



## 2010 Country Reports on Human Rights Practices - Burkina Faso

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Bureau of Democracy, Human Rights, and Labor  
April 8, 2011

Burkina Faso is a parliamentary republic with a population of approximately 15.7 million. In November President Blaise Compaore was reelected to a fourth term with more than 80 percent of the vote. Observers considered the election free and transparent, despite minor irregularities, but not entirely fair due to the ruling party's control of official resources. The president, assisted by members of his party, the Congress for Democracy and Progress (CDP), continued to dominate the government. The CDP won a majority in the 2007 legislative elections, which observers declared generally free and orderly despite irregularities, including fraud involving voter identification cards. There were instances in which elements of the security forces acted independently of civilian control.

Human rights problems included security force use of excessive force against civilians, criminal suspects, and detainees; arbitrary arrest and detention; abuse of prisoners and harsh prison conditions; official impunity; judicial inefficiency and lack of independence; occasional restrictions on freedom of assembly; official corruption; societal violence and discrimination against women and children, including female genital mutilation; trafficking in persons; discrimination against persons with disabilities; and child labor.

### RESPECT FOR HUMAN RIGHTS

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

##### a. Arbitrary or Unlawful Deprivation of Life

The government or its agents did not commit any politically motivated killings; however, on June 30, Da Arnaud Some died in police custody several hours after being arrested for alleged drug possession. Some died under unclear circumstances in Gaoua hospital after police arrested him on drug possession charges in Danyoro. Some tried to escape and sustained injuries falling down a steep ravine. He died a few hours later while in the hospital receiving treatment. Human rights organizations, including the Burkina Faso Movement for Human and Peoples' Rights (MBDHP), investigated the death and concluded that Some died as a result

of a severe police beating and not because of an alleged fall. The MBDHP called for an independent investigation and the arrest of those responsible for Some's death. The government took rapid disciplinary action, arresting the three policemen involved in Some's death and reassigning the entire police staff, including the chiefs of police in Danyoro and Gaoua, to other police stations. Although the government promised legal action against the perpetrators, by year's end there had been no trial. This death triggered violent demonstrations on July 1 in Gaoua (see section 2.b.).

On July 1, security forces killed two young men in Gaoua after demonstrations organized to protest the June 30 killing turned violent. According to official reports, security forces used shotguns to restore order. Human rights associations collected empty cartridges after the incidents, and injuries were consistent with the use of live fire. Official post-incident reports referred to the causes of death as "accidental" (see section 1.c.).

In September 2009 prison guards shot and killed six prisoners and severely injured eight more while trying to quell prisoners protesting preferential treatment of wealthier prisoners. The Burkinabe Movement for the Emergence of Social Justice (MBEJUS) demanded an investigation; however, no action had been taken 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**

Although the constitution and law prohibit such treatment, members of the security forces continued to abuse persons with impunity. Suspects reportedly were frequently subjected to beatings, threats, and occasionally torture to extract confessions. Government actions to prevent such treatment were weak, with only a few known cases when this behavior was punished.

### *Prison and Detention Center Conditions*

Prison conditions were harsh and could be life threatening. Prisons were overcrowded, and medical care and sanitation were poor. Diet was inadequate, and inmates often relied on supplemental food from relatives. Pretrial detainees were usually held with convicted prisoners.

Deaths from prison conditions or neglect occurred, according to human rights organizations. The MBEJUS stated that approximately 150 prisoners died during the year. Human rights activists believed that the majority of those deaths were the result of harsh prison conditions.

There were 5,238 persons incarcerated countrywide, including 112 women and 127 minors, of whom 2,519, including 73 women and 82 minors, were in pretrial detention. Generally juveniles and adults were not held together in Ouagadougou; however, in provincial prisons they were held together because no separate facilities existed there for juveniles.

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. The government investigated and monitored prison and detention center conditions. Prison authorities granted permission to visit prisons without requiring advance notice for representatives of local and international human rights groups, the media, foreign embassies, and the International Committee of the Red Cross. The International Red Cross visited prisons as did members of local nongovernmental organizations (NGOs), foreign embassies, and the press.

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

The constitution and law prohibit arbitrary arrest and detention; however, security forces did not consistently observe these prohibitions. The government did not take steps to prevent such treatment and did not investigate and punish those responsible.

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

The National Police, under the Ministry of Security, and the 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.

Human rights organizations cite the climate of impunity created by the government's inaction as the largest obstacle to reducing abuse.

Observers stated security forces were not very effective in preventing and responding to societal violence. The Human Rights Ministry did not conduct any seminars during the year to educate security forces on human rights because of a lack of funding. In addition, human rights organizations pointed to complicated government procedures for authorizing security forces to take action as hampering security forces from preventing and responding to societal violence.

For example, authorities were not effective in addressing incidents between Fulani herders and Mossi, Gourounchi, and Gourmanche farmers, or cases in which elderly women were expelled from their homes or villages following accusations of witchcraft.

##### *Arrest Procedures and Treatment While in Detention*

By law, police must possess a warrant to search or arrest, arrests must be made openly, and warrants must be based on sufficient evidence and issued by a duly authorized official. However, authorities did not always respect this process. Detainees were not consistently informed of charges against them. The law provides the right to expeditious arraignment, bail, access to legal counsel after a detainee has been charged before a judge or, if indigent, access to a lawyer provided by the state after being charged; however, 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.

The law limits detention without charge for investigative purposes to a maximum of 72 hours, renewable for a single 48-hour period; however, police rarely observed these restrictions. The law permits judges to impose an unlimited number of six-month preventive detention periods. The average time of detention without charge (preventive detention) was one week. However, defendants without access to legal counsel often were detained for weeks or months before appearing before a magistrate. Ombudsmen are permitted to serve on behalf of prisoners and detainees to consider such matters as alternatives to incarceration for nonviolent offenders to alleviate inhumane overcrowding.

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; however, the extent of its use was unknown. Human rights advocates stated that the justice system, including prisons, had unreliable mechanisms to track detainees and occasionally "lost" some of them.

#### **e. Denial of Fair Public Trial**

The constitution and law provide for an independent judiciary; however, NGOs reported that the judiciary was corrupt, inefficient, and subject to executive influence. The president has extensive appointment powers and used them to influence the judiciary. Constitutionally, the head of state also serves as president of the Superior Council of the Magistrature, which nominates and removes senior magistrates and examines their performance. Other systemic weaknesses in the justice system included the removability of judges, corruption of magistrates, outdated legal codes, an insufficient number of courts, and excessive legal costs.

Military courts try cases only involving military personnel and provide rights equivalent to those in civil criminal courts. They hold public trials and publish verdicts in the local press. Traditional courts in rural areas were abolished in 1984 and no longer have legal standing.

### *Trial Procedures*

Trials are public, but juries are not used. Defendants are presumed innocent and have the right to legal representation and consultation. Defendants have the right to be present at their trials, to be informed promptly of charges against them, to provide their own evidence, and to have access to government-held evidence. Defendants can challenge and present witnesses and have the right of appeal. If indigent, they have the right to a lawyer provided by the state. However, these rights were not generally respected, due in part to popular ignorance of the law and a continuing shortage of magistrates. There were serious court backlogs.

Formal law provides women with equal property and inheritance rights. In practice, however, many Burkinabe held widespread traditional views that do not recognize women's inheritance rights and regard women as property. In general in rural areas, for example, a wife's land is viewed as belonging to the family of her deceased husband.

### *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; however, due to the corruption and inefficiency of the judiciary, citizens sometimes preferred to rely on the ombudsman (see section 5) to settle disputes with the government. The law provides for access to a court to bring lawsuits seeking damages for, or cessation of, a human rights violation, and both administrative and judicial remedies were available for alleged wrongs. 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 respects these prohibitions. In cases of national security, the law permits surveillance, searches, and monitoring of telephones and private correspondence without a warrant. However, under normal circumstances, the law requires that the justice minister issue a warrant before homes may be searched.

## **Section 2 Respect for Civil Liberties, Including:**

### **a. Freedom of Speech and Press**

The constitution and law provide for freedom of speech and of the press, and the government generally respected these rights in practice.

Individuals could criticize the government publicly or privately without reprisal. During the year the government did not attempt to impede criticism.

The official media, including the daily newspaper *Sidwaya* and the government-controlled radio and television stations, displayed a progovernment bias, but allowed significant participation in their programming from those representing opposition views. There were numerous independent newspapers, satirical weeklies, and radio and television stations, some of which were highly critical of the government. Foreign radio stations broadcasted without government interference.

All media are under the administrative and technical supervision of the Ministry of Culture, Tourism, and Communications, and the spokesman of the government, which is responsible for developing and implementing government policy and projects concerning information and communication. The Superior Council of Communication (SCC), a semiautonomous body under the Office of the President, also regulates the media by overseeing the content of radio and television programs and newspapers to ensure they adhere to professional ethics standards and government policy on information and communication. The SCC ensured equal access to the media for all November presidential candidates. The SCC may summon a journalist to attend a hearing about his work, followed by a warning that it would not tolerate a repeat of "noncompliant behavior." Hearings may concern alleged libel, disturbing the peace, or violations of state security. Approximately five journalists received such summonses during the year.

### *Internet Freedom*

There were no government restrictions on access to the Internet or reports that the government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. However, poverty and the high rate of illiteracy limited public access to the Internet. According to International Telecommunication Union statistics for 2008, less than 1 percent of the country's inhabitants used the Internet.

### *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; however, the government did not always respect this right.

The government did not make public information on any action taken against security forces responsible for injuring and killing demonstrators during demonstrations organized by the political opposition in 2008 against high fuel and food prices.

Political parties and labor unions may hold meetings and rallies without government permission; however, advance notification is required for demonstrations on the streets that might impact traffic or threaten public peace. Penalties for violation of the advance-notification requirement include two to five years' imprisonment. Denials or imposed modifications of a proposed march route or schedule may be appealed to the courts. Government agents sometimes infiltrated political meetings and rallies.

On July 1, violent demonstrations erupted in the city of Gaoua to protest the June 30 death of Da Arnaud Some (see section 1.c.). Angry demonstrators burned a police station and looted property. The MBDHP

reported that in response, security forces, including police, gendarmerie, and army personnel, were deployed across the city. They used teargas and shotguns to disperse the mob. According to the MBDHP, security forces accidentally shot and killed 17-year-old Boureima Sie Kambou as they were trying to restore order. They also shot Etienne Da in the stomach. He later succumbed to his injuries in a Bobo-Dioulasso hospital. The government responded by reassigning implicated police officers, but there had been no trial by year's end (see section 1.a.).

### *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**

For a description of religious freedom, please see the Department of State's [2010 International Religious Freedom Report](#).

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

The constitution provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the government generally respected these rights in practice. 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.

The government, in accordance with Economic Community of West Africa guidelines, required travel documents, such as identification cards, for regional travel.

The law prohibits forced exile, and there were no reports that the government used it during the year.

### *Protection of Refugees*

In practice the government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion. The government granted refugee or asylum status and also provided temporary protection to individuals who may not qualify as refugees under the 1951 Refugee Convention or its 1967 Protocol. Under law, refugees have equal access to employment, basic services, education, police, and court services. There were no reports that refugees were denied these rights during the year.

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

The constitution provides citizens with the right to change their government peacefully through multiparty elections; however, the ruling party's control of official resources and dominance in government severely disadvantaged the opposition from mounting a credible challenge.

### *Elections and Political Participation*

In November President Blaise Compaore won reelection with more than 80 percent of the vote. Opposition candidate Hama Arba Diallo, the runner-up, received 7.96 percent. Despite some irregularities, international

observers considered the election to have been free and transparent despite the resource advantage held by the president.

Political parties operated freely. Individuals and parties may freely declare their candidacies and stand for election in presidential elections; however, individuals must be members of a political party to run in legislative or municipal elections.

In the 2007 legislative elections, the ruling CDP won 73 seats in the 111-seat National Assembly. Of the 38 non-CDP deputies, 25 belonged to parties allied with the government. Election observers declared the elections free and orderly, except in four cities where they noted irregularities, including several cases of fraud involving voter identification cards. Opposition leaders denounced the elections.

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

There were 13 women in the National Assembly and seven women in the 34-member cabinet. One of the four higher courts was led by a woman, the national ombudsman was a woman, 18 elected mayors were women, and an estimated 40 to 45 percent of new communal councilors were women.

There were 17 minority members in the cabinet and 61 in the National Assembly.

#### **Section 4 Official Corruption and Government Transparency**

The law provides criminal penalties for official corruption; however, the government did not implement the law effectively, and officials engaged in corrupt practices with impunity. Local NGOs denounced what they called the overwhelming corruption of senior civil servants. They reported that corruption was especially acute in the customs service, gendarmerie, taxing agencies, national police, municipal police, public health service, municipalities, the education sector, government procurement, and the Justice Ministry. In recent years, despite numerous instances of high-level corruption, no senior government officials were prosecuted for corruption.

Corruption was widespread, particularly among lower levels of the police and gendarmerie. The 2008 report by the NGO National Network to Fight against Corruption stated that the police and gendarmerie were among the most corrupt institutions in the country. Corruption and official impunity were also a problem in the military. The gendarmerie is responsible for investigating abuse by police and gendarmes, but the results of their investigations were not always made public. The military court held a number of trials in which civilians pressed charges against military personnel. These trials were public, and verdicts were reported in the press. The government took no known judicial action against representatives of security forces accused by human rights groups of being responsible for abuses and took disciplinary action in only a handful of cases.

Some public officials are subject to financial disclosure laws, but those laws were not effectively enforced.

No laws provide for public access to government information. While government ministries released some nonsensitive documents, local journalists complained that ministries generally were unresponsive to requests for information, ostensibly for reasons of national security and confidentiality. They also criticized government spokespersons for strictly limiting the scope of questions that can be raised during official press conferences. 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 operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were mostly cooperative and responsive to their views.

The government permitted international human rights groups to visit and operate in the country; the International Red Cross visited during the year.

The Ministry of Human Rights is responsible for the protection and promotion of human rights and coordinates relevant efforts of other ministries. The minister of human rights reports to the prime minister. During the year the ministry conducted education campaigns and produced human rights pamphlets for security forces.

The ombudsman is appointed by the president for a nonrenewable five-year term and cannot be removed during the term. The public generally trusted the ombudsman's impartiality. In accordance with the law, the ombudsman presented its 2009 report to the president on November 25. During its 15 years of existence (1994-2010), the institution investigated 3,698 complaints related to conflicts between Burkinabe and non-Burkinabe nationals living in Burkina Faso and complaints involving government services. Approximately 3,500 cases, including 936 in 2009, were resolved.

The governmental National Commission on Human Rights serves as a permanent framework for dialogue on human rights concerns and included representatives of human rights NGOs, unions, professional associations, and the government. The MBDHP did not participate on the commission and continued to charge that the commission was subject to government influence. The commission, which has never issued any reports, was inadequately funded.

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

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

### *Women*

Rape is a crime. Although there were prosecutions during the reporting period; no official statistics were available on the number of rapes during the year. Article 417 of the Penal Code punishes rape with five to 10 years' imprisonment. Human rights associations reported that rape occurs frequently. There is no explicit mention of spousal rape in the law, and there have been no recent court cases. A number of organizations counseled rape victims, including Roman Catholic and Protestant missions, the Association of Women Jurists in Burkina, the MBDHP, the Association of Women, and Promofemmes (a regional network that works to combat violence against women). Once rape is reported, the police investigate the accusation and bring the case to court if the evidence warrants.

Domestic violence against women, especially wife beating, occurs frequently, primarily in rural areas. No law specifically protects women from domestic violence, and cases of wife beating usually were handled out of court. There were no available statistics on how many persons were prosecuted, convicted, or punished for domestic violence during the year. It is believed that such legal actions were infrequent, because women were ashamed, afraid, or otherwise reluctant to take their spouses to court. Cases that involve severe injury were usually handled through the legal system.

The Ministry for Promotion of Women, the Ministry for Social Action and National Solidarity, and several NGOs cooperated to protect women's rights. The legal section in the Ministry for the Promotion of Women

has a legal affairs section that informs women of their rights and encourages them to defend those rights. It organized a number of workshops and led several sensitization campaigns to inform women of their rights. Although the fight to achieve effective rights for women is a longstanding process, increasing numbers of women, primarily in urban areas, voiced their demand for equal rights. The numbers of women occupying decision-making positions has increased, with many active in politics. There were no hotlines; however, NGOs operated shelters in Ouagadougou during the year. The government provided counseling representatives at each of the 13 regional "Maison de la Femme" structures.

On occasion, childless elderly women with no support, primarily in rural areas and often widowed, were accused of witchcraft, banned from their villages, and often accused of eating the soul of a relative or a child who had died. These women sought refuge at centers run by governmental or charitable organizations in larger cities.

The Ministry of Social Action and National Solidarity has recorded a total of 718 women accused of being witches and who had fled their villages. During the year 18 women fled their villages and were rescued by NGOs.

The Roman Catholic-operated center Delwende housed approximately 350 persons (including six men) during the year, including the 18 women accused of witchcraft. The government and traditional authorities worked together to help citizens understand the error of both witchcraft claims, and the abuse of those accused of being witches. In particular the Ministry of Social Action and National Solidarity initiated specific sensitization programs with villages and assisted with mediation efforts between suspected witches and village notables.

The labor code explicitly prohibits sexual harassment in the workplace, but such harassment was common and considered by many as culturally acceptable. The law prescribes fines of 50,000 to 600,000 CFA francs (\$101 to \$1,213) and prison terms varying from one month to five years for persons convicted of workplace harassment. There were no available statistics on how many persons were prosecuted, convicted, or punished for the offense during the year.

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. In practice, however, a lack of access to information and medical care constrained these rights, especially in remote areas. Cultural norms, especially in rural areas that tend to have a less educated population, also limited the availability and use of these resources. Reproductive rights were usually respected and available in urban areas and among more educated populations. According to the UN Population Fund (UNFPA), contraceptive use among married women ages 15-49 for modern methods was approximately 17 percent. However, women often were subject to their husbands' decision regarding birth control. In 2008 the UNFPA estimated that the maternal mortality rate was 580 deaths per 100,000 live births. A woman's lifetime risk of maternal death was one in 28, and only 31 percent of births were attended by skilled personnel, according to the Population Reference Bureau.

Both government and private health centers were open to all women for reproductive health services, including contraception, skilled medical assistance during childbirth (essential obstetric and postpartum care), and diagnosis and treatment of sexually transmitted diseases, including HIV. However, remote villages often lacked these facilities or did not have adequate road infrastructure to permit easy access. To obtain specific treatment or deliver under medical supervision, women in rural areas sometimes had to travel to the closest large city for access to adequate health centers.

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. Polygyny is permitted, but both parties have to agree to it prior to a marriage. A wife may oppose further marriages by her husband if she provides evidence that he has abandoned her and her children. Both spouses 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 interests. In practice, however, the mother retained custody until the child reached the age of seven, at which time custody reverted to the father.

Since 2007 women have been permitted to serve in the military as officers and noncommissioned officers, and have deployed on foreign peacekeeping missions. Women represented approximately 45 percent of the general workforce and were primarily concentrated in lower-paying positions. Although the law provides equal property rights for women and, depending on other family relationships, inheritance benefits, traditional law often denied women the right to own property, particularly real estate. 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, but progress was slow. The Ministry for Women's Promotion is responsible for promoting women's rights, and the minister was a woman. During the year the government established community banks to promote economic development of grassroots organizations, including women's groups. The banks provided micro loans to fund cereal mills, shea butter production, market gardening, animal fattening, and other small businesses. The government sponsored a number of community outreach efforts and sensitization campaigns to promote women's rights.

### *Children*

Citizenship is derived either by birth within the country's territory or by blood. Not all births are registered immediately, particularly in rural areas where administrative structures are insufficient and rural parents do not know they are required. Such lack of registration sometimes resulted in denial of public services. To address the problem, the government periodically organized registration drives and issued belated birth certificates.

The law calls for compulsory, free, and universal education until the age of 16. The government paid tuition, books, and supplies for all students under 16 years of age, although uniforms were the responsibility of the student's family. Children over 16 years of age were responsible for paying all education costs, unless they qualified for tuition assistance from merit- and need-based programs. The overall school enrollment was approximately 78 percent for boys and 71 percent for girls.

The law prohibits the abuse of children under 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 (\$606 to \$1,820) for inhumane treatment or mistreatment of children; however, light corporal punishment was tolerated and widely practiced in society, although the government conducted seminars and education campaigns against child abuse.

Female genital mutilation (FGM) was practiced, especially in rural areas, despite being illegal, and usually was performed at an early age. According to a 2006 report by the National Committee for the Fight Against Excision (CNLPE), up to 81 percent of women age 25 and older, and approximately 34 percent of girls and women under 25, had undergone FGM. Although there has been no recent study on FGM, the CNLPE believed that the practice has decreased significantly. Perpetrators are subject to a significant fine and imprisonment of six months to three years, or up to 10 years, if the victim dies. During the year, security forces and social workers from the Ministry of Social Action arrested several FGM practitioners and their accomplices. In accordance with the law, they were sentenced to prison terms.

As part of the government's campaign against FGM in West Africa, the first ladies of Burkina Faso and Niger presided over a 2008 meeting on FGM in Ouagadougou. Noting that girls were sometimes taken across national borders to countries where excision is legal or law enforcement was weak, participants called on governments to coordinate and enforce national laws against FGM. There were no reports of increased enforcement efforts resulting from this meeting. The government, through the Regional Committees to Combat Excision, continued to work with local populations to address FGM. These regional committees (presided over by government-appointed high commissioners) brought together representatives of the Ministries of Social Action, Basic Education, Secondary and Superior Education, Women's Rights, Justice, Health, the police and gendarmerie, and local and religious leaders; they actively campaigned against the practice.

Several NGOs stated that child marriage was a problem, primarily in rural areas. A 2008 study conducted by the UN Children's Fund (UNICEF) and the government concluded that 23.5 percent of girls and women 15-19 years old were already married or living with a partner, with 30.9 percent residing in rural areas and 9.5 percent in urban areas. On the other hand, 59.6 percent of girls and women were married at the legal age for marriage of 17 or older. The law prohibits forced marriage and prescribes penalties of six months to two years in prison for violation. The prison term may be increased to three years, if the victim is less than 13 years of age; however, there were no reports during the year of prosecutions of violators. The government collaborated with the government of Cote d'Ivoire to search for and repatriate a child taken across the border to be married forcibly. In addition the government worked with the UNICEF and the UNFPA to carry out a project called, "Putting a stop to early marriages in Burkina Faso." Five regions with high early-marriage rates were targeted for the pilot phase of the project.

There were no statistics on child prostitution; however, government services and human rights associations believed it was a problem. Children from poor families relied on prostitution to meet their daily needs and, at times, to help their needy parents. Trafficked children, primarily Nigerian nationals, were also subject to sexual abuse and forced prostitution.

The law prohibits the worst forms of child labor, including the commercial sexual exploitation of children, child pornography, and jobs that harm their health. The 2008 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 allows terms as high as 20 years to life imprisonment under certain conditions. The government worked with local NGOs to monitor the opening of new gold mines to ensure no children were illegally employed there.

There were numerous street children, primarily in Ouagadougou and Bobo-Dioulasso. Many children ended up on the streets after traveling from rural areas to find employment in the city or after their parents sent them to the city to study with a unregistered Qur'anic teacher or to live with relatives and go to school. Several NGOs assisted street children. Two directorates within the Ministry of Social Action 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 far outstripped the capacity of these institutions.

The law prohibits female infanticide, and there were no reports of such cases. Newspapers reported cases of abandonment of newborn babies following unwanted pregnancies.

The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For information on international child abduction, please see the Department of State's annual report on compliance at [http://travel.state.gov/abduction/resources/congressreport/congressreport\\_4308.htm](http://travel.state.gov/abduction/resources/congressreport/congressreport_4308.htm) as well as country-specific information at [http://travel.state.gov/abduction/country/country\\_3781.html](http://travel.state.gov/abduction/country/country_3781.html).

### *Anti-Semitism*

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

### *Trafficking in Persons*

For information on trafficking in persons, please see the Department of State's annual [Trafficking in Persons Report](#).

### *Persons with Disabilities*

The law prohibits discrimination against persons with physical or mental disabilities in employment, education, access to health care, the provision of other state services, or other areas; however, the government did not effectively enforce these provisions. There was no government mandate or legislation concerning access to buildings, information, or communication for persons with disabilities. Advocates reported that persons with disabilities often faced societal and economic discrimination. Such persons who were able to work found it difficult to find employment, including in government service, because of deeply entrenched societal attitudes that persons with disabilities should be under the care of their families and not in the workforce.

Programs to aid persons with disabilities were limited. In 2009 and during the year, the National Committee for the Reintegration of Persons with Disabilities conducted sensitizing campaigns and implemented reintegration programs and capacity-building programs to manage income-generating activities better. 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 schooled and provided vocational training to children with disabilities.

### *National/Racial/Ethnic Minorities*

In past years there have been incidents of conflict over trampled fields involving cattle farmers of the Fulani ethnic group and farmers of other ethnic groups. Such incidents were fueled by the scarcity of grazing lands and Fulani herders allowing their cattle to graze on farming lands of the other groups, making them territorial disputes more than ethnic conflicts (see section 1.d., Role of the Police and Security Apparatus).

### *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 in employment and occupation, housing, statelessness, or access to education or health care. However, societal discrimination based on sexual orientation and gender identity remained a problem. Religious and traditional beliefs do not tolerate homosexual conduct, and lesbian, gay, bisexual, and transgender (LGBT) persons were reportedly occasional victims of verbal and physical abuse. There were no reports that the government responded to societal violence and discrimination against such persons.

LGBT organizations had no legal presence in the country but existed unofficially. There were no reports of government or societal violence against such organizations.

### *Other Societal Violence or Discrimination*

Societal discrimination against persons with HIV/AIDS was a problem. During the year approximately 130,000 persons tested HIV-positive in the country, 1.8 percent of the population. Persons who tested positive were sometimes shunned by their families, and HIV-positive wives were sometimes evicted from their homes. Some landlords refused to rent lodgings to persons with HIV/AIDS. However, persons with HIV/AIDS were generally not discriminated against in employment practices or the workplace.

## Section 7 Worker Rights

### a. The Right of Association

The law allows workers to form and join independent unions of their choice without previous authorization or excessive requirements; however, "essential" workers such as police, army, and other security personnel may not join unions. Approximately 86 percent of the workforce was engaged in subsistence agriculture and did not belong to unions. Of the remainder, an estimated 25 percent of private sector employees and 60 percent of public sector workers were union members. The law provides unions the right to conduct their activities without interference, and the government respected this right.

The law provides for the right to strike; however, the law provides a very 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 send an advance notice (eight to 15 days) to the government. If unions call for a march, then the government requires the same request and that a notice also is submitted to the city mayor. March organizers are held accountable for any damage or property destruction that occurs during the demonstration. Magistrates, police, military personnel, and gendarmes do not have the right to strike.

There were no reports of strikebreaking during the year.

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

Unions have the right to bargain directly with employers and industry associations for wages and other benefits. There was extensive collective bargaining in the formal wage sector; however, this sector included only a small percentage of workers.

There were no reports of government restrictions on collective bargaining during the year.

The 2008 collective bargaining agreement included private sector and civil service workers who participated in negotiations with employers; the agreement that was reached addressed their concerns, including better working conditions and higher salaries.

There were no reports of antiunion discrimination during the year.

There are no export processing zones.

### c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, including by children; however, there were reports that such practices occurred. Forced child labor is found in the country's agricultural (particularly cotton), informal trade, domestic servitude, and animal husbandry sectors as well as in gold panning sites and stone quarries.

Also see the Department of State's annual [Trafficking in Persons Report](#).

### d. Prohibition of Child Labor and Minimum Age for Employment

The law sets the minimum age for employment at 16 and prohibits children under 18 years of age from working at night except in times of emergency; however, child labor was a problem, and children worked in the informal, agricultural (particularly cotton), and mining sectors outside their own families for little or no pay.

The minimum age for employment was consistent with the age for completing educational requirements, which generally was 16 years. In the domestic and agricultural sectors, the law permits children under the age of 15

to perform limited activities for up to four and one-half hours per day; however, many children under the age of 15 worked longer hours. A 2006 study conducted by the country's National Institute of Demography and Statistics and the International Labor Organization-funded Program for the Elimination of Child Labor estimated that 41 percent of children worked, largely as domestic servants or under harsh conditions in the agricultural or mining sectors. 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 in either state-owned or large private companies.

The Ministry of Labor and Social Security, which oversees labor standards, lacked the financial and transportation means as well as a sufficient number of inspectors to enforce worker safety and minimum age legislation adequately.

Punishment for violating child labor laws included prison terms of up to five years and fines of up to 600,000 CFA francs (\$1,213); however, the government did not adequately enforce this law, and there were no confirmed statistics regarding the number of convictions during the year.

The government organized workshops during the year, and in cooperation with donors, undertook sensitization programs to inform children, parents, and employers of the dangers of exploitative child labor and sending children away from home to work.

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

The law mandates a minimum monthly wage of 30,684 CFA francs (\$62) in the formal sector; the minimum wage does not apply to subsistence agriculture or other informal occupations. The minimum wage did not provide a decent standard of living for a worker and family. Employers often paid less than the minimum wage. Wage earners usually supplemented their income through reliance on the extended family, subsistence agriculture, or trading in the informal sector. The Ministry of Labor and Social Security was responsible for enforcing the minimum wage.

The law mandates a standard workweek of 40 hours for nondomestic workers and a 60-hour workweek for household workers, and it provides for overtime pay. There are also regulations pertaining to rest periods, limits on hours worked, and prohibition of excessive compulsory overtime, but these standards were not effectively enforced.

Government inspectors under the Ministry of Labor and Social Security and the 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. The government's Labor Inspector Corps did not have sufficient resources, including sufficient numbers of inspectors and offices and financial and transportation means, to fulfill its duties adequately. There were no reports of effective enforcement of inspection findings during the year. 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. There were indications that this right was respected, although such declarations by the Labor Inspection Office were rare.

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