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Country Report on Human Rights Practices 2014 - Burkina Faso

EXECUTIVE SUMMARY

Burkina Faso is a constitutional republic led by an elected president. On October 31, Blaise Compaore, who had served as president since 1987, resigned and fled the country following protests by more than 200,000 persons against his effort to alter constitutionally mandated term limits in order to run for re-election in 2015. On November 2, Lieutenant Colonel Yacouba Isaac Zida declared himself head of state, suspended the constitution, and dissolved parliament. On November 17, military, political party, and civil society representatives signed a transitional charter creating a 26-member transitional government and a 90-member National Transitional Council with legislative powers. The charter required the transitional government to organize presidential and legislative elections within one year of adoption. In accordance with the charter, Zida ceded power to interim president Michel Kafando. Kafando appointed Zida as prime minister and minister of

defense. The transitional government dissolved municipal and regional councils and created special delegations to manage local governments until the next legislative and municipal elections.

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

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

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

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

a. Arbitrary or Unlawful Deprivation of Life

There were reports that the former government or its agents committed arbitrary or unlawful killings.

On May 23, in Ouagadougou two soldiers allegedly beat to death Jacques Bado for allegedly stealing the cell phone of a female bartender, who reportedly was the girlfriend of one of the soldiers. Bado's family claimed the soldiers went to Bado's residence, beat him, and dragged him into the street, where they left him. The soldiers claimed that Bado tried to escape when they were taking him to the gendarmerie and that he was subsequently killed by a mob. On June 6, Dah Cramer and Boro Jacques were convicted for assault and battery of Jacques Bado. At year's end Boro Jacques fled and was under an arrest warrant. Dah Cramer was dismissed from the army and was serving a jail sentence.

From October 30 to November 2, 19 persons were killed and 625 injured during protests sparked by Compaore's effort to force a National Assembly vote to amend the constitutionally mandated presidential term limits. On October 30, rioters ransacked government buildings in Ouagadougou, including the National Assembly and the offices of the state-run television station RTB. Several residences and offices of companies and individuals associated with Compaore were looted and burned. Security forces fired tear gas on protesters to disperse the crowds, and there were reports that security forces used live ammunition in some neighborhoods of Ouagadougou. Deaths resulted from gunshot wounds, trauma, severe burns, drowning, and asphyxiation.

On February 14, the Bobo-Dioulasso Appeals Court convicted gendarme Inoussa Bamogo of killing Yves Marie Kohoun while attempting to arrest him in 2012 for suspected drug trafficking. The court sentenced Bamogo, who claimed he accidentally shot Kohoun in the back while chasing him, to 10 years in prison.

b. Disappearance

There were no reports of politically motivated disappearances or abductions.

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

Although the constitution and law prohibit such practices, members of the security forces threatened, beat, and otherwise abused individuals. In addition to the established law, on May 27, the National Assembly adopted a specific law defining and repressing torture and all related practices.

Apart from a few high-profile cases, the former government seldom took action against perpetrators. For example, on August 2, a group of police officers allegedly beat Abdoulaye Bado in Reo. According to Bado's wife, police officers stopped their car, pulled Bado out, and beat him. Authorities arrested the police officers, and an investigation was underway.

Prison and Detention Center Conditions

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

Physical Conditions: According to the Ministry of Justice, as of June 30, there were 6,251 inmates incarcerated nationwide, including 102 women and 191 minors. Authorities held juveniles and adults separately at the Maison d'Arret et de Correction de Ouagadougou (MACO), but there were no separate facilities for juveniles in provincial prisons. Authorities held women in MACO and in provincial prisons separately and in better conditions than those of men, in large part due to less crowding. Pretrial detainees usually were held with convicted prisoners. Although regulations require the presence of a doctor and five nurses at MACO's health unit, only three nurses were on duty to treat detainees, and a doctor came only once a week. Prisoners' diets were inadequate, and inmates often relied on supplemental food from relatives. Prison infrastructure throughout the country was decrepit. In MACO and other prisons, severe overcrowding exacerbated inadequate ventilation, although each cell had electricity, and inmates could have fans. Prisoners had access to potable water and rudimentary sanitation.

According to human rights organizations, deaths occurred in prisons and jails due to harsh conditions and neglect. The MACO warden stated that seven inmates died from illness during the year. Human rights activists, however, estimated that one or two inmates died monthly as a result of harsh prison conditions. For example, in March 2013 Cisse Boubakari, Dicko Saydou, and Ouaba Adou died at the Fada N'Gourma antiriot police station. The three detainees were arrested in early March 2013 during a joint military-police operation against organized crime in the Eastern Region. While the cause of death was unclear, the Burkinabe Movement for Human and People's Rights claimed the detainees died from harsh conditions, including hot, cramped, and poorly ventilated cells. It criticized detentions in unauthorized centers, such as antiriot police stations, noting that such detentions violated the principle of presumption of innocence, since detainees were held without charge and without appearing before a judge.

A riot occurred at the MACO in Ouagadougou on October 30, in the wake of the protests against the National Assembly vote. A group of prisoners tried to escape the prison by making holes in the walls of their cells, breaking doors and windows, and setting fire to the administrative offices. Prison guards were overwhelmed and called the gendarmes for reinforcement. No prisoners escaped, and the riot resulted in five deaths and several injuries.

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

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

Improvements: During the year authorities built a new food storeroom and increased the daily food ration. Additionally, a sanitation plan was implemented to drain wastewater from the prison more effectively.

The government conducted human rights and civil liberties training for security forces, including prison officers and guards. In April the General Directorate of Prison Security held a three-day workshop to train Bobo Dioulasso’s prison guards on respect for human rights in the treatment of prisoners.

d. Arbitrary Arrest or Detention

The constitution and law prohibit arbitrary arrest and detention, but security forces did not consistently respect these prohibitions. Authorities arrested the leaders of the former ruling party Congress for Democracy and Progress (CDP) and pro-Compaore political association FEDAP/BC during the events surrounding former president Blaise Compaore’s resignation and held them in detention at a gendarmerie base for ostensibly having disturbed the public order. They were later released.

Role of the Police and Security Apparatus

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

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

The Military Justice Administration examines all killings involving military personnel or gendarmes and evaluates whether they occurred in the line of duty or were otherwise justifiable. If not, the case is referred to civilian courts. 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. Military courts held a number of public trials in which civilians pressed charges against military personnel; verdicts were reported in the press. At year's end the government was prosecuting soldiers accused of mutiny and looting in 2011.

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

Arrest Procedures and Treatment of Detainees

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

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

Arbitrary Arrest: In July 2013 police arrested 50 demonstrators, citing a 2008 vandalism law that allows security forces to arrest all demonstrators if they are unable to identify the perpetrators of violence (see section 2.b.).

Pretrial Detention: Government officials estimated that 48 percent of prisoners nationwide were in pretrial status. In some cases detainees were held without charge or trial for longer periods than the

maximum sentence they would have received if convicted of the alleged offense. A pretrial release (release on bail) system exists, although the extent of its use was unknown.

e. Denial of Fair Public Trial

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

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

Trial Procedures

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

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

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

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

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

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

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

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

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

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

In 2013 police officers from the Anticrime Brigade stormed a private radio station in Ouagadougou to arrest an individual reportedly preparing to incite students to vandalize and destroy public property. The local NGO National Association for a Free Media in Burkina Faso issued a radio statement criticizing police action, noting that only the Superior Council of Communication (CSC) could authorize such action. The police director subsequently apologized, claiming police were misled on the case.

Press Freedoms: There were numerous independent newspapers, satirical weeklies, and radio and television stations, some of which were highly critical of the government. Foreign radio stations broadcast without government interference. Government media outlets--including newspapers, television, and radio--sometimes displayed a progovernment bias but allowed significant opposition participation in their newspaper and television programming.

All media are under the administrative and technical supervision of the Ministry of Communications, which is responsible for developing and implementing government policy on information and communication. The CSC, a semiautonomous body under the Office of the President, monitored the content of radio and television programs, newspapers, and internet

websites to enforce compliance with professional ethics standards and government policy. 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 October 6, the criminal chamber of the High Court of Ouagadougou suspended the newspaper *Le Citadin* for six months and sentenced the editor, Koudaogo Laurent Guigma, to three months' imprisonment and a fine of five million CFA francs (\$9,500) for libel and defamation of the mayor of District 8 of Ouagadougou.

Violence and Harassment: On July 30, offices of opposition newspaper *l'Evenement* were robbed. The owner of the newspaper, Newton Ahmed Barry, stated he had been threatened and harassed due to claims that he possessed sensitive information on the controversial death of constitutional judge Salifou Nebie and an explosion in Larle, Ouagadougou. He openly accused state agencies of the robbery. On August 16, offices of another newspaper, *Complement d'Enquete*, were robbed. The owner also suspected state agencies because of sensitive information the newspaper possessed. On August 19, the Association of Burkinabe Journalists and the Autonomous Union of Information and Culture Workers, issued a joint statement expressing concern over the safety of journalists and urging authorities to protect journalists.

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

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

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 International Telecommunications Union data, 4.4 percent of the population used the internet in 2013.

Academic Freedom and Cultural Events

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

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The constitution and law provide for freedom of assembly, but the government did not always respect this right. Demonstrations were sometimes suppressed or banned, although there were no reports of such actions during the year up to the events that removed former president Compaore from power. Former government agents sometimes infiltrated political meetings and rallies.

Political parties and labor unions may hold meetings and rallies without government permission, although advance notification is required for street demonstrations that might 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 between 100,000 and two million CFA francs (\$190 and \$3,800). These penalties may be doubled for an unauthorized rally or demonstration. Denials or imposed modifications of a proposed march route or schedule may be appealed before the courts.

On October 28, more than 200,000 persons peacefully protested Compaore's effort to change the constitutionally mandated presidential term limit. On October 30, the day of the scheduled National Assembly vote, rioters burned the National Assembly and other buildings.

Freedom of Association

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

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at www.state.gov/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 to provide 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.

According to a 2013 biometric census conducted by the UNHCR and the National Committee for Refugees (CONAREF), there were 57 asylum seekers, as well as 247 refugees from Burundi, the Republic of the Congo, the Central African Republic, the Democratic Republic of the Congo, and Chad in Burkina Faso.

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 the UNHCR, approximately 50,000 Malians--most of them Tuaregs and Arabs--fled across the border to Burkina Faso and registered with local authorities as displaced persons.

Authorities granted all displaced persons from Mali *prima facie* refugee status, pending the examination of all applications on an individual basis. Most of the refugees were settled in Soum and Oudalan provinces, in the Sahel Region. The Ministry of Social Action and National Solidarity, aided by CONAREF, is the government focal point to help coordinate all national and international efforts to assist the approximately 33,000 refugees in the country at year's end.

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

The constitution provides citizens the ability to change their government through free and fair elections, which they exercised through elections based on universal suffrage. Nevertheless, the former ruling party's control of official resources and dominance in the former government severely disadvantaged the political opposition.

On October 28, more than 200,000 persons in Ouagadougou held a peaceful protest against Compaore's effort to alter constitutionally mandated term limits to run for re-election in 2015. On October 30, the day of the National Assembly vote to amend the constitution, protests turned violent, and crowds burned the National Assembly building and other structures. Compaore dissolved the National Assembly and government and declared a state of siege. On October 31, Compaore, who had been in power since 1987, resigned and fled the country with members of his family, the National Assembly president, and others. Lieutenant Colonel Yacouba Isaac Zida, deputy commander of the Presidential Security Regiment, declared himself head of state on November 2, suspended the constitution, and dissolved the National Assembly. On November 17, members representing different sectors of society signed a charter to guide the transitional government through preparations for elections. Michel Kafando was chosen as interim president in accordance with the charter. A 90-member National Transitional Council, holding legislative powers and including 25 members of the armed forces, was selected in accordance with the charter. A 26-member transitional government was appointed, including Zida as prime minister and minister of defense. Other armed forces officers were appointed to serve as minister of mines and minister of territorial administration, decentralization, and security administration. The transitional government dissolved municipal and regional councils, and special delegations were responsible for managing local governments until the next legislative and municipal elections.

The charter adopted to guide the transitional government required the organization of presidential and legislative elections within one year of adoption. As of year's end, no date for elections was set. Under the charter the interim president, interim prime minister, and members of the interim government are not allowed to run in the presidential and legislative elections.

Elections and Political Participation

Recent Elections: In joint legislative/municipal elections held in 2012, the CDP won 70 of 127 seats in the National Assembly and the vast majority of municipal seats. Opposition parties won 30 seats, and parties traditionally aligned with the government won the remaining 27 seats. Although election observers characterized the elections as free and orderly, opposition parties filed complaints with

the Constitutional Council of irregularities, including attempted fraud involving voter identification cards. The council dismissed most opposition complaints and confirmed the legislative election results. Nevertheless, following complaints filed by several political parties, the State Council (an administrative court) decided to cancel municipal election results in 691 polling stations across the country. The government instituted a new biometric registration system in response to opposition and NGO calls for reliable electoral rolls.

Political Parties and Political Participation: Political parties mostly operated freely. Individuals and parties may declare their candidacies and compete in presidential elections, provided the Constitutional Council validates their candidacies. Individuals must be members of a registered political party to run in legislative or municipal elections. CDP membership conferred advantages, particularly for businessmen and traders seeking government contracts.

Members of political parties, including members of the CDP, were allowed to participate in the transitional government, although the charter excluded anyone who participated in the previous government or “openly” supported amending the constitution to remove term limits. On December 15, however, the political parties CDP and ADF/RDA, along with the political association FEDAP/BC (all groups that had supported the constitutional amendment), were suspended by the Ministry of Territorial Administration, Decentralization, and Security. The suspension was due to “activities incompatible with the laws on freedom of association and charters of political parties.” The transitional government did not specify what triggered the suspension or what the parties must do to lift the suspension.

Participation of Women and Minorities: The gender law, which took effect during the 2012 joint elections, requires political parties to name women to fill at least 30 percent of the positions on their candidate lists in legislative and municipal elections. The law provides financial incentives for political parties that reach the 30 percent requirement and mandates fines ranging from 2,500 CFA francs to five million CFA francs (\$4.70 to \$9,500) for parties that fail to comply with the law. Of the 74 parties competing in the legislative election, 32 failed to meet the 30 percent threshold, while 10 of the 81 parties running candidates for local elections failed to do so.

There were 24 women in the 127-seat former National Assembly and five women in the former 33-member presidential cabinet. There were four women among the 26 ministers in the transitional government and 11 women in the 90-member National Transitional Council.

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

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.

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

Corruption: The state's Supreme Audit Authority is responsible for investigating corruption and ensuring the sound management of public funds. The audit authority, which collaborated with civil society, published an annual report documenting financial irregularities, embezzlement, and improper use of public funds in various ministries, government agencies, and state-run companies. The agency had limited effect because it lacked independence and had no prosecutorial powers.

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

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

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

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

Government Human Rights Bodies: The Office of the Ombudsman addresses civil servant complaints regarding government entities, public institutions, and other bodies entrusted with a public service mission. The ombudsman, who is appointed by the president for a nonrenewable five-year term and may not be removed during the term, was generally viewed as effective and impartial. During 2013 the office registered 737 complaints, of which it resolved 82 percent.

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

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

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

Women

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

Domestic violence against women occurred frequently, primarily in rural areas. According to the Inter Parliamentary Union, 33.9 percent of women were victims of physical domestic violence, committed in 68 percent of cases by their husbands. No law specifically protects women from domestic violence, and cases of wife beating usually were handled out of court unless the victims were severely injured.

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

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

Female Genital Mutilation/Cutting (FGM/C): The law prohibits FGM/C. There were no reports of women age 18 and over undergoing FGM/C during the year (see section 6, Children).

Other Harmful Traditional Practices: On occasion elderly women without support, living primarily in rural areas and often widowed, were accused of witchcraft by their neighbors and banned from their villages. Such women were accused of “eating” the soul of a relative or a child who had died. Victims seldom took legal action due to fear of repercussions to their families and sought refuge at centers run by governmental or charitable organizations in urban centers. During the year the Delwende Center in Ouagadougou, operated by the Roman Catholic Church, supported 260 women accused of witchcraft. A similar government-run center in Ouagadougou’s Paspanga area housed 84 women.

The abuse of suspected witches sometimes resulted in death. On May 6, two women were accused of eating the souls of 12 children in Kuinima, a neighborhood of Bobo-Dioulasso. They were violently assaulted by a mob, but the customary chief of the neighborhood transferred the women to police to prevent the mob from killing them. Although the police kept them a short time for their safety, they were released afterwards, and the neighborhood’s customary leaders were in charge of handling the case.

The former government and traditional authorities worked together to stop violence against individuals accused of witchcraft. The Ministry of Social Action and National Solidarity continued implementation of the 2012-16 action plan to fight the social exclusion of women accused of witchcraft. In collaboration with NGOs, such as the Peace and Justice Commission and Women’s Rights for Development, the plan provides for financial, legal, and psychological support for accused persons. The ministry initiated specific awareness programs in ethnic Mossi villages and assisted with mediation efforts between the accused and village elders. In May the Ministry of Human Rights and Civic Promotion held a series of conferences and debates in Bousse, Kombissiri, and Yako to raise awareness of the social exclusion of women accused of witchcraft.

Sexual Harassment: The labor code explicitly prohibits sexual harassment in the workplace, which is punishable by fines of 50,000 to 600,000 CFA francs (\$95 to \$1,140) and prison terms varying from one month to five years. The government was ineffective in enforcing the law, in large part because sexual harassment was considered culturally acceptable by many. There were no statistics available on the number of cases reported, prosecutions, or convictions.

Reproductive Rights: Couples and individuals are legally entitled to decide freely and responsibly the number, spacing, and timing of their children. They have the right attain the highest standard of reproductive health, free from discrimination, coercion, or violence. Government and private health centers were open to all women and offered reproductive health services, skilled medical assistance during childbirth (essential obstetric and postpartum care), and diagnosis and treatment of sexually transmitted diseases. Remote villages, however, often lacked these facilities or did not have adequate transportation infrastructure to permit easy access.

According to the 2010 Demographic and Health Survey, 95 percent of women received prenatal care from skilled personnel, 67 percent of births were attended by skilled personnel, and 14 percent of women who wanted to space their pregnancies had access to modern birth control methods. The Regional Directorate of Health reported that the national average of contraceptive use was 17 percent in 2012. Cultural norms that left decisions regarding birth control to husbands contributed

to the limited use of contraceptives. The relatively high maternal mortality ratio of 341 per 100,000 live births was attributed to the lack of access to health care in rural areas. Amnesty International reported maternal deaths also resulted from inadequate training of health workers.

Post-abortion care services and emergency health care were provided to women if needed. Rural women were more likely to suffer complications from an unsafe abortion than were urban women. According to a study by the Burkinabe Superior Institute of Sciences of Population, 46 percent of poor rural women who had an abortion experienced complications, and 41 percent of these complications went untreated. Conversely, 23 percent of nonpoor urban women who had an abortion experienced complications and more than 90 percent of these women received the medical care they needed.

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

Women represented approximately 45 percent of the labor force in the formal sector and were primarily concentrated in low-paid, subservient positions. Although the law provides equal property and inheritance rights for women and men, land tenure practices emphasized family and communal land requirements more than individual ownership rights. As a result women were often denied the right to own property, particularly real estate. This condition was exacerbated by the fact that 75 percent of marriages were defined as common-law unions (with only a religious or traditional ceremony) and not legally binding. For example, in rural areas land owned by a woman becomes the property of the family of her husband after marriage. Many citizens, particularly in rural areas, 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 continued media campaigns to change attitudes toward women. The Ministry of Women's Promotion is responsible for increasing women's awareness of their rights and was working to facilitate their access to land ownership. The government sponsored a number of community outreach efforts and awareness campaigns to promote women's rights.

Children

Birth Registration: Citizenship is derived either by birth within the country's territory or through a parent. Many births were not registered immediately, particularly in rural areas where registration facilities were few, and parents were often unaware of the requirement to register. Lack of registration sometimes resulted in denial of public services, including access to school. To address the problem, the government periodically organized registration drives and issued belated birth certificates.

Education: The law calls for compulsory, tuition-free, and universal education until age 16. The overall primary school enrollment rate was approximately 81 percent for boys and 78 percent for girls. In 2013 the government introduced human rights education in primary schools in Bobo Dioulasso and Ouagadougou and planned to extend it nationwide.

Child Abuse: The law prohibits the abuse of children under the age of 15 and provides for the punishment of abusers. The penal code mandates a one- to three-year prison sentence and fines ranging from 300,000 to 900,000 CFA francs (\$570 to \$1,700) for inhuman treatment or mistreatment of children. Nevertheless, light corporal punishment was tolerated and widely practiced. The government conducted seminars and education campaigns against child abuse.

The Ministry of Social Action and National Solidarity had a toll-free number to enable persons to report cases of violence against children anonymously. In 2013 authorities recorded 1,815 calls.

Early and Forced Marriage: The legal age for marriage is 17 for girls and 20 for boys, but child marriage was a problem. Almost 50 percent of girls were married before the age of 18. According to a 2010 government survey, 23.5 percent of girls between the ages of 15 and 19 were married. The law prohibits forced marriage and prescribes penalties of six months to two years in prison for violators (and a three-year prison term if the victim is under the age of 13). There were no reports of prosecutions during the year. A government toll-free number allowed citizens to report forced marriages. During 2013 the government, in partnership with the United Nations, launched a program to combat early marriage in poorer rural areas where the practice was particularly widespread. Many NGOs worked with traditional leaders and village elders to halt the practice.

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 2013 UN Children's Fund (UNICEF) statistics, the incidence of FGM/C fell 27.5 percent in the last 12 years. Nevertheless, 76 percent of girls and women between the ages of 15 and 49 and 13 percent of girls under the age of 15 reported being subjected to FGM/C, according to UNICEF. Perpetrators, if convicted, are subject to a fine of 150,000 to 900,000 CFA francs (\$285 to \$1,700) and imprisonment of six months to three years, or up to 10 years if the victim died.

During the year security forces and social workers from the Ministry of Social Action and National Solidarity arrested several FGM/C perpetrators and their accomplices, all of whom were serving prison sentences at year's end. For example, on August 27, the gendarmerie of Koupela arrested a woman when she was perpetrating FGM/C on 11 girls between the ages of one and 11. The girls were subsequently taken to the closest hospital by the Ministry of Social Action Services to receive treatment.

The government coordinated its efforts through the National Committee for the Fight against Excision (CNLPE). The government's national action plan, "zero tolerance of FGM/C," aimed to reduce the practice of FGM/C by at least 30 percent by the end of 2013. The government conducted awareness campaigns, training, and identification of and support programs for FGM/C victims. The government also operated a toll-free number to report cases of FGM/C. Chantal Compaore, the country's former first lady and honorary president of the CNLPE, was actively involved in the fight against FGM/C. The government, through the Regional Committees to Combat Excision, continued to campaign with local populations against FGM/C. The regional committees included representatives of numerous government ministries, police, gendarmerie, and local and religious

leaders. The Network for Human Rights and the Ministries of Justice, Defense, and Security raised awareness among lawyers, judges, and police about the effects of FGM/C. The government also integrated FGM/C prevention in prenatal, neonatal, and immunization services at 35 percent of public health facilities.

Sexual Exploitation of Children: The law provides penalties of between 10 and 20 years' imprisonment for individuals engaging in the commercial sexual exploitation of children under the age of 15 and five to 10 years for the exploitation of children ages 15 to 18 years. The minimum age of consensual sex is 15. The law also prohibits child pornography and provides for a sentence of five to 10 years' imprisonment along with a fine ranging from 1.5 million to three million CFA francs (\$2,840 to \$5,700) for individuals engaging in such activity. On April 17, the National Assembly enacted a specific 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 study conducted by the international NGO End Child Prostitution, Child Pornography, and Trafficking of Children for Sexual Purposes during the year, 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.

Infanticide or Infanticide of Children with Disabilities: The law prohibits female infanticide and provides for a sentence of 10 years' to life imprisonment. 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 July 17, a 36-year-old woman in Bousse abandoned her newborn baby in a public restroom. She was arrested and referred to the prosecutor. According to a local NGO, 24 babies were found abandoned in the month of October 2013 in Ouagadougou and more than 200 babies between 2007 and 2012.

Displaced Children: There were numerous street children, primarily in Ouagadougou and Bobo-Dioulasso. Many children ended 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 Social Action and National Solidarity, in 2013 there were 5,721 street children in the country. Several NGOs assisted street children. Two directorates of the Ministry of Social Action and National Solidarity also ran educational programs, including vocational training for street children; funded income-generating activities; and assisted in the reintegration and rehabilitation of street children. Nevertheless, the number of street children outstripped the capacity of these institutions.

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For more information see the Department of State's report on compliance at travel.state.gov/content/childabduction/english/legal/compliance.html, as well as country-specific information at travel.state.gov/content/childabduction/english/country/burkinafaso.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/.

Persons with Disabilities

The law prohibits discrimination against persons with physical or mental disabilities in employment, education, access to health care, or the provision of other state services, but the government did not effectively enforce these provisions. According to the most recent general census of population and housing, the portion of the population with disabilities in the country was estimated to be 1.2 percent. In 2012 the council of ministers adopted further decrees to protect the rights of persons with disabilities, including in transportation. The government enacted legislation to provide persons with disabilities less costly or free healthcare and access to education and employment. The law also includes building codes to provide for access to governmental buildings. Not all of these measures were effectively implemented.

Although some children with disabilities attended primary and secondary school as well as institutions of higher learning, 66 percent of persons with disabilities had no education, and only 16.5 percent completed primary level education, according to the Burkina Faso Federation for the Promotion of People with Disabilities.

Persons with disabilities continued to encounter discrimination and reported difficulty finding employment, including in government service. Exacerbating these problems was the common perception that persons with disabilities should be under the care of their families and not in the labor force.

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

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

During the year the government made the necessary arrangements to allow visually impaired candidates to take part in the public administration recruitment exams by providing the tests in braille. Additionally, special counters were opened at enrollment sites to allow persons with disabilities to register more easily for public service admission tests.

National/Racial/Ethnic Minorities

Long-standing conflicts between herders and sedentary farmers sometimes resulted in violence. Incidents were commonly triggered by herders 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 and dropped significantly in 2012 and 2013, according to the Ministry of Animal Resources. The decrease was attributed to government efforts

at dialogue and mediation according to the ministry. Conflict between ethnic groups also occurred as a result of disputes over the designation of local traditional chiefs.

On July 7-8, a violent clash occurred between herders and farmers in the village of Tiebele, located near the border with Ghana. The clash resulted in five deaths and eight severely injured individuals. The government sent a delegation, led by the governor of Center-South Region, to the village on July 8 to restore peace. At year's end investigations were underway to determine the reasons for the conflict and its initiators.

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

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

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

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

HIV and AIDS Social Stigma

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

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

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law allows workers to form and join independent unions of their choice without previous authorization or excessive requirements, but essential workers, such as magistrates, police, military, and other security personnel, may not join unions. The law provides unions the right to conduct their activities without interference.

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

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. All workers, including migrants, workers in the informal sector, and domestic workers, benefitted from relevant legal protections. There were no reports of antiunion discrimination during the year.

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

The government generally respected the right of unions to conduct activities without interference. Nevertheless, union members working in mining companies were dismissed or transferred for participating in union activities. Government resources to enforce labor were not sufficient to protect worker 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. Moreover, employers sometimes refused to bargain with unions. In the private sector, particularly in mining and other industries, employers' use of subcontracting made it difficult to enforce worker rights systematically.

b. Prohibition of Forced or Compulsory Labor

While the law prohibits all forms of forced labor, the government did not effectively enforce the law and did not impose penalties that deterred the practice.

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. Some children sent to Quranic schools by their parents were forced to engage in begging (see section 6). The government did not have a significant, effective program in place to address or eliminate forced labor.

See the Department of State's *Trafficking in Persons Report* at 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 the age of 18 from working at night, except in times of emergency. The minimum age for employment was consistent with the age for completing educational requirements, which was 16. In the domestic labor and agricultural sectors, the law permits children who are 13 and above to perform limited activities for up to four and one-half hours per day. There were no explicit restrictions regarding occupational health and safety in the law.

The law prohibits the worst forms of child labor, including the commercial sexual exploitation of children, child pornography, and jobs that harm the health of a child. In February 2013 the government adopted the national action plan to combat the worst forms of child labor, which aimed to reduce significantly exploitative child labor by 2015. Antitrafficking legislation provides for penalties of up to 10 years for violators and increases maximum prison terms from five to 10 years. The law also provides for terms as long as 20 years' to life imprisonment under certain conditions.

Punishment for violating child labor laws includes prison terms of up to five years and fines of up to 600,000 CFA francs (\$1,140). 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 adequately. 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.

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

Children also worked in the mining, trade, construction, and domestic labor sectors. According to a 2012 UNICEF study, more than 20,000 children between the ages of 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 the age of 15 worked long hours. A study by the International Labor Organization reported that children working in artisanal mining sometimes worked six or seven days a week and up to 14 hours per day. Street beggars often worked 12 to 18 hours daily. All of the children suffered from occupational illnesses and were sometimes physically or sexually abused. Child domestic servants earned from 3,000 to 6,000 CFA francs (\$5.70 to \$11.40) per month, worked up to 18 hours per day, and often were exploited and abused.

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

d. Discrimination with Respect to Employment or Occupation

The law and regulations prohibits discrimination regarding race, sex, gender, disability, language, sexual orientation, and/or gender identity, HIV-positive status or other communicable diseases, or social status. The former government did not effectively enforce those laws and regulations. Discrimination occurred based on the above categories with respect to employment and occupation.

Discrimination in employment and occupation occurred with respect to persons with disabilities and persons with HIV/AIDS (see section 6).

e. Acceptable Conditions of Work

The law mandates a minimum monthly wage of 32,218 CFA francs (\$61) in the formal sector, which does not apply to subsistence agriculture or other informal occupations.

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

The government sets occupational health and safety standards. Every company with 10 or more employees is required to have a work safety committee. Employers are required to make proper arrangements to ensure that employees' health and safety are not endangered. If an employee decides to remove themselves due to safety concerns, a court would rule on the relevancy of that decision.

The Ministry of Civil Service, Labor, and Social Security is responsible for enforcing the minimum wage. Ministry inspectors and labor tribunals are responsible for overseeing occupational health and safety standards in the small industrial and commercial sectors, but these standards do not apply in subsistence agriculture and other informal sectors. The government allocated 136.3 million CFA (\$258,000) to the regional directorates of labor and social security to build labor inspectors' capacities and provide them with better working tools.

These standards were not effectively enforced. The Labor Inspector Corps, which employed 155 inspectors and 133 controllers, lacked sufficient resources, including offices and transport. Labor inspectors went on strike several times during the year for better pay and resources. 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. Workers in the informal sector, which makes up approximately 50 percent of the economy, were subjected to violations of wage, overtime, and occupational safety and health standards.

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