

BURKINA FASO 2021 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Burkina Faso is a constitutional republic led by an elected president. In November 2020 the country held presidential and legislative elections. President Roch Marc Christian Kaboré was re-elected to a second five-year term with 57.74 percent of the popular vote, and his party – the People’s Movement for Progress – won 56 seats in the 127-seat National Assembly, remaining the largest party in a legislative majority coalition with smaller parties. National and international observers characterized the elections as peaceful and “satisfactory,” with credible results, while noting logistical problems on election day and a lack of access to the polls for many citizens due to insecurity. The government had previously declared that elections would take place only in areas where security could be guaranteed.

The Ministry of Security and the Ministry of Defense are responsible for internal security. The Ministry of Security oversees the National Police. The army, air force, and National Gendarmerie, which operate within the Ministry of Defense, are responsible for external security but sometimes assist with missions related to domestic security. In January 2020 the government passed legislation formalizing community-based self-defense groups by establishing the Volunteers for the Defense of the Fatherland, a civilian support corps for state counterterrorism efforts with rudimentary oversight from the Ministry of Defense. By year’s end the government registered approximately 2,700 Volunteers. Civilian authorities generally maintained effective control over security forces, but there were credible reports members of state-sponsored militias committed numerous abuses.

Significant human rights issues included credible reports of: unlawful or arbitrary killings, including extrajudicial killings by security forces and state-sponsored militias and extremist groups; forced disappearance by security forces and extremist groups; torture and cases of cruel, inhuman, or degrading treatment or punishment by extremist groups; harsh and life-threatening prison conditions; serious abuses in an internal conflict, including widespread civilian harm, abductions, torture, and physical abuses or punishment, and unlawful recruitment of child soldiers by extremist groups; serious restrictions on free expression and

media, including violence or threats of violence against journalists and censorship; serious acts of corruption; lack of investigation and accountability for gender-based violence, including but not limited to domestic or intimate partner violence, sexual violence, child, early and forced marriage, female genital mutilation/cutting, and other harmful practices; trafficking in persons; crimes involving violence or threats of violence targeting members of national, racial, and ethnic minorities; and the worst forms of child labor.

The government investigated and punished some cases of abuse, but impunity for human rights abuses and corruption remained a problem.

The country experienced deadly attacks by violent extremist organizations during the year. Terrorist groups Jama'at Nasr al-Islam wal Muslimin (Group for the Support of Islam and Muslims), the Islamic State in the Greater Sahara, and other armed groups, such as the homegrown Ansaroul Islam, perpetrated numerous attacks that resulted in hundreds of civilian deaths as well as scores of deaths among government security forces and state-sponsored militias. Security incidents included improvised explosive device attacks; targeted killings; kidnappings; attacks on mining sites (especially gold mines); burning of schools, medical centers, and homes; and theft of cattle, vehicles, and food assistance, contributing to a humanitarian crisis and the internal displacement of more than 1.5 million persons. The government detained several hundred suspected violent extremists, including several children. Some detainees had been awaiting trial for several years. In August the Specialized Antiterrorism Court held the first criminal trials of terrorist suspects.

Section 1. Respect for the Integrity of the Person

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

There were reports that the state security forces committed arbitrary or unlawful killings during the year (see section 1.g., Killings).

There were reports that state-sponsored militias, known as the Volunteers for the Defense of the Fatherland, committed arbitrary or unlawful killings (see section

1.g., Killings).

There were numerous reports that violent extremist groups committed arbitrary and unlawful killings. Multiple sources reported that extremists killed hundreds of civilians, members of the security forces, and members of state-sponsored militias (see section 1.g., Killings). There were several accounts of criminal groups working in concert with terrorist organizations and drug traffickers killing gendarmes, police, state-sponsored militias, and park rangers, especially in the Est Region.

On June 4, an unidentified group of assailants attacked and destroyed a settlement adjacent to a gold mine on the outskirts of the village of Solhan, approximately 30 miles from the country's border with Niger, resulting in the killing of 132 civilians, according to the government, although international media sources reported the number of victims was closer to 160 or even 200. The attack was the deadliest in the country's more than five-year fight against terrorism.

On October 11, the trial of 14 individuals accused of complicity in the 1987 assassination of then president Thomas Sankara began in Ouagadougou. The court announced that former president Blaise Compaore, who fled the country in 2015 following a popular uprising, would be tried separately in absentia for his alleged role in the assassination.

b. Disappearance

There were reports of disappearances by or on behalf of security forces and state-sponsored militias during the year (see section 1.g., Abductions).

There were numerous reports of disappearances of civilians by violent extremist groups (see section 1.g., Abductions).

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

The constitution and law prohibit such practices. Local rights groups alleged numerous accounts of torture committed by state-sponsored militias and members of the community-based armed groups known as the Koglweogo. Most allegations

of torture involved victims suspected of having links to extremists or persons of Fulani/Peuhl ethnicity (see section 1.g., Physical Abuse, Torture, and Punishment).

According to the Conduct in UN Field Missions online portal, during the year there were two allegations of sexual exploitation and abuse by Burkina Faso peacekeepers deployed to the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo, both concerning alleged transactional sex with an adult. In both cases UN payments were suspended pending the results of the investigation, which continued at year's end. Two previous allegations, both dating to 2015, were found to be unsubstantiated and closed without any action.

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: The Ministry of Justice and Human Rights' most recent report on prison statistics, covering 2020, indicated the country had 7,401 persons incarcerated nationwide, an occupancy rate of 142 percent. Authorities held pretrial detainees in the same locations as convicted prisoners. The High Security Prison in Ouagadougou, which mostly housed suspected extremists, was at more than double its designed capacity. Almost all were in pretrial detention.

Female prisoners had better conditions than those of men, in large part due to less crowding. Some infants and children younger than age five accompanied their inmate mothers. There were no appropriate facilities or installations for prisoners or detainees with disabilities, and they relied on other inmates for assistance.

Food, potable water, sanitation, heating, ventilation, lighting, and medical care were inadequate in most detention facilities across the country. Tuberculosis, HIV, AIDS, and malaria were the most common health problems among prisoners. For example, at the High Security Prison there were three nurses employed to treat more than 900 detainees and prisoners, with no doctor present on site but available on an on-call basis. Detention conditions were better for wealthy or influential citizens or detainees considered nonviolent.

Prisoners received two meals a day, but diets were inadequate, and inmates often relied on supplemental food from relatives. Some prisons lacked adequate ventilation, although some cells had electricity and some inmates had fans. Sanitation was rudimentary.

On March 24, President Kabore granted pardons to 796 prisoners. A similar mass pardon was granted on December 30.

Administration: The government did not provide information on investigations into allegations of mistreatment in prisons.

Independent Monitoring: The government permitted monitoring by independent nongovernmental observers. The International Committee of the Red Cross (ICRC) and the Burkinabe Movement for Human and People's Rights (*le Mouvement burkinabe des droits de l'homme et des peuples*) were able to visit prisoners in some facilities throughout the country. The ICRC visited more than 4,400 inmates in 16 detention facilities during the year.

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. Arbitrary arrests occurred, however, and a lack of access to defense counsel and inadequate staffing of the judiciary prevented many detainees from seeking pretrial release in court. The ICRC received more than 600 new reports of persons reported missing by their families during the year.

Arrest Procedures and Treatment of Detainees

By law police and gendarmes must usually 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. 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. In practice, however, attorneys were not appointed until trial began. A judge may order temporary release without bail pending trial. Authorities seldom respected these rights. The

law provides detainees access to family members 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. In terrorism investigations the law allows detention for a 10-day period. In cases not related to terrorism, police did not always comply with 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.

Arbitrary Arrest: Local independent rights groups alleged that security forces regularly arrested individuals arbitrarily for suspected involvement in terrorism. An official with the Ministry of Justice reported that hundreds of individuals detained at the High Security Prison remained in detention without being charged. Judiciary leaders decried what they saw as a “broad net” cast by security forces in the field, whom they suspected of rounding up large groups of suspects without sufficient cause.

Pretrial Detention: In many cases authorities held detainees without charge or trial for longer periods than the maximum sentence for conviction of the alleged offense; this was especially true in cases involving terrorism and included children detained for alleged association with armed groups. While a pretrial release (release on bail) system existed, the extent of its use was unknown. Authorities estimated 52 percent of prisoners nationwide were in pretrial status, but local independent rights groups estimated it to be as high as 70 percent. Local media regularly reported on cases of persons detained more than one year without trial. Some terrorism suspects were held for years awaiting trial.

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 nongovernmental organizations (NGOs). There were no instances in which the trial outcomes appeared predetermined, however, and authorities respected court orders. Legal codes were outdated, there were not enough courts, and legal costs were excessive. Citizens' poor knowledge of their rights further weakened their ability to obtain justice. The reluctance of private defense lawyers to represent terrorist suspects in criminal cases was a problem, due to both lack of funds to pay appointed counsel and the social stigma associated with representing accused extremists.

Nearly six years after the government's first arrests of persons implicated in extremist violence and after multiple delays, the country held its first criminal terrorism trials in the week of August 9-13 at the new courthouse in the capital city. The court acquitted one defendant, while five others were convicted and sentenced to between 10 and 21 years in prison. International observers raised concerns with the conduct of the trials, including a lack of legal representation for the accused. Two convicted defendants appealed their convictions.

Military courts try cases involving military personnel charged with violating the military code of conduct. In certain rare cases, military courts may also try cases involving civilian defendants. 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 serious 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 government did not always respect these rights, due in part to a shortage of magistrates and court-appointed lawyers.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees during the year.

Civil Judicial Procedures and Remedies

There is an independent judiciary in civil matters, but it was often seen as inefficient, corrupt, and subject to executive influence. As a result, citizens sometimes preferred to rely on the Office of 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 appeal directly to the Economic Community of West African States (ECOWAS) Court of Justice, even before going through national courts. For civil and commercial disputes, authorities may refer cases to the ECOWAS Common Court of Justice and Arbitration in Abidjan, Cote d'Ivoire. 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. The penal code permits wiretapping in terrorism cases, to be authorized by the president of a tribunal for a limited term. Investigative judges have the authority to authorize audio recording in private places. These investigative techniques were relatively new to the legal framework. The national intelligence service is authorized to use technology for surveillance, national security, and counterterrorism purposes.

The state of emergency, first declared by President Kabore in 2018, remained in effect in 14 provinces within seven of the country's 13 administrative regions in response to growing insecurity from extremist attacks. The state of emergency granted additional powers to the security forces to carry out searches of homes and restrict freedom of movement and assembly. The state of emergency was extended in June for an additional 12 months. Authorities in the Sahel and Est Regions also ordered a curfew due to extremist attacks.

According to international and local independent rights groups, the military employed informant systems to generate lists of suspected extremists based on anecdotal evidence. Violent extremist groups were widely reported to employ similar systems to identify civilians accused of aiding security forces; some of those identified suffered violence or death at the hands of extremists.

g. Conflict-related Abuses

The country experienced numerous attacks by violent extremist organizations during the year, such as targeted killings; abductions; attacks on schools, health centers, and mining sites; and theft of food assistance, contributing to a humanitarian crisis and creating significant internal displacement. Extremists including Jama'at Nasr al-Islam wal Muslimin (Group for the Support of Islam and Muslims), the Islamic State in the Greater Sahara, and Ansaroul Islam committed numerous killings and other abuses. Security forces and state-sponsored militias also were implicated in killings and other abuses.

Killings: Both security forces and state-sponsored militias were implicated in or credibly accused of abuses against civilians, including arbitrary or unlawful killings. Human rights defenders reported that in late November security forces were implicated in at least 22 unlawful killings in the Sud-Ouest and Cascades

Regions. Media reported that in May state-sponsored militias kidnapped Fulani community leaders from an internally displaced persons (IDP) site outside Koumbri, near the Malian border in the country's Nord Region. The bodies of two of the kidnapping victims were later found outside the village. According to the Armed Conflict and Location Event Data project, state-sponsored militias killed at least 95 civilians from January 2020 to August.

According to a local think tank that specializes in security, violent extremists committed more than one terrorist incident per day on average during the year, with 91 incidents resulting in 89 civilian deaths in the month of July alone. Between April and June, suspected extremists killed 298 civilians, an increase of almost 250 percent compared with the first trimester of the year. Since January more than 20,000 persons fled to neighboring countries, almost doubling the total number of refugees (38,000) in just six months, according to United Nations High Commission for Refugees' (UNHCR) Global Focus Update for 2022.

Violent extremist groups perpetrated numerous attacks against government security forces and state-sponsored militias throughout the year (see section 1.a.). Violent extremist groups killed hundreds of members of state-sponsored militias, including more than 120 persons between February and April. Extremist groups frequently targeted state-sponsored militias, often demanding communities disband or expel the militias as a condition of ceasing attacks on the population. Local sources indicated extremist groups also targeted villagers suspected of collaborating with state-sponsored militias.

On August 18, extremists attacked a military convoy escorting civilians in the village of Boukouma, in Soum Province, Sahel Region, killing 80 persons, including 65 civilians and 15 gendarmes.

Improvised explosive device (IED) attacks sharply increased during the year. Armed groups took advantage of poor road maintenance to plant IEDs in potholes and ditches in efforts to ambush security forces and state-sponsored militias, which also led to the deaths of civilians. On March 2, an ambulance from the Djibo medical center hit an IED on the road between Djibo and Namssiguia, Sahel Region, while transporting a patient, killing six civilians. On May 20, security forces ran over an IED while on a mission in Tialbonga, Est Region. The

explosion killed one soldier and wounded two others.

Extremists killed civilians to coerce local populations into following their ideology. On July 29, extremists entered the village of Ouroudjama, Sahel Region, with two hostages they had previously kidnapped. After publicly executing one of the hostages, they demanded that the local population submit to their ideology or face repercussions.

An investigation by the government continued into the 2019 attack by members of a community-based armed group (the Koglweogo) against Fulani herding communities in Yirgou outside the town of Barsalogho, an attack that killed 46 civilians.

Abductions: Extremists kidnapped dozens of civilians throughout the year, including international humanitarian aid and medical workers. The extremists sometimes kidnapped health workers for a temporary period to obtain medical assistance. They also kidnapped IDPs and local leaders.

On March 18, extremists abducted six health workers, including two women on the Sebba-Mansila road, in Yagha Province, Sahel Region. The extremists reportedly freed the two women and disappeared with the four men.

On the night of July 29, extremists kidnapped two IDPs from the IDP camp in Barsalogho, located 30 miles from Kaya, in Sanmatenga Province, Centre-Nord Region. One of the two was believed to be the leader of the IDP community. The next day extremists returned to the camp and abducted more than 40 additional individuals. In response, IDPs fled the camp.

On August 29, extremists kidnapped the town councilor of Manzourou village in Tin-Akof commune, Sahel Region. His body was found on August 30 in a field near the town. According to local sources, he was suspected by extremists for collaborating with a state-sponsored militia.

Physical Abuse, Punishment, and Torture: According to the Collective against Communities' Impunity and Stigmatization and the Burkinabe Movement for Human and People's Rights, on several occasions state-sponsored militias tortured and beat civilians they suspected of having ties to terrorist groups, and sometimes

destroyed their property (see section 1.c.).

Media reported that in July a young man accused of livestock theft was bound so tightly by the militias that doctors were later forced to amputate his hands.

Extremists also used physical abuse to coerce local populations to adopt their ideology. In December 2020 a dozen extremists armed with Kalashnikov-type rifles and whips raided the village of Doubare, approximately 12 miles from the town of Thiou, on the border with Mali, Nord Region. They whipped women who were not wearing veils at several water distribution points.

Child Soldiers: There were no reports of the government recruiting or using child soldiers. Although it was difficult to obtain precise data on groups, including extremist groups, that recruited and used children, the minister of women, national solidarity, family, and humanitarian action announced on September 13 that 374 child victims of trafficking had been rescued by the government between January and March. The minister also reported that, since the beginning of the country's security crisis in 2015, 58 children had been arrested during military operations and handed over to social services. The government continued to detain minors for alleged association with violent extremist groups, some of whom may be trafficking victims, in a high-security prison. The number of minors detained during the year was estimated to be between five and 15.

Other Conflict-related Abuse: According to the Ministry of National Education, as of May 28, 2,244 schools were closed, affecting more than 304,500 students in several regions of the country (see section 6, Children). On January 2, extremists reportedly set fire to the primary school of Libouli, a cultural hamlet in the village of Pori, in the commune of Botou, southeast of Kantchari, Est Region.

Extremist groups also stole livestock, vehicles, and food. They attacked humanitarian convoys, looted and burned villages, and disrupted cellular telephone services to prevent local communities from calling for protection in the event of an attack. On January 18, extremists stole approximately 35 head of cattle in Wiboria, a village located 12 miles from Falagountou, Sahel Region. According to local sources, the extremists moved the cattle east towards the border with Niger. On the night of January 19, extremists allegedly entered Niaptana, a village in the

commune of Sebba, Sahel Region, without causing any casualties. They reportedly fired several sporadic shots, looted, burned shops, and stole livestock. On February 10, extremists carjacked two public transport vehicles that were transporting traders on the Markoye-Tin-Akof road, in Oudalan Province, Sahel Region. After removing cell phones and cash from the passengers, assailants left with the two vehicles, including a truck full of merchant goods. A UNHCR team was attacked on May 19 as they attempted to reach Dori from the Malian refugee camp of Goudebo. Six armed assailants fired on the team's vehicle, which was armored. The group escaped and safely reached its destination. On July 16, extremists intercepted commercial vehicles carrying food on the Dori-Gorgadji road, in Seno Province, Sahel Region. They killed one civilian, set a vehicle on fire, and stole foodstuffs. On August 5, extremists sabotaged mobile network installations in Mansila commune, Sahel Region, reportedly to disrupt telephone calls and prevent the local population from alerting state-sponsored militias in the event of an attack.

Sustained insecurity displaced approximately 1.5 million persons, according to the United Nations. Protracted displacement exacerbated food insecurity, and more than 2.9 million persons were likely to require emergency food assistance during the lean season, with displaced and inaccessible populations at increased risk. Displaced populations also lacked access to basic services, such as health care, water and sanitation, and adequate shelter, and faced protection risks. In an August 6 announcement, the governor of the Sahel Region prohibited the cultivation of certain crops, including millet, sorghum, and maize, in the main towns and near security checkpoints of the region during the rainy season. The governor claimed that these crops provided cover for extremists to hide and ambush state security forces. Media also reported that extremists also banned populations from planting crops.

Section 2. Respect for Civil Liberties

a. Freedom of Expression, Including for Members of the Press and Other Media

The constitution and law provide for freedom of expression, including for the

press, but the government did not always respect this right. In 2019 the National Assembly voted to amend the penal code banning journalists from reporting any security-related news to preserve national security and prevent the demoralization of the military “by any means.” Attempts to “demoralize” members of the military had previously been a crime.

A 2015 law decriminalized press offenses and replaced prison sentences with substantial monetary fines. Some editors complained that few newspapers or media outlets could afford such fines. Despite the reform, journalists occasionally faced criminal prosecution for libel and other forms of harassment and intimidation.

Freedom of Expression: The 2019 revision of the penal code criminalizes communicating the position or movements of defense forces, or sites of national interest or of a strategic nature, and the publication of any terrorist crime scene without authorization. The amendment significantly increases penalties for the crime of publicly insulting another person if electronic communications are used to publish the insult; the law had previously prohibited persons from insulting the head of state or using derogatory language with respect to the office. Local and international associations of journalists called for the rejection of the amendment as an unacceptable attempt to stifle freedom of speech.

On August 9, police detained and questioned activist Zakaria Sana regarding a Facebook post he had written that appeared to encourage a coup d’etat. Sana was released and received a six-month suspended jail sentence.

On the morning of August 13, judicial police arrested Pascal Zaida, a civil society activist, accusing him of “attempting to compromise state security, inciting a rebellion, and making subversive statements.” The arrest followed an August 12 press conference in which Zaida claimed “all the conditions are in place to bring down the government.” Members of the media condemned his arrest as an example of government restrictions on freedom of expression. The police dropped the charges and released Zaida on August 17.

Freedom of Expression for Members of the Press and Other Media, Including Online Media: Independent media were active and expressed a wide variety of

views, albeit with some restrictions. Foreign radio stations broadcast without government interference.

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 Conseil Supérieur de la Communication monitored the content of local radio and television programs, newspapers, and internet websites to enforce compliance with standards of professional ethics and government policy. The council may summon journalists and issue warnings for subsequent violations. Hearings may concern alleged libel, disturbing the peace, inciting violence, or violations of state security.

Violence and Harassment: On March 15, investigative journalist Yacouba Ladji Bama was fined two million CFA francs (\$3,500) after he lost a defamation suit brought against him by the ruling party. The defamation case against Bama, former editor in chief of the biweekly newspaper *Courrier Confidentiel*, originated from a December 2020 incident in which he claimed an attempt had been made on his life by the ruling party, allegedly in retaliation for Bama's public assertions that the party had violated the electoral code when it distributed branded items at a campaign event in the period preceding the November 2020 presidential elections.

In March, four media organizations released a declaration expressing concern that six cases of violent attacks or other acts of intimidation against journalists in 2020 remained pending before the courts.

Censorship or Content Restrictions: In addition to prohibitions on publishing security-related information and insulting the head of state, the law prohibits the publication of shocking images or material that demonstrates lack of respect for the deceased. Journalists practiced self-censorship, fearing that publishing blatant criticism of the government could result in arrest or closure of their newspaper. Journalists were denied access to sites housing internally displaced persons during the year.

Internet Freedom

The law permits a judge, at the request of a "public minister" (prosecutor), to block internet websites or email addresses being used to spread "false information" to the

public. The government did not restrict or disrupt access to the internet; however, the Conseil Supérieur de la Communication and the chief prosecutor monitored internet websites and discussion forums to enforce compliance with regulations. Claiming national security interests, the government disabled the mobile data network providing access to the internet via mobile devices on several occasions, including in November for a period of one week.

Academic Freedom and Cultural Events

There were no government restrictions on academic freedom or cultural events. Extremist groups threatened civilians with beatings or death for listening to music.

b. Freedoms of Peaceful Assembly and Association

The law provides for the freedoms of peaceful assembly and association, but the government at times restricted these rights.

Freedom of Peaceful Assembly

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 substantial fines. 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.

On November 27, protests in Ouagadougou and Bobo-Dioulasso organized by civil society activists turned violent. Dozens of persons reportedly were injured as security forces used tear gas to disperse the protesters, and protesters threw rocks at security forces and ransacked public buildings, including the ruling party's headquarters and Ouagadougou's city hall. On November 24, Ouagadougou's mayor released a statement cautioning would-be protesters that they did not have a permit and security forces could be called in to respond to the illegal protest. Protest organizers disputed the mayor's statement, noting they submitted their application to demonstrate within the 72-hour deadline mandated by law. On

November 29, authorities arrested Pascal Zaida, a civil society activist who helped organize protests. Authorities arrested additional participants in the following days. At year's end all protesters had been released.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

d. Freedom of Movement and the Right to Leave the Country

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

In-country Movement: The government required citizens to carry a national identity document, and it authorized officials to request the document at any time. Without a national identity card, citizens could not pass between certain regions of the country and were subject to arrest and fines.

Of the country's 13 regions, 96 percent of registered IDPs were in six regions: Nord, Boucle du Mouhoun, Centre-Nord, Nord, Est, and Centre-Est. The Ministry of Women, National Solidarity, Family, and Humanitarian Affairs publicly stated that IDPs could not register in Ouagadougou, and humanitarian actors were prevented from providing assistance to IDPs in the capital city.

Armed extremists restricted movement of thousands of rural inhabitants throughout the country by planting IEDs on major highways, hijacking vehicles, and setting up checkpoints. In response to dozens of attacks by unknown armed groups presumed to be extremists, local authorities instituted a ban on motorcycle traffic from 7 p.m. to 5 a.m. in the Est, Sahel, and Nord Regions.

e. Status and Treatment of Internally Displaced Persons

Recurrent armed attacks and interethnic clashes throughout the country resulted in the displacement of more than 1.42 million persons as of August 31, up from approximately 560,000 registered IDPs in December 2019 (see section 1.g.). The country registered more than 56,000 new IDPs in July. As of August 31, 60

percent of the internally displaced persons were children, 23 percent were women, and 16 percent were men. Protracted displacement and vulnerability exacerbated the conditions that caused food insecurity. More than 2.9 million persons were estimated to require emergency food assistance during the June-to-August lean season, when household food supplies are lowest, according to the World Food Program. IDPs were concentrated in urban areas, leading to overcrowding, pressure on basic services, and growing social tensions between IDPs and host communities. There were reports of sexual exploitation of IDPs by host community leaders in exchange for food.

The government promoted the safe, voluntary, and dignified return, resettlement, or local integration of IDPs. The government had policies and protections for IDPs in line with the UN Guiding Principles on Internal Displacement.

At times the government denied humanitarian NGOs or international organizations access to IDPs. During a September 13 press conference, the minister of humanitarian affairs criticized international NGOs that had criticized the government's humanitarian response. The minister's comments were a response to complaints by NGOs, including the Norwegian Refugee Council, that the government's "slow and insufficient humanitarian response" was endangering IDPs and other vulnerable individuals. The Norwegian Refugee Council claimed local authorities did not have sufficient capacity to register IDPs in a timely manner, which prevented relief organizations from providing needed assistance. The minister responded that her ministry had "sole responsibility for the registration of IDPs." In a September 22 letter, the minister suspended the Norwegian Refugee Council's access to IDP sites for "discrediting the government." The government lifted the suspension on October 21 following a public apology by the group.

Humanitarian partners continued to respond to the crisis with life-saving assistance targeting 2.9 million persons, or 14 percent of the country's population. The government, through its National Council for Emergency Assistance and Rehabilitation, operated with the UN Office for the Coordination of Humanitarian Affairs and its partners to assess, plan, and respond to the crisis.

f. 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, Family, and Humanitarian Affairs aided by the National Committee for Refugees, is the focal point for coordination of national and international efforts.

Abuse of Migrants and Refugees: The government cooperated with UNHCR and other humanitarian organizations in providing protection and assistance to refugees, as well as to returning refugees, asylum seekers, stateless persons, and other persons of concern. UNHCR recorded approximately 25,000 refugees as of December, the vast majority from Mali.

Freedom of Movement: According to UNHCR, police arbitrarily arrested Fulani refugees travelling from the Sahel Region to Ouagadougou on multiple occasions, sometimes holding them in detention overnight before releasing them.

Access to Basic Services: According to UNHCR, public institutions such as banks, schools, and hospitals occasionally refused service to refugees on a discriminatory basis. Refugee camps in Mentao effectively closed down in 2020 following attacks by violent extremist organizations. The government and UNHCR provided support to relocate the refugees to Goudebou camp, which officially reopened in December 2020 but was forced to close in November due to security concerns in the region. Approximately 13,000 refugees fled the camp, and most resettled in the area around Dori, where UNHCR provided them limited services.

Durable Solutions: In August, UNHCR reported that the number of Malian refugees who intended to repatriate dropped from more than 3,500 persons in 2020 to only five persons in July due to insecurity and unsuitable conditions in Mali. The government, UNHCR, and the Malian government engaged in tripartite discussions and established frameworks to pursue durable solutions for Malian refugees in the country.

Temporary Protection: The government agreed to offer temporary protection to individuals who did not qualify as refugees, but there were no such applicants

during the year.

g. Stateless Persons

According to UNHCR, more than 700,000 habitual residents were legally or de facto stateless, mostly due to a lack of documentation. The Ministry of Justice, Human Rights, and Civic Promotion worked with UNHCR and other international NGOs to deploy mobile courts to remote villages to issue birth certificates and national identity documents to residents who qualified for citizenship.

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: President Roch Marc Christian Kabore was re-elected to a second five-year term with 57.74 percent of the popular vote in the November 2020 national elections. His party, the People’s Movement for Progress, won 56 of the 127 seats in the National Assembly, remaining the largest party in a legislative majority coalition with smaller parties. The Congress for Democracy and Progress, the party of longtime former president Blaise Compaore, ousted in a popular uprising in 2014, became the largest opposition party with 20 seats. Some leading opposition candidates alleged irregularities and fraud but acknowledged the results and urged a “spirit of political dialogue.” National and international observers characterized the elections as peaceful and “satisfactory,” while noting logistical problems on election day and a lack of access to the polls for many citizens due to insecurity, including the majority of IDPs of voting age. The government had earlier declared that voting would take place only in areas where security could be guaranteed.

The National Assembly adopted a bill in August 2020 to modify the electoral law. This new electoral law stipulates that in the event of force majeure or exceptional circumstances duly noted by the Constitutional Council, resulting in the impossibility of organizing the elections in a part of the territory, the elections shall

be validated on the basis of results from those polling stations open on election day. This modification, which was approved with the support of the ruling coalition as well as key segments of the parliamentary opposition, was nonetheless criticized by part of the political class and civil society organizations, since it allows for the exclusion of many voters living in insecure areas of the country.

Political Parties and Political Participation: Political parties generally operated freely. In September 2020 the Minister of Territorial Administration, Decentralization, and Social Cohesion, in application of the electoral code, made public the list of political parties authorized to participate in the November 2020 presidential and legislative elections. According to the communique, 143 political parties and three political formations were legally constituted.

The 2015 electoral code approved by the National Transitional Council stipulated the exclusion of certain members of the former political majority. The code stated that persons who “supported an anti-constitutional change that led to a popular uprising” were ineligible to be candidates in future elections. The electoral law allows all political candidates to run for election and opened the vote to members of the Burkinabe diaspora in possession of a national identity card or passport.

Participation of Women and Members of Minority Groups: No laws limit participation of women and members of minority groups in the political process, and they did participate. Parties and government officials stated women were less engaged in politics due to cultural and traditional factors. 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 in the November 2020 elections. In March 2020 a new law establishing “zebra lists” mandated that electoral lists alternate names of men and women to better achieve a 30 percent quota. The law includes positive incentives for political parties respecting the quota but no penalties for those who do not abide by the law. Monique Yeli Kam, of the Burkina Rebirth Movement, was the only female candidate among 14 certified as eligible for the November 2020 presidential election. Following the 2020 legislative elections and the formation of a new government, women held 19 of 127 seats in the National Assembly after the elections (compared with 14 women in the previous National Assembly). Of 18,602 city councilors, 2,359 were women.

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. There were numerous reports of government corruption during the year, including cases of misappropriation, fraud, or other offenses. The NGO National Network for Anti-Corruption cited the customs, police, and General Directorate of Land and Maritime Transport as the most corrupt entities in the government.

Corruption: Authorities opened an investigation of Seydou Zagre, the president's chief of staff, for money laundering. He answered the summons of the investigating judge of the Ouagadougou Court on June 18. The investigation continued at year's end.

Section 5. Governmental Posture Towards International and Nongovernmental Investigation of Alleged Abuses of Human Rights

A variety of domestic and international human rights groups operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were cooperative and somewhat responsive to their views. In September the minister of humanitarian affairs suspended the activities of the Norwegian Refugee Council in IDP sites for criticizing the government's humanitarian response (see section 2.d.).

The United Nations or Other International Bodies: On October 6, the minister of foreign affairs and the UN country representative for human rights signed a Memorandum of Understanding for opening a UN Human Rights Office, which the government had originally approved in May 2020.

Government Human Rights Bodies: During the year the Ministry of Justice and Human Rights organized several training sessions for security forces on the laws of armed conflict, provided assistance to victims of extremist and gender-based violence, and organized antistigmatization and social cohesion campaigns. The

government sometimes assigned gendarmes as provost marshals to accompany deployed troops during military operations to verify detainees were afforded proper treatment and promptly taken before a military magistrate.

The Office of the Ombudsman addresses citizen complaints regarding government entities 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.

The government-funded National Commission on Human Rights provides a permanent framework for dialogue on human rights concerns. Its members include 15 representatives of human rights NGOs, unions, professional associations, and the government. In March the National Assembly adopted a bill that gives the commission the authority to act in matters regarding torture, strengthens the independence of commissioners, and, for the first time, sets aside funds to guarantee commissioners' salaries. The bill also authorizes funds to reimburse commissioners for the previous three years' salaries, which had not been paid.

Section 6. Discrimination and Societal Abuses

Women

Rape and Domestic Violence: Gender-based violence was prevalent, including rape and domestic violence. According to the penal code, rape is punishable by a prison sentence of 11 to 20 years and a substantial monetary fine when committed against an adult or minor age 13 years or older. The penalty is 11 to 30 years in prison and even higher monetary fines when the survivor is younger than 13. Rape was widely underreported in part due to societal taboos and the drawn-out judicial process owing to the overburdened justice system. Media, however, reported on the prevalence of rape cases and subsequent convictions.

Two women were killed by their spouses on May 2 and May 9 in the Nord Region. Following these deaths hundreds of women marched on the local headquarters of the gendarmerie, where the men had taken refuge. Carrying tree branches and threatening to whip any man in their path, the protesters demanded justice for the two women, both of whom had been pregnant. The minister of women joined the

demonstrations to show solidarity with the women but urged the crowd to allow the cases to work their way through the justice system.

On August 31, a man was sentenced to 48 months in prison plus a fine of 500,000 CFA francs (\$177) for forcing a European woman, in May in a park in Ouagadougou, to perform oral sex on him under threat of stabbing her.

Survivors of domestic violence 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. On International Women's Day, the Ministry of Women, National Solidarity, Family, and Humanitarian Affairs launched a toll-free number for survivors of domestic abuse. According to the head of the center, more than 425 calls were received in the hotline's first two months of operation and 30 survivors received care. A government-run shelter for survivors of gender-based violence housed women and girls regardless of nationality. In Ouagadougou the ministry assisted survivors 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 Nord, Sahel, Est, and Centre-Ouest Regions.

The law makes conviction of "abduction to impose marriage or union without consent" punishable by six months to five years in prison. Conviction of sexual abuse or torture or conviction of sexual slavery is punishable by two to five years in prison. Conviction of these crimes may also carry substantial monetary fines.

The law requires police to provide for protection of domestic violence survivors and their minor children and mandates the establishment of chambers in the High Court with exclusive jurisdiction over cases of violence against women and girls. According to the minister of women, in 2020 the High Court of Ouagadougou heard more than 120 rape cases, 43 cases of assault, and 18 abduction cases of young girls. The law requires all police and gendarmerie units to designate

officers to assist women affected or threatened by gender-based 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 gender-based violence survivors and a government support fund for their care. The centers receive survivors on an emergency basis, offer them security, provide support services (including medical and psychosocial support), and, when possible, refer them to court.

Female Genital Mutilation/Cutting (FGM/C): The practice of FGM/C is prohibited by law, and those found guilty are liable to a prison sentence of one to 10 years with a substantial monetary fine. If a victim of FGM/C dies following the excision, the sentence increases to a term of 11 to 20 years' imprisonment and an even higher monetary fine. Accomplices are also punishable with penalties. While comprehensive statistics were not available, as of 2019 the Ministry of Women, National Solidarity, Family, and Humanitarian Affairs had registered 185 FGM/C cases in the Sud-Ouest Region. Some arrests were reported.

Media reported some FGM/C cases. For example, on May 4, five girls ages between one and three years were excised in the village of Masbore, Nord Region. On June 29, the Ouahigouya Court held a criminal hearing on the case and sentenced four defendants to 24 months' imprisonment with a suspended sentence and a fine of 100,000 CFA francs (\$177). In July, 10 girls ages seven to 11 were excised in the village of Sideratougou in Banfora, but no arrests were reported.

The government continued to fund and operate a toll-free number to receive anonymous reports of the practice. The government continued to fund the Permanent Secretariat of the National Council for the Fight against the Practice of Excision. The council strengthened the skills of regional coordinators of women's associations in the campaign against excision through training. The government also provided training to hundreds of health workers to strengthen their skills in caring for FGM/C-related medical complications. On July 14, President Kabore spoke with representatives of youth from the 13 regions of the country engaged in the campaign.

Other Harmful Traditional Practices: In the Centre-Est and Nord Regions, primarily in rural areas, self-proclaimed traditional healers performed rituals in

which participants denounced others as “witches” whom they held responsible for their misfortune. Those accused, often elderly women, and less frequently men, were sometimes tied up, humiliated, beaten, brutalized, banned from their villages, or killed. Widows were disproportionately accused of witchcraft by male relatives, who then claimed their land and other inheritance. The law, which was seldom enforced, makes the conviction of physical or moral abuse of women or girls accused of witchcraft punishable by one to five years in prison, a substantial monetary fine, or both.

Sexual Harassment: The law provides for sentences of three months to one year in prison and a substantial monetary fine for conviction of sexual harassment; the maximum penalty applies if the perpetrator is a relative or in a position of authority, or if the survivor is “vulnerable.” The government was ineffective in enforcing the law. Owing to social taboos, survivors rarely reported sexual harassment.

Reproductive Rights: There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

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. Family planning services were free in all public health facilities. Remote villages, however, often lacked these facilities or did not have adequate transportation infrastructure to permit easy access.

According to a March survey, modern contraceptive prevalence among women in union increased from 28 percent in February 2020 to 32 percent in March. The survey revealed an increase in unavailability for certain methods such as the implant, the pill, and the male condom in health facilities in the first quarter of the year compared with 2020. The survey revealed unmet reproductive needs dropped from 32 percent to 17 percent between December 2014 and March.

Geographical distance, illiteracy, insufficient capacity of providers, lack of medical supplies, and religious and social beliefs regarding the negative effects of contraceptive methods were the main barriers to access to contraception. Women’s

limited decision-making power and men's lack of support for and understanding of family planning were also barriers to access to contraception.

The government worked with international and local aid organizations to provide access to sexual and reproductive health services for IDPs.

The country's volatile security situation impacted women's and girls' sexual and reproductive health needs because 12 percent of the health centers in the Nord, Sahel, and Est Regions closed due to insecurity.

In 2016, according to the National Institute of Statistics and Demography, the maternal mortality rate was 320 deaths per 100,000 live births. According to the UN Population Fund, between 2014 and 2019, 80 percent of births were attended by skilled health personnel. Among the leading causes of maternal deaths were hemorrhage (30 percent) and infection (23 percent).

The government's official midwifery curriculum included components on the prevention of FGM/C and care for women and girls affected by it.

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, male and female, 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. There were legal restrictions on women's employment under certain working conditions and in the same occupations and industries as men.

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 several community outreach efforts and awareness campaigns to promote women's rights.

Systemic Racial or Ethnic Violence and Discrimination

Long-standing conflicts between Fulani (Peuhl) herders and sedentary farmers of other ethnic groups sometimes resulted in violence. Incidents were commonly triggered by herders allowing their cattle to graze on farmlands or by 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.

Allegations continued of extrajudicial killings, torture, and violations of due process and basic human rights by state-sponsored militias, particularly against the Fulani community (see section 1.g.). While senior officials, including President Kabore, appeared politically committed to reinforcing respect for human rights and holding abusers accountable, the government lacked capacity to address the growing case load of such allegations.

Many observers, including the Collective against Impunity and Stigmatization of Communities, noted an ethnic dynamic underscoring the violence in the country. Armed groups often recruited from the Fulani community, while most men allegedly killed by state-sponsored militias were Fulani because of their perceived support of extremist groups.

There were reports the state-sponsored militias did not incorporate Fulani into their ranks, nor did Fulani seek to be included among the militias. This dynamic underscored the precarious situation for the Fulani, who lacked security in their community but were excluded from the state's security effort, thereby fueling a perception of or actual experience of marginalization among the Fulani. The government conducted media campaigns to change attitudes toward the Fulani community. It sponsored several media outreach efforts and awareness campaigns against the stigmatization of ethnic groups. In what observers understood to be a reference to the Fulani, President Kabore spoke against the "stigmatization of entire communities" on several occasions.

Indigenous Peoples

Indigenous persons and their institutions sometimes participated in decisions affecting their land. Exploitation of natural resources near indigenous land endangered the welfare and livelihoods of indigenous communities. Local populations near mining sites in the Est and Centre-Nord Regions expressed their grievances to mining companies. In August youth in Fada N’Gourma denounced the nonrecruitment of local populations by Endeavour Mining. In Centre-Nord Region, populations forced the suspensions of Bissa Gold’s operations, alleging the company was noncompliant with its commitments, including construction of a village church, middle school, and housing for teachers. They called on the mining companies to respect local laws.

Children

Birth Registration: Citizenship derives either from birth within the country’s territory or through a parent. Parents generally did not register births immediately, particularly in the rural areas; 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 provides for compulsory schooling of children until age 16. Nevertheless, many children did not attend school. Targeted attacks on schools and insecurity forced thousands of schools to close (see section 1.g.). Parents often had to pay their children’s school fees as well as provide their uniforms and supplies. Other factors affecting school enrollment included distance to the nearest school, lack of transportation, shortages of teachers and instructional materials, and lack of school feeding programs. Girls’ enrollment was lower than that of boys at all levels due to poverty, a cultural preference to educate boys, the early marriage of girls, and sexual harassment of girls.

Many children attended Quranic schools. Educators forced some children, sent to Quranic schools by their parents, to engage in begging (see section 7.c.).

Child Abuse: The penal code provides for a prison sentence of one to three years

with a substantial monetary fine for those found guilty of inhuman treatment or mistreatment of children. In 2019 the government launched a National Child Protection Strategy to create a strengthened institutional, community, and family environment to ensure effective protection for children by 2023.

Child, Early, and Forced Marriage: The law prohibits forced marriage and provides for prison sentences ranging from six months to two years for offenders, and a three-year prison sentence if the survivor is younger than age 13. According to media reports, however, the traditional practice persisted of kidnapping, raping, and impregnating a girl and then forcing her family to consent to her marriage to her violator. NGOs reported that minors, especially girls, were kidnapped on their way to school or to market and forced into early marriage.

According to the family code, “marriage can only be contracted between a man older than age 20 and a woman older than 17, unless age exemption is granted for serious cause by the civil court.” Nonetheless, data from UNICEF indicated that 10 percent of women were married before age 15 and 52 percent of women before 18. While early marriage occurred throughout the country, the NGO Plan International reported that some of the highest rates of early marriage were 83 percent in the Sud-Ouest Region, 83 percent in the Centre-Nord Region, and 72 percent in the Centre-Est Region.

Sexual Exploitation of Children: The law provides penalties for conviction of child pornography of five to 10 years’ imprisonment, a substantial monetary fine, or both. The minimum age of consensual sex is 15. The law criminalizes the sale of children, child commercial exploitation, including child sex trafficking, and child pornography. Children from poor families were particularly vulnerable to sex trafficking. The government did not report any convictions for violations of the law during the year. The penal code prescribes penalties of 11 to 20 years’ imprisonment and a substantial monetary fine for sex trafficking involving a victim 15 years or younger. It also prescribes five to 10 years’ imprisonment and substantial monetary fines for sex trafficking involving a victim older than age 15.

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: Recurrent armed attacks displaced hundreds of thousands of children. According to the national emergency relief council, women and children accounted for 83 percent of the IDPs (see section 2.e.).

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 <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data/reported-cases.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 <https://www.state.gov/trafficking-in-persons-report/>.

Persons with Disabilities

Persons with disabilities encountered discrimination and could not access education, health services, public buildings, and transportation on an equal basis with others. The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, transportation, access to health care, the judicial system, or the provision of other state services. 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. The government did not effectively enforce these provisions.

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. According to the Ministry of Education, children with disabilities attended school at lower rates than others, although the government provided for limited special education programs in Ouagadougou.

HIV and AIDS Social Stigma

Societal discrimination against persons with HIV or AIDS continued to be a problem and prohibited some individuals from receiving medical services due to fear of harassment. Families sometimes shunned persons who tested positive and 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 or AIDS. The government distributed free antiretroviral medication to some HIV-positive persons who qualified according to national guidelines.

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

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 lesbian, gay, bisexual, transgender, queer, and intersex (LGBTQI+) community. NGOs reported police occasionally arrested gay men and transgender individuals and humiliated them in detention before releasing them.

Societal discrimination against LGBTQI+ persons was a problem, and it was exacerbated by religious and traditional beliefs. Medical facilities often refused to provide care to members of the transgender community, and LGBTQI+ individuals were occasionally victims of verbal and physical abuse, according to LGBTQI+ organizations. There were no reports the government responded to societal violence and discrimination against LGBTQI+ persons.

LGBTQI+ organizations had no legal status in the country but existed unofficially with no reported harassment. There were no reports of government or societal

violence against such organizations.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law allows workers to form and join independent unions, except for public employees and essential workers, such as magistrates, police, military, and other security personnel. The law provides unions the right to conduct their activities without interference.

The law provides for the right to strike, although it significantly limits that 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, they must provide three days' advance notice to the city mayor. Authorities hold march organizers accountable for any property damage or destruction that occurs during a demonstration. The law strictly prohibits all strikes that include occupying the workplace, including nonviolent strikes. 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 government defined essential services more broadly than international standards, including services such as mining and quarrying, university centers, and slaughterhouses.

The law prohibits antiunion discrimination and allows a labor inspector to reinstate immediately workers fired because of their union activities. Relevant legal protections cover all workers, including migrants, workers in the informal sector, and domestic workers. International organizations reported that contract workers and agency workers faced antiunion discrimination from employers. The law provides for freedom of association and collective bargaining. The government did not effectively enforce the law. The law lists sanctions for violations, including warnings, penalties, suspension, or dissolution. Penalties consist of imprisonment and fines and vary depending on the gravity of the violation. Penalties were not commensurate with those for comparable offenses. Amendments to the law 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.

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

Employers did not always respect freedom of association and sometimes discouraged union membership. For example, workers in the mining industry were often intimidated, transferred, or fired when they chose to join a union. According to union officials, workers in the domestic service, contract worker, or informal sector who attempted to join unions lost their jobs if their employers learned of their action.

There were no reports of government restrictions on collective bargaining during the year. There was extensive collective bargaining in the formal wage sector, where workers utilized complaint processes to report worker rights violations. National unions reported that domestic workers, workers hired through employment agencies and subcontractors, and other contract workers were fired for joining unions and were unable to utilize complaint mechanisms because they were employed in the informal wage sector. No official records counted violations in the informal sector.

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. The government did not have a significant, effective program in place to address or eliminate forced labor. There were no reported forced labor prosecutions or convictions. The government continued to

conduct antitrafficking advocacy campaigns and operated a toll-free number for individuals to report cases of violence and trafficking. Penalties for forced labor were commensurate with those for comparable offenses, such as kidnapping.

Forced child labor occurred in the agricultural (particularly cotton), domestic labor, forced begging, and animal husbandry sectors, as well as at gold panning sites and stone quarries. Women from other West African countries were fraudulently recruited for employment and subsequently subjected to sex trafficking, forced labor in restaurants, or domestic servitude in private homes. Traffickers also exploited Burkinabe women in domestic servitude in the Middle East.

See the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

c. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits the worst forms of child labor, including the commercial sexual exploitation of children, child pornography, mining, and jobs that harm the health of a child. The law sets the minimum age for employment at 16 and prohibits children younger than age 18 from working at night, except in times of emergency. The minimum age for employment is consistent with the age for completing educational requirements, which is 16. In the domestic labor and agricultural sectors, the law permits children who are 13 and older to perform limited activities for up to four and one-half hours per day. The law does not define the kinds of work appropriate for children younger than 16. Penalties were commensurate with those for comparable offenses.

The government undertook activities to implement the national action plan to combat the worst forms of child labor and to reduce significantly exploitative child labor. The plan coordinated the efforts of several ministries and NGOs to disseminate information in local languages, increase access to services such as rehabilitation for victims, revise the penal code to address the worst forms of child labor, and improve data collection and analysis. The government organized workshops and conferences to inform children, parents, and employers of the dangers of exploitative child labor.

The government did not consistently enforce the law, in part due to the insecurity

imposed by violent extremist groups. The Ministry of Civil Service, Labor, and Social Security, which oversees labor standards, lacked transportation and access and other resources to enforce worker safety and the minimum age law. No data were available on number of prosecutions and convictions during the year.

Child labor took place in the agricultural sector or in family-owned small businesses in villages and cities. There were no reports of children younger than age 15 employed by either government-owned or large private companies. Children also worked in the mining, trade, construction, and domestic labor sectors. Some children, particularly those working as cattle herders and street hawkers, did not attend school. Many children younger than 15 worked long hours. A study by the International Labor Organization (ILO) 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. Educators forced some children, sent to Quranic schools by their parents, to engage in begging. Such children suffered from occupational illnesses, and employers sometimes physically or sexually abused them. Child domestic servants 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 <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings> and the Department of Labor's *List of Goods Produced by Child Labor or Forced Labor* at <https://www.dol.gov/agencies/ilab/reports/child-labor/list-of-goods>.

d. Discrimination with Respect to Employment and Occupation

The law prohibits discrimination based on race, color, sex, religion, political opinion, social origin, gender, disability, language, sexual orientation or gender identity, HIV-positive status or having other communicable diseases, or social status with respect to employment and occupation. The government did not effectively enforce the laws and regulations. Penalties were commensurate with those for comparable offenses but were seldom applied.

There were legal restrictions to women's employment in occupations deemed

arduous or “morally inappropriate” and in industries such as construction. Women were forbidden from doing work that was determined to have a health risk for their health or reproductive capacity.

Discrimination occurred based on race, color, sex, religion, political opinion, social origin, gender, disability, language, sexual orientation or gender identity, HIV-positive status or having other communicable diseases, or social status with respect to employment and occupation. Women were paid less than men and prohibited from holding certain positions (see section 6). Persons with disabilities faced discrimination in hiring and access to the workplace. The government took few actions during the year to prevent or eliminate employment discrimination.

e. Acceptable Conditions of Work

Wage and Hour Laws: The law mandates a minimum monthly wage in the formal sector, which does not apply to subsistence agriculture or other informal occupations. 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 Ministry of Civil Service, Labor, and Social Security is responsible for enforcing the minimum wage and hours of work standards.

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.

Occupational Safety and Health: Existing occupational safety and health (OSH) standards provide general, not industry-specific guidance, and do not actively identify unsafe conditions in particular industries. Although the labor law requires employers to take measures to provide for worker safety, to protect the physical and mental health of their workers, and to verify that the workplace, machinery, materials, substances, and work processes under their control do not present health or safety risks to the workers, the ILO noted in 2020 that the government had not yet formulated a national OSH policy, conducted periodic reviews, nor developed a

national OSH program.

The law requires every company with 30 or more employees to have a work safety committee. The law provides that employees in such companies have the right to remove themselves from dangerous situations without jeopardy to their employment. If an employee working for a company with fewer than 30 employees decides to remove himself or herself due to safety concerns, a court rules on whether the employee's decision was justified.

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 did not effectively enforce the law. Penalties for violations were commensurate with those for comparable offenses, but the penalties were seldom applied. Inspectors lacked transport and training, and the number of inspectors was insufficient. There were no reports of effective enforcement of inspection findings during the year for wage, hour, and safety regulations. No official data was available on work-related injuries or death, but police reported in September the death of seven informal gold miners and injuries to others when the miners entered the closed Bissa gold mine in northern Bam. Mining officials noted increasing mining accidents related to illegal gold mining.

Informal Sector: The labor law applies to the informal sector, but it was seldom enforced. Workers in the informal sector represented more than 80 percent of all workers and contributed approximately 50 percent of all economic production. Almost all economic activity outside of the gold and cotton industries was small-scale and informal work. Informal-sector work included subsistence agriculture, trade, services, hotels, tourism, artisanal mining, transport, and private education. Researchers noted the strong participation of women in the informal sector, including in activities such as market trading, manufacturing millet beer (*dolo*), selling fruit and vegetables, sewing, hairdressing, managing kiosks, and operating restaurants. The ILO reported that informal workers were more severely impacted than formal workers by the COVID-19 pandemic, when most markets were closed for weeks and 22 percent of informal workers lost their livelihoods. Informal workers were more vulnerable to violations of wage, overtime, and OSH standards.

Because they were largely self-employed and worked for their own subsistence, they could not benefit from worker protections. Safety violations were prevalent in the informal sector, especially in the mining, construction, and agricultural sectors.