



Burkina Faso

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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 included a strong presidency, a Prime Minister, a cabinet, 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; however, some serious candidates boycotted the election. The two candidates who opposed the President provided only token opposition and reportedly were persuaded by the Government to run for the presidency to help create the appearance of a contested election. The CDP controls 99 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. The judiciary is subject to executive influence.

The security apparatus consists of the armed forces, which are controlled by the Ministry of Defense; the national police and the gendarmerie, controlled by the Ministry of Security; and the municipal police, controlled by the Ministry of Territorial Administration. The Presidential Guard is an autonomous security force, although it is technically subject to the jurisdiction of the armed forces and part of the army. Civilian authorities, under the direct control of the President, effectively control the military. Some members of the security forces committed human rights abuses.

More than 80 percent of the population of approximately 11.9 million engage in subsistence agriculture. Frequent drought and limited communication and transportation infrastructures, in addition to a 77 percent illiteracy rate, are longstanding problems. In 2000 the Government adopted an antipoverty strategy to open the economy to market forces, while shifting resources to the education and health sectors. The increase in the incidence of HIV/AIDS has eroded gains in life expectancy; however, literacy and schooling continued to register modest advances. Real gross national product per capita is \$230 (161,000 CFA francs).

The Government's human rights record remained poor in a number of areas. 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 numerous extrajudicial killings and continued to abuse detainees. During the year, there were credible reports that security forces summarily executed suspected criminals. Prison conditions remained harsh. Arbitrary arrest and detention are problems, and authorities do not provide detainees with due process. Although the Government continued attempts to improve its human rights performance, a general climate of impunity for members of the security forces and members of the President's family, along with slow progress in identifying or punishing those responsible for abuses committed, continued to tarnish its record. President Compaore declared March 30 a "National Day of Pardon" and during a ceremony to commemorate the day, he apologized for past government crimes, promised to compensate victims and families of victims for "economic and blood crimes," and vowed that the Government never again would commit such offenses. The opposition criticized the Government for not identifying persons responsible for human rights violations and other crimes. Courts are subject to executive influence, and authorities do not ensure fair trials. At times authorities restricted media activity, and the media practiced 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; however, the Government rescinded its ban on most public gatherings. During the year, the Government, at the initiative of the Secretary of State for Human Rights, established a National Commission on Human Rights to serve as a permanent framework for dialog on human rights concerns. Violence and discrimination against women, including female

genital mutilation (FGM), persisted. Violence against children, child labor, and child trafficking continued to be problems. The Government took steps to combat FGM and trafficking in persons. Social discrimination against persons with disabilities was widespread. Killing or severe beating of criminal suspects by vigilante mobs remained common. Progovernment vigilantes used violence and threats of violence to intimidate opponents.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life

The security forces were responsible for numerous extrajudicial killings during the year. The Burkinabe Movement for Human Rights (MBDHP), the country's largest human rights organization and a vocal critic of the Government, alleged that security forces committed numerous extrajudicial killings between October and year's end. Although the numbers and names of victims could not be verified independently, there were credible reports of summary executions of suspected criminals by security forces during the year in response to public concerns about rising crime. The Security Minister denied allegations of extrajudicial killings but admitted that security forces had killed an unspecified number of persons in gun battles with "armed bands."

In February security forces killed Jean Roger Sanou in Bobo-Dioulasso following violent demonstrations opposing the inauguration of the controversially elected mayor of the city (see Section 2.b.). In May gendarmes in the small city of Pouytenga, Kouritenga Province, shot and killed Issa Diallo and injured two others while searching for a suspected thief. Charges were not filed against the perpetrators by year's end.

On September 18 in Ouagadougou, Presidential Guard Sergeant Momouni Koueba shot and killed truck driver Daouda Ouedraogo during a private dispute. The case reportedly was under investigation, but charges were not filed by year's end. In September truck drivers held a 2-day strike to protest the shooting and to demand a transparent investigation (see Section 6.a.).

In March retainers of the King of Po beat to death petty theft suspect Jules Nankouly after gendarmes turned over Nankouly to the King. The King is an activist in the ruling CDP party and also the mayor of Po, a city in Nahouri province. No action was taken against his retainers by year's end.

There was no progress in the investigations of the shooting and killing by gendarmes of 12-year-old Flavien Nebie in December 2000 or the August 1999 killing by police of Mamadou Kone.

In February the Government filed murder and arson charges against former Presidential Guard Marcel Kafando, a key suspect in the 1998 murder of respected journalist Norbert Zongo and his companions. Kafando and two other former Presidential Guards had been convicted and sentenced to prison in August 2000 for the killing of David Ouedraogo, the chauffeur of President Compaore's brother Francois. Sergeant Edmond Kouama, one of those convicted in the Ouedraogo case and a key suspect in the 1998 Zongo killings, died under mysterious circumstances in January. Warrant Officer Abdoulaye Siemde, who admitted falsifying a police report in the Ouedraogo case, also died in May 2000 in the mental ward of Ouagadougou's main hospital under suspicious circumstances. There were no further developments reported in the investigation of the Zongo case since charges were filed against Kafando.

According to an October 11 press report, the journalist group Reporters Without Borders asked state prosecutors in France to bring legal proceedings against President Compaore because of his alleged knowledge about acts of torture committed by his Presidential Guard and the 1998 killing of Norbert Zongo; however, French prosecutors declined to bring any charges against Compaore during his official visit to France.

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 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. In December approximately 10,000 persons demonstrated peacefully in Ouagadougou to mark the third anniversary of the Zongo killings and called on the Government to investigate the case and more vigorously prosecute the killers of Zongo and his companions. 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 had been 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. President Compaore declared March 30 a "National Day of Pardon" and during a ceremony to commemorate the day, he apologized for past government crimes, promised to compensate victims and families of victims for "economic and blood crimes," and vowed that the Government never again would commit such offenses. The opposition criticized the Government for not identifying persons responsible for human rights violations and other crimes. Family members of a number of prominent victims refused to participate in the Day of Pardon. Although a body was set up to consider the victims' claims, the Government took no action to implement the promised compensation by year's end.

In July the Organization of African Unity's (OAU) Human Rights Commission issued a report that criticized the Government for failing to investigate human rights violations that occurred between 1983 and 1997. The report called on the Government to prosecute the perpetrators of these offenses and to compensate the victims (see Section 4).

The Government is unlikely to reinvestigate or retry the gendarme accused of shooting and killing two high school demonstrators in 1995.

On February 14, the Burkinabe Movement for Human Rights (MBDHP) released a report stating that a mass grave containing the remains of approximately five persons had been found in Wayen, Ganzourgou Province. The dates of death, causes of death, and identities of the bodies were not determined by year's end. However, the MBDHP alleged that the deceased were victims of political violence.

No further action was taken in the June 2000 murder of Mamadou Kere by self-styled militiamen who claimed allegiance to the Naba Tigre, the traditional chief of the city of Tenkodogo. Although the Naba Tigre was arrested and temporarily detained for "not helping a person in danger," he was released and the case was not prosecuted. The Naba Tigre died in September.

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 or witchcraft 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 such practices; however, members of the security forces continued to abuse persons, and suspects often are subject to beatings, rough handling, and threats, frequently to extract confessions. There are credible reports that officials at the Ouagadougou House of Arrest and Correction (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 for abuses, and the climate of impunity created by the Government's failure to prosecute abusers remains the largest obstacle to ending abuses.

In February police arrested, stripped naked, and shaved the heads of numerous elderly male residents of Bobo-Dioulasso, including the former mayor and a Muslim community leader, for allegedly instigating riots and for the murder of a policeman in February (see Section 1.d.). No action was taken against the police by year's end.

Between April 18 and 20, approximately 100 gendarmes, soldiers, and police occupied the city of Mani, Gnagna Province. The security forces beat and illegally detained dozens of local residents including women, the elderly, and children. They also stripped naked a number of citizens, including approximately 20 high school girls. No action reportedly was taken against the responsible persons by year's end (see Section 1.d.).

Security forces commonly beat suspected criminals during the year. For example, in April army recruits in Mouhoun Province, in the western part of the country, beat a suspected thief. No action taken against the recruits by year's end.

There was no known action taken against the members of the security forces responsible for beating or otherwise abusing the persons in the following cases in 2000: The December case in which police used tear gas to disperse a student demonstration; the November beating of approximately 15 students; the August case in which police used tear gas to disperse a refugee demonstration; the April cases in which police shaved the heads of several demonstrators; and the April case in which police used tear gas to disperse a march.

Progovernment vigilantes in several locations used violence and threats of violence against persons and properties to harass and intimidate opponents. For example, in December 2000 in Fada N'Gourma, there were reports that vigilante groups detained, tied up, and threatened human rights activists and cut with a machete an activist who tried to negotiate their release. Also in December 2000, progovernment vigilantes forced a high school teacher and student to flee Fada N'Gourma. No action was taken against those responsible in either case.

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, children, and high-profile persons; however, these facilities typically are crowded, common rooms rather than individual cells. Pretrial detainees usually are not held separately from convicted prisoners.

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

d. Arbitrary Arrest, Detention, or Exile

The Constitution provides for the right to expeditious arraignment and access to legal counsel; however arbitrary arrest and detention were problems, and authorities did not ensure due process. The law limits detention for investigative purposes without charge to a maximum of 72 hours, renewable for a single 48-hour period; however, 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. There is a pretrial release system; however, it is unknown how often it is used.

In February police arrested, stripped naked, and shaved the heads of numerous elderly male residents of Bobo-Dioulasso, including the former mayor and a Muslim community leader, for allegedly instigating riots and for the murder of a policeman (see Section 1.c.). No charges were filed against the residents but some were detained for more than 1 week.

Between April 18 and 20, gendarmes, soldiers, and police occupied the city of Mani after they intervened in favor of a wealthy trader in a dispute over the ownership of land. The security forces did not have a judicial order to intervene. They illegally detained numerous persons and beat or otherwise abused others (see Section 1.c.). Those detained were released.

While dispersing violent protesters on April 10, 2000, security forces arrested several marchers. On April 12 and 13, 2000, the police arrested 6 prominent leaders and approximately 12 members of the Collective of Mass Democratic Organizations and Political Parties following a demonstration. Those detained were

released; there were no reports of prosecution of either the detainees or the responsible security forces at year's end.

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

e. Denial of Fair Public Trial

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

The Zongo killing (see Section 1.a.) and its aftermath focused attention on the systemic 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 also is a High Court of Justice, with jurisdiction to try the president and senior government officials for treason and other serious crimes. The ostensibly independent military court system, which tries only military cases, is subject to executive influence. In June the Supreme Court ruled that civil courts lacked jurisdiction in a wrongful death case brought by the widow of murdered former Chief Executive Captain Thomas Sankara. The Court ruled that jurisdiction is vested in the military court system. No further action was taken by year's end.

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, a presumption of innocence, and has provisions for bail and appeal. While these rights generally are respected, the ability of citizens to obtain a fair trial remained restricted by their ignorance of the law--77 percent of the population is illiterate--and by a continuing shortage of magistrates.

There were no reports of political prisoners.

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

The Constitution prohibits such actions, and the Government generally respects these prohibitions in practice. However, in national security cases a law permits surveillance, searches, and monitoring of telephones and private correspondence without a warrant. By law and under normal circumstances, homes may be searched only with the authority of a warrant issued by the Attorney General.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution and the law provide for freedom of speech and of the press; however, the Government at times restricted these rights and intimidated journalists into practicing self-censorship. The President and his Government remain sensitive to criticism. Journalists charged with libel may defend themselves in court by presenting evidence in support of their allegations. The independent press, particularly the written press, continued to exercise greater freedom of expression. However, the suspicious death of internationally respected journalist and newspaper editor Norbert Zongo in 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 numerous independent radio stations and

a religious television station. The Government licensed several private radio stations during the year. These media outlets included stations that are critical of the Government. Voice of America (VOA) (which began FM transmissions during the year), Radio France International, Africa Number 1, and the British Broadcasting Corporation (BBC) broadcast without government interference.

Despite self-censorship, independent newspapers and radio stations often criticized the Government during the year, reporting allegations of corruption and mismanagement by authorities and accusing the Government of human rights violations. For example, the killings, beatings, and arrests that occurred in the cities of Bobo-Dioulasso, Mani, and Pouytenga during the year were reported in detail in the independent press (see Sections 1.a., 1.c., and 1.d.). The independent media also reported the opposition's and human rights associations' criticism of the Government's failure to investigate and prosecute human rights violations (see Sections 1.a., 1.c., and 1.d.).

On January 8, authorities arrested and detained for 1 day Germain Bitiou Nama and Newton Ahmed Barry, both writers for the weekly newspaper *Independant*, following their investigation of the fatal shooting by gendarmes of 12-year-old student Flavien Nebie in December 2000 (see Section 1.a.). No charges were filed against the journalists.

On July 11, police detained and questioned for several hours Lierme Some, editor for the *Independant* newspaper, after he published an article entitled, "June 30, 2001, the Day Blaise Compaore Nearly Lost Power." The Government took no subsequent action against Some.

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. In April 2000, the Government permanently suspended call-in programs, which allowed criticism of the Government, on two private FM stations. These suspensions remained in effect during the year; the radio stations replaced the call-in programs with talk shows featuring invited guests. Unlike in the previous year, the Government did not temporarily close any radio stations.

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 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 became more balanced after a complaint presented to the CSI early in the campaign by Green Party candidate Ram Ouedraogo.

The Government does not restrict access to the Internet.

The Government usually respected academic freedom. However, in previous years, university students in Ouagadougou and high school students across the country held strikes, usually to protest government education policy or demand better school conditions. In previous years, the Government generally tolerated peaceful student strikes; however, on a number of occasions, security forces used violence or the threat of violence to disrupt meetings of striking students, and student leaders and protesters have been arrested, detained, and abused.

In 2000 professors and students at the University of Ouagadougou claimed that government-proposed changes at the University infringed on academic freedom. Students held a series of demonstrations, and the Government closed the University in October 2000. In December 2000, the University banned peaceful, outdoor student meetings on the campus, except on Sundays, holidays, and days the university was not in session. Student leaders complained that the ban violated the constitutional provision protecting peaceful assembly. The Government withdrew most of its proposed changes and reopened the University on January 15; however, despite a law prohibiting security forces from entering the campus except in an emergency, gendarmes and the national police dispersed peaceful, on-campus student demonstrations during the year.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of assembly; however, at times the Government restricted this right in practice. On March 28, the Government rescinded a December 2000 decree banning all public demonstrations or gatherings except for weddings, funerals, or religious ceremonies. Following the overturning of the ban, demonstrations generally were tolerated, including a June 30 antigovernment demonstration in Ouagadougou, and an August 16 demonstration in support of a general strike (see Section 6.a.).

After the March 28 rescission, political parties and labor unions were allowed to hold meetings and rallies without requesting government permission. However, the law also requires that authorities be notified in advance of planned demonstrations and allows the authorities to invoke the need to preserve public order to forbid demonstrations. Penalties for violation of the advanced notification requirement include 2 to 5 years' imprisonment. Permits must be obtained from municipal authorities for political marches. Applicants must indicate the date, time, duration, and itinerary of the march or rally, and authorities may alter or deny requests on grounds of public safety. Denials or modifications may be appealed before the courts.

In February police forcibly dispersed a demonstration by those who opposed the inauguration of the mayor of Bobo-Dioulasso, the country's second largest city. The demonstrators characterized his election by city counselors by the margin of a single vote as corrupt. Police injured several demonstrators and killed one. Unidentified persons subsequently killed a policeman; security forces believed the mayor's opponents instigated the murder. They responded to the killing by arbitrarily arresting, temporarily detaining, stripping, and shaving the heads of elderly men who they believed had instigated the killing of the policeman and the violent demonstrations during the inauguration (see Section 1.c.).

During the September Inter-Parliamentary Union Conference in Ouagadougou, authorities refused to allow a Sunni Muslim group to stage a public demonstration against Israeli treatment of Palestinians.

No action was taken against members of the security forces who used excessive force to disperse demonstrations on the following dates in 2000: December 13; December 6; August 30; April 12 and 13; April 10; and April 8 (see Section 1.c.).

Journalists and human rights activists were not permitted to hold public meetings during the International Press Freedom Festival held in Ouagadougou between December 12 and 16, 2000. The Government also refused to permit a number of foreign journalists and human rights activists to enter the country to attend the festival. There were no such incidents during the year.

The Constitution provides for freedom of association, and the Government generally respects this right in practice. Political parties and labor unions usually were permitted to organize without seeking government permission.

c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government generally 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. Religious groups only are taxed if they carry on lucrative activities, such as farming. Registration only confers legal status. There are no penalties for failure to register. All groups are given equal access to licenses, and the Government approves registrations in a routine fashion.

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

The Constitution provides for these rights, and the Government generally respects them in practice. Gendarmes routinely stop travelers for identity and customs checks and the levying of road taxes at police and military checkpoints; in 2000 some foreign journalists were not permitted to enter the country. There is no restriction on foreign travel.

Following the Government's ban on demonstrations in December 2000 (see Section 2.b.), progovernment vigilantes intimidated human rights activists and forced some to flee from cities such as Koudougou. Activists in Bobo-Dioulasso, Kaya, and Fada N'Gourma also complained of similar harassment during the year.

Following the National Day of Pardon on March 30, former Presidential Guard Adjutant Hyacinthe Kafando, who had fled the country in 1996 under suspicion of involvement in a coup attempt against President Compaore, returned to the country. The Government did not restrict his movement.

The law provides for the granting of asylum and refugee 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. Approximately 450 persons with refugee status and an estimated 300 persons who have requested refugee status reside in the

country. Most are nationals of Rwanda, Burundi, the Democratic Republic of the Congo, and the Republic of the Congo; others are from Chad, Liberia, and Sierra Leone. Almost all the refugees and applicants live in Ouagadougou.

In 2000 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. In August 2000, police used tear gas to disperse demonstrating refugees. During the year, the UNHCR attempted to resolve complaints by refugees about education, food, and health issues.

There were no reports of the forced return of persons to a country where they feared persecution.

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

The Constitution provides citizens with the right to change their government peacefully through multiparty elections; however, in practice citizens are unable to exercise this right fully due to the continued dominance of the President and his ruling party. In the 1998 presidential election, President Compaore won 88 percent of the vote; 56 percent of the eligible voters went to the polls. The 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 totally regular and transparent vote, and a coalition representing a number of opposition parties boycotted the election. Nevertheless, neither of the two candidates opposing President Compaore contested the results.

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

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; however, the National Assembly has determined that this provision does not apply retroactively to President Compaore. The Government has scheduled parliamentary elections for April 2002.

Since November 2000, representatives of opposition parties have held 12 of 36 cabinet posts pursuant to a protocol signed by the President and opposition parties that ceded one-third of cabinet posts to the opposition. Two members of civil society also have cabinet posts. However, members of the opposition party with the largest representation, five seats, in Parliament, 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. Ernest Yonli is the Prime Minister.

The 1997 legislative elections gave the ruling CDP 101 out of 111 parliamentary seats. (The CDP controlled 99 of the 111 seats at year's end because of defections from the party.) 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 2000, the Government promulgated a new electoral code that gave more independence to the government-funded Independent National Electoral Commission (CENI). 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 2000 municipal elections, the CENI was criticized for deferring to the Government on important questions such as postponing the elections and candidate eligibility. On September 10, a new CENI, composed of 15 members, was sworn in. Five representatives of opposition parties, including the G-14 coalition, agreed to serve on the CENI in addition to five representatives of the presidential movement (including CDP) and five representatives of civil society.

The CDP won more than 70 percent of the seats in nationwide municipal elections held in September 2000, 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, eight opposition parties actively boycotted them.

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, and the National Assembly has determined that this provision will not be applied retroactively to President Compaore. Previously the Constitution allowed the President to run for an unlimited number of terms.

The percentage of women in government and politics does not correspond to their percentage of the population; however, there are no restrictions in law or practice on the participation of women or minority group members in politics. Only 4 of the 36 ministers and 7 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 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

A number of human rights groups, including the Burkinabe Movement for Human Rights (MBDHP), the Association of Christians for the Group for Study and Research on Democracy and Economic and Social Development in Burkina Faso (GERDES), and Abolition of Torture (ACAT), generally operated without government restriction; however, government-paid informers reportedly have infiltrated groups that are critical of the Government.

Following the Government's December 2000 ban on demonstrations, progovernment vigilantes intimidated human rights activists and forced some to flee from cities such as Koudougou (see Sections 1.c. and 2.d.).

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

The Government failed to honor repeated requests for information from the OAU about alleged human rights abuses that occurred between 1983 and 1997. In July the OAU's Human Rights Commission issued a report that criticized the Government for failing to investigate human rights violations that occurred between 1983 and 1997, criticized the Government for not responding adequately to the OAU's requests for information, and called on the Government to prosecute the perpetrators of these offenses and to compensate the victims.

In March 1999, the Council of Ministers terminated the agreement that had existed between the Government and the UIDH since 1995. The Council stated in 1999 that UIDH head Halidou Ouedraogo, who also served as president of the 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 (see Section 1.a.). Under the 1995 agreement, the UIDH benefited from tax exemptions, a government subsidy that paid \$500 (300,000 CFA francs) a month to rent temporary offices for the organization; Ouedraogo, a Burkinabe national, had enjoyed diplomatic immunity as head of an international organization. During the year, the Government did not honor the President's May 2000 promise to reinstate the agreement providing a tax exemption and subsidy to the UIDH. Ouedraogo has not had his diplomatic status reinstated; he was arrested and held briefly in 2000 for allegedly planning violent antigovernment demonstrations.

During an official visit by President Compaore to France, the NGO Reporters Without Borders asked French prosecutors to bring charges against Compaore because of his alleged knowledge of the Zongo murder and other human rights violations. The French courts declined to pursue the case (see Section 1.a.).

In July the Office of Ombudsman Jean-Baptiste Kafando, called the Mediateur du Faso, which is responsible for mediating disputes between the Government and citizens, submitted an activity report for the year 2000. According to the report, the office handled 124 cases, primarily regarding administrative matters, such as civil servants' pension benefits or land disputes.

During the year, the Government, at the initiative of the Secretary of State for Human Rights, established a National Commission on Human Rights to serve as a permanent framework for dialog on human rights concerns. Commission members include representatives of human rights NGO's, union representatives, government officials, and representatives from professional associations.

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

Domestic 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.

The prohibits forced marriage, 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.

Female genital mutilation (FGM), which is condemned widely 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 girls and women 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 previous years, some persons who have practiced FGM and the victims' parents were arrested, and some FGM practitioners were prosecuted and received prison sentences under the law, which forbids 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 women (see Section 6.f.).

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 even though women represent 45 percent of the work force, predominantly in the rural sector where women still do much of the subsistence farming work. Customary law does not recognize inheritance rights for women and regards the woman as property that can be inherited upon her husband's death.

There 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 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.

Children

The Constitution nominally protects children's rights. The Government has demonstrated its commitment to improving the condition of children by continuing efforts, in cooperation with donors, to revitalize primary health care by focusing on care for nursing mothers and infants; vaccination campaigns for measles, meningitis, and

other illnesses; and health education.

Although the Government dedicates approximately 25 percent of the national budget to education and the law provides for free compulsory education, the Government lacks the means to provide universal, free primary education. 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. Many children, especially girls, do not attend school; girls represent only 38 percent of school enrollment for the nation. The Government developed a 1994 to 2000 national action plan for girls' education and has taken steps to promote primary education for girls. For example, unlike prior to 1994, girls constitute approximately one-third of the total student population in the primary school system during the year 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, and illiteracy for girls in the rural areas can run as high as 95 percent. The Government has set up a scholarship program for female secondary students to encourage them to stay in school. The estimated adult literacy rate is 23 percent, a slight increase from the rate of 22 percent in 1996. The rate of male literacy is approximately 30 percent and female literacy is 9 percent.

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

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

Child labor is a problem (see Section 6.d.).

Persons with Disabilities

While there are modest government subsidies for workshops for persons with disabilities, there is no government mandate or legislation concerning accessibility for persons with disabilities. There also is no legislation to protect persons with disabilities from discrimination. Programs to aid persons with disabilities are limited, and their advocates report that such persons often face social and economical discrimination. Persons with disabilities who are willing and able to work frequently find it difficult to find employment, including in government service, because of deeply entrenched social attitudes which hold that persons with disabilities should be under the care of their family and should not enter the workforce.

Section 6 Worker Rights

a. The Right of Association

The Labor Code has been amended several times during the past decade. In 2000 the Government repealed provisions requiring public servants to respect the revolutionary order under penalty of disciplinary sanctions, a provision which had been criticized by the ILO for many years. 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 are 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 ILO Committee of Experts has expressed concern about the right to strike of public servants, particularly the law that allows the authorities to requisition striking civil servants and state officials.

The Constitution provides for the right to strike, and workers use strike actions to achieve labor goals. Many strikes were called during the year both by labor organizations to advance worker objectives, such as opposing the privatization of state-owned enterprises, and by the Collective of Mass Organizations and Political Parties to press for justice in the aftermath of the Zongo killings. For example, on June 30, union members joined Collective demonstrators in an antigovernment protest. On August 16, unions held a peaceful general strike to protest planned privatizations. On September 24 and 25, truck drivers held a nationwide strike after a presidential guard shot and killed a truck driver on September 18. In September BICIA-B bank employees went on strike, and although the strike was not resolved, it resulted in the dismissal of a senior bank official. There was no governmental interference in these demonstrations and strikes.

The General Union of Burkina Faso Students, a confederation of student unions, and its affiliate members have been unable to conduct meetings on the University of Ouagadougou campus following a 2000 University ban on peaceful, outdoor demonstrations on campus (see Section 2.b.).

Labor unions may affiliate freely with international trade unions. The National Confederation of Burkinabe Workers (CSB) and the National Organization of Free Trade Unions (ONSL) are both affiliated with the International Confederation of Free Trade Unions (ICFTU).

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 (see Section 6.a.). 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, and there were no reports that such practices occurred. There were occasional reports of trafficking in women for prostitution or domestic service (see Section 6.f.).

The Government prohibits forced and bonded labor by children; however, there are reports of household employment of children outside their own families without any status or formal remuneration as well as the procurement and exploitation of young immigrant girls. The Government has informed the ILO that it is taking actions to improve awareness of these problems. There were occasional reports of trafficking in children for 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; however, child labor is a problem. In the domestic and agricultural sectors, the law permits children under the age of 14 to perform limited activities for up to 4 1/2 hours per day; however, many children under the age of 14 years work longer hours. According to a pamphlet published by the Ministry of Labor in 2000, more than 50 percent of children work, largely as domestics or in the agricultural or mining sectors. The percentage of employed children did not diminish during the last decade. 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 Ministry of Employment, Labor, and Social Security, which oversees labor standards, lacks the means to enforce this provision adequately, even in the small business sector. In cooperation with UNICEF, the International Labor Organization (ILO), and local NGO's in July 1997, the Government developed a national plan of action on child labor. The Government also has organized workshops and produced films and a television series on the problem of child labor.

In July the Government ratified ILO convention 182 on the worst forms of child labor.

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

e. Acceptable Conditions of Work

The Labor Code mandates a minimum monthly wage, which is approximately \$40 (28,811 CFA francs) in the formal sector; it does not apply to subsistence agriculture. The Government last set a minimum wage in 1996; it does not provide a decent standard of living for an urban worker and family. Wage earners usually supplement their income through reliance on the extended family, subsistence agriculture, or trading in the informal sector. The Labor Code also mandates a standard workweek of 40 hours 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.

A system of government inspections under the Ministry of Employment, Labor, and Social Security and the labor tribunals is responsible for overseeing occupational 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.

Foreign workers, both legal and illegal, are protected by the law governing working conditions.

f. Trafficking in Persons

There is no law that specifically criminalizes the act of trafficking; however, a range of other relevant laws may be used to prosecute traffickers. The Constitution specifically prohibits slavery, inhumane treatment, torture, and mistreatment of children and adults. The Penal Code prohibits kidnaping, violence, and mistreatment of children.

The country is a source, transit, and destination country for internationally trafficked persons, including children. It is an occasional source country for women who travel to Europe to work as domestics, but, upon their arrival, are exploited sexually. The country is a transit point for trafficked children, notably from Mali. Children from Mali often are trafficked to Cote d'Ivoire. Malian children also are trafficked into the country. Destinations for trafficked Burkinabe children include Cote d'Ivoire, Ghana, and Nigeria.

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.

During the year, the authorities intercepted a number of children destined for plantations in Cote d'Ivoire, and the traffickers were arrested. Although ultimately acquitted for lack of evidence, in April a court tried an accused child trafficker for the first time. 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.

The Ministry of Social Affairs and the Directorate of Labor Health and Security, Child Labor, and Trafficking Division of the Ministry of Labor implement and enforce child labor laws and regulations. Despite good intentions, the Government only has limited resources to combat trafficking in women and children. The Government has worked with international donors and the ILO to address child trafficking. In May the military held a workshop for soldiers on children's rights. The Government has organized seminars against child trafficking for customs officers.

In an official note delivered to foreign missions resident in Ouagadougou, the Government reaffirmed its commitment to conventions protecting children's rights and to international principles and standards of child protection. The note stated that the Government has instructed officials to investigate and prosecute violations related to the trafficking, transport, harboring, or trading in children. It also appealed to UNICEF, the ILO, and the international community to help the country eradicate child trafficking.