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U.S. Department of State

Burkina Faso Country Report on Human Rights Practices for 1997

Released by the Bureau of Democracy, Human Rights, and Labor, January 30, 1998.

BURKINA FASO

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). In spite of the existence of dozens of political parties, there is little viable opposition to the President and his Government. In legislative elections in May, 44 percent of eligible citizens voted and gave the CDP control of 101 of 111 seats in Parliament. A delegation from the International Assembly of Francophone Parliamentarians considered the election to be substantially free and fair; however, a collective of 14 local nongovernmental organizations (NGO's) gave a more mixed review, describing the elections as peaceful and orderly, but also marked by generalized and systematic corruption and marred by voter list irregularities. In December 1995, the constitutionally mandated (though purely consultative) second chamber of Parliament was installed, completing the government structure envisaged in the 1991 Constitution. The Constitution provides for an independent judiciary; however, it is subject to executive influence.

The security apparatus consists of the armed forces, the paramilitary gendarmerie, controlled by the Ministry of Defense, and the police, controlled by the Ministry of Territorial Administration. Some members of the security forces committed human rights abuses.

Over 80 percent of the population of 10 million 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 that are 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 about \$220.

The Government's human rights record improved somewhat, but serious problems remain in several areas. Despite the May elections, President Campaore's continued dominance limited citizens' right to change their government. The security forces continued to mistreat detainees, and prison conditions remained harsh. Arbitrary detention was a problem, and authorities did not ensure detainees due process. A general climate of impunity for members of the security forces, along with the lack of progress in identifying or punishing those responsible for serious abuses committed in previous years, continued to tarnish the Government's record. Courts are subject to executive influence, and authorities do not ensure fair trials. The media practices self-censorship. In March the Council on Information ordered the director of a popular radio call-in show, whose participants were often critical of government officials, to suspend the show until additional regulations to the 1995 code governing radio broadcasting were released. In October the Government tightened regulations governing public demonstrations and increased penalties for violations. Societal discrimination against women persists. Violence against women and children, particularly female genital mutilation (FGM), remained a problem, although the Government passed legislation making FGM a crime. The Government has taken steps to educate citizens about the dangers of this practice. Killings of criminal suspects by vigilante mobs remained a problem, but apparently decreased.

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 or other extrajudicial killings.

There was no progress made in punishing those responsible for abuses committed in past years. The major problem with law enforcement remains a general climate of impunity for human rights abusers fostered by the habitual failure of the Government's investigations to result in guilty findings and appropriate sanctions. Inquiries tend to drag on until they are overshadowed by subsequent incidents or quietly shelved. Appeals by human rights organizations generally go unanswered. This failure to prosecute previous abuses remains a major hindrance to further human rights progress.

The May 1996 incident in which members of the police in the town of Reo shot and killed an unarmed villager during an operation to fine owners of unregistered vehicles remained unresolved. An official investigation into the 1995 shooting to death of two unarmed high school demonstrators in Garango has yielded no results. Investigation of the 1994 savage beating of two prisoners, who later died at the Maco prison in Ouagadougou, ended without calling for the punishment of those responsible. There were no further developments regarding the 1994 corruption scandal that led to the death in custody of two suspects under suspicious circumstances.

To date the authorities have provided no explanation of the death of Doin Redan, who was found dead in 1994 a day after being detained by police. The Government continued to make no real effort to

investigate the fate of a Ghanaian detainee reportedly killed in 1993 while in police custody. International and local human rights groups pressured the official commission investigating the 1991 assassination of Clement Ouedraogo, a prominent opposition leader, to submit a report of preliminary findings to the Prime Minister. The report has not been made public and the case remains open, as do the cases of the 1989 "disappearance" of professor Guillaume Sessouma, detained for allegedly participating in a coup plot, and of medical student Dabo Boukary in 1990, detained following student demonstrations. Credible reports indicated that security forces tortured and killed both men. The Government failed to respond to students' calls for information on Boukary's death, which was included in a list of demands issued during the university strikes that began in February.

There were some killings of criminal suspects by vigilante mobs, but apparently fewer than in recent years. A major independent daily reported on only one such killing this year, which occurred in Ouagadougou.

b. Disappearance

There were no reports of politically motivated disappearances.

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

While legally prohibited, mistreatment of detainees, often to extract confessions, has been documented for a number of years. There are credible reports that officials at Maco prison continue to employ degrading treatment. 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.

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

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

d. Arbitrary Arrest, Detention, or Exile

The Constitution provides for the right to expeditious arraignment and access to legal counsel, and the law limits detention for investigative purposes without charge to a maximum of 72 hours, renewable for a single 48-hour period. In practice, however, police rarely observe these provisions. The average time of detention without charge is 1 week.

On January 31, police dispersed a student march in the capital that was protesting the condition of dormitories, classrooms, and the levels of scholarships. Police used tear gas and rubber bullets against the protesters, arrested approximately 30

students, and detained them until February 4 (see Section 2.b.).

The Government does not use forced exile.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary; however, in practice it 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 nominates and removes some high-ranked magistrates and can examine the performance of individual magistrates.

The Constitution provides that the Supreme Court is the highest court in the country. Beneath it 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 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 March the mediator negotiated an agreement to end a student strike after the Prime Minister's efforts to broker an accord between the students and authorities failed. In addition to the formal judiciary, customary or traditional courts, presided over by village chiefs, handle many neighborhood- and village-level problems, such as divorce and inheritance disputes. These decisions are generally respected by the population, but citizens may also 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 ri