



## Burkina Faso

### Country Reports on Human Rights Practices - [2000](#)

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President Blaise Compaore continued to dominate the Government of the Fourth Republic, assisted by members of his party, the Congress for Democracy and Progress (CDP), despite increasing challenges from a number of fronts within society. In spite of the existence of dozens of political parties, there is little viable opposition to the President and his Government. The Government includes a strong presidency, a Prime Minister, a Council of Ministers presided over by the President, a two-chamber National Assembly, and the judiciary. In November 1998, President Compaore was reelected to a second 7-year term with 88 percent of the vote; 56 percent of the electorate voted. Both national and international observers described the presidential election as substantially free and fair and an improvement over the 1997 legislative elections, particularly with regard to the logistical organization of the balloting and the functioning of the polling stations; however, there were a limited number of voting irregularities. The national observers identified a number of systemic weaknesses in the electoral code that precluded the serious assurance of a perfectly regular and transparent vote, and a coalition representing a number of opposition parties boycotted the election. The CDP now controls 102 of 111 seats in Parliament. International observers considered the 1997 legislative elections to be substantially free and fair, although a collective of 14 local nongovernmental organizations (NGO's) cited generalized and systematic corruption and voter list irregularities. In November President Compaore and representatives from the opposition parties that agreed to participate in the Government signed a protocol that, among other items, ceded one-third of the cabinet posts to the opposition. The judiciary is subject to executive influence.

The security apparatus consists of the armed forces and the gendarmerie, both of which are controlled by the Ministry of Defense; the national police, controlled by the Ministry of Territorial Administration; and the municipal police, controlled by municipalities. Some members of the security forces committed human rights abuses.

Over 80 percent of the population of approximately 11.4 million persons engages in subsistence agriculture. Frequent drought, and limited communication and transportation infrastructures, in addition to a 77 percent illiteracy rate, are longstanding problems. The 50 percent devaluation of the CFA franc in 1994 made imports more expensive for salaried workers and civil servants, but improved the competitiveness of livestock and cotton exports. Since 1991 the Government has adopted a series of structural adjustment programs designed to open the economy to market forces and to reduce government deficits, while shifting resources to the education and health sectors. In recent years, the country has registered strong gains in life expectancy, literacy, and school attendance rates, although it remains a very poor country with annual per capita income of about \$240.

The Government's human rights record remained poor in a number of areas; although there were improvements in a few areas, serious problems remain. The continued dominance of President Compaore and his ruling party limited citizens' right to change their government, although the 1998 presidential election represented a further step toward democratic government. The security forces were responsible for at least one extrajudicial killing and continued to mistreat detainees. Prison conditions remained harsh. Arbitrary arrest and detention are problems, and authorities do not ensure detainees due process. Although the Government continued attempts to improve its respect for human rights, a general climate of impunity for members of the security forces and members of the President's family, along with a lack of progress in identifying or punishing those responsible for abuses committed, continued to tarnish its record. Courts are subject to executive influence, and authorities do not ensure fair trials. At times authorities restricted media activity, and the media practices self-censorship. The death of internationally respected journalist Norbert Zongo, his brother, and two other men in a suspicious car fire in December 1998 remained a focus of public concern during the year. The Government restricted freedom of assembly. Violence and discrimination

against women persisted. Violence against children, particularly female genital mutilation (FGM), remained a problem. The Government took steps to educate citizens about the dangers of FGM. Child labor is a problem and there were occasional reports of trafficking of women and children. Killings of criminal suspects by vigilante mobs remained a problem.

## RESPECT FOR HUMAN RIGHTS

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

#### a. Political and Other Extrajudicial Killing

There were no reports of political killings; however, there was one extrajudicial killing. On December 6, gendarmes shot and killed Flavien Nebie, a 12-year-old student, while forcibly dispersing a student demonstration in the town of Bousse (see Section 2.b.). The Government characterized the killing as accidental and, at year's end, promised an investigation.

In August 1999, police officers shot and killed mechanic Mamadou Kone when he was in their custody in Banfora, a village in the province of Comoe. Kone had been arrested as a result of an investigation involving stolen car engines; while he was being booked, Kone struck at two police officers in an attempt to escape. He then was shot by a third police officer. The policeman accused of assaulting and killing Kone was indicted for involuntary homicide in September 1999 and held in custody until he was released on bail in March. At year's end, a trial date had not been set.

The January 1998 extrajudicial killing of David Ouedraogo, the chauffeur of President Compaore's brother Francois, was resolved in August. Ouedraogo, along with two other domestic employees of Francois Compaore, had been taken to the Presidential Guard barracks in December 1997 after being accused of stealing money from the home of the President's brother. Francois Compaore's refusal to cooperate with judicial authorities impeded the official investigation, and he was never arrested. In March 1999, the civil court handling the case declared itself incompetent to rule on the matter since Ouedraogo died at the hands of members of the Presidential Guard within their barracks. As a result, the case was sent to a military tribunal.

Six members of the Presidential Guard were implicated in the Ouedraogo killing. One died in a road accident before criminal charges could be filed against him; five were arrested in 1999. On August 19, the military tribunal found three of the defendants guilty of assaulting and killing Ouedraogo; two of the convicted defendants received 20-year prison sentences, and the other received a 10-year sentence. The military tribunal acquitted the final two defendants, the lowest ranking of the accused Presidential Guards, on the basis of insufficient evidence. Warrant Officer Abdoulaye Siemde, who admitted falsifying a police report in the David Ouedraogo case, died on May 26 in the mental ward of Ouagadougou's main hospital under unknown circumstances.

The Independent Investigatory Commission examining the deaths of journalist Norbert Zongo, his brother, and two other men in a suspicious car fire in December 1998 released its report in May 1999. The report determined that the four died for "purely political motives" and postulated that the probable reason for Zongo's murder was to stop the articles that he was writing on the January 1998 killing of David Ouedraogo. The Commission stated that the six members of the Presidential Guard implicated in the Ouedraogo case also were "serious suspects" in the Zongo murder. The Commission also noted that official documents from the Presidential Guard and the army that might have shed light on the whereabouts of the six Presidential Guard members on the day of the murders could not be found and probably were destroyed intentionally. During the year, the Zongo case remained a highly divisive issue. Despite the convictions of three of the five accused Presidential Guard members for the apparently related killing of David Ouedraogo and despite strong public sentiment favoring a trial of Zongo's alleged killers, by year's end, no one was charged in the Zongo case.

In its report on the Zongo case, the Independent Investigatory Commission also recommended that the separation of functions between the police and the military be enforced; that the Presidential Guard limit its duties to the protection of the Chief of State; that unresolved cases of disappearances and killings in the recent past be settled; and that the National Assembly pass a law to eliminate any time limit for resolving the Zongo case. At year's end, the separation of functions between the police and military was being enforced; however, the Presidential Guard had not limited officially its duties to protecting the President nor had it been reorganized, no unresolved cases of disappearances and killings in the recent past were settled, and the National Assembly had not passed a law to eliminate any time limit for resolving the Zongo case.

In May 1999, in response to the Independent Investigatory Commission's report, the President announced the creation of a Council of Wisemen to review the political crimes that have taken place since the country's

independence, and to make recommendations for restoring social peace in the wake of the Zongo killings. In August 1999, the Council of Wisemen issued its final report which recommended reform of the judicial system; creation of a temporary, consensual commission to review certain articles of the Constitution; formation of a government of national unity; creation of a truth and justice commission to direct the nation's reconciliation process; and dissolution of the National Assembly. By year's end, only the recommendation to restructure the government had been accepted (see Section 3).

No progress was made in punishing those responsible for abuses reported in previous years. The major problem with law enforcement remains a general climate of impunity for human rights abusers and members of the President's family, fostered by the failure of government investigations to result in guilty findings and appropriate sanctions. Inquiries tend to continue until they are overshadowed by subsequent incidents or quietly shelved. Appeals by human rights organizations generally go unanswered.

On December 21, the trial of a gendarme accused of fatally shooting two unarmed high school demonstrators in the city of Garango in 1995 was delayed indefinitely to permit a new government investigation; the original investigation was seriously flawed.

In June militiamen who claimed allegiance to Naba Tigre, the traditional chief of the city of Tenkodogo, killed trader Mamadou Kere, reportedly for showing disrespect to Naba Tigre. The victim actually had criticized Naba Tigre's son, a parliamentarian who supported the CDP. Although Naba Tigre was temporarily held in police custody from July 7 to 19, he was released, and at year's end, no one had been charged in Kere's killing.

Killings by vigilante mobs and self-styled militias remained a problem nationwide. The vast majority of such killings targeted suspected thieves and other alleged criminals, who typically were burned or beaten to death. On several occasions during the year, vigilantes destroyed the property of persons accused of sorcery and expelled them from their communities.

#### b. Disappearance

There were no reports of politically motivated disappearances.

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

The law prohibits the mistreatment of detainees; however, members of the security forces continued to mistreat persons and suspects are often subject to beatings, rough handling, and threats, frequently to extract confessions. There are credible reports that officials at Maco prison continued to employ degrading treatment subjecting prisoners to overcrowded, unsanitary conditions and providing inadequate food. The Government is not known to have taken any disciplinary action against those responsible, and the climate of impunity created by the Government's failure to prosecute abusers remains the largest obstacle to ending abuses.

On April 8, police used tear gas and batons to disperse a march, injuring 20 persons (see Section 2.b.). On April 10, while dispersing continued violent protests, security forces arrested several marchers and shaved their heads while they were in custody (see Section 2.b.).

On April 12 to 13, police arrested 20 demonstrators and shaved the heads of several demonstrators while they were in detention (see Section 2.b.).

On August 30, police used tear gas to disperse refugees peacefully demonstrating for improved living conditions and transfer to other countries (see Section 2.d.).

On November 30, gendarmes detained approximately 15 students, reportedly beat them, stripped them to their undergarments, and subsequently left them in a park near the outskirts of the city (see Sections 1.d. and 2.b.).

On December 6, police used tear gas and fired upon a student demonstration in Bousse, killing a boy (see Sections 1.a. and 2.b.).

Prison conditions are harsh, overcrowded, and can be life threatening. The federal prison in Bobo-Dioulasso, built in 1947, houses approximately 1,000 prisoners, although it was designed to hold less than half that number. The prison diet is poor, and inmates often must rely on supplemental food from relatives. There are separate facilities for men, women, and children.

According to human rights monitors, prison visits are granted at the discretion of prison authorities. Permission is granted routinely, and advance permission is not required.

#### d. Arbitrary Arrest, Detention, or Exile

Arbitrary arrest and detention were problems, and authorities did not ensure due process. The Constitution provides for the right to expeditious arraignment and access to legal counsel. The law limits detention for investigative purposes without charge to a maximum of 72 hours, renewable for a single 48-hour period; however, in practice police rarely observe these provisions. The average time of detention without charge is 1 week, and the law allows judges to impose an unlimited number of 6-month preventive detention periods. It is not unusual for defendants without access to legal counsel to be imprisoned for weeks or months before appearing before a magistrate. In some cases, prisoners were held without charge or trial for a longer period than the maximum sentence that they would have received if convicted of the alleged offense.

On November 30, gendarmes detained approximately 15 students during a peaceful demonstration in Ouagadougou. After forcibly removing the students from a church, gendarmes reportedly beat the students, stripped them to their undergarments, and subsequently left them in a park near the outskirts of the city (see Sections 1.c. and 2.b.).

In November 1998, eight armed policemen temporarily detained opposition Party for Democracy and Progress (PDP) deputy Gerard Karambiri and a PDP supporter. Police awakened both men in their respective homes in the early hours of the morning. The officers lacked the required warrants and entered their homes at times other than the 6 a.m. to 9 p.m. "legal hours." Police took them to headquarters, interrogated them for about 2 hours, and then released them. Parliamentarians believed that the detention of Deputy Karambiri violated the parliamentary immunity granted to all deputies under the Constitution. Several days later, after demanding that the detentions be investigated fully, PDP deputies walked out of the National Assembly in protest. The governing CDP parliamentary group expressed support for the PDP, and National Assembly President Melegue Traore addressed a letter to the Prime Minister asking that the incident be investigated. At year's end, the Government has not responded.

While dispersing violent protesters on April 10, security forces arrested several marchers and shaved their heads while in custody (see Section 1.c.). On April 12 to 13, the police arrested 6 prominent leaders and approximately 12 members of the Collective of Mass Democratic Organizations and Political Parties following a demonstration.

The Government does not use forced exile.

#### e. Denial of Fair Public Trial

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

The Zongo killing (see Section 1.a.) and its aftermath have focused attention on the severe weaknesses in the justice system, including removability of judges, outdated legal codes, an insufficient number of courts, a lack of financial and human resources, and excessive legal costs.

The Constitution provides that the Supreme Court is the highest court in the country. Beneath the Supreme Court are 2 Courts of Appeal and 10 provincial courts ("de grande instance"). There is also a High Court of Justice, with jurisdiction to try the president and senior government officials for treason and other serious crimes. In 1995 the National Assembly passed legislation reforming the military court system, making military courts less susceptible in principle to executive manipulation; however, their independence has not yet been demonstrated.

In addition to the formal judiciary, customary or traditional courts, presided over by village chiefs, handle many neighborhood and village problems, such as divorce and inheritance disputes. The population generally respects these decisions, but citizens also may take a case to a formal court.

The Constitution provides for the right to public trial, access to counsel, and has provisions for bail and appeal. While these rights generally are respected, the ability of citizens to obtain a fair trial remains circumscribed by their ignorance of the law--78 percent of the population is illiterate--and by a continuing shortage of magistrates. Amendments to the

Penal Code to make it more relevant to modern requirements, such as the revision making FGM a crime, were adopted by Parliament in 1996 and entered into effect in 1997.

There were no reports of political prisoners.

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

The Constitution provides for these rights, and in practice the authorities generally do not interfere in the daily lives of ordinary citizens. However, in national security cases a law permits surveillance, searches, and monitoring of telephones and private correspondence without a warrant. By law and under normal circumstances, homes may be searched only with the authority of a warrant issued by the Attorney General.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The 1991 Constitution and the 1990 Information Code provide for freedom of speech and of the press; however, in practice these freedoms still remain circumscribed both by government action and by a certain degree of self-censorship. The President and his Government remain sensitive to criticism. Provisions in the code granting the Government strong legal powers to intimidate the press through a broad interpretation of defamation were removed in 1993. As a result, journalists charged with libel may defend themselves in court by presenting evidence in support of their allegations. The independent press, particularly the written press, continued to exercise greater freedom of expression. However, the suspicious death of internationally respected journalist and newspaper editor Norbert Zongo in December 1998 raised serious questions on the limits to the exercise of this freedom (see Section 1.a.). Zongo was well known for his investigative reports on government scandals.

All media are under the administrative and technical supervision of the Ministry of Communication and Culture. The audiovisual media are regulated further by the Superior Council of Information (CSI).

The official media, including the daily newspaper Sidwaya, and the national radio and television displayed progovernment bias. The independent press includes five daily and approximately a dozen weekly newspapers; some newspapers appear only occasionally. There are more than 50 independent radio stations and a religious television station. The only private commercial television station ceased to broadcast in 1999, due to financial difficulties. These media outlets included stations that are critical of the Government.

In 1998 the CSI released new regulations for private and independent radio and television, which entered into effect in 1999. The regulations allowed reinstatement of call-in shows, which were suspended in 1997. However, radio stations are held responsible if their call-in programs threaten the public order or the rights of any third party. On April 14, the Government permanently suspended call-in programs, which allowed criticism of the Government, on two private FM stations. The Government also temporarily closed one of the stations, Radio Horizon, from April 16 to June 17. In May 1999, employees from two radio stations were questioned by the police after broadcasting a call-in show on the Zongo killings that featured the secretary general of Reporters Without Borders, Robert Menard. After being threatened with formal expulsion, Menard involuntarily left the country. In September 1999, he was denied entry into the country.

National and international observers reported that the CSI effectively fulfilled its responsibilities under the Electoral Code to assure equal media treatment of the candidates during the period prior to the November 1998 presidential election. The collective of independent election observers stated after the election that the press generally was open to the different candidates. Press reporting on candidates' campaigns, with the exception of the national television and state-owned newspaper, which initially gave the President more attention than that provided to the other two candidates, became more balanced after a complaint presented to the CSI early in the campaign by Green Party candidate Ram Ouedraogo.

Academic freedom is respected. In April the Government closed the University of Ouagadougou and primary and secondary schools in Ouagadougou and several other cities in response to political demonstrations by students. The primary and secondary schools reopened in approximately a week, and the University reopened several weeks later. In October the Government again closed the University in response to a series of strikes, walkouts, and violent confrontations between riot police and student groups. After instituting a series of reforms and conceding to the concerns of teachers and student groups, University registration began in late December. The University was scheduled to reopen early in 2001.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of assembly; however, at times the Government restricted this right in practice. Police forcibly dispersed several demonstrations, and in December the Government banned all public demonstrations or gatherings except for weddings, funerals, and religious ceremonies. At year's end, the ban remained in effect.

Previously, political parties and labor unions were allowed to hold meetings and rallies without requesting Government permission. However, the law requires that authorities be notified in advance of planned demonstrations and gives the executive the right to invoke the need to preserve public order to forbid demonstrations. Penalties for violations include 2 to 5 years imprisonment. Permits must be obtained from municipal authorities for political marches. Applicants must indicate the date, time, duration, and itinerary of the march or rally, and authorities may alter or deny requests on grounds of public safety. Denials or modifications may be appealed before the courts.

On April 8, security forces dispersed a march protesting the impunity from prosecution of members of the President's family and entourage. The police used tear gas and batons to disperse the demonstrators, injuring 20 persons.

Protests continued on April 10 for progress on the Zongo case and expanded political freedom and a more effective justice system.

While dispersing violent street demonstrations, police arrested several persons and shaved their heads while they were in custody. From April 12 to 13, the Collective of Mass Democratic Organizations and Political Parties led largely peaceful demonstrations to demand truthful information in both the Zongo and David Ouedraogo cases (see Section 2.b.). The police arrested approximately 12 members and 6 prominent leaders of the collective, including human rights leader Halidou Ouedraogo; lawyer Benewende Sankara; union leader Tole Sagnon; and Sankarist party leader Norbert Tiendrebeogo. The police detained them (without charge) for 3 days and shaved their heads while they were in custody.

On August 30, police used tear gas to disperse refugees demonstrating for improved living conditions (see Section 2.d.).

In October civil servants widely observed a peaceful general strike called by opposition parties to demand truth in the Zongo case, although it was ignored generally by the private sector (see Section 6.a.).

On November 30, gendarmes detained approximately 15 students during a peaceful demonstration in Ouagadougou, reportedly beat them, stripped them to their undergarments, and left them in a park near the outskirts of the city (see Sections 1.c. and 1.d.).

On December 6, students from Ouagadougou University demonstrated in the town of Bousse against proposed government reforms at the university. Gendarmes used tear gas to disperse the demonstration and fired upon the demonstrators, killing a boy. The Government subsequently banned all public demonstrations until further notice.

Despite the ban on demonstrations, a small group of protesters marked the second anniversary of Zongo's death on December 13; security forces dispersed them with tear gas.

Journalists and human rights activists were not permitted to hold public meetings during the International Press Freedom Festival in Ouagadougou on December 12 to 16. The Government also refused to permit a number of foreign journalists and human rights activists to enter the country to attend the festival.

The Constitution provides for freedom of association, and the Government generally respects this in practice. Since early 1990, political parties and labor unions usually have been permitted to organize without seeking government permission.

### c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government respects this right in practice.

The Government requires that religious groups register with the Ministry of Territorial Administration. Registration establishes a group's legal presence in the country but entails no specific controls or benefits. There are no penalties for failure to register.

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

The Constitution provides for freedom of movement, and authorities generally respect this right in practice. Gendarmes routinely stop travelers for identity and customs checks and the levying of road taxes at police and military checkpoints; some foreign journalists were not permitted to enter the country. There is no restriction on foreign travel.

Following the Government's December ban on demonstrations (see Section 2.b.), progovernment vigilantes intimidated human rights activists and forced some to flee from cities such as Koudougou (see Section 4).

The law includes provisions for granting refugee and asylee status in accordance with the provisions of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. Refugees are accepted freely. The Government provides first asylum. The Government cooperated with the office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. Most refugees departed voluntarily for neighboring countries; however, a few hundred refugees from the Great Lakes region remained in the country at year's end. The majority of these refugees come from the Democratic Republic of the Congo, Congo Brazzaville, and Chad; they live singly or in small groups in Ouagadougou.

During the year, 30 of the 600 refugees from several Francophone Africa countries who were resettled in the country in 1998 by the UNHCR held a sustained protest regarding their harsh living conditions. They accused the Foreign Ministry's National Committee for Refugees of misappropriating large sums of money intended for the refugees. On August 30, police used tear gas to disperse demonstrating refugees.

There were no reports of the forced return of persons to a country where they feared persecution. There were no reports of the forced expulsion of persons with a valid claim to refugee status.

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

Citizens have the constitutional right to change their government through multiparty elections; however, although the November 1998 presidential election represented a further step toward democratic government, in practice citizens are unable to exercise this right fully due to the continued dominance of the President and his ruling party. President Compaore won 88 percent of the vote; 56 percent of the eligible voters went to the polls. The irregularities cited by observers in the actual voting process were limited in number and scope and did not appear to affect the ultimate outcome of the election. However, the national observers identified a number of systemic weaknesses in the electoral code that precluded a perfectly regular and transparent vote, and a coalition representing a number of opposition parties boycotted the election. Nevertheless, neither of the two candidates opposing President Compaore contested the results.

In October 1999, President Compaore instructed the Prime Minister to reshuffle and broaden the Government. The new cabinet included four members from small opposition parties; however, the major opposition bloc, the Group of 14 February (G-14), refused to participate. In October 1999, the Council of Ministers passed decrees creating a Commission for Political Party Consultations and a Commission of National Reconciliation. The Commission issued a final report in December 1999. The President announced in his traditional 1999 New Year's Eve address that he would accept all of the report's recommendations, including designating a formal leader of the opposition in Parliament and reintroducing presidential term limits beginning in 2005. He said that he would call new parliamentary elections "if necessary." At year's end, he had taken none of the recommended steps.

In November President Compaore and representatives from the opposition parties that agreed to participate in the Government signed a protocol that ceded one-third of the cabinet posts to the opposition. Ernest Yonli was designated Prime Minister. The protocol also set out a commitment to strengthen dialog with opposition parties, civil society, associations, and trade unions, and to strengthen ethics in political life. Members of the opposition held 12 of 36 posts, but members of the largest opposition party, the Party for Democracy and Progress (PDP) as well as the other parties belonging to the G-14 bloc, refused to participate in the Government.

The 1997 legislative elections gave the ruling CDP 101 out of 111 parliamentary seats. (The CDP now controls 102 seats because of a defection to the ruling party by an opposition deputy.) The victory reflected both general support for policies of the governing party and a lack of viable opposition alternatives. While international observers described the elections as substantially free and fair, a collective of 14 local NGO's cited generalized and systematic corruption and voter list irregularities. The Supreme Court annulled the results in four constituencies because of these irregularities.

In May 1998, the National Assembly approved the establishment of an independent National Electoral Commission (CENI), funded by the Government. Although developing electoral lists remains the responsibility of the Ministry of Territorial Administration and Security, the CENI is responsible for creating a census bureau, installing voting stations, training poll workers, organizing election observation, ensuring election security, and distributing election material. During the 1998 presidential election, the CENI was unable to carry out its functions in some areas due to inadequate staffing. On May 17, the Government promulgated a new electoral code that gave the CENI more independence. Under the revised code, the CENI has full responsibility for managing its budget and is the only organization responsible for monitoring elections and referendums. However, during the September 24 municipal elections, the CENI appeared to defer to the Government on important questions such as postponing the elections and candidate eligibility.

The CDP won over 70 percent of the seats in nationwide municipal elections held on September 24, but lost its majority in Koudougou, the third largest city. The CDP won the majority of seats, and thus the mayor's office, in 42 of the country's 49 communes. Despite some allegations of fraud, the vote was held without disruption and the CENI generally had adequate staff and personnel to perform its duties. Nationwide turnout was approximately 60 percent of registered voters, but less than half of eligible voters were registered. Seventeen parties participated in the elections; however, 8 opposition parties actively boycotted them.

The Compaore Government includes a strong presidency, a Prime Minister, a Council of Ministers presided over by the President, a two-chamber National Assembly, and the judiciary. The legislature is independent, but it remains susceptible to external influence from the executive branch.

In November 1999, a presidential decree established a Commission on Political Reforms. Pursuant to the Commission's recommendation in December 1999, Article 37 of the Constitution was amended in April to provide that the presidential term of office be 5 years, renewable once, starting in 2005; the provision is not retroactive. Previously the Constitution allowed the President to run for an unlimited number of terms.

There are no restrictions in law or practice on the participation of women or minority group members in politics; however, women are underrepresented in government and politics. Only 4 of the 36 ministers and 8 of the 111 National Assembly deputies are women. The President of the Social and Economic Council is a woman. In part because of the important role that women played in reelecting President Compaore in 1998, the Congress for Democracy and Progress voted at its first ordinary Congress held in July 1999 to increase the number of women on its National Executive Council from two to six.

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

In general the Government did not interfere with the activities of local human rights organizations during the year. A number of such groups operated during the year according to monitors, including the Burkinabe Movement for Human Rights (MBDHP), GERDES, and the Association of Christians for the Abolition of Torture (ACAT).

In March 1999, the Council of Ministers terminated the agreement that had existed between the Government and the InterAfrican Human Rights Union (UIDH) since 1995. The Council stated in 1999 that UIDH head Halidou Ouedraogo, who also served as president of the Burkinabe Movement for Human Rights (MBDHP) and as president of the collective, had mixed politics with human rights and thus acted in ways incompatible with the agreement. The Council also considered illegal the UIDH's participation on a parallel inquiry commission that was set up in January 1999 by the Collective to investigate the Zongo killings. Under the 1995 agreement, the UIDH benefited from tax exemptions, a government subsidy that paid \$500 (300,000 CFA) a month to rent temporary offices for the organization; Ouedraogo, a Burkinabe national, had enjoyed diplomatic immunity as head of an international organization. In May the President promised to reinstate the agreement providing a tax exemption and subsidy to the UIDH; however, these actions had not taken place by year's end.

The Government again failed to answer inquiries from international human rights organizations concerning past abuses.

Amnesty International (AI) still is awaiting the results of the Government inquiry into the 1995 killings in Garango, but the Government has not responded to AI's request for information.

Following the Government's December ban on demonstrations (see Section 2.b.), progovernment vigilantes intimidated human rights activists and forced some to flee from cities such as Koudougou.

The Government permitted international human rights groups to visit and operate in the country. The MBDHP is affiliated with the InterAfrican Human Rights Union (UIDH) and representatives of other human rights groups visited the country during the year.

In 1994 the Government announced the creation of the Office of Ombudsman, called "Mediateur du Faso." Retired General Marc Garango was appointed to the position, which is responsible for mediating disputes between the state and its citizens. In June 1998, the Ombudsman's Office issued its first activity report, which indicated that half the cases brought before it dealt with career problems of civil servants and the other half with a variety of issues, including land questions and bureaucratic inaction. On July 20, Garango issued another report and retired effectively on November 10. The report attempted to resolve approximately 300 outstanding citizen complaints against the Government and urged the Government to pay compensation in a number of cases.

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

The Constitution prohibits discrimination on the basis of race, religion, or ethnic origin. Minority ethnic groups, like the majority Mossi, are represented in the inner circles of the Government, and government decisions do not favor one group over another.

#### Women

Violence against women, especially wife beating, occurs frequently. Cases of wife beating usually are handled through customary law and practice. There are no statistics on rape, although it is recognized as a crime. Spousal rape is not discussed. There are organizations that counsel rape victims, including Catholic and Protestant missions, the Association of Women Jurists in Burkina, the Burkinabe Movement for Human Rights, the Association of Women, and Promofemmes, a regional network that works to combat violence against women. The Government is attempting to change attitudes toward women, using education through the media. The Penal Code explicitly prohibits sexual harassment, but it has no special laws protecting women against violence other than general laws dealing with violence.

Forced marriage is prohibited by law with specific penalties under the Penal Code for violators. Polygyny is permitted, but both parties must agree to it prior to a marriage, and the woman maintains the power to oppose further marriages by her husband if she can provide evidence that he abandoned her and her children. Either spouse can petition for divorce; custody of children is granted to either parent on the basis of the children's best interests.

Although the law provides equal property rights to women and some inheritance benefits depending on other family relationships, in practice customary law prohibits women from the right to own property, particularly real estate. In rural areas, land belongs to the family of the man whom a woman marries. Customary law does not recognize inheritance rights for women and regards the woman as property that can be inherited upon her husband's death.

There are no specific constitutional provisions or laws protecting women, who face extensive discrimination. In general women continue to occupy a subordinate position and experience discrimination in such areas as education, jobs, property, and family rights. Overall, women represent 45 percent of the work force; however, in the modern sector women make up one-fourth of the government work force, although they usually are found in lower paying positions. Women still do much of the subsistence farming work. After the May 1997 parliamentary elections, the Government created a Ministry of Women's Affairs and appointed a woman as minister; the minister actively promoted women's rights during the year.

There were occasional reports of trafficking in women (see Section 6.f.).

#### Children

The Constitution nominally protects children's rights. The Government has demonstrated its commitment to improving the condition of children by continuing a national policy to revitalize primary health care through the privatization of hospitals, which provided greater autonomy in hospital management. The Government has stated its commitment to improve access to primary education and as of 1996 had raised the literacy rate to 22 percent. Although the law provides for free compulsory primary education, the Government lacks the means to provide universal, free primary instruction; many children, especially girls, do not attend school. A 1995 estimate indicated that about 30 percent of males and 9 percent of females were literate. The Government devoted approximately 21 percent of its budget to education and provided free primary school education to all children. If a child qualifies on the basis of grades and social condition (that is, the family is "poor"), free

education can continue through junior high and high school. In practice the family condition requirement often is ignored, giving many children a free education through high school.

Females constitute approximately one-third of the total student population in the primary school system and are represented in the secondary and higher educational systems, although the percentage decreases significantly beyond the primary level. Schools in rural areas have disproportionately fewer female students than schools in urban areas. The Government has set up a scholarship program for female secondary students to encourage them to stay in school.

Female genital mutilation, which is widely condemned by international health experts as damaging to both physical and psychological health, still is practiced widely, especially in many rural areas, and usually is performed at an early age. The percentage of females who have undergone this procedure may be as high as 70 percent. The Government has made a strong commitment to eradicate FGM through educational efforts, and The National Committee for the Fight Against Excision campaigns against the practice. The Penal Code was revised in 1996 to make FGM a crime, with stricter punishments for those involved in its practice. Perpetrators are subject to 6-months to 3-years imprisonment and a significant fine. The Government continued its sensitization campaign regarding the deleterious effects of this practice. According to press reports in 1999 and during the year, some persons who have practiced FGM and the victims' parents were arrested, and some FGM practitioners were prosecuted and received prison sentences under the 1996 law forbidding FGM. Another form of mutilation, scarification of the faces of both boys and girls of certain ethnic groups, gradually is disappearing.

There were occasional reports of trafficking in children (see Sections 6.c. and 6.f.).

#### People with Disabilities

While there are modest government subsidies for workshops for the disabled, there is no government mandate or legislation concerning accessibility for the disabled. There is no legislation to protect persons with disabilities from discrimination. Programs to aid the disabled are limited, but human rights groups are not aware of any discrimination against the disabled.

#### Section 6 Worker Rights

##### a. The Right of Association

The 1962 Labor Code has been amended several times during the past decade. During the year, the Government repealed provisions requiring public servants to respect the revolutionary order under penalty of disciplinary sanctions. Under this legislation, workers, including civil servants, traditionally have enjoyed a legal right of association, which is recognized under the Constitution. There are 4 major labor confederations and 12 autonomous trade unions linked by a national confederal committee. They represent a wide ideological spectrum; the largest and most vocal member espouses socialist doctrine. Approximately 85 percent of the workforce is engaged in subsistence agriculture. Of the remainder, approximately 50 percent of private sector employees and 60 percent of public sector employees are union members. Essential workers, such as police, may not join unions.

The Constitution provides for the right to strike, and workers use strike actions to achieve labor goals. Many strikes were called throughout the year both by labor organizations to advance workers' objectives, and by the Collective of Mass Organizations and Political Parties to press for justice in the aftermath of the Zongo killings. The Government allowed peaceful strikes on a number of occasions, including in the health and banking sectors. University and medical students also struck on several occasions, including strikes in February and May protesting for improved study and working conditions, better food, and subsidized transportation. In October civil servants widely observed a peaceful general strike called by opposition parties to demand truth in the Zongo case (see Section 1.a.), although it was ignored generally by the private sector (see Section 2.b.).

Labor unions may affiliate freely with international trade unions. The National Confederation of Burkinabe Workers is affiliated with the Brussels-based World Confederation of Labor.

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

Unions have the right to bargain for wages and other benefits, both directly with employers and with industry associations. These negotiations are governed by minimums on wages and other benefits contained in the Interprofessional Collective Convention and the Commercial Sector Collective Convention, which are established with government participation. If no agreement is reached, employees may exercise their right to

strike. Either labor or management may refer an impasse in negotiations to labor tribunals. Appeals may be pursued through the Court of Appeal to the Supreme Court, whose decision is binding on both parties. Collective bargaining is extensive in the modern wage sector, but it encompasses only a small percentage of workers.

The Labor Code prohibits antiunion discrimination. The Labor Ministry handles complaints about such discrimination, which the plaintiff may appeal to a labor tribunal. If the tribunal sustains the appeal, the employer must reinstate the worker. Union officials believe that this system functions adequately.

There are no export processing zones.

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

The law prohibits forced or compulsory labor; however, there were occasional reports of trafficking in women for forced prostitution or domestic service (see Section 6.f.).

The Government prohibits forced and bonded labor by children; however, there were occasional reports of trafficking in children for forced prostitution or domestic service (see Section 6.f.).

#### d. Status of Child Labor Practices and Minimum Age for Employment

The Labor Code sets the minimum age for employment at 14 years, the average age for completion of basic primary school. However, the Ministry of Employment, Labor, and Social Security, which oversees labor standards, lacks the means to enforce this provision adequately, even in the small wage sector. Children commonly work with their parents in rural areas or in family-owned small businesses in villages and cities. Most children actually begin work at an earlier age on small, family subsistence farms, in the traditional apprenticeship system, and in the informal sector. There are no reports of children under the age of 14 employed in either state or large private companies. The Government prohibits forced or bonded child labor; however, there were reports of trafficking in children (see Sections 6.c. and 6.f.).

In December the National Assembly unanimously ratified ILO Convention 182 on the worst forms of child labor, but at year's end, the President had not yet signed the bill into law. The Ministry of Labor is expected to be responsible for its enforcement.

#### e. Acceptable Conditions of Work

The Labor Code mandates a minimum monthly wage, a standard workweek of 40 hours with at least one 24-hour rest period for nondomestic workers and a 60 hour workweek for household workers, and establishes safety and health provisions. The minimum monthly wage in the formal sector, about \$41 (28,911 CFA), does not apply to subsistence agriculture, which employs about 85 percent of the population. The Government last set a minimum wage in 1996. It is not adequate for an urban worker to support a family. Wage earners usually supplement their income through reliance on the extended family, subsistence agriculture, or trading in the informal sector.

A system of government inspections under the Ministry of Employment, Labor, and Social Security and the labor tribunals is responsible for overseeing health and safety standards in the small industrial and commercial sectors, but these standards do not apply in the subsistence agricultural sector. However, the Government's Labor Inspector Corps does not have sufficient resources to fulfill its duties adequately. Every company is required to have a work safety committee. If a workplace has been declared unsafe by the Government's Labor Inspection Office for any reason, workers have the right to remove themselves from dangerous work without jeopardy to continued employment. In practice there are indications that this right is respected, but such declarations are relatively rare.

#### f. Trafficking in Persons

The law prohibits trafficking in persons; however, there were occasional reports of trafficking in women and children for the purposes of forced prostitution or domestic service. The country is an occasional source country for women who travel to Europe, believing they are going to work as domestics, but who, upon their arrival, are forced to work as prostitutes.

The country is a source and transit point for trafficking, most frequently of children destined for agricultural labor, usually in Cote d'Ivoire. In many instances, children voluntarily travel to Cote d'Ivoire to work as

agricultural laborers to escape poverty at home; however, in other cases, children are lured to plantation work in Cote d'Ivoire by false promises of generous remuneration, only to be forced to work under very harsh conditions for little or no payment. Some children are forced to work long hours without pay, allegedly to repay costs of their transport to Cote d'Ivoire and the costs of food and housing on the plantation.

The Government only has limited resources to combat trafficking in women or children. During the year, a number of children destined for plantations in Cote d'Ivoire were intercepted by the authorities, and the traffickers were arrested; however, none were prosecuted during the year. The Government provided initial shelter to the children and helped return them to their homes. Some children asserted that they were going voluntarily to Cote d'Ivoire in search of work.

[End.]