



## **BURKINA FASO 2017 HUMAN RIGHTS REPORT**

**DEPARTEMENT OF STATE  
OF THE UNITED STATES  
OF AMERICA**

**BURKINA FASO 2017 HUMAN RIGHTS REPORT****EXECUTIVE SUMMARY**

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

Civilian authorities generally maintained effective control over security forces.

The most significant human rights issues included arbitrary deprivation of life; torture and degrading treatment by security forces and vigilante groups; arbitrary detention; life-threatening detention conditions; judicial inefficiency and lack of independence; official corruption; limited government action to hold accountable those responsible for violence against women and children, including female genital mutilation/cutting (FGM/C) and early marriage; and forced labor and sex trafficking, including of children.

The government lacked effective mechanisms to investigate and punish abuse, and impunity for human rights abuses remained a problem. The government investigated alleged violations of former officials but in most cases did not prosecute them.

**Section 1. Respect for the Integrity of the Person, Including Freedom from:****a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings**

There were reports that the government or its agents committed arbitrary or unlawful killings. According to the international nongovernmental organization (NGO) Human Rights Watch (HRW), on June 9, Burkinabe soldiers detained approximately 74 men and severely beat many of them during a cross-border operation near the border with Mali. The soldiers accused the detainees of supporting the Burkinabe Islamist armed group Ansaroul Islam. According to

HRW, the soldiers transported 44 of the men into Burkina Faso for questioning, and two of the detainees died from mistreatment shortly after arriving in Djibo.

In June 2016, an investigative commission submitted its report on the 28 persons killed and 625 injured in 2014 during protests against former president Blaise Compaore's efforts to force a National Assembly vote to change presidential term limits. The report recommended the prosecution of 31 persons; including former president Compaore and former transition Prime Minister Yacouba Isaac Zida. Most of the others recommended for prosecution were former members of the Presidential Security Regiment (RSP). The report was transmitted to judicial authorities, but none of those listed in the report was prosecuted. Compaore and Yacouba Isaac Zida reportedly remained abroad, and no arrest warrants had been issued against them in this case.

### **b. Disappearance**

There were no reports of disappearances by or on behalf of government authorities.

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

The constitution and law prohibit such practices, and in 2014, the National Assembly adopted a law to define and prohibit torture and all related practices. Nevertheless, HRW documented severe beatings by security forces during cross-border operations near the border with Mali that resulted in two deaths (see section 1.a.).

In addition, according to videos shared on social media and reports in the local press, on August 1, gendarmes assaulted several protesting truck drivers, injuring at least one of them. According to press reports, the minister of security publicly told the gendarmes that no legal action would be taken against them. As of September, authorities had not prosecuted any of the gendarmes involved in the incident.

Local press reported that on May 12, a gendarme assaulted and injured Guezouma Sanogo, a journalist at the Radio Burkina state radio--who was also president of the Association of Burkina Faso Journalists--during the country's National Peasant's Day, allegedly because he did not obey established security measures. President Kabore addressed the incident, stating that he "sincerely regrets the

incident which should not occur in our time.” As of September 20, Sanogo had not pressed charges, and authorities had not opened an investigation into the case.

Some former RSP members accused of attempting to attack an armory in 2015 claimed during their trial that gendarmes tortured them during their detention in Ouagadougou and Leo. Additionally, one of the witnesses, Ali Ouedraogo, a son of one of the accused RSP members, stated gendarmes physically assaulted him during the search of their house as part of the investigation. As of October 15, no legal action had been taken against the gendarmes, nor had the government undertaken an investigation.

### **Prison and Detention Center Conditions**

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

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

On August 10, diplomatic representatives visited MACO to verify compliance with standards of detention and human rights. Their report cited overcrowding, malnutrition, sanitation, health problems, and slowness in judicial processes.

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

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

Physical abuse was a problem in many detention centers across the country. For example, the NGO Burkinabe Movement of Human Rights and People (MBDHP) alleged that in 2016 gendarmes tortured and killed two suspects. In April 2016 Bokoum Salif, a driver in Dedougou, died after being arrested and detained by the local gendarmerie. Bokoum was accused of stealing a computer at the house of the head of the local gendarmerie. Relatives who visited him before his death stated that he presented signs of torture. According to the MBDHP, in May 2016 Sidibe Yero, a herder from Dedougou accused of rape, died under similar circumstances. The gendarmerie reportedly asked his relatives to bury his remains without conducting an autopsy. As of October 15, authorities had not taken legal action in either case.

Food, potable water, sanitation, heating, ventilation, lighting, and medical care were inadequate in the majority of detention facilities across the country, including MACO. Conditions of detention were better for wealthy or influential citizens.

Local media regularly reported on cases of detainees who spend more than one year without trial. For example, one detainee, who had been detained at MACO since 2015, reportedly met the investigative judge for only 15 minutes after more than 13 months in detention. In January when the case was reported in the local press, the same detainee had spent 18 months in prison without seeing the judge again and without a scheduled trial date.

Administration: There were no reports that authorities failed to investigate credible allegations of inhuman prison conditions.

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

Improvements: To address overcrowding, the government opened a new prison in Koupela, in the Kouritenga Province, and transferred prisoners from overcrowded prisons to those with lower occupancy rates. Other measures also taken during the year to reduce prison overcrowding included enforcing fines and community service rather than prison time, and allowing for the provisional release of certain prisoners. As of October, however, there was no evidence that these measures effectively reduced overcrowding.

To improve detention conditions, improve prisoner health, and facilitate social reintegration of prisoners, the Ministry of Justice launched a three-year prison reform project with EU support. The Ministry of Justice also partnered with the NGO SOS Doctor Burkina Faso to provide free health consultations to approximately 1,500 to 2,000 detainees.

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

The constitution and law prohibit arbitrary arrest and detention and provide for the right of persons to challenge the lawfulness of their arrest or detention in court, but security forces did not always respect these provisions. For example, security forces arrested and detained web activist Naim Toure in December 2016 for posting on his Facebook page information on the health condition of a former RSP member detained at the military prison. On February 27, he was sentenced to pay a fine of 300,000 CFA francs (\$550).

HRW reported that during the June 9 cross-border operation near the border with Mali (see section 1.a.), soldiers detained approximately 74 men, ages 20 to 70. The soldiers accused the men of supporting the Burkinabe Islamist armed group Ansaroul Islam, which also had bases in Mali. According to HRW, 44 men were taken to Burkina Faso for questioning, and seven remained in detention. Minister of Justice Rene Bagoro opened an investigation and was working with the Ministry of Defense and Ministry of Security to investigate the allegations. Minister Bagoro also announced that the permanent secretary of the interministerial committee on human rights and international humanitarian law began to conduct predeployment training on human rights for soldiers.

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

The Ministry of Internal Security and the Ministry of Defense are responsible for internal security. The Ministry of Internal Security includes the National Police and the gendarmerie. The army, which operates within the Ministry of Defense, is responsible for external security but sometimes assists with missions related to domestic security. Use of excessive force, corruption, a climate of impunity, and lack of training contributed to police ineffectiveness. The government announced investigations in progress, but as of September 20, none had led to prosecution. Inadequate resources also impeded police effectiveness.

Following an attempt to seize power in September 2015, the government dismantled the RSP and integrated former RSP members into the regular army,

except those at large or previously arrested for involvement in the putsch attempt. The unit subsequently responsible for presidential security included police officers, gendarmes, and soldiers.

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

NGOs and the Ministry of Justice, Human Rights, and Civic Promotion conducted training activities on human rights for security forces. The previous united Ministry of Territorial Administration, Decentralization, and Internal Security organized a meeting for defense and security forces, journalists, and human rights organizations on February 3, during which participants from the eastern region discussed human rights protection in the region and overcame their disagreements.

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

By law police and gendarmes must possess a court-issued warrant based on sufficient evidence before apprehending a person suspected of committing a crime, but authorities did not always follow these procedures. Authorities did not consistently inform detainees of charges against them. By law detainees have the right to expeditious arraignment, bail, access to legal counsel, and, if indigent, access to a lawyer provided by the government after being charged. A judge may order temporary release pending trial without bail. Authorities seldom respected these rights. The law does not provide detainees access to family members, although authorities generally allowed detainees such access through court-issued authorizations.

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

appeared before a magistrate. There were instances in which authorities detained suspects incommunicado.

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

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

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

The constitution and law provide for an independent judiciary, but the judiciary was corrupt, inefficient, and subject to executive influence, according to NGOs. There were no instances in which the outcomes of trials appeared predetermined, and authorities respected court orders. Legal codes remained outdated, there were not enough courts, and legal costs were excessive. Citizens' poor knowledge of their rights further weakened their ability to obtain justice.

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

#### **Trial Procedures**

The law presumes defendants are innocent. Defendants have the right to be informed promptly and in detail of the charges, with free assistance of an interpreter. Trials are public but may be delayed. Judicial authorities use juries only in criminal cases. Defendants have the right to be present at their trials and to legal representation, consultation, and adequate time and facilities to prepare a defense. Defendants have the right to provide evidence. 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 they have the right of appeal. In civil cases where the defendant is destitute and files an

appeal, the state provides a court-appointed lawyer. In criminal cases court-appointed lawyers are mandatory for those who cannot afford one. The law extends these rights to all defendants, but the government did not always respect these rights, due in part to popular ignorance of the law and a continuing shortage of magistrates and court-appointed lawyers.

The Ministry of Justice, Human Rights, and Civic Promotion claimed courts usually tried cases within three months, although human rights organizations reported major case backlogs. The 2011 “processing of criminal penalties in real time” reform to shorten pretrial detention allows the prosecutor and investigators (police and gendarmerie) to process a case prior to the criminal hearing. This countrywide approach allows authorities to inform defendants of the charges and trial date before authorities release them pending trial.

### **Political Prisoners and Detainees**

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

In 2015 gendarmes arrested Leonce Kone, interim CDP president, and Hermann Yameogo, president of the National Union for Democracy and Development, for refusing to condemn the RSP attempt to seize power. Authorities granted provisional release to Kone in July 2016 and released Yameogo in October 2016. As of September 20, the government had not provided any update on this pending case.

In January 2016 authorities arrested CDP president Eddie Komboigo and charged him with involvement in the preparation of the 2015 attempted putsch. Komboigo was granted provisional release in June 2016 for “medical reasons.” On July 24, the presiding judge reportedly informed Komboigo that the investigation concluded he was not guilty of the charges against him.

Authorities of the transition government arrested former minister of foreign affairs and founder of opposition party New Alliance of the Faso, Djibril Bassole, in 2015 for allegedly providing support to the failed 2015 military coup. In July a UN working group released its investigative report calling for his immediate release and demanding that he stand trial by a civilian court instead of a military court. In response to the working group’s request, the government announced on July 8 that it would request a review of the case through the revision procedure of the UN

Human Rights Council's work. On October 10, Bassole was granted provisional release for medical reasons and placed under house arrest.

### **Civil Judicial Procedures and Remedies**

There is an independent judiciary in civil matters, but it was often inefficient, corrupt, and subject to executive influence. As a result, citizens sometimes preferred to rely on the Office of the Ombudsman (see section 5, Government Human Rights Bodies) to settle disputes with the government.

The law provides for access to a court to file lawsuits seeking damages for, or cessation of, a human rights violation, and both administrative and judicial remedies were available for alleged wrongs. Victims of human rights violations may appeal directly to the Economic Community of West African States Court of Justice, even before going through national courts. For civil and commercial disputes, authorities may refer cases to the Abidjan Common Court of Justice and Arbitration. The courts issued several such orders during the year.

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

### **f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence**

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

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

### **a. Freedom of Expression, Including for the Press**

The constitution and law provide for freedom of expression, including for the press, and the government generally respected this right. In 2015 the government adopted a law decriminalizing press offenses. The law replaces prison sentences with penalties ranging from one million to five million CFA francs (\$1,838 to \$9,191). Some editors complained that few newspapers or media outlets could afford such fines.

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

Freedom of Expression: The law prohibits persons from insulting the head of state or using derogatory language with respect to the office. Individuals generally criticized the government without reprisal, but opposition leaders accused the government of tailing and wiretapping opposition figures in the government.

Press and Media Freedom: There were numerous independent newspapers, satirical weeklies, and radio and television stations, some of which strongly criticized the government. Foreign radio stations broadcast without government interference. Government media outlets--including newspapers, television, and radio--sometimes displayed a progovernment bias but allowed significant opposition participation in their newspaper and television programming. On June 17, the minister of communications stated that government-owned national television news broadcasts should begin with the activities of government officials and that journalists employed by government media should either support the government or resign. On July 21, the journalists' union denounced the minister for his statement, and in September the journalists' union launched strikes and demanded that the government end "intimidation and pressure."

All media are under the administrative and technical supervision of the Ministry of Communications, which is responsible for developing and implementing government policy on information and communication. The Superior Council of Communication (CSC) monitored the content of radio and television programs, newspapers, and internet websites to enforce compliance with standards of professional ethics and government policy. The CSC may summon journalists and issue warnings for subsequent violations. Hearings may concern alleged libel, disturbing the peace, inciting violence, or violations of state security. On July 14, the CSC suspended the programming of private radio Optima for one month, due to alleged abusive remarks uttered by the radio show host.

Violence and Harassment: According to local press, journalist Mamadou Ali Compaore, known to be critical of the regime on television programs, claimed he received threats from two individuals on January 6. Journalist Lookman Sawadogo, owner of local newspaper *Le Soir*, was prosecuted on defamation charges following statements on social media on April 5 denouncing acts of corruption by magistrates who were in charge of investigating the magistracy. Sawadogo was released at trial, and all charges against him were dismissed due to lack of evidence.

Censorship or Content Restrictions: In addition to prohibitions on insulting the head of state, the law also prohibits the publication of shocking images or material that demonstrates lack of respect for the deceased. Journalists practiced self-censorship. On February 26, police ordered the Burkina Information Agency to remove an article--Fara: Bandits Shut Down Police Station before Robbing It-- from the agency's website, claiming that the report was offensive and false. Police later forced the agency to issue a denial of the accuracy of the story.

### **Internet Freedom**

The government did not restrict or disrupt access to the internet, although the CSC monitored internet websites and discussion forums to enforce compliance with regulations. According to the International Telecommunication Union, 14 percent of the population used the internet in 2016.

### **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 Peaceful Assembly**

The constitution and law provide for freedom of peaceful assembly, and the government generally respected this right.

Political parties and labor unions may hold meetings and rallies without government permission, although advance notification and approval are required for public demonstrations that may affect traffic or threaten public order. If a demonstration or rally results in violence, injury, or significant property damage, penalties for the organizers include six months to five years' imprisonment and fines of between 100,000 and two million CFA francs (\$183 and \$3,676). These penalties may be doubled for conviction of organizing an unauthorized rally or demonstration. Demonstrators may appeal denials or imposed modifications of a proposed march route or schedule before the courts.

## **c. Freedom of Religion**

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

#### **d. Freedom of Movement**

The constitution provides for freedom of internal movement, foreign travel, emigration, and repatriation and the government generally respected these rights. The government cooperated with UNHCR and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

#### **Protection of Refugees**

Access to Asylum: The law provides for granting asylum or refugee status, and the government has established a system for providing protection to refugees. The Ministry of Women, National Solidarity, and Family, aided by the National Committee for Refugees (CONAREF), is the focal point for coordination of national and international efforts. According to UNHCR, as of May 31, there were 34,207 refugees in the country, including 33,501 Malian refugees. Of this number, 23,318 Malian refugees lived in Burkina Faso's two refugee camps, Goudebou and Mentao, 8,800 resided in villages in Ouadalan and Soum Provinces, and 1,383 lived in the cities of Ouagadougou and Bobo Dioulasso. Government assistance to Malian refugees totaled 240 million CFA francs (\$441,176) in 2016.

In 2012 fighting resumed in northern Mali between government forces and Tuareg rebels, resulting in the flight of more than 250,000 Malians to neighboring countries, including Burkina Faso. According to UNHCR, approximately 50,000 Malians--most of them Tuaregs and Arabs--fled across the border to Burkina Faso and registered with local authorities as displaced persons. Authorities granted all displaced persons from Mali prima facie refugee status, pending the examination of all applications individually. Authorities settled most of the refugees in Soum and Oudalan Provinces in the Sahel Region. The ministry, aided by CONAREF, was the government focal point to help coordinate all national and international efforts to assist more than 33,500 Malian refugees remaining in the country at year's end. During the year the refugees received an undetermined amount of government assistance.

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

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

### **Elections and Political Participation**

Recent Elections: In May 2016 the country held elections to replace municipal and regional councils dissolved by the transitional government in 2014. Voter turnout was lower than usual. Voting did not occur in three of the 368 communes. In several areas of the country, the postelection selection process of mayors by municipal councils was marred by clashes among political party activists, resulting in at least three deaths and dozens of injuries in Karangasso and Kantchari. The government condemned the violence and promised swift judicial action. As of September 20, no legal action was taken against anyone involved in the violence. In the districts that were unable to hold contests in 2016 due to pre-election violence and those that did not complete the installation process for their municipal councils and mayors, makeup elections were organized and concluded quietly on May 28. The ruling party, the People's Movement for Progress, won most districts.

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

Participation of Women and Minorities: There are no laws limiting the participation of women and members of minorities in the political process, and they did participate. Although the gender quota law requires political parties to name women to fill at least 30 percent of the positions on their candidate lists in legislative and municipal elections, no political party met this requirement during the May 2016 and the May 28, 2017, make-up municipal elections. Parties and government officials said women were less engaged in politics. Women held seven of 34 ministerial seats and 13 of 127 seats in the parliament.

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

The law provides criminal penalties for corruption by officials, but the government did not implement the law effectively, and officials often engaged in corrupt practices with impunity. Local NGOs criticized what they called the overwhelming corruption of senior civil servants. They reported pervasive corruption in the customs service, gendarmerie, tax agencies, national police, municipal police, public health service, municipal governments, education sector, government procurement, and the Ministry of Justice, Human Rights, and Civic Promotion. The local NGO Anticorruption National Network (REN-LAC) categorized the municipal police as the most corrupt government sector. They reported a lack of political will to fight corruption, stating the government rarely imposed sanctions against prominent government figures.

Corruption: On September 6, the Ministry of Justice issued a warrant against the head of the CSC, Nathalie Some, for embezzling 650 million CFA francs (\$1.2 million). Some, who was in detention at the MACO since September awaiting trial, held numerous prominent positions in the previous three administrations.

Additionally, in July, two staff members from the Ouagadougou International Craft Fair, accountant Siriki Coulibaly and cashier Claude Guebre, were accused of misappropriating at least 251 million CFA francs (\$461,000) from public funds. Coulibaly confessed to misappropriating 131 million CFA francs (\$240,000), while Guebre denied any involvement. They were sentenced each to 60 months in detention and a fine of 20 million CFA francs (\$367,000). The verdict did not require them to reimburse the misappropriated amount.

Financial Disclosure: In 2015 the CNT adopted an anticorruption law that requires government officials--including the president, lawmakers, ministers, ambassadors, members of the military leadership, judges, and anyone charged with managing state funds--to declare their assets and any gifts or donations received while in office. The Constitutional Council is mandated to monitor and verify compliance with such laws and may order investigations if noncompliance is suspected. Disclosures are not made public, however, and there were no reports of criminal or administrative sanctions for noncompliance. As of September national assembly members who were elected in the 2015 legislative elections had not complied with this law, yet they did not face any sanctions.

In June 2016 the Higher Authority for State Control and the Fight against Corruption extended the requirement to declare assets to include government

officials' spouses and minor children. Infractions are punishable by a maximum jail term of 20 years and fines of up to 25 million CFA francs (\$45,955). The law also punishes persons who do not reasonably explain an increase in lifestyle expenditures beyond the 5 percent threshold set by regulation in connection to lawful income. Convicted offenders risk imprisonment for two to five years and a fine of five million to 25 million CFA francs (\$9,191 to \$45,955). In April 2016 a law was passed limiting the value of a gift a government official could receive to 35,000 CFA francs (\$64). In direct violation of the law, members of the National Assembly accepted computer tablets from Huawei International, a company that had been awarded a national optical fiber construction contract in November 2016. Following public outcry led by civil society and the local press, the members of the national assembly were forced to return the gifts.

### **Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Abuses of Human Rights**

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

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

The Ministry of Justice, Human Rights, and Civic Promotion is responsible for the protection and promotion of human and civil rights and conducts education campaigns for security force members to raise their awareness of human rights.

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

year the government awarded an additional 12 million CFA francs (\$22,000) to the commission in addition to the usually funded expenses related to commission members' selection and appointment process.

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

### **Women**

Rape and Domestic Violence: In 2015 the government passed the Law on the Prevention and Repression of Violence Against Women and Girls and Support for Victims. Conviction of rape is punishable by five to 10 years' imprisonment, but the 2015 law includes fines of 100,000 to 500,000 CFA francs (\$183 to \$919). According to human rights NGOs, rape occurred frequently. Although authorities prosecuted rape cases during the year, no statistics were available on the number of cases reported or prosecuted.

Domestic violence against women occurred frequently, primarily in rural areas. For example, a man raped a 14-year-old girl on July 31 in Bittou, Center-East Region. Local media reported the girl was taken to a health center for medical examination and the perpetrator was released after his arrest by the local police.

Victims seldom pursued legal action due to shame, fear, or reluctance to take their spouses to court. For the few cases that went to court, the Ministry of Justice, Human Rights, and Civic Promotion could provide no statistics on prosecutions, convictions, or punishment. A government-run shelter for women and girls who were victims of gender-based violence was set up in 2015 and welcomed victims regardless of nationality. In Ouagadougou the Ministry of Women, National Solidarity, and Family assisted victims of domestic violence at four centers. The ministry sometimes provided counseling and housing for abused women.

The ministry has a legal affairs section to educate women on their rights, and several NGOs cooperated to protect women's rights. To raise awareness of gender discrimination and reduce gender inequalities, the ministry organized numerous workshops and several awareness campaigns mainly in the North, Sahel, East, and Center-West Regions.

The law makes conviction of "abduction to impose marriage or union without consent" punishable by six months to five years in jail. Conviction of sexual abuse or torture or conviction of sexual slavery is punishable by two to five years in

prison. Conviction of the foregoing abuses may also carry fines of 500,000 to one million CFA francs (\$919 to \$1,838).

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

Female Genital Mutilation/Cutting (FGM/C): The law prohibits FGM/C, but it was practiced widely in rural areas, and at an early age. Perpetrators, if convicted, are subject to a fine of 150,000 to 900,000 CFA francs (\$278 to \$1,654) and imprisonment of six months to three years, or up to 10 years if the victim dies.

Security force members and social workers from the Ministry of Women, National Solidarity, and Family arrested four perpetrators in Orodara, Bobo Dioulasso, Tenkodogo, and Leo between January 4 and February 16. Two of them were tried and convicted, one was awaiting trial as of September 5, and one was at large. Twenty-nine accomplices were also sentenced to pay fines or given suspended fines. Of the 49 cases of FGM/C recorded during the year, there was only one case in which the victim was more than 30 years old. For the remaining cases, the victims' age range from 30 months to 15 years.

For example, in April, an 89-year-old woman age from Sissili Province, described as a professional practitioner of FGM/C, was sentenced by an open court to 12 months in prison and a fine of 500,000 CFA francs (\$920). She was accused of performing FGM/C on her six-year-old granddaughter on February 21.

The government also integrated FGM/C prevention in prenatal, neonatal, and immunization services at 35 percent of public health facilities. Government measures taken during the year to combat FGM/C included: the establishment of mobile courts in Tuy Province to try persons accused of FGM/C; creation of a public education Facebook page; distribution to public and private health centers of 322 treatment kits; training 164 Ministry of Education and Literacy officials on

ending FGM/C; establishing five high school social networks to address FGM/C in Houet, Kadiogo, and Sanmatenga Provinces; and holding an international day of “zero tolerance for FGM/C.” The Ministry of Women, National Solidarity, and Family conducted 3,016 awareness activities, including educational and communication campaigns for the local population in rural areas, traditional leaders, and local elected representatives. Approximately 107,350 persons benefited from these activities.

The ministry also trained 60 police officers and 60 gendarmes in efforts to prevent FGM/C.

For more information, see [data.unicef.org/resources/female-genital-mutilation-cutting-country-profiles/](https://data.unicef.org/resources/female-genital-mutilation-cutting-country-profiles/).

Other Harmful Traditional Practices: The law makes the conviction of physical or moral abuse of women or girls accused of witchcraft punishable by one to five years in prison and/or a fine of 300,000 to 1.5 million CFA francs (\$551 to \$2,757). Elderly women, and less frequently men, without support, living primarily in rural areas, and often widowed in the case of women, were sometimes accused of witchcraft by their neighbors and subsequently banned from their villages, beaten, or killed. Actions taken by the government to protect elderly persons accused of witchcraft included financial support and the organization of an International Women’s Day advocacy event on March 8, The Moral Value of the Human Being: Responsibility of the Communities in Combatting the Social Exclusion of Women.

Sexual Harassment: The law provides for sentences of three months to one year in prison and a fine of 300,000 to 500,000 CFA francs (\$551 to \$919) for conviction of sexual harassment; the maximum penalty applies if the perpetrator is a relative, in a position of authority, or if the victim is “vulnerable.” The government was ineffective in enforcing the law.

Coercion in Population Control: There were no reports of coerced abortion, involuntary sterilization, or other coercive population control methods. Estimates on maternal mortality and contraceptive prevalence are available at: [www.who.int/reproductivehealth/publications/monitoring/maternal-mortality-2015/en/](http://www.who.int/reproductivehealth/publications/monitoring/maternal-mortality-2015/en/).

Discrimination: Although the law generally provides the same legal status and rights for women as for men--including under family, labor, property, and

inheritance laws--discrimination frequently occurred. Labor laws provide that all workers--men and women alike--should receive equal pay for equal working conditions, qualifications, and performance. Women nevertheless generally received lower pay for equal work, had less education, and owned less property.

Although the law provides equal property and inheritance rights for women and men, land tenure practices emphasized family and communal land requirements more than individual ownership rights. As a result, authorities often denied women the right to own property, particularly real estate. Many citizens, particularly in rural areas, held to traditional beliefs that did not recognize inheritance rights for women and regarded a woman as property that could be inherited upon her husband's death.

The government conducted media campaigns to change attitudes toward women. It sponsored a number of community outreach efforts and awareness campaigns to promote women's rights.

## **Children**

Birth Registration: Citizenship derives either by birth within the country's territory or through a parent. Parents generally did not register many births immediately; 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. (For data, see *UNICEF Multiple Indicator Cluster Survey*.)

Child Abuse: Authorities tolerated light corporal punishment, and parents widely practiced it. The government conducted seminars and education campaigns against child abuse. The penal code mandates a one- to three-year prison sentence and fines ranging from 300,000 to 900,000 CFA francs (\$551 to \$1,654) for conviction of inhuman treatment or mistreatment of children.

The government did not effectively enforce the law. None of the calls to report violence against children, which led to intervention of security force members, resulted in an arrest or prosecution.

Early and Forced Marriage: The legal age for marriage is 17 for girls and 20 for boys, but early and forced marriage was a problem. The law prohibits forced marriage and prescribes penalties of six months to two years in prison for violators, and a three-year prison term if the victim is under age 13. There were no reports of

prosecutions during the year. A government toll-free number allowed citizens to report forced marriages.

The Ministry of Women, National Solidarity, and Family conducted information sessions for 120 teenagers from the provinces with the highest child marriage rates, including Comoe, Leraba, Kossi, and Souro, as well as advocacy sessions on child marriage by bringing together approximately 300 community leaders. The ministry also paid the school fees for 600 girls and supported the socio-professional training of 500 young persons at risk of early and forced marriage.

According to media reports, the traditional practice persisted of kidnapping, raping, and impregnating a virgin minor girl and then forcing her family to consent to her marriage to her violator. (For data, see the UNICEF website.)

Sexual Exploitation of Children: The law provides penalties for conviction of child prostitution or child pornography of five to 10 years' imprisonment, a fine of 1.5 to three million CFA francs (\$2,750 to \$5,500), or both. The minimum age of consensual sex is 15. In 2014 the National Assembly enacted a law criminalizing the sale of children, child prostitution, and child pornography. Children from poor families were particularly vulnerable to sex trafficking.

Infanticide or Infanticide of Children with Disabilities: The law provides for a sentence of 10 years' to life imprisonment for infanticide. Newspapers reported several cases of abandonment of newborn babies.

Displaced Children: There were numerous street children, primarily in Ouagadougou and Bobo-Dioulasso. Many children ended up on the streets after their parents sent them to the city to study with an unregistered Quranic teacher or to live with relatives and go to school. Government action to contain the increase in children living on the streets and to achieve their social reintegration included education campaigns for Quranic teachers in Nouna, Tougan, Dori, and Po.

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

## **Anti-Semitism**

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

### **Trafficking in Persons**

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

### **Persons with Disabilities**

The law prohibits discrimination against persons with disabilities, but the government did not effectively enforce these provisions. There is legislation to provide persons with disabilities less costly or free health care and access to education and employment. The law also includes building codes to provide for access to government buildings. Authorities did not implement all of these measures effectively.

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

The government had limited programs to aid persons with disabilities, but NGOs and the National Committee for the Reintegration of Persons with Disabilities conducted awareness campaigns and implemented integration programs.

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

In an attempt to better provide for youths with disabilities and advance women's economic empowerment, the government provided loans at zero percent interest to help women and youth carry out economic activities. The Ministry of Women, National Solidarity, and Family also provided agricultural assistance to 500 women with disabilities living in rural areas to help them strengthen their agricultural production activities. Finally, the government organized a special session to recruit 41 persons with disabilities into the public service after providing them with vocational training.

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

Longstanding conflicts between Fulani herders and sedentary farmers of other ethnic groups sometimes resulted in violence. Herders commonly triggered incidents by allowing their cattle to graze on farmlands or farmers attempting to cultivate land set aside by local authorities for grazing. Government efforts at dialogue and mediation contributed to a decrease in such incidents.

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

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

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

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

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

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

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

Vigilante groups across the country operated detention facilities. Media reported cases of torture and killing that took place in these facilities. For example, on

January 6, a suspected thief named Bindi Kouldiaty died in Diapaga (East Region) after being tortured by local vigilante members in December 2016. Also, on March 28, a suspected thief was found dead in Pama (Kompienga Province) after being tortured by local vigilantes for 48 hours. Authorities did not arrest or charge the perpetrators in the majority of cases involving vigilante groups.

## **Section 7. Worker Rights**

### **a. Freedom of Association and the Right to Collective Bargaining**

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

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

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

The law provides for freedom of association and collective bargaining. The government effectively enforced the law. The law listed sanctions for violations, including warnings, penalties, suspension, or dissolution and were generally sufficient to deter violations. Penalties consist of imprisonment and fines and vary depending on the gravity of the violation. In 2015 the CNT adopted amendments to the law. The amendments award a legal existence to labor unions of NGOs, create a commission of mediation, and require that associations abide by the law concerning funding terrorism and money laundering. The law also states that no

one may serve as the head of a political party and the head of an association at the same time.

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

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

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

There were no reports of government restrictions on collective bargaining during the year. There was extensive collective bargaining in the formal wage sector, but this sector included only a small percentage of workers. Employers sometimes refused to bargain with unions. In the private sector, particularly in mining and other industries, employers' use of subcontracting made it difficult to enforce worker rights systematically.

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

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

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

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

The law sets the minimum age for employment at 16 and prohibits children under age 18 from working at night, except in times of emergency. The minimum age for employment was consistent with the age for completing educational requirements, which was 16. In the domestic labor and agricultural sectors, the law permits children who are 13 and above to perform limited activities for up to four and one-half hours per day.

The law prohibits the worst forms of child labor, including the commercial sexual exploitation of children, child pornography, and jobs that harm the health of a child. The government was implementing the National Action Plan to combat the worst forms of child labor and to reduce significantly exploitative child labor. In 2015, the CNT adopted a revised mining code that includes new provisions prohibiting child labor in mines. The amendment establishes a penalty of two to five years in prison and a fine of five million CFA francs (\$9,191) to 24 million CFA francs (\$44,117) for violators. Antitrafficking legislation provides penalties of up to 10 years for violators and increases maximum prison terms from five to 10 years. The law also provides terms as long as 20 years' to life imprisonment under certain conditions.

The National Action Plan against the worst forms of child labor coordinated the efforts of several ministries and NGOs. Its goals included greater dissemination of information in local languages, increased access to services such as rehabilitation for victims, revision of the penal code to address the worst forms of child labor, and improved data collection and analysis. A 2014 law criminalizes the sale of children, child prostitution, and child pornography.

Punishment for violating child labor laws includes prison terms of up to five years and fines of up to 600,000 CFA francs (\$1,103). The government did not consistently enforce the law. The Ministry of Civil Service, Labor, and Social Security, which oversees labor standards, lacked sufficient inspectors, transportation, and other resources to enforce worker safety and minimum age laws. No data were available on number of prosecutions and convictions during the year.

The government organized workshops and conferences to inform children, parents, and employers of the dangers of exploitative child labor. Despite efforts by the government and several NGOs, violence against children, child labor, and child trafficking occurred. According to 2011 statistics compiled by the National Institute of Statistics, 76 percent of children between the ages of five and 17 engaged in some form of economic activity, 81 percent of whom worked in the agricultural sector. Children commonly worked with their parents in rural areas or in family-owned small businesses in villages and cities. There were no reports of children under the age of 15 employed by either government-owned or large private companies.

Children also worked in the mining, trade, construction, and domestic labor sectors. According to a 2012 UNICEF study, 20,000 children worked as servants, gold washers, or diggers in the gold mining sector. Some children, particularly those working as cattle herders and street hawkers, did not attend school. Many children under age 15 worked long hours. A study by the International Labor Organization reported that children working in artisanal mining sometimes worked six or seven days a week and up to 14 hours per day. Street beggars often worked 12 to 18 hours daily. Such children suffered from occupational illnesses, and employers sometimes physically or sexually abused them. Child domestic servants earned from 3,000 to 6,000 CFA francs (\$5.50 to \$11) per month and worked up to 18 hours per day. Employers often exploited and abused them. Criminals transported Burkinabe children to Cote d'Ivoire, Mali, and Niger for forced labor or sex trafficking.

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

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

The law prohibits discrimination with respect to employment and occupation. The government did not effectively enforce the laws and regulations. Discrimination occurred based on race, color, sex, religion, political opinion, social origin, gender, disability, language, sexual orientation or gender identity, HIV-positive status or other communicable diseases, or social status with respect to employment and occupation. The government took few actions during the year to prevent or eliminate it.

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

The law mandates a minimum monthly wage in the formal sector, which does not apply to subsistence agriculture or other informal occupations. Approximately 46 percent of the population lived below the poverty line. Poverty remained higher in rural areas. The minimum wage was less than the poverty income level.

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

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

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

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

These standards were not effectively enforced. The Labor Inspector Corps lacked sufficient resources, including staff, offices, and transport. Penalties for violations were insufficient to deter violations. There were no reports of effective enforcement of inspection findings during the year.

Employers often paid less than the minimum wage. Employees usually supplemented their income through reliance on extended family, subsistence agriculture, or trading in the informal sector. Mining sector companies generally respected hours of work, overtime, and occupational safety and health standards. Employers subjected workers in the informal sector, which made up approximately 50 percent of the economy, to violations of wage, overtime, and occupational safety and health standards.