161 of whom were boys; 114 children were destined for international trafficking. Seven child traffickers were arrested; three were cleared of all charges and released, and four were awaiting trial at year's end. The four remaining Nigerian nationals who remained in detention on 2007 trafficking charges received suspended prison terms of six months.

The Ministry of Social Action and National Solidarity and the Ministry 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. In April 2007 the Council of Ministers adopted a national plan of action to combat trafficking. It included elements such as prevention, protection, feeding and care of victims, rehabilitation, social and economic reintegration of victims, prosecution, strengthening of the institutional and legal framework, advocacy, follow-up, and evaluation.

The government cooperated with Cote d'Ivoire, other governments, and international organizations throughout the year in implementing workshops and overall cooperation on child trafficking.

The government worked with international donors and the International Labor Organization to address child trafficking, in part by organizing seminars on child trafficking for customs officers. During the year security services and civil society groups organized similar workshops and seminars. The government also organized several training sessions for watch committee members. Over several years, the government has established 142 watch committees 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, gendarmerie, magistrates, 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, continued to operate 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 operated by NGOs.

The State Department's annual Trafficking in Persons Report can be found at www.state.gov/g/tip.

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 access to buildings for persons with disabilities. Advocates reported that persons with disabilities often faced social and economic discrimination. Such persons who were able to work 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. During the year the National Committee for the Reintegration of Persons with Disabilities implemented reintegration programs and capacity building programs to better manage income generating activities; the committee also conducted sensitizing campaigns.

National/Ethnic/Racial Minorities

Incidents of discrimination occurred involving cattle farmers of the Fulani ethnic group and farmers of other ethnic groups. Such incidents were fueled by the scarcity of grazing lands and because Fulani herders allowed their cattle to graze on others' farming lands.

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. Some landlords refused to rent lodgings to persons with HIV/AIDS. However, persons with HIV/AIDS were generally not discriminated against in employment practices or the workplace.

Religious and traditional beliefs did not tolerate homosexuality, and homosexuals were at times victims of verbal and physical abuse. There were no reports that the government responded to societal violence and discrimination against homosexuals.

Section 6 Worker Rights

a. The Right of Association

The laws allow workers to form and join independent unions of their choice without previous authorization and excessive requirements; however, "essential" workers such as police, army, and other security personnel 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 25 percent of private sector employees and 60 percent of public sector workers were union members. The law allows unions to conduct their activities without interference, and the government respected this right.

The law provides for the right to strike; however, the law provides a very narrow definition of this right. Magistrates, police, military personnel, and gendarmes do not have the right to strike.

b. The Right to Organize and Bargain Collectively

Unions have the right to bargain directly with employers and industry associations for wages and other benefits. There was extensive collective bargaining in the modern wage sector; however, this sector included only a small percentage of workers

Antiunion discrimination occurred.

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 for little or no pay.

Prohibition of Child Labor and Minimum Age for Employment

The law sets the minimum age for employment at 15 years and prohibits children under 18 years from working at night except in times of emergency; however, child labor was a problem. The minimum age for employment was inconsistent with the age for completing educational requirements, which generally was 16 years. In the domestic and agricultural sectors, the law permits children under the age of 15 to perform limited activities for up to four and one-half hours per day; however, many children under the age of 15 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 15 employed in either state-owned or large private companies.

The Ministry of Labor and Social Security, which oversees labor standards, lacked the means to adequately enforce worker safety and minimum age legislation, even in the small business sector.

Punishment for violating child labor laws included prison terms of up to five years and fines of up to 600,000 CFA francs (\$1,245).

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 30,684 CFA francs (\$64) 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 Ministry of Labor and Social Security was responsible for enforcing the minimum wage.

The law mandates a standard workweek of 40 hours for nondomestic workers, a 60-hour workweek for household workers, and provides for overtime pay. There are also regulations pertaining to rest periods, limits on hours worked, and prohibition of excessive compulsory overtime, but these standards were not effectively enforced.

Government inspectors under the Ministry of Labor and Social Security 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 subsistence agriculture and other informal sectors. The government's Labor Inspector Corps did not have sufficient resources to adequately fulfill its duties. Every company with 10 or more employees 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, although such declarations by the Labor Inspection Office were

rare.