

# **BURKINA FASO 2016 HUMAN RIGHTS REPORT**

## **EXECUTIVE SUMMARY**

Burkina Faso is a constitutional republic led by an elected president. In November 2015 the country held peaceful and orderly presidential and legislative elections, marking a major milestone in the country's transition to democracy. President Roch Mark Christian Kabore won with 53 percent of the popular vote, and his party--the People's Movement for Progress--won 55 seats in the 127-seat National Assembly. The Union for Progress and Change won 33 seats, and the former ruling party, the Congress for Democracy and Progress (CDP), won 18 seats. National and international observers characterized the elections as free and fair.

Since the November 2015 presidential and legislative elections, civilian authorities have maintained effective control over security forces. Following an attempt to seize power in September 2015, the government dismantled the Presidential Security Regiment (RSP) and integrated former RSP members into the regular army, except those at large or previously arrested for involvement in the putsch attempt. The unit subsequently responsible for presidential security included police officers, gendarmes, and soldiers.

The most significant human rights problems included reports of torture and killing by vigilante groups; life-threatening detention conditions, including long detention periods without trial; and violence against women and children, including female genital mutilation/cutting (FGM/C).

Other human rights problems included judicial inefficiency and lack of independence; restrictions on freedoms of speech, expression, and assembly; official corruption; trafficking in persons; discrimination against persons with disabilities; societal violence; discrimination against members of the lesbian, gay, bisexual, transgender, and intersex community; discrimination against persons with HIV/AIDS; and forced labor and sex trafficking, including of children. Unlike in prior years, there were no reports of arbitrary arrest or violence against journalists.

Impunity remained a problem. The government investigated alleged violations of former officials but in most cases did not prosecute them.

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

**a. Arbitrary Deprivation of Life and other Unlawful or Politically Motivated Killings**

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

Following the September 2015 attempt to seize power, RSP members shot and killed 14 protesters and bystanders, including two children. None of those killed was armed or posed any threat to security forces, according to Amnesty International.

On June 9, an investigative commission submitted its report on the killing of 28 persons and injuring of 625 in 2014 during protests against former president Blaise Compaore's efforts to force a National Assembly vote to change presidential term limits. The report recommended the prosecution of 31 persons, including former president Compaore and former transition prime minister Yacouba Isaac Zida. Most of the others recommended for prosecution were former RSP members, but their identities had not been released by year's end.

**b. Disappearance**

There were no reports of politically motivated disappearances.

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

The constitution and law prohibit such practices, and in 2014 the National Assembly adopted a law to define and prohibit torture and all related practices. Nevertheless, the nongovernmental organization (NGO) Burkinabe Movement for Human Rights and People reported that members of the security forces tortured, threatened, beat, and otherwise abused individuals (see section 1.a.).

For example, in April, Bokoum Salif, a 31-year-old driver in Dedougou arrested for stealing a computer at the house of the head of the local gendarme unit, died in gendarme custody. His relatives visited him while in custody and alleged after his death that he showed signs of physical abuse.

**Prison and Detention Center Conditions**

Conditions in prisons and detention facilities were harsh and at times life threatening due to overcrowding and inadequate sanitary conditions and medical care.

Physical Conditions: Authorities held pretrial detainees with convicted prisoners. Female prisoners had better conditions than those of men, in large part due to less crowding. Although regulations require the presence of a doctor and five nurses at the Ouagadougou Detention and Correction Center's (MACO) health unit, only three nurses were on duty to treat detainees, and a doctor was present once a week. Prisoners' diets were inadequate, and inmates often relied on supplemental food from relatives. Prison infrastructure throughout the country was decrepit. In MACO and other prisons, severe overcrowding exacerbated inadequate ventilation, although some cells had electricity and some inmates had fans. Sanitation was rudimentary.

On April 6, diplomatic representatives visited MACO to verify compliance with standards of detention and human rights. Their report cited overcrowding, malnutrition, sanitation, and health problems.

According to human rights organizations, deaths occurred in prisons and jails due to harsh conditions and neglect. Human rights activists estimated one or two inmates died monthly because of harsh prison conditions.

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

Physical abuse was a problem in many detention centers across the country. For example, human rights organizations alleged that in May gendarmes tortured and killed two suspects. Investigations in these cases had not led to any arrests or prosecution by year's end.

Food, potable water, sanitation, heating, ventilation, lighting, and medical care were inadequate in the majority of detention facilities across the country, including the MACO. Conditions of detention were better for wealthy or influential citizens. For example, a former official charged with corruption reported he was held at MACO with other former officials charged with criminal offenses in an air-conditioned building that had refrigerators, televisions, and cooking facilities.

Administration: There were no reports prisons lost inmate files or authorities failed to investigate credible allegations of inhuman prison conditions.

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

Improvements: To deal with overcrowding, the government completed construction of a detention facility in Koupela and took action to improve living conditions throughout the prison system. With international donor support, the government built an outdoor recreation area at MACO and multipurpose recreation centers at other prison facilities. Authorities also initiated literacy and other programs for prisoners during the year.

#### **d. Arbitrary Arrest or Detention**

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

#### **Role of the Police and Security Apparatus**

The National Police and municipal police, under the Ministry of Territorial Administration, Decentralization, and Internal Security, and the gendarmerie, under the same ministry as well as the Ministry of Defense, are responsible for internal security. The military, under the Ministry of Defense, is responsible for external security but sometimes assisted with missions related to domestic security. Use of excessive force, corruption, a climate of impunity, and lack of training contributed to police ineffectiveness. Inadequate resources also impeded police effectiveness.

The Military Justice Administration examines all cases involving killings by military personnel or gendarmes to determine whether they occurred in the line of duty or were otherwise justifiable. The administration refers cases deemed outside the line of duty or unjustifiable to civilian courts. Civilian courts automatically handle killings involving police. The gendarmerie is responsible for investigating abuse by police and gendarmes, but the results of their investigations were not always made public.

NGOs and the Ministry of Justice, Human Rights, and Civic Promotion conducted training activities on human rights for security forces. On April 14, the ministry

held a workshop on civics and the promotion and protection of human rights for armed forces trainers. The ministry also organized a workshop for police and gendarmes on legal prohibitions against child trafficking, prostitution, and pornography.

### **Arrest Procedures and Treatment of Detainees**

By law police and gendarmes must possess a court-issued warrant based on sufficient evidence before apprehending a person suspected of committing a crime, but authorities did not always follow these procedures. Authorities did not consistently inform detainees of charges against them. By law detainees have the right to expeditious arraignment, bail, access to legal counsel, and, if indigent, access to a lawyer provided by the government after being charged. A judge may order temporary release pending trial without bail. Authorities seldom respected these rights. The law does not provide for detainees to have access to family members, although authorities generally allowed detainees 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 authorities charge a suspect, the law permits judges to impose an unlimited number of consecutive six-month preventive detention periods while the prosecutor investigates charges. Authorities often detained defendants without access to legal counsel for weeks, months, or even years before the defendant appeared before a magistrate. There were instances in which authorities detained suspects incommunicado.

Pretrial Detention: Authorities estimated 48 percent of prisoners nationwide were in pretrial status. In some cases authorities held detainees without charge or trial for longer periods than the maximum sentence for conviction of the alleged offense. A pretrial release (release on bail) system exists, although the extent of its use was unknown.

Detainee's Ability to Challenge Lawfulness of Detention before a Court: The law provides persons arrested or detained the right to challenge in court the legal basis or arbitrary nature of their detention. Prisoners who did so, however, reportedly faced difficulties due to either judicial corruption or inadequate staffing of the judiciary.

### **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 NGOs. There were no instances in which the outcomes of trials appeared predetermined, and authorities respected court orders. In April, following a strike organized by the magistrates' union, the government increased magistrate salaries. Legal codes were outdated, there were not enough courts, and legal costs were excessive. Citizens' poor knowledge of their rights further weakened their ability to obtain justice.

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**

The law presumes defendants are innocent. Defendants have the right to be informed promptly and in detail of the charges, with free interpretation as necessary from the moment charged through all appeals. Trials are public but may be delayed. Judicial authorities use juries only in criminal cases. Defendants have the right to be present at their trials and to legal representation, consultation, and adequate time and facilities to prepare a defense. 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 defendants, 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, Human Rights, and Civic Promotion claimed courts usually tried cases within three months, although human rights organizations reported major case backlogs. The 2011 "processing of criminal penalties in real time" reform to shorten pretrial detention allows the prosecutor and investigators (police and gendarmerie) to process a case prior to the criminal hearing. This

countrywide approach allows authorities to inform defendants of the charges and trial date before authorities release them pending trial.

### **Political Prisoners and Detainees**

There were no reports of political prisoners or detainees during the year, although some arrests and detentions may have been politically motivated.

In October 2015 gendarmes arrested Leonce Kone, interim CDP president, and Hermann Yameogo, president of the National Union for Democracy and Development, for refusing to condemn the September RSP attempt to seize power. Authorities granted provisional release to Kone in July and released Yameogo in October.

On January 23, authorities arrested CDP President Eddie Komboigo and charged him with involvement in the preparation of the 2015 attempted putsch. Komboigo was granted provisional release in June for “medical reasons.”

### **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 Office of the Ombudsman (see section 5, Government Human Rights Bodies) to settle disputes with the government.

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 appeal directly to the Economic Community of West African States Court of Justice, even before going through national courts. For civil and commercial disputes, authorities may refer cases to the Abidjan Common Court of Justice and Arbitration. The courts issued several such orders during the year.

There were problems enforcing court orders in sensitive cases involving national security, wealthy or influential persons, and government officials.

### **f. Arbitrary or Unlawful 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. In September 2015 the government adopted a law decriminalizing press offenses. The law replaces prison sentences with penalties ranging from one million to five million CFA francs (\$1,718 to \$8,591). Some editors complained that few newspapers or media outlets could afford such fines.

Despite the advent of the 2015 law, journalists occasionally faced criminal prosecution for libel and other forms of harassment and intimidation.

Freedom of Speech and Expression: 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, but security forces arrested political leaders for their statements during the year (see sections 1.e. and 3).

Press and Media Freedoms: There were numerous independent newspapers, satirical weeklies, and radio and television stations, some of which strongly criticized 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. On June 17, the minister of communications stated that government-owned national television news broadcasts should begin with the activities of government officials and that journalists employed by government media should either support the government or resign. On July 21, the journalists' union denounced the minister for his statement, and in September the journalists' union launched strikes and demanded that the government end "intimidation and pressure."

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 Superior Council of



Communication (CSC) monitored the content of radio and television programs, newspapers, and internet websites to enforce compliance with standards of professional ethics and government policy. The CSC may summon journalists and issue warnings for subsequent violations. Hearings may concern alleged libel, disturbing the peace, inciting violence, or violations of state security. On February 19, the CSC suspended private newspaper *L'Evenement* for one month following its February 10 publication of information the CSC categorized as military secrets. On February 22, *L'Evenement* published a statement denouncing the CSC decision describing it as an attack on press freedom. The newspaper took the case to the Administrative Court of Ouagadougou; the court reversed the suspension.

Violence and Harassment: According to the Association of Burkina Journalists, on June 9, gendarmes threatened and verbally assaulted William Somda of BF1 Television, a private broadcasting company, as he was filming a peaceful event. The head of the gendarmerie apologized for the incident, but no disciplinary or judicial actions were taken against the gendarmes.

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. On February 26, police ordered the Burkina Information Agency to remove an article from the agency's website that it considered offensive, entitled, "Fara: Bandits shut down police station before robbing it." Police stated that the report was false and forced the agency to issue a denial of the story.

## **Internet Freedom**

The government did not restrict access to the internet, although the CSC monitored internet websites and discussion forums to enforce compliance with regulations. According to the International Telecommunication Union, 11.4 percent of the population used the internet in 2015.

## **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. Authorities sometimes banned or violently dispersed demonstrations.

For example, RSP soldiers used force, including gunfire, to disperse and prevent public gatherings following the September 2015 attempt to seize power (see section 1.a.) and during a 2014 popular uprising. In October 2015 an independent commission was created to investigate RSP use of force during the 2014 uprising. The commission cited more than 30 individuals, including former president Blaise Compaore and former prime minister Yacouba Isaac Zida, as responsible for RSP-inflicted injuries and homicides. Legal action had yet to be taken against the accused by year's end.

Political parties and labor unions may hold meetings and rallies without government permission, although advance notification and approval are required for public demonstrations that may affect 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 of between 100,000 and two million CFA francs (\$172 and \$3,436). These penalties may be doubled for conviction of organizing an unauthorized rally or demonstration. Demonstrators may appeal denials or imposed modifications of a proposed march route or schedule before the courts.

### **c. Freedom of Religion**

See the Department of State's *International Religious Freedom Report* at [www.state.gov/religiousfreedomreport/](http://www.state.gov/religiousfreedomreport/).

### **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 in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

### **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. The Ministry of Women, National Solidarity, and Family, aided by the National Committee for Refugees (CONAREF), is the focal point for coordination of national and international efforts to assist 34,000 refugees in the country. The government assistance to Malian refugees totaled 240 million CFA francs (\$412,371) during the year.

According to the ministry, following intercommunal conflict in Bouna, Cote d'Ivoire, 2,167 persons fled to Burkina Faso and took refuge in the southwestern province of Nounbiel. The government designated them as returnees, because the majority of them were Burkinabe citizens. The government provided them with an estimated 125 million CFA francs (\$215,000) in food and other assistance.

In 2012 fighting resumed in northern Mali between government forces and Tuareg rebels, resulting in the flight of more than 250,000 Malians to neighboring countries, including Burkina Faso. According to 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 granted all displaced persons from Mali prima facie refugee status, pending the examination of all applications individually. Authorities settled most of the refugees in Soum and Oudalan Provinces in the Sahel Region. The ministry, aided by CONAREF, was the government focal point to help coordinate all national and international efforts to assist more than 32,000 Malian refugees remaining in the country at year's end. During the year the refugees received 240 million CFA francs (\$412,371) in assistance from the government.

### **Section 3. Freedom to Participate in the Political Process**

The constitution provides citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage.

#### **Elections and Political Participation**

Recent Elections: Presidential and legislative elections were held in November 2015. On May 22, elections to replace municipal and regional councils dissolved by the transitional government in 2014 were held. Voter turnout was lower than usual. Voting did not occur in three of the 368 communes. In several areas of the country, the postelectoral selection process of mayors by municipal councils was

marred by clashes among political party activists, resulting in at least three deaths and dozens of injuries in Karangasso and Kantchari. The government condemned the violence and promised swift judicial action. By year's end no legal action was taken against anyone involved in the violence.

The April 2015 electoral code approved by the National Transitional Council (CNT) stipulates the exclusion of certain members of the former political majority. The code states that persons who "supported a constitutional change that led to a popular uprising" are ineligible to be candidates in future elections. In addition to exclusion from the 2015 legislative and presidential elections, a number of candidates were also excluded from the municipal elections in May. In April administrative courts rejected appeals filed by political opponents of the former ruling party against a number of its candidates.

Participation of Women and Minorities: There are no laws limiting the participation of women and members of minorities in the political process, and women and members of minorities did participate. Although the gender quota law requires political parties to name women to fill at least 30 percent of the positions on their candidate lists in legislative and municipal elections, no political party met this requirement during the municipal elections. Parties that did not comply with the law received only a portion of their electoral grants from the Ministry of Territorial Administration, Decentralization, and Internal Security. In contrast 39 of the 99 parties that participated in the November 2015 legislative elections adhered to the gender quota law.

#### **Section 4. Corruption and Lack of Transparency in Government**

The law provides criminal penalties for corruption by officials, but the government did not implement 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, Human Rights, and Civic Promotion. NGOs categorized procurement as the most corrupt government sector. They reported a lack of political will to fight corruption, citing the appointment by the current administration of individuals to higher positions who were previously the subjects of corruption cases.

Corruption: In June 2015 the Ouagadougou Court of Appeals sentenced former director of customs Ousmane Guiro to a two-year suspended prison term in connection with a 2012 corruption case involving 900 million CFA francs (\$1.5 million). The court ordered the confiscation of Guiro's assets and fined him 10 million CFA francs (\$17, 182). The prosecutor appealed Guiro's suspended sentence to the Court of Cassation, which accepted the case but had not brought it to trial by year's end.

Financial Disclosure: In March 2015 the CNT adopted an anticorruption law that requires government officials--including the president, lawmakers, ministers, ambassadors, members of the military leadership, judges, and anyone charged with managing state funds--to declare their assets and any gifts or donations received while in office. 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.

On June 28, the Higher Authority for State Control and the Fight against Corruption extended the requirement to declare assets to include government officials' spouses and minor children. Infractions are punishable by a maximum jail term of 20 years and fines of up to 25 million CFA francs (\$43, 000). The law also punishes persons who do not reasonably explain an increase in lifestyle expenditures beyond the 5 percent threshold set by regulation in connection to lawful income. Convicted offenders risk imprisonment for two to five years and a fine of five to 25 million CFA francs (\$8,591 to \$42,000). In April a law was passed limiting the value of a gift a government official could receive to 35,000 CFA francs (\$60).

Public Access to Information: In August 2015 the CNT adopted a law establishing the right of access to public information and administrative documents. In the past, ministries generally did not respond to requests for information, citing national security and confidentiality.

## **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 citizen complaints regarding government entities, public institutions, and other bodies entrusted with a public service mission. The ombudsman, whom the president appoints for a nonrenewable five-year term and who may not be removed during the term, was generally viewed as effective and impartial. During 2014, the most recent year for which statistics were available, the office registered 560 complaints, approximately 59 percent of which it resolved.

The Ministry of Justice, Human Rights, and Civic Promotion 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 government-funded National Commission on Human Rights provides a permanent framework for dialogue on human rights concerns. Its members include representatives of human rights NGOs, unions, professional associations, and the government. The Burkinabe Movement for Human and People's Rights, which did not participate on the commission, charged that it was subject to government influence. Although inadequately funded, the commission continued to be more effective and visible in promoting human rights than in previous years.

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

### **Women**

Rape and Domestic Violence: In September 2015 the government passed the Law on the Prevention and Repression of Violence Against Women and Girls and Support for Victims. Conviction of rape is punishable by five to 10 years' imprisonment, but the new law includes fines of 100,000 to 500,000 CFA francs (\$172 to \$859). 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 authorities prosecuted rape cases 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 Faso, the Association of Women, and Promo-Femmes (a regional network that worked to combat violence against women)--counseled rape victims.

Domestic violence against women occurred frequently, primarily in rural areas. For example, on April 13, a man killed his wife in the rural community of Dapelgo

after accusing her of adultery. An outraged mob later killed the husband. According to the Inter-Parliamentary Union, 33.9 percent of women had experienced physical violence, committed in 68 percent of cases by their husbands. 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, Human Rights, and Civic Promotion 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. In Ouagadougou the Ministry of Women, National Solidarity, and Family assisted victims of domestic violence at four centers. The ministry sometimes provided counseling and housing for abused women.

The ministry has a legal affairs section to educate women on their rights, and several NGOs cooperated to protect women’s rights. The ministry organized a number of workshops and several sensitization campaigns to inform women of their rights. According to the ministry, more than 5,800 persons received instruction on women’s and family rights and combatting domestic violence, including 60 radio journalists and 60 judiciary police who also received instruction on caring for victims of domestic violence and documenting their cases.

The law makes conviction of “abduction to impose marriage or union without consent” punishable by six months to five years in jail. Conviction of sexual abuse or torture or conviction of sexual slavery is punishable by two to five years in prison. Conviction of the foregoing abuses may also carry fines of 500,000 to one million CFA francs (\$859 to \$1,718).

The law requires police to provide for protection of the victim and her minor children and mandates the establishment of chambers in the High Court with exclusive jurisdiction over cases of violence against women and girls. The law requires all police and gendarmerie units to designate officers to assist female victims of violence--or those threatened by violence--and to respond to emergencies; however, some units had not complied by year’s end. It also mandates the creation of care and protection centers in each commune for female victims of violence and a government support fund for their care. The centers receive victims on an emergency basis, offer them security, provide support services (including medical and psychosocial support), and, when possible, refer the victims to court.

Female Genital Mutilation/Cutting (FGM/C): The law prohibits FGM/C, but it was practiced widely, particularly in rural areas, and usually performed at an early age. According to UN Children’s Fund (UNICEF) statistics from 2013, the incidence of FGM/C fell 27.5 percent in the 12 years preceding the report. Seventy-six percent of girls and women between ages 15 and 49 and 13 percent of girls under age 15 reported being subjected to FGM/C, however. Perpetrators, if convicted, are subject to a fine of 150,000 to 900,000 CFA francs (\$258 to \$1,546) and imprisonment of six months to three years--or up to 10 years if the victim dies. Despite the high incidence of FGM/C, according to UNICEF, authorities received only 72 reports of FGM/C in 2015 and 13 reported cases through September of the year.

Security forces and social workers from the Ministry of Women, National Solidarity, and Family arrested several FGM/C perpetrators and their accomplices, some of whom were serving prison sentences at year’s end. According to the ministry, all victims were minors ages 18 months to eight years. The ministry collaborated with security forces on a multidimensional approach. This included financial support to the security forces for the investigation and arrest of FGM/C perpetrators and training in educative and dissuasive enforcement techniques.

For example, in July police in Ouagadougou arrested a woman and man for FGM/C of a girl age six. A religious leader who allegedly encouraged the parents to perform FGM/C and an accomplice involved in the crime remained at large at year’s end.

Through the National Committee for the Fight against Excision, the government conducted awareness campaigns, training, and programs to identify and support FGM/C victims. It operated a toll-free number to report FGM/C cases. Through regional committees to combat excision, it worked with local populations to end FGM/C. These committees included representatives of government ministries, police, the gendarmerie, and local and religious leaders. The government also integrated FGM/C prevention in prenatal, neonatal, and immunization services at 35 percent of public health facilities. Government measures taken during the year to combat FGM/C included: the establishment of mobile courts in Tuy Province to try persons accused of FGM/C; creation of a public education Facebook page; distribution to public and private health centers of 322 treatment kits; training 164 Ministry of Education and Literacy officials on ending FGM/C; establishing five high school social networks to address FGM/C in Houet, Kadiogo, and Sanmatenga Provinces; and holding an international day of “zero tolerance for FGM/C.”



Other Harmful Traditional Practices: The law makes the conviction of physical or moral abuse of women or girls accused of witchcraft punishable by one to five years in prison and/or a fine of 300,000 to 1.5 million CFA francs (\$515 to \$2,577). Elderly women without support, living primarily in rural areas and often widowed, sometimes were accused of witchcraft by their neighbors and banned from their villages. Villagers accused such women of “eating” the soul of a relative or a child. 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. For example, on May 16, in the village of Pilimpikou (Passore Province), three elderly persons were accused of witchcraft involving the death of a young man. Seventy elderly persons fled the village for safety. Although some of the victims sought assistance from authorities, many that fled remained unable to return at year’s end. An estimated 600 elderly persons accused of witchcraft were lodged in 13 solidarity centers nationwide. Actions taken by the government to protect elderly persons accused of witchcraft included financial support of 111 million CFA francs (\$191,000) and the organization of a national campaign against the social exclusion of persons accused of witchcraft.

Sexual Harassment: The law provides for sentences of three months to one year in prison and a fine of 300,000 to 500,000 CFA francs (\$515 to \$859) for conviction of sexual harassment; the maximum penalty applies if the perpetrator is a relative, in a position of authority, or if the victim is “vulnerable.” The government was ineffective in enforcing the law, in large part because many considered sexual harassment culturally acceptable. There were no statistics available on the number of cases reported, prosecutions, or convictions.

Reproductive Rights: The law entitles couples and individuals to decide freely and responsibly the number, spacing, and timing of their children free from discrimination, coercion, or violence, but persons often lacked the information and means to exercise these rights. 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, and skilled personnel attended 67 percent of births. The UN Population Division estimated that 17.8 percent of girls

and women ages 15 through 49 used a modern method of contraception. Cultural norms that left decisions regarding birth control to husbands contributed to the limited use of contraceptives. The World Health Organization attributed the maternal mortality ratio of 371 per 100,000 live births in 2015 to lack of access to health care in rural areas. Amnesty International reported maternal deaths also resulted from inadequate training of health-care workers. Emergency health care, including services for the management of complications arising from abortion, were generally available in urban areas but often not in rural areas.

Discrimination: Although the law generally provides the same legal status and rights for women as for men--including under family, labor, property, and inheritance laws--discrimination frequently occurred. Women occupied 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. Labor laws provide that all workers--men and women alike--should receive equal pay for equal working conditions, qualifications, and performance. Women nevertheless generally received lower pay for equal work, had less education, and owned less property. The law permits polygyny, 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 for granting custody of a child to either parent, based on the child's best interest. Mothers generally retained custody of their children until age 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, low-status positions. Although the law provides equal property and inheritance rights for women and men, land tenure practices emphasized family and communal land requirements more than individual ownership rights. As a result authorities often denied women the right to own property, particularly real estate. This condition was exacerbated by the fact that the law defined 75 percent of marriages 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, held 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 conducted media campaigns to change attitudes toward women. The Ministry of Women, National Solidarity, and Family is responsible for

increasing women's awareness of their rights and worked to facilitate their access to land ownership. The government sponsored a number of community outreach efforts and awareness campaigns to promote women's rights. For example, the ministry organized an information and education session on combatting gender inequalities and disparities in the education system for approximately 160 teachers in public and private schools in the Center North, Center South, Center West, and Sahel regions.

## **Children**

Birth Registration: Citizenship derives either by birth within the country's territory or through a parent. Parents generally did not register many births 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.

Child Abuse: Authorities tolerated light corporal punishment, and parents widely practiced it. The government conducted seminars and education campaigns against child abuse. The penal code mandates a one- to three-year prison sentence and fines ranging from 300,000 to 900,000 CFA francs (\$515 to \$1,546) for conviction of inhuman treatment or mistreatment of children.

The government did not effectively enforce the law. For example, the Ministry of Women, National Solidarity, and Family had a toll-free number to enable persons to report cases of violence against children anonymously. At year's end, 6,652 calls were received. None of these calls led to an arrest or prosecution.

Early and Forced Marriage: The legal age for marriage is 17 for girls and 20 for boys, but early and forced marriage was a problem. According to UNICEF, 10 percent of women ages 20 to 24 were married or in a union before age 15, and 52 percent were married before age 18; 55 percent of girls ages 12 to 14 were victims of early marriage in the Sahel region, and 67 percent of girls married before age 18 as compared with 17 percent of boys. 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 age 13. There were no reports of prosecutions during the year. A government toll-free number allowed citizens to report forced marriages.

The Ministry of Women, National Solidarity, and Family initiated a cooperative program to prevent early marriage during the year involving state services, financial and technical partners, NGOs, and other civil society associations. As part of the ministry's national strategy to promote the elimination of early marriage and the three-year action plan, 300 traditional, religious, and community leaders from 10 provinces of the East, Boucle du Mouhoun, and Sahel regions received training on fighting early marriage, and 300 scholarships were provided to victims or children at risk of early marriage in these regions.

According to media reports, the traditional practice persisted of kidnapping, raping, and impregnating a virgin minor girl and then forcing her family to consent to her marriage to her violator. For example, in May a girl age 14 was reportedly kidnapped and raped by her father's cousin in the village of Potiamanga in the East region. At year's end police had yet to locate her or her abductor. The victims of this practice seldom report their cases due to fear of persecution by the perpetrators.

Female Genital Mutilation/Cutting (FGM/C): See section 6, Women.

Sexual Exploitation of Children: The law provides penalties for conviction of child prostitution or child pornography of five to 10 years' imprisonment, a fine of 1.5 to three million CFA francs (\$2,577 to \$5,155), or both. The minimum age of consensual sex is 15. In 2014 the National Assembly enacted a law criminalizing the sale of children, child prostitution, and child pornography. There were no government statistics on child prostitution, but government services and human rights associations believed it was a problem. According to a 2014 study conducted by the international NGO End Child Prostitution, Child Pornography, and Trafficking of Children for Sexual Purposes, there were at least 243 children exploited in commercial sex, among whom 63 percent were Burkinabe. Children from poor families were particularly vulnerable to sex trafficking. According to the study, the average age for girls in prostitution was 16--most of the victims worked in bars where they were subjected to prostitution as part of their duties.

Infanticide or Infanticide of Children with Disabilities: The law provides for a sentence of 10 years' to life imprisonment for infanticide. No statistics were available on the number of cases reported or prosecuted during the year. Newspapers, however, reported several cases of abandonment of newborn babies. For example, on April 14, a woman reportedly left her newborn infant on a street in Kilwin (a district of Ouagadougou) where it was dead when discovered. National police investigated the incident but made no arrest.

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 the Ministry of Women, National Solidarity, and Family, 6,427 children lived on the streets during the year. Ministry action to contain the increase in children living on the streets and to achieve their social reintegration included implementation of an education and protection action strategy. According to the ministry, it removed 300 children living on the streets and reintegrated them through its reinforcement and social protection project.

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at [travel.state.gov/content/childabduction/en/legal/compliance.html](http://travel.state.gov/content/childabduction/en/legal/compliance.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/rls/tiprpt/](http://www.state.gov/j/tip/rls/tiprpt/).

### **Persons with Disabilities**

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, air travel and other transportation, access to health care, the judicial system, or the provision of other government services, but the government did not effectively enforce these provisions. There is legislation to provide persons with disabilities less costly or free health care and access to education and employment. The law also includes building codes to provide for access to government buildings. Authorities did not implement all of these measures effectively.

Persons with disabilities encountered discrimination and reported difficulty finding employment, including in government service. Exacerbating these problems was

the common societal perception that persons with disabilities should be under the care of their families and not in the labor force.

The Multisectorial National Council for the Promotion and Protection of Persons with Disabilities is composed of 76 members from different ministries, NGOs, and civil society organizations. During the year the council organized workshops on the rights of persons with disabilities in two regions of the country. It also organized a workshop to review the African Charter of Human and Peoples' Rights and to amend it to address more fully the rights of persons with disabilities. Government-owned television provided newscasts in sign language for persons with hearing disabilities.

The government had limited programs to aid persons with disabilities, 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.

The government continued to arrange for candidates with vision disabilities to take the public administration recruitment exams by providing the tests in Braille. Additionally, authorities opened specific counters at enrollment sites to allow persons with disabilities to register more easily for public service admission tests.

The Ministry of Women, National Solidarity, and Family provided 90 million CFA francs (\$154,639) to 600 persons with disabilities in financial support and donated wheelchairs and other mobility devices valued at 75 million CFA francs (\$128,866) to 586 persons with disabilities. The ministry also assisted in the registration and financial support of 100 young persons with disabilities in professional training schools.

### **National/Racial/Ethnic Minorities**

Longstanding conflicts between Fulani herders and sedentary farmers of other ethnic groups sometimes resulted in violence. Herders commonly triggered incidents by allowing their cattle to graze on farmlands 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 but dropped significantly after 2012, according to the Ministry of Animal and Hydraulic Resources.

According to the ministry, government efforts at dialogue and mediation contributed to the decrease. Conflict between ethnic groups also occurred because of disputes regarding the designation of local traditional chiefs. For example, on June 20, violence erupted between the residents of Kougri and Dawaka in the Central region following the enthronement of a traditional chief. According to media reports, one person was killed, more than 10 were injured, and property was destroyed during the violence.

### **Acts of Violence, Discrimination, and Other Abuses Based on Sexual Orientation and Gender Identity**

Societal discrimination against lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons was a problem and was exacerbated by religious and traditional beliefs. LGBTI individuals were occasionally victims of verbal and physical abuse, according to LGBTI support groups. There were no reports the government responded to societal violence and discrimination against LGBTI persons.

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

LGBTI organizations had no legal status in the country but existed unofficially. The Ministry of Territorial Administration, Decentralization, and Internal Security did not approve repeated requests by LGBTI organizations to register, and it provided no explanation for the refusals. There were no reports of government or societal violence against such organizations, although incidents were not always reported due to stigma or intimidation.

### **HIV and AIDS Social Stigma**

Societal discrimination against persons with HIV/AIDS was a problem, and persons who tested positive were sometimes shunned by their families. Families sometimes evicted HIV-positive wives from their homes, although families did not evict their HIV-positive husbands. Some property owners refused to rent lodgings to persons with HIV/AIDS. The government distributed free antiretroviral medication to some HIV-positive persons who qualified according to national guidelines.

### **Other Societal Violence or Discrimination**

Vigilante groups across the country operated detention facilities. Media reported cases of torture and killing that took place in these facilities. For example, on May 10, a suspected thief named Moussa Boly and three of his comrades were detained by a local vigilante group in the village of Benwourgou. Boly's remains were found the following day, and police stated there were signs he had been tortured. Authorities had not arrested or charged anyone for the killing by year's end.

## **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 prior 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 their employer. If unions call for a march, three days' advance notice must be provided to the city mayor. Authorities hold march organizers accountable for any property damage or destruction that occurs during a demonstration. The law also gives the government extensive requisitioning powers, authorizing it to requisition private- and public-sector workers to secure minimum service in essential services.

The law prohibits antiunion discrimination and allows a labor inspector to reinstate immediately workers fired because of their union activities, although in private companies such reinstatement was considered on a case-by-case basis. Relevant legal protections cover all workers, including migrants, workers in the informal sector, and domestic workers. There were no reports of antiunion discrimination during the year.

The law provides for freedom of association and collective bargaining. The government effectively enforced the law. The law listed sanctions for violations, including warnings, penalties, suspension, or dissolution. Penalties consist of imprisonment and fines and vary depending on the gravity of the violation. In October 2015 the CNT adopted amendments to the law. The amendments award a legal existence to labor unions of NGOs, create a commission of mediation, and require that associations abide by the law concerning funding terrorism and money



laundering. The law also states that no one may serve as the head of a political party and the head of an association at the same time.

Despite limitations on the right to strike, the government generally respected freedom of association and the right to collective bargaining. Private-sector employers did not always respect freedom of association, especially in the gold mining sector.

The government generally respected the right of unions to conduct activities without interference. Government resources to enforce labor laws were not sufficient to protect workers' rights.

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. 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 enforce worker rights systematically.

#### **b. Prohibition of Forced or Compulsory Labor**

The law prohibits all forms of forced or compulsory labor. The law considers forced or compulsory any labor or service provided by an individual under the threat of any type of sanction and not freely offered. The government did not effectively enforce applicable laws. Forced child labor occurred in the agricultural (particularly cotton), informal trade, domestic labor, restaurant, and animal husbandry sectors, as well as at gold panning sites and stone quarries. Educators forced some children sent to Quranic schools by their parents to engage in begging (see section 6, Children). The government did not have a significant, effective program in place to address or eliminate forced labor. Women from other West African countries were fraudulently recruited for employment in the country and subsequently subjected to forced prostitution, forced labor in restaurants, or domestic servitude in private homes. The government continued to conduct antitrafficking advocacy campaigns and operated a toll-free number for individuals to report cases of violence and trafficking.

See the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip/rls/tiprpt/](http://www.state.gov/j/tip/rls/tiprpt/).

### **c. Prohibition of Child Labor and Minimum Age for Employment**

The law sets the minimum age for employment at 16 and prohibits children under age 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 13 and above to perform limited activities for up to four and one-half hours per day.

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. The government was implementing the National Action Plan (NAP) to combat the worst forms of child labor and to reduce significantly exploitative child labor. In 2015 the CNT adopted a revised mining code that includes new provisions prohibiting child labor in mines. The amendment establishes a penalty of two to five years in prison and a fine of five million CFA francs (\$8,200) to 24 million CFA francs (\$41,000) for violators. Antitrafficking legislation provides penalties of up to 10 years for violators and increases maximum prison terms from five to 10 years. The law also provides terms as long as 20 years' to life imprisonment under certain conditions.

The NAP against the worst forms of child labor coordinated the efforts of several ministries and NGOs. Its goals included greater dissemination of information in local languages, increased access to services such as rehabilitation for victims, revision of the penal code to address the worst forms of child labor, and improved data collection and analysis. During the review period, the National Coordination Committee adopted a monitoring tool to aid in data collection and analysis. The country enacted a law in 2014 to criminalize the sale of children, child prostitution, and child pornography.

Punishment for violating child labor laws includes prison terms of up to five years and fines of up to 600,000 CFA francs (\$1,031). 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 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 to inform children, parents, and employers of the dangers of exploitative child labor.

Despite efforts by the government and several NGOs, violence against children, child labor, and child trafficking occurred. According to 2011 statistics compiled by the National Institute of Statistics, 76 percent of children between ages five and 17 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 age 15 employed by either government-owned or large private companies.

Children also worked in the mining, trade, construction, and domestic labor sectors. According to a 2012 UNICEF study, more than 20,000 children between ages eight and 18 worked at gold mining sites as servants, gold washers, or diggers. Some children, particularly those working as cattle herders and street hawkers, did not attend school. Many children under age 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. Such children suffered from occupational illnesses, and employers sometimes physically or sexually abused them. Child domestic servants earned from 3,000 to 6,000 CFA francs (\$5 to \$10) per month and worked up to 18 hours per day. Employers often exploited and abused them. Criminals transported Burkinabe children to Cote d'Ivoire, Mali, and Niger for forced labor or sex trafficking.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at [www.dol.gov/ilab/reports/child-labor/findings/](http://www.dol.gov/ilab/reports/child-labor/findings/).

#### **d. Discrimination with Respect to Employment and Occupation**

The law prohibits discrimination with respect to employment and occupation based on race, color, sex, religion, political opinion, social origin, gender, disability, language, sexual orientation or gender identity, HIV-positive status or other communicable diseases, or social status. Penalties for conviction of violations range from 50,000 to one million CFA francs (\$86 and \$1,718). The government did not effectively enforce the laws and regulations. Discrimination occurred

based on the above categories with respect to employment and occupation. The government took few actions during the year to prevent or eliminate it.

By law persons with disabilities may receive a disability card allowing them to benefit from lower health-care costs and access to education and employment. The law also includes building codes to provide for their access to government buildings. The government did not consistently enforce these rights.

Discrimination in employment and occupation occurred with respect to persons with disabilities and persons with HIV/AIDS (see section 6). The government took some actions during the year to prevent or eliminate discrimination with respect to employment and occupation. These actions included distribution across the country of copies of the law dealing with the protection of persons who are HIV-positive, education of the population against discrimination against workers and students, and psychological support to HIV-positive persons through hospital visits.

#### **e. Acceptable Conditions of Work**

The law mandates a minimum monthly wage of 32,218 CFA francs (\$55) in the formal sector, which does not apply to subsistence agriculture or other informal occupations. Approximately 46 percent of the population lives below the poverty line. Poverty remained higher in rural areas. Compared to the poverty income level, the minimum wage was insufficient.

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

The government sets occupational health and safety standards. There were explicit restrictions regarding occupational health and safety in the labor law. Employers must take measures to provide for safety and protect the physical and mental health of all their workers and assure that the workplace, machinery, materials, substances, and work processes under their control do not present health or safety risks to the workers.

The law requires every company with 30 or more employees to have a work safety committee. If an employee decides to remove himself due to safety concerns, a court rules on the relevancy of the decision.

The Ministry of Civil Service, Labor, and Social Security is responsible for enforcing the minimum wage and hours of work standards. 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 not effectively enforced. The Labor Inspector Corps, which according to the latest figures employed 155 inspectors and 133 controllers, lacked sufficient resources, including offices and transport. There were no reports of effective enforcement of inspection findings during the year.

Employers often paid less than the minimum wage. Employees usually supplemented their income through reliance on 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. Employers subjected workers in the informal sector, which makes up approximately 50 percent of the economy, to violations of wage, overtime, and occupational safety and health standards.