

BURKINA FASO 2013 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Burkina Faso is a constitutional republic ruled by an elected president. Joint legislative/municipal elections took place in December 2012, and despite some irregularities and the resource advantage held by the ruling party, international observers considered the elections to have been free and transparent. The president, assisted by members of the ruling Congress for Democracy and Progress (CDP) party, continued to dominate the government. Authorities maintained effective control over the security forces. There were instances in which security forces committed human rights abuses.

The most significant human rights problems included security force use of excessive force against civilians and detainees; harsh and life-threatening prison conditions; and violence and discrimination against women and children, including female genital mutilation/cutting (FGM/C).

Other human rights problems included arbitrary arrest and detention; judicial inefficiency and lack of independence; official corruption; trafficking in persons; discrimination against persons with disabilities; societal violence; discrimination against members of the lesbian, gay, bisexual, and transgender (LGBT) community; and forced labor, including by children.

The government took steps to prosecute police and military personnel accused of human rights abuse, but impunity remained a problem.

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

a. Arbitrary or Unlawful Deprivation of Life

There was one report the government or its agents committed an arbitrary or unlawful killing.

On March 9, Lompo Banhala, an off-duty soldier from the Presidential Security Regiment, shot and killed his former girlfriend following a quarrel. On March 10, Banhala was arrested and sent to the Ouagadougou Correctional Facility (MACO) pending trial. In May Banhala was dismissed from the army by presidential decree.

The Military Justice Administration examines all killings involving military personnel or gendarmes and evaluates whether they occurred in the line of duty or were otherwise justifiable. If not, the case is referred to civilian courts. Killings with alleged police involvement are automatically handled by civilian courts.

b. Disappearance

There were no reports of politically motivated disappearances or abductions.

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

Although the constitution and law prohibit such treatment, members of the security forces continued to threaten, beat, and otherwise abuse individuals. Apart from a few high-profile cases, the government seldom took action against perpetrators.

On June 29, the National Police used excessive force against peaceful protesters, firing tear gas, blank rounds, and rubber bullets at a crowd after several protesters moved outside the approved march route. Approximately 20 persons were injured.

Prison and Detention Center Conditions

Conditions in prisons and detention facilities were harsh and, at times, life threatening. Prisons were overcrowded, and medical care and sanitation were poor.

Physical Conditions: According to the Ministry of Justice, as of July 29, there were 5,441 inmates incarcerated countrywide, including 98 women and 123 minors. Juveniles and adults were held separately at MACO, but there were no separate facilities for juveniles in provincial prisons. Women in MACO and in provincial prisons were held separately and in better conditions than those of men, in large part due to less crowding. Pretrial detainees usually were held with convicted prisoners. Although regulations require the presence of a doctor and five nurses at MACO's health unit, only three nurses were on duty to treat detainees, and a doctor came only once a week. Prisoners' diets were inadequate, and inmates often relied on supplemental food from relatives. Prison infrastructure throughout the country was decrepit and not adequately maintained. In MACO and other prisons, severe overcrowding exacerbated inadequate ventilation, although each cell had electricity and inmates could have fans. Prisoners had access to potable water and rudimentary sanitation.

According to human rights organizations, deaths occurred in prisons and jails due to harsh conditions and neglect. The MACO warden stated that six inmates died from illness during the year. Human rights activists, however, estimated that one or two inmates died monthly as a result of harsh prison conditions. For example, on March 23, Cisse Boubakari, Dicko Saydou, and Ouaba Adou died at the Fada N’Gourma antiriot police station. The three detainees were arrested in early March during a joint military-police operation against organized crime in the Eastern Region. While the cause of death was unclear, the Burkinabe Movement for Human and People’s Rights claimed the detainees died from harsh conditions, including hot, cramped, and poorly ventilated cells. It criticized detentions in unauthorized centers, such as antiriot police stations, noting that such detentions violated the principle of presumption of innocence, since detainees were held without charge and without appearing before a judge (see section 1.d.).

Administration: Recordkeeping on prisoners was generally adequate, although human rights advocates stated that the justice system, including prisons, occasionally “lost” some paperwork. For nonviolent offenders, civil society representatives were permitted to serve on behalf of prisoners and detainees to negotiate alternatives to incarceration in order to alleviate prison overcrowding. The Ministry of Justice regularly granted provisional release to inmates who had served at least two-thirds of their sentences. Other alternatives to incarceration included community service and a half-way house. Under the supervision of the Ministry of Justice, the Centre Laye housed convicted juveniles and provided them with vocational training. There was no prison ombudsman, but the Burkinabe Movement for the Emergence of Social Justice reported that it occasionally acted as ombudsman at MACO. Prisoners and detainees had reasonable access to visitors and were permitted religious observance. Authorities permitted prisoners and detainees to submit complaints to judicial authorities without censorship and to request investigation of credible allegations of inhumane conditions of incarceration.

Independent Monitoring: The government permitted monitoring by independent nongovernmental observers. Prison authorities regularly granted permission to representatives of local and international human rights groups, the media, foreign embassies, and the International Committee of the Red Cross to visit prisons without advance notice.

Improvements: In collaboration with Ouagadougou municipal authorities, MACO established inmate activities to generate income and promote social reintegration. Activities included a pig farm, apprentice workshops in weaving and painting, and

a “green brigade” of street cleaners. In May new facilities for women were completed at Bogande Prison. A separate block was also built for women and juveniles at Manga Prison.

The government conducted human rights and civil liberties training for security forces, including prison officers and guards. In April the Ministry of Justice held a two-day workshop to train prison guards on international, regional, and national laws on prisoners’ rights, including tools to promote social reintegration.

There were no appropriate facilities or installations for prisoners or detainees with disabilities, who relied on other inmates for assistance.

d. Arbitrary Arrest or Detention

The constitution and law prohibit arbitrary arrest and detention, but members of security forces did not consistently respect these prohibitions.

Role of the Police and Security Apparatus

The National Police, under the Ministry of Security, and municipal police, under the Ministry of Territorial Administration, are responsible for public security. Gendarmes, under the Ministry of Security, are responsible for restoring law and order during a disturbance, enforcing the penal code, and taking preventive action, such as checking if individuals are carrying required official documents. The army, under the Ministry of Defense, was responsible for external security and national territorial integrity.

The use of excessive force, corruption, a climate of impunity, and lack of training contributed to police ineffectiveness. Inadequate resources also impeded police effectiveness.

The gendarmerie is responsible for investigating abuse by police and gendarmes, but the results of their investigations were not always made public. Military courts held a number of public trials in which civilians pressed charges against military personnel; verdicts were reported in the press. The government prosecuted soldiers accused of mutiny and looting.

Security forces often failed to prevent or respond to societal violence (see section 6).

The Ministry of Human Rights and Civic Promotion conducted training activities during the year on human rights for security forces.

Arrest Procedures and Treatment of Detainees

By law, police must possess a warrant based on sufficient evidence and issued by a court to apprehend a suspect, but these procedures were not always followed. Detainees were not consistently informed of charges against them. The law provides the right to expeditious arraignment, bail, access to legal counsel, and, if indigent, access to a lawyer provided by the state after being charged. These rights were seldom respected. The law does not provide for detainees to have access to family members, although detainees generally were allowed such access through court-issued authorizations.

The law limits detention without charge for investigative purposes to a maximum of 72 hours, renewable for a single 48-hour period. Police rarely observed the law, and the average time of detention without charge (preventive detention) was one week. Once a suspect is charged, the law permits judges to impose an unlimited number of six-month preventive detention periods while charges are being investigated by the prosecutor. Defendants without access to legal counsel were often detained for weeks or months before appearing before a magistrate.

Arbitrary Arrest: On July 31, police arrested 50 demonstrators, citing a 2008 vandalism law that allows security forces to arrest all demonstrators if they are unable to identify the perpetrators of violence (see section 2.b.).

Pretrial Detention: Government officials estimated that 48 percent of prisoners nationwide were in pretrial status. In some cases, detainees were held without charge or trial for longer periods than the maximum sentence they would have received if convicted of the alleged offense. A pretrial release (release on bail) system exists, although the extent of its use was unknown.

e. Denial of Fair Public Trial

The constitution and law provide for an independent judiciary, but the judiciary was corrupt, inefficient, and subject to executive influence, according to nongovernmental organizations (NGOs). Magistrates were poorly paid and corrupt, legal codes were outdated, there were not enough courts, and legal costs were excessive. The courts were further weakened by citizens' poor knowledge of their rights.

Military courts try cases involving military personnel charged with violating the military code of conduct. Rights provided in military courts are equivalent to those in civil criminal courts. Military courts are headed by a civilian judge, hold public trials, and publish verdicts in the local press.

Trial Procedures

Trials are public, but juries are used only in criminal cases. Defendants are presumed innocent. Defendants have the right to legal representation, consultation, and adequate time and facilities to prepare a defense. Defendants have the right to be present at their trials and to be informed promptly and in detail of charges against them, with free interpretation of proceedings if necessary. Defendants have the right to provide evidence and to have access to government-held evidence. Defendants have the right not to be compelled to testify or confess guilt, but a refusal to testify often resulted in harsher decisions. Defendants may challenge and present witnesses and have the right of appeal. In civil cases where the defendant is destitute and files an appeal, the state provides a court-appointed lawyer. In criminal cases, court-appointed lawyers are mandatory for those who cannot afford one. The law extends these rights to all citizens, but the government did not always respect these rights, due in part to popular ignorance of the law and a continuing shortage of magistrates and court-appointed lawyers.

The Ministry of Justice claimed cases were usually tried within three months, although human rights organizations reported major court case backlogs. In 2011 the government introduced a reform, “processing of criminal penalties in real time,” to shorten pretrial detention. The reform allows the prosecutor and investigators (police and gendarmerie) to process a case prior to the criminal hearing, allowing defendants to be informed of the charges and trial date before being released pending trial. The reform applied only to cases introduced in the High Court of Ouagadougou, although authorities planned to extend it nationwide.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

There is an independent judiciary in civil matters, but it was often inefficient, corrupt, and subject to executive influence. As a result, citizens sometimes preferred to rely on the ombudsman to settle disputes with the government (see

section 5). The law provides for access to a court to file lawsuits seeking damages for, or cessation of, a human rights violation, and both administrative and judicial remedies were available for alleged wrongs. Victims of human rights violations may directly appeal to the Economic Community of West African States Justice Court, even before going through national courts. For civil and commercial disputes, cases may be referred to the Abidjan Common Court of Justice and Arbitration. Several such court orders were issued during the year. There were problems enforcing court orders in sensitive cases involving national security, wealthy or influential persons, and government officials.

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

The constitution and law prohibit such actions, and the government generally respected these prohibitions. In cases of national security, however, the law permits surveillance, searches, and monitoring of telephones and private correspondence without a warrant.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The constitution and law provide for freedom of speech and press, and the government generally respected these rights. Nevertheless, journalists occasionally faced criminal prosecution for libel and other forms of harassment and intimidation.

Freedom of Speech: The law prohibits persons from insulting the head of state or using derogatory language with respect to the office. Individuals generally criticized the government without reprisal, however.

On August 13, police officers from the Anticrime Brigade stormed a private radio station in Ouagadougou to arrest an individual reportedly preparing to incite students to vandalize and destroy public property. The local NGO National Association for a Free Media in Burkina Faso issued a radio statement criticizing the police action, noting that only the Superior Council of Communication (CSC) could authorize such action. The police director subsequently apologized, claiming police were misled on the case.

Press Freedoms: There were numerous independent newspapers, satirical weeklies, and radio and television stations, some of which were highly critical of

the government. Foreign radio stations broadcast without government interference. Government media outlets – including newspapers, television, and radio – sometimes displayed a progovernment bias but allowed significant opposition participation in their newspaper and television programming.

All media are under the administrative and technical supervision of the Ministry of Communications, which is responsible for developing and implementing government policy on information and communication. The CSC, a semi-autonomous body under the Office of the President, monitored the content of radio and television programs, newspapers, and internet websites to enforce compliance with professional ethics standards and government policy. In June 2012 the constitution was amended to institutionalize the CSC, which may summon journalists and issue warnings for subsequent violations. Hearings may concern alleged libel, disturbing the peace, inciting violence, or violations of state security.

Violence and Harassment: On December 30, Boureima Ouedraogo, the owner of the bimonthly newspaper *Le Reporter*, and reporter Ladjji Bama were found guilty of criminal defamation and sentenced to pay 1.6 million CFA francs (\$3,300) and legal fees, the maximum fine allowed by law. In a September article, the newspaper had accused a local prosecutor of accepting bribes to release local bandits without trial.

Censorship or Content Restrictions: In addition to prohibitions on insulting the head of state, the law also prohibits the publication of shocking images or material that demonstrates lack of respect for the deceased. Journalists practiced self-censorship.

Journalists with state-owned media claimed they were being censored by the Ministry of Communication and prevented from covering some activities of the political opposition, a charge the government denied.

On June 16, journalists from state-owned media demonstrated in front of the Ministry of Communication to protest government censorship and editorial interference. The journalists also demanded better pay and benefits. During a July 15 press conference, the minister of communication and government denied allegations of censoring.

Internet Freedom

There were no government restrictions on access to the internet, although the CSC monitored internet websites and discussion fora to enforce compliance with existing regulations. According to International Telecommunication Union data, 3.73 percent of the population used the internet in 2012.

Academic Freedom and Cultural Events

There were no government restrictions on academic freedom or cultural events.

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The constitution and law provide for freedom of assembly, but the government did not always respect this right. Demonstrations were sometimes suppressed or banned, although there were no reports of such actions during the year. Government agents sometimes infiltrated political meetings and rallies.

Political parties and labor unions may hold meetings and rallies without government permission, although advance notification is required for street demonstrations that might impact traffic or threaten public order. If a demonstration or rally results in violence, injury, or significant property damage, penalties for the organizers include six months' to five years' imprisonment and fines between 100,000 and two million CFA francs (\$200 and \$4,000). These penalties may be doubled for an unauthorized rally or demonstration. Denials or imposed modifications of a proposed march route or schedule may be appealed before the courts.

On July 31, police arrived at the campus of the University of Ouagadougou to evict students who refused to vacate their dormitories as instructed by university officials. Students responded by throwing stones at police, vandalizing property, and burning cars. Police used tear gas on demonstrators. Fifty persons, including 44 students, were arrested. Twenty-three students and two police officers were injured. In prosecuting the students, the government applied for the first time a 2008 vandalism law which allows security forces to arrest all demonstrators if they are unable to identify those responsible for violence. Human rights organizations and the students' legal defense team argued that the 2008 law was unconstitutional because it violated the presumption of innocence and hindered freedom of assembly. On August 23, the Ouagadougou Appeals Court granted the students provisional release pending trial.

Freedom of Association

The constitution and law provide for freedom of association, and the government generally respected this right. Political parties and labor unions could organize without government permission.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at www.state.gov/j/drl/irf/rpt/.

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

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

Foreign Travel: In accordance with guidelines of the Economic Community of West African States, the government required that travel documents, such as national identification cards, were mandatory for regional travel.

Protection of Refugees

Access to Asylum: The law provides for granting asylum or refugee status, and the government has established a system for providing protection to refugees.

In January 2012 fighting resumed in northern Mali between government forces and Tuareg rebels and resulted in the flight of more than 250,000 Malians to neighboring countries, including Burkina Faso. According to the UNHCR, approximately 50,000 Malians – most of them Tuaregs and Arabs – fled across the border to Burkina Faso and registered with local authorities as displaced persons. Authorities decided to grant all displaced persons from Mali prima facie refugee status, pending the examination of all applications on an individual basis. Most of the refugees were settled in Soum and Oudalan provinces, in the Sahel region. The Ministry of Social Action and National Solidarity, aided by the National

Commission for Refugees, is the government focal point to help coordinate all national and international efforts to assist refugees currently in the country.

Access to Basic Services: By law, refugees have equal access to employment, basic services, education, police, and court services. The scope of the refugee influx from Mali seriously taxed local and international resources.

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

The constitution provides citizens the right to change their government peacefully through multi-party elections. Nevertheless, the ruling party's control of official resources and dominance in the government severely disadvantaged the political opposition.

Elections and Political Participation

Recent Elections: In joint legislative/municipal elections held in December 2012, the CDP won 70 of 127 seats in the National Assembly and the vast majority of municipal seats. Opposition parties won 30 seats, and parties traditionally aligned with the government won the remaining 27 seats. Although election observers characterized the elections as free and orderly, opposition parties filed complaints with the Constitutional Council of irregularities, including attempted fraud involving voter identification cards. The council dismissed most opposition complaints and confirmed the legislative election results. Nevertheless, following complaints filed by several political parties, the State Council (an administrative court) decided to cancel municipal election results in 691 polling stations across the country and ordered a revote, which took place on February 17. Eligible voters with a valid identification document or birth certificate were issued encoded voter cards with their pictures. The government instituted the new biometric registration system in response to opposition and NGO calls for reliable electoral rolls.

In 2010 President Blaise Compaore won reelection with more than 80 percent of the vote. The runner-up was Hama Arba Diallo, who received 7.96 percent of the vote. Despite irregularities and the president's resource advantage, international observers characterized the election as free and transparent.

Political Parties: Political parties operated freely. Individuals and parties may declare their candidacies and compete in presidential elections, provided the

Constitutional Council validates their candidacies. Individuals must be members of a registered political party to run in legislative or municipal elections.

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

Participation of Women and Minorities: There were 24 women in the 127-seat National Assembly and five women in the 33-member presidential cabinet.

The gender law, which took effect during the December 2012 joint elections, requires political parties to name women to fill at least 30 percent of the positions on their candidate lists in legislative and municipal elections. The law provides financial incentives for political parties that reach the 30 percent requirement and mandates fines ranging from 2,500 CFA francs to five million CFA francs (\$5 to \$10,300) for parties that fail to comply with the law. Of the 74 parties competing in the legislative election, 32 failed to meet the 30 percent threshold while 10 of the 81 parties running candidates for local elections failed to do so.

There were 60 ethnic groups, including four major ones, in the country. Ethnicity was not a factor in cabinet appointments and minority ethnic groups were represented in government.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for official corruption, but the government did not enforce the law effectively, and officials often engaged in corrupt practices with impunity. Local NGOs criticized what they called the overwhelming corruption of senior civil servants. They reported pervasive corruption in the customs service, gendarmerie, tax agencies, national police, municipal police, public health service, municipal governments, education sector, government procurement, and the Ministry of Justice.

The government prosecuted several senior government officials for corruption, but no high-profile defendants were convicted during the year.

Corruption: The State's Supreme Audit Authority (ASCE) is responsible for investigating corruption and ensuring the sound management of public funds. The audit authority, which collaborated with civil society, published an annual report documenting financial irregularities, embezzlement, and improper use of public funds in various ministries, government agencies, and state-run companies. The

agency had limited impact because it lacked independence and had no prosecutorial powers.

Whistleblower Protection: There is no specific legal protection for whistleblowers.

Financial Disclosure: Some public officials, including the president, prime minister, cabinet members, heads of institutions, ambassadors, and directors of state-owned companies, are subject to financial disclosure laws. Officials are required to file when they are appointed and when they leave office. Financial disclosure laws do not apply to the income of spouses and dependent children. The Constitutional Council is mandated to monitor and verify compliance with such laws and may order investigations if noncompliance is suspected. Disclosures are not made public, however, and there were no reports of criminal or administrative sanctions for noncompliance.

In June the president of the Constitutional Council ordered the establishment of commissions to verify assets declared by state officials. In August the council organized a national workshop to strengthen mechanisms for enforcing compliance with financial disclosure laws.

Public Access to Information: The law does not provide for public access to government information. While government ministries released some non-sensitive documents, local journalists complained that ministries generally were unresponsive to requests for information, citing national security and confidentiality as the reasons. There is no procedure to appeal denials of requests for information.

Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were generally cooperative and responsive to their views.

Government Human Rights Bodies: The Office of the Ombudsman addresses civil servant complaints regarding government entities, public institutions, and other bodies entrusted with a public service mission. The ombudsman, who is appointed by the president for a nonrenewable five-year term and may not be removed during

the term, was generally viewed as effective and impartial. During the year the office registered 737 complaints, of which 82 percent were resolved.

In February 2012 a separate Ministry of Human Rights and Civic Promotion was created by presidential decree. The ministry is responsible for the protection and promotion of human and civil rights and conducts education campaigns for security force members to raise their awareness of human rights.

The governmental National Commission on Human Rights serves as a permanent framework for dialogue on human rights concerns. Its members included representatives of human rights NGOs, unions, professional associations, and the government. The Burkinabe Movement for Human and People's Rights did not participate in the commission and continued to charge that the commission was subject to government influence. The commission was inadequately funded but more effective and visible in promoting human rights than in previous years.

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

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

Women

Rape and Domestic Violence: Rape is a crime punishable by five to 10 years' imprisonment. The law does not address spousal rape. Police generally investigated reports of rape, but victims often did not file reports due to cultural barriers and fear of reprisal. According to human rights NGOs, rape occurred frequently. Although rape cases were prosecuted during the year, no statistics were available on the number of cases reported or prosecuted. Several organizations, including Roman Catholic and Protestant missions, the Association of Women Jurists in Burkina, the Association of Women, and Promofemmes (a regional network that worked to combat violence against women), counseled rape victims. During the year the Ministry of Women's Promotion trained 300 paralegals in the 13 regions on domestic violence.

Domestic violence against women occurred frequently, primarily in rural areas. No law specifically protects women from domestic violence, and cases of wife beating usually were handled out of court unless the victims were severely injured.

Victims seldom pursued legal action due to shame, fear, or reluctance to take their spouses to court. For the few cases that went to court, the Ministry of Justice could provide no statistics on prosecutions, convictions, or punishment. There were no government-run shelters in the country for victims of domestic violence, but there were counseling centers in each of the 13 regional “Maison de la Femme” centers. The Ministry of Women’s Protection sometimes provided counseling and housing for abused women.

The Ministry of Social Action and National Solidarity, which has a legal affairs section to educate women on their rights, and several NGOs cooperated to protect women’s rights. During the year the ministry organized a number of workshops and several sensitization campaigns to inform women of their rights.

Harmful Traditional Practices: On occasion, elderly women without support, living primarily in rural areas and often widowed, were accused of witchcraft by their neighbors and banned from their villages. Such women were accused of “eating” the soul of a relative or a child who had died. Victims seldom took legal action due to fear of repercussions to their families and sought refuge at centers run by governmental or charitable organizations in urban centers. During the year the Delwende Center in Ouagadougou, operated by the Roman Catholic Church, supported 280 women accused of witchcraft. A similar government-run center in Ouagadougou’s Paspanga area housed approximately 90 women.

The abuse of suspected witches sometimes resulted in death. For example, on April 11, villagers in Logobou lynched Omandibiga Tenihala, a 49-year-old woman accused of eating the soul of the village mayor’s younger brother, who died the previous month. Tenihala’s children filed charges against the villagers, and two individuals were arrested. There were arrest warrants for 11 other individuals suspected of involvement in the killing.

Government and traditional authorities worked together to stop the abuse of suspected witches. The Ministry of Social Action and National Solidarity continued implementation of the 2012-16 action plan to fight the social exclusion of women accused of witchcraft. In collaboration with NGOs, such as the Peace and Justice Commission and Women’s Rights for Development, the plan provides for financial, legal, and psychological support for suspected witches. The ministry initiated specific awareness programs in ethnic Mossi villages and assisted with mediation efforts between suspected witches and village elders. On May 23, the ministry held a discussion with customary chiefs of Passore Province to raise their

awareness and encourage them to abandon the social exclusion of suspected witches.

Sexual Harassment: The labor code explicitly prohibits sexual harassment in the workplace, which is punishable by fines of 50,000 to 600,000 CFA francs (\$100 to \$1,240) and prison terms varying from one month to five years. The government was ineffective in enforcing the law, in large part because sexual harassment was considered culturally acceptable by many. There were no statistics available on the number of cases reported, prosecutions, or convictions.

Reproductive Rights: Couples and individuals are legally entitled to decide freely and responsibly the number, spacing, and timing of their children. They have the right to access reproductive and family planning information and may do so without facing discrimination, coercion, or violence. Government and private health centers were open to all women and offered reproductive health services, skilled medical assistance during childbirth (essential obstetric and postpartum care), and diagnosis and treatment of sexually transmitted diseases. Remote villages, however, often lacked these facilities or did not have adequate transportation infrastructure to permit easy access. According to the 2010 Demographic and Health Survey, 95 percent of women received prenatal care from skilled personnel, 67 percent of births were attended by skilled personnel, and 14 percent of women who wanted to space their pregnancies had access to modern birth control methods. Cultural norms that left decisions regarding birth control to husbands contributed to the limited use of contraceptives. The relatively high maternal mortality ratio of 341 per 100,000 live births was attributed to the lack of access to healthcare in rural areas. Amnesty International reported maternal deaths also resulted from inadequate training of health workers.

Discrimination: Women continued to occupy a subordinate position in society and often experienced discrimination in education, jobs, property ownership, access to credit, management or ownership of a business, and family rights. According to local labor laws, all workers – men and women alike – must receive equal pay for equal working conditions, qualifications, and performance. Nevertheless, women generally received lower pay for equal work, had less education, and owned less property. Polygyny is permitted, but a woman must agree to it prior to marriage. A wife may oppose further marriages by her husband if she provides evidence he abandoned her and their children. Each spouse may petition for divorce, and the law provides that custody of a child may be granted to either parent, based on the child's best interest. Mothers generally retained custody until their children reached the age of seven, at which time custody reverted to the father or his family.

Women represented approximately 45 percent of the labor force in the formal sector and were primarily concentrated in low paid, subservient positions. Although the law provides equal property and inheritance rights for women and men, land tenure practices emphasized family and communal land requirements over individual ownership rights. As a result, women were often denied the right to own property, particularly real estate. This was exacerbated by the fact that 75 percent of marriages were defined as common law unions (with only a religious or traditional ceremony) and not legally binding. For example, in rural areas, land owned by a woman becomes the property of the family of her husband after marriage. Many citizens, particularly in rural areas, clung to traditional beliefs that did not recognize inheritance rights for women and regarded a woman as property that could be inherited upon her husband's death.

The government continued media campaigns to change attitudes toward women. The Ministry of Women's Promotion is responsible for increasing women's awareness of their rights, and is working to facilitate their access to land ownership. The government sponsored a number of community outreach efforts and awareness campaigns to promote women's rights.

Children

Birth Registration: Citizenship is derived either by birth within the country's territory or through a parent. Many births were not registered immediately, particularly in rural areas where registration facilities were few, and parents were often unaware of the requirement to register. Lack of registration sometimes resulted in denial of public services, including access to school. To address the problem, the government periodically organized registration drives and issued belated birth certificates. In 2012 the Ministry of Women's Promotion launched the "one woman, one birth certificate" campaign to provide two million women and girls with birth certificates by the end of 2013.

Education: The law calls for compulsory, tuition-free, and universal education until age 16. Although not fully implemented, government policy is to pay for tuition, books, and supplies for all students under 16 years of age, although uniforms are the responsibility of the student's family. Children over the age of 16 or their families are responsible for paying all education costs, unless they qualify for tuition assistance based on merit or need. The overall primary school enrollment rate was approximately 81 percent for boys and 78 percent for girls.

Child Abuse: The law prohibits the abuse of children under the age of 15 and provides for the punishment of abusers. The penal code mandates a one to three-year prison sentence and fines ranging from 300,000 to 900,000 CFA francs (\$620 to \$1,860) for inhumane treatment or mistreatment of children. Nevertheless, light corporal punishment was tolerated and widely practiced. The government conducted seminars and education campaigns against child abuse.

In 2011 the Ministry of Social Action and National Solidarity introduced a toll-free number to enable people to anonymously report cases of violence against children. As of December 2012, authorities recorded more than 1,483 calls, which resulted in 759 police interventions.

Forced and Early Marriage: The legal age for marriage is 17 for women and 20 for men, but child marriage was a problem. Almost 50 percent of women were married before the age of 18. According to a 2010 government survey, 23.5 percent of women between the ages of 15 and 19 were married. The law prohibits forced marriage and prescribes penalties of six months to two years in prison for violators (and a three-year prison term if the victim is under the age of 13). There were no reports of prosecutions during the year. A government toll-free number allowed citizens to report forced marriages. During the year the government, in partnership with the UN, launched a program to combat early marriage in poorer rural areas where the practice was particularly widespread. Many NGOs worked with traditional leaders and village elders to halt the practice.

Harmful Traditional Practices: The law prohibits FGM/C, but it was practiced widely, particularly in rural areas, and usually performed at an early age. Although there were no accurate or recent figures, the National Committee for the Fight against Excision (CNLPE) claimed the practice decreased significantly in recent years. Nevertheless, 76 percent of women and girls between the ages of 15 and 49 and 13 percent of girls under the age of 15 reported being circumcised. Perpetrators, if convicted, were subject to a fine of 150,000 to 900,000 CFA francs (\$310 to \$1,860) and imprisonment of six months to three years, or up to 10 years if the victim died.

During the year security forces and social workers from the Ministry of Social Action and National Solidarity arrested several FGM/C perpetrators and their accomplices, all of whom were serving jail sentences at year's end. For example, on April 12, the gendarmerie of Liptougou arrested 60-year-old Hassetou Lydo, who on April 2 perpetrated FGM/C on 30 girls between the ages of two and six. According to the Ministry of Social Action and National Solidarity, 148 girls

underwent FGM/C between January and September, of whom one died. During the same period, six FGM/C perpetrators were sentenced to three to six months in jail and fined ranging from 200,000 CFA francs (\$410) to 300,000 CFA francs (\$620).

The government's national action plan, "zero tolerance of FGM/C," aimed to reduce the practice of FGM/C by at least 30 percent by the end of the year. The government conducted awareness campaigns, training, and identification of and support programs for FGM/C victims. The government also operated a toll-free number to report cases of FGM/C. Chantal Compaore, the country's first lady and honorary president of the CNLPE, was actively involved in the fight against FGM/C. The government, through the Regional Committees to Combat Excision, continued to campaign with local populations against FGM/C. The regional committees included representatives of numerous government ministries, police, gendarmerie, and local and religious leaders. The Network for Human Rights and the Ministries of Justice, Defense, and Security raised awareness among lawyers, judges, and police about the effects of FGM/C. The government also integrated FGM/C prevention in prenatal, neonatal, and immunization services at 35 percent of public health facilities.

Sexual Exploitation of Children: The law provides penalties of between 10 and 20 years' imprisonment for individuals engaging in the commercial sexual exploitation of children under the age of 15. The minimum age of consensual sex is 15. The law also prohibits child pornography. There were no statistics on child prostitution, but government services and human rights associations believed it was a problem. Children from poor families were particularly vulnerable to prostitution. Trafficked children, primarily Nigerian nationals, also were subject to sexual abuse and forced prostitution.

Infanticide: The law prohibits female infanticide, but it occurred. On May 30, for example, a 20-year-old woman in Bobo-Dioulasso abandoned her newborn baby in the trash. She was subsequently arrested and referred to the prosecutor. Nine babies were found abandoned between February and June in Bobo-Dioulasso.

Displaced Children: There were numerous street children, primarily in Ouagadougou and Bobo-Dioulasso. Many children ended up on the streets after their parents sent them to the city to study with an unregistered Quranic teacher or to live with relatives and go to school. According to a 2010 report by the Ministry of Social Action and National Solidarity, there were 5,721 street children in the country, of whom 2,308 were enrolled in unregistered Quranic schools. Several

NGOs assisted street children. Two directorates of the Ministry of Social Action and National Solidarity also ran educational programs, including vocational training for street children; funded income-generating activities; and assisted in the reintegration and rehabilitation of street children. Nevertheless, the number of street children outstripped the capacity of these institutions.

In 2012 the government conducted an awareness campaign for approximately 1,000 street children on the dangers of drug use. It also started implementing a project designed to help locate the families of street children and return them to their families.

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For country-specific information see http://www.travel.state.gov/abduction/country/country_5796.html.

Anti-Semitism

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

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip/.

Persons with Disabilities

The law prohibits discrimination against persons with physical or mental disabilities in employment, education, access to health care, or the provision of other state services, but the government did not effectively enforce these provisions. In July 2012 the Council of Ministers adopted further decrees to protect the rights of persons with disabilities, including in transportation. In 2010 the government enacted legislation to provide persons with disabilities less costly or free healthcare and access to education and employment. The law also includes building codes to ensure access to governmental buildings. Not all of these measures were effectively implemented.

Although some children with disabilities attended primary and secondary school as well as higher institutions of learning, 66 percent of persons with disabilities had

no education and only 16.5 percent obtained the primary level education, according to the Burkina Faso Federation for the Promotion of People with Disabilities. Persons with disabilities continued to encounter discrimination and reported difficulty finding employment, including in government service. Exacerbating these problems was the common perception that persons with disabilities should be under the care of their families and not in the labor force.

A May 2012 decree created the Multi-Sectoral National Council for the Promotion and Protection of People with Disabilities, which included 90 members from different ministries, NGOs, and civil society organizations. Since December 2012 state-owned television has provided newscasts in sign language for persons with hearing disabilities.

Programs to aid persons with disabilities were limited, but NGOs and the National Committee for the Reintegration of Persons with Disabilities conducted awareness campaigns and implemented integration programs. High commissioners, teachers, and NGOs worked together to inform citizens about the rights of persons with disabilities, specifically the rights of children with disabilities. A number of NGOs provided vocational training and equipment to persons with disabilities.

National/Racial/Ethnic Minorities

Longstanding conflicts between herders and sedentary farmers sometimes resulted in violence. Incidents were commonly triggered by herders allowing their cattle to graze on farm lands, or farmers attempting to cultivate land set aside by local authorities for grazing. The number of such incidents averaged 700 yearly between 2005 and 2011, according to the Ministry of Animal Resources. The number dropped significantly in the first half of the year, possibly due to government efforts at dialogue and mediation. Conflict between ethnic groups also occurred as a result of disputes over the designation of local traditional chiefs.

On May 3 and 4, in Dargo, violent clashes between residents of Dargo over the designation of the village customary chief resulted in injury to dozens of persons and the burning of 97 houses. In the days following the incident, a delegation led by the governor of the Center-North Region arrived to defuse the situation. When residents refused to discuss a ceasefire, security forces searched homes for weapons, disarmed occupants, and arrested alleged ringleaders. Thirty-one of those arrested remained in prison pending trial at year's end, while two were granted provisional release for health reasons.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity

The law does not discriminate on the basis of sexual orientation or gender identity in employment and occupation, housing, statelessness, or access to education or health care. Nevertheless, societal discrimination, exacerbated by religious and traditional beliefs against LGBT persons, was a problem. LGBT persons were occasionally victims of verbal and physical abuse, according to LGBT support groups. There were no reports that the government responded to societal violence and discrimination against LGBT persons.

LGBT organizations had no legal status in the country but existed unofficially. Repeated attempts by LGBT organizations to register with the Ministry of Territorial Administration were not approved, and no explanation was provided for the refusal. There were no reports of government or societal violence against such organizations, although incidents were sometimes not reported due to stigma or intimidation.

The country had no hate crime laws or other criminal justice mechanisms to aid in the investigation, prosecution, or sentencing of bias-motivated crimes against the LGBT community.

Other Societal Violence or Discrimination

Societal discrimination against persons with HIV/AIDS was a problem. Although persons with HIV/AIDS were generally not subject to discrimination in employment, persons who tested positive were sometimes shunned by their families. HIV-positive wives were sometimes evicted from their homes, although their HIV-positive husbands were not. Some landlords refused to rent lodging to persons with HIV/AIDS.

The government continued to distribute free antiretroviral medication to some HIV-positive persons who qualified according to national guidelines.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law allows workers to form and join independent unions of their choice without previous authorization or excessive requirements, but essential workers,

such as magistrates, police, military, and other security personnel, may not join unions. The law provides unions the right to conduct their activities without interference.

The law provides for the right to strike, although it stipulates a narrow definition of this right. For strikes that call on workers to stay home and that do not entail participation in a rally, the union is required to provide eight to 15 days' advance notice to the government. If unions call for a march, advance notice must additionally be provided to the city mayor. The law also gives the government extensive requisitioning powers, authorizing it to requisition private and public sector workers in nonessential services. March organizers are held accountable for any damage or property destruction that occurs during a demonstration.

The law prohibits antiunion discrimination and allows a labor inspector to immediately reinstate workers fired because of their union activities. All workers, including migrants, workers in the informal sector, and domestic workers, benefitted from relevant legal protections.

Despite limitations on the right to strike, the government generally respected freedom of association and the right to collective bargaining. Nevertheless, freedom of association was not always respected in the private sector, especially in the gold mining sector.

In 2012 the government received and granted 16 requests for union recognition. The government generally respected the right of unions to conduct activities without interference. Nevertheless, union members working in mining companies were dismissed or transferred for participating in union activities. Despite a request by the minister of labor to reinstate the employees, there were no reports that the companies had done so. Negotiations continued at year's end.

Unions have the right to bargain directly with employers and industry associations for wages and other benefits. Worker organizations were independent of the government and political parties. There were no reports of strikebreaking during the year.

There were no reports of government restrictions on collective bargaining during the year. There was extensive collective bargaining in the formal wage sector, but this sector included only a small percentage of workers. Moreover, employers sometimes refused to bargain with unions. In the private sector, particularly in

mining and other industries, employers' use of subcontracting made it difficult to systematically enforce worker rights.

There were no reports of antiunion discrimination during the year.

b. Prohibition of Forced or Compulsory Labor

While the law prohibits forced labor, it does not prohibit all forms of forced labor, such as forced begging by children. The government did not effectively enforce the law. In October 2012 Interpol rescued 387 children from forced labor in gold mines and cotton fields and arrested 73 persons in connection with the incident.

Forced child labor occurred in the agricultural (particularly cotton), informal trade, domestic labor, and animal husbandry sectors, as well as at gold panning sites and stone quarries. Some children sent to Quranic schools by their parents were forced to engage in begging (see section 6).

See the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip/.

c. Prohibition of Child Labor and Minimum Age for Employment

The law sets the minimum age for employment at 16 and prohibits children under the age of 18 from working at night, except in times of emergency. The minimum age for employment was consistent with the age for completing educational requirements, which was 16. In the domestic labor and agricultural sectors, the law permits children who are 12 and above to perform limited activities for up to four-and-one-half hours per day. There were no explicit restrictions regarding occupational health and safety in the law.

The law prohibits the worst forms of child labor, including the commercial sexual exploitation of children, child pornography, and jobs that harm the health of a child. In February the government adopted the national action plan to combat the worst forms of child labor, which aims to significantly reduce exploitative child labor by 2015. Antitrafficking legislation provides for penalties of up to 10 years for violators and increases maximum prison terms from five to 10 years. The law also provides for terms as high as 20 years' to life imprisonment under certain conditions. The law covers both the formal and informal sectors but is more directed at the informal sector, where child labor generally occurred.

Punishment for violating child labor laws includes prison terms of up to five years and fines of up to 600,000 CFA francs (\$1,240). The government did not consistently enforce the law. The Ministry of Civil Service, Labor, and Social Security, which oversees labor standards, lacked sufficient inspectors, transportation, and other resources to adequately enforce worker safety and minimum age laws. No data were available on number of prosecutions and convictions during the year.

The government organized workshops and conferences during the year to inform children, parents, and employers of the dangers of exploitative child labor. In April the Ministry of Civil Service, Labor, and Social Security conducted a workshop with cotton firms, the National Union of Cotton Producers, NGOs, and civil society organizations to develop a strategy to fight child labor on cotton farms. In 2012 the Ministry of Social Action trained 1,000 mothers and 948 children between the ages of 15 and 17 on how to develop income generating activities.

According to 2011 statistics compiled by the National Institute of Statistics, 76 percent of children between the ages of five and 17 were engaged in some form of economic activity, 81 percent of whom worked in the agricultural sector. Children commonly worked with their parents in rural areas or in family-owned small businesses in villages and cities. There were no reports of children under the age of 15 employed by either state-owned or large private companies.

Children also worked in the mining, trade, construction, and domestic labor sectors. According to a 2012 study by the UN Children's Fund, more than 20,000 children between the ages of eight and 18 worked at gold mining sites as servants, gold washers, or diggers in the five regions of the country. Some children, particularly those working as cattle herders and street hawkers, did not attend school. Many children under the age of 15 worked long hours. A study by the International Labor Organization reported that children working in artisanal mining sometimes worked six or seven days a week and up to 14 hours per day. Street beggars often worked 12 to 18 hours daily. All the children suffered from occupational illnesses and were sometimes physically or sexually abused. Domestic servants earned from 3,000 to 6,000 CFA francs (\$6.20 to \$12.40) per month, worked up to 18 hours per day, and often were exploited and abused.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at www.dol.gov/ilab/programs/ocft/tda.htm.

d. Acceptable Conditions of Work

The law mandates a minimum monthly wage of 32,218 CFA francs (\$66) in the formal sector, which does not apply to subsistence agriculture or other informal occupations.

The law mandates a standard workweek of 40 hours for nondomestic workers, a 60-hour workweek for household employees, and provides for overtime pay. There are also regulations pertaining to rest periods, limits on hours worked, and prohibition of excessive compulsory overtime.

The government sets occupational health and safety standards. Every company with 10 or more employees is required to have a work safety committee. If the government's Labor Inspection Office declares a workplace unsafe for any reason, workers have the right to remove themselves without jeopardizing continued employment.

The Ministry of Civil Service, Labor, and Social Security is responsible for enforcing the minimum wage. Ministry inspectors and labor tribunals are responsible for overseeing occupational health and safety standards in the small industrial and commercial sectors, but these standards do not apply in subsistence agriculture and other informal sectors.

These standards were generally not effectively enforced. The Labor Inspector Corps, which had only 125 inspectors and 116 controllers, lacked sufficient resources, including offices and transport. There were no reports of effective enforcement of inspection findings during the year. There were indications that the right to remove oneself from unsafe working conditions was respected.

Employers often paid less than the minimum wage. Employees usually supplemented their income through reliance on the extended family, subsistence agriculture, or trading in the informal sector. Mining sector companies generally respected hours of work; overtime; and occupational, safety, and health standards. Informal sector workers, however, were subjected to violations of wage, overtime, and occupational safety and health standards.