

BURKINA FASO 2020 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Burkina Faso is a constitutional republic led by an elected president. On November 22, the country held presidential and legislative elections despite challenges due to growing insecurity and increasing numbers of internally displaced persons. 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," 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 Internal Security and the Ministry of Defense are responsible for internal security. The Ministry of Internal 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. On January 21, 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. Civilian authorities generally maintained effective control over security forces, but members of the security forces and community-based defense groups committed numerous abuses.

Significant human rights issues included: unlawful or arbitrary killings, including extrajudicial killings by the government and extremists; forced disappearance by the government and extremist groups; torture and cases of cruel, inhuman, or degrading treatment or punishment by the government; harsh and life-threatening prison conditions; arbitrary detention by the government; serious abuses in an internal conflict; serious acts of corruption; crimes involving violence or threats of

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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 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) and the Islamic State in the Greater Sahara, and other armed groups, such as the homegrown Ansaroul Islam, perpetrated more than 500 attacks that resulted in hundreds of civilian deaths as well as scores of deaths among government security forces. Security incidents included improvised explosive device attacks, targeted killings, kidnapping, attacks on mining sites (especially gold mines), burning of schools, and theft of food assistance, contributing to a humanitarian crisis and the internal displacement of more than one million persons.

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 numerous reports state security forces committed arbitrary and unlawful killings. Multiple independent domestic and international human rights groups accused the security forces of committing hundreds of extrajudicial killings of civilians as part of its counterterrorism strategy (see section 1.g.).

According to Human Rights Watch (HRW) and Amnesty International, on April 9, government security forces executed 31 unarmed Fulani men in the town of Djibo in the northern Sahel Region hours after arresting them during a counterterrorism operation. Residents later interviewed regarding the incident attributed the killings to the Groupement des Forces Anti-Terroristes, a mixed counterterrorism force (composed of members of the army and gendarmerie) based nearby. On April 10, the Defense Ministry's director of military justice announced the opening of an investigation and later recommitted to investigating these and other similar killings

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on July 3. The president also reiterated this commitment. There were no updates regarding the investigation by year's end.

On May 11, gendarmes, accompanied by several local members of the Volunteers for the Defense of the Fatherland (*Volontaires pour la defense de la patrie* or VDPs), arrested 25 suspected terrorists trading in the market in Pentchangou near Tanwalbougou in Fada N'Gourma Commune (Est Region); 12 of the detainees died later that night, reportedly while in police custody. Local and international human rights advocacy groups claimed that the prisoners, all of whom were ethnic Fulani/Peuhl, were executed and suggested that the security services had profiled members of the Fulani ethnic group. On May 27, the Fada prosecutor declared a preliminary probe could not determine the cause of death of the 12 detainees but stated they were not executed. As of November the case was under investigation by the military tribunal.

In July a security officer was arrested who had headed a June 29 operation in Tanwalbougou (Est Region) that led to the death of seven civilians.

According to a local human rights group, the Burkinabe Movement for Human and People's Rights (*le Mouvement burkinabe des droits de l'homme et des peuples* or MBDHP), on May 4 and 5, VDPs arrested Idrissa Barry, a councilor; Amadou Diande, another councilor; and his son Adama Diande, a community health worker, in the vicinity of Barsalogo, Centre-Nord Region. Their families found them fatally shot and killed.

On March 8, at least 43 Fulani men were killed in the commune of Barga in the Nord Region. While the government blamed the attack on violent extremist organizations, local media and observers reported the attackers were members of government-condoned vigilante groups known as Koglweogo, who reportedly believed the Fulani were harboring terrorists.

Extremists carried out more than 500 attacks that resulted in hundreds of deaths, targeting traditional, religious, and political leaders; humanitarian workers; members of government security forces; VDPs; and civilians. For example, on July 6, extremists killed the mayor of Pensa in Bam Province and later killed six soldiers and three VDPs who deployed in response to the initial attack. On August

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7, unidentified armed individuals attacked a cattle market in Namougou village in the Est Region, killing at least 20 persons and wounding many others. On August 8, a truck loaded with animal feed transported by the UN Food and Agriculture Organization to the city of Djibo was attacked by unidentified armed individuals. On August 11, Souaibou Cisse, Grand Imam of Djibo, was kidnapped by unidentified gunman and was found dead on August 15 in Tibere village, three miles from Djibo. On November 11, Islamic State in the Greater Sahara terrorists ambushed a military convoy in Oudalan Province in the Sahel Region, killing 14 soldiers and injuring others (see section 1.g.).

Ethnic Fulani (Peuhls), who were often recruited by extremist groups, were disproportionately the target of extrajudicial killings by security forces due to their perceived sympathies with Islamic extremist groups.

There were several accounts of criminal groups working in concert with terrorist organizations and drug traffickers killing gendarmes, police, VDPs, and park rangers, especially in the Est Region. Burkinabe security forces also reportedly committed abuses while conducting counterterrorism operations in Mali. In particular, the UN's Multidimensional Integrated Stabilization Mission in Mali (MINUSMA) Human Rights and Protection Division documented 50 alleged "arbitrary" executions by the Burkinabe Armed Forces between May 26 and 28. As of year's end, there was no update to these cases.

b. Disappearance

There were numerous reports of disappearances of civilians suspected by security forces of committing acts of terrorism. For example, Amnesty International reported on the disappearances of 34 persons attributed to security forces in March and April, and HRW reported on the disappearances of at least 180 persons in the area around the town of Djibo in the Sahel Region between November 2019 and June, which HRW said available evidence suggested had been carried out by security forces.

Extremists were also suspected in numerous disappearances (see section 1.g., Abductions).

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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 the military, gendarmerie, police, VDPs, and members of the Koglweogo. The majority of allegations of torture involved victims suspected of having links to terrorists or persons of Fulani/Peuhl ethnicity.

A human rights nongovernmental organization (NGO) reported that prison guards at the Ouagadougou's House of Arrest and Correction (MACO) occasionally used excessive physical force, inflicting injuries on prisoners.

In March the MBDHP accused defense and security forces of inflicting acts of torture against offenders of the government's COVID-19 curfew.

On July 10, a gendarme and a soldier reportedly raped two girls in Ouagadougou during an arrest for lack of identity documents. On July 24, the two were sentenced to four and three years, respectively, in prison.

On August 14, a gendarme reportedly tortured a 16-year-old minor in the Boucle du Mouhoun who refused his advances. The gendarme placed an order at the restaurant where she worked and asked the girl to deliver it to his home, where he handcuffed her, forced her to wear gris-gris (type of amulet common in parts of West Africa), and put chili pepper into her vagina. On October 20, he was given a five-year prison sentence by the Banfora Court (with possibility of parole after two years) and ordered to pay the victim 500,000 CFA francs (\$900) in damages within a period of three months.

According to the *Conduct in UN Field Missions* online portal, there was one open allegation from 2015 of sexual exploitation and abuse by Burkina Faso peacekeepers deployed to a UN peacekeeping mission, allegedly involving 10 peacekeepers who engaged in transactional sex with an adult. As of September the government was still investigating the allegation and had not provided accountability measures taken.

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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 in the same locations as convicted prisoners. The High Security Prison (HSP) in Ouagadougou, which mostly houses suspected terrorists, was at double its designed capacity, housing more than 900 inmates. 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, who relied on other inmates for assistance.

Food, potable water, sanitation, heating, ventilation, lighting, and medical care were inadequate in the majority of detention facilities across the country. Tuberculosis, HIV/AIDS, and malaria were the most common health problems among prisoners. For example, at the HSP 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.

In April the government released 1,207 prisoners from prisons nationwide in response to COVID-19, an estimated 16 percent reduction of the prison population. Pardons depended on the age and health of prisoners, and only those who had already served at least half of their sentence were eligible. Prisoners convicted of banditry, terrorism, and female genital mutilation (FGM) were excluded from the measure. While this reduction provided relief to sanitary conditions in chronically overpopulated facilities, the facilities continued to operate at more than double their original capacity.

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Administration: The government issued a May 20 statement reiterating the local prosecutor's commitment to a criminal investigation into the May 11 death of 12 detainees who were "suspected terrorists" in Tanwalbougou, Est Region, as well as a government administrative inquiry into the same incident (see section 1.a. and 1.g.).

On August 4, the director of the Ziniare prison, Kalfa Millogo, was arrested for extortion of funds from detainees.

Because of COVID-19, the government suspended visits to all prisons from March 19 until further notice. Parcels and meals coming from outside for inmates, as well as visits by lawyers to their clients, were authorized, subject to compliance with the prevention system against COVID-19 set up in penitentiary establishments by the Ministry of Health in early March.

Independent Monitoring: The government permitted monitoring by independent nongovernmental observers. The International Committee of the Red Cross was able to visit 2,800 prisoners in eight facilities in Ouagadougou, Fada N'Gourma, and Ouahigouya.

Improvements: As part of the fight against COVID-19, the French government and the Ministry of Justice signed an agreement in late June to strengthen the management of COVID-19 at the MACO and at the HSP.

In October the government completed the construction of a new detention center with a designed capacity for 500 inmates and a new administrative building for prison personnel in the civil prison of Bobo-Dioulasso, the second largest city of the country. The new detention center has 76 collective cells and 15 individual cells. The cells include showers, toilets, as well as collective visiting rooms and three individual visiting rooms for detainees' lawyers.

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

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inadequate staffing of the judiciary prevented many detainees from seeking pretrial release in court.

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 HSP 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.

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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. 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. During the year the courts began ordering the release of suspected terrorists against whom there was insufficient evidence to move to trial on criminal charges, according to reports from HSP officials in Ouagadougou. On February 6, an HSP official reported that during January, 39 adult male terror suspects held at HSP were ordered to be released by the military and civilian courts. Some who were released unconditionally for a lack of evidence were to remain under court supervision pending further investigation of their cases. More than half of the released suspects were from the community of Djibo in the embattled Sahel Region close to the border with Mali.

The HSP population grew steadily, from 550 in October 2018 to more than 900 in pretrial detention as of August, and the government had not yet successfully prosecuted a single terrorism case through to completion. A lack of counsel specialized in criminal law, particularly defense lawyers willing to represent detainees arrested on terrorism charges, greatly contributed to delays in bringing cases to trial.

In September the government completed construction of a second courthouse in Ouagadougou to focus on terrorism cases. The national counterterrorism court (which has jurisdiction over terrorism cases) at this new courthouse was not operational by year's end. The Superior Council of Magistrates named the judges to sit in the new tribunal and increased the staff to manage a growing caseload of unresolved terrorism cases.

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.

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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 trial outcomes appeared predetermined, however, 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. 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 terrorists.

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 continuing shortage of magistrates and court-appointed lawyers.

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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 January, after diplomatic negotiations, the military prosecutor granted a six-month permission to Djibril Bassole to receive medical care in France. Bassole, former minister of foreign affairs and founder of opposition party New Alliance of the Faso, was sentenced in September 2019 to 10 years' imprisonment by the Ouagadougou military court for allegedly providing support to the failed 2015 military coup. Bassole signed a declaration of honor in which he pledged "to appear in court as soon as [his] medical treatment is completed." In addition, the former minister deposited the sum of 30 million CFA francs (\$50,000) as a bond. Bassole, who was to return to Burkina Faso on June 29, requested and was granted a temporary extension of his stay in Paris.

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

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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 investigations techniques were relatively new to the legal framework. The national intelligence service is authorized to use technology for surveillance, national security, and counterterrorism purposes.

In 2018 President Kabore declared a state of emergency in response to growing insecurity from extremist attacks in 14 provinces within seven of the country's 13 administrative regions. 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 most recently extended in January 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 terrorists based on anecdotal evidence.

g. Abuses in Internal Conflict

The country experienced numerous attacks by violent extremist organizations during the year, such as targeted killings, abductions, attacks on schools and mining sites, and theft of food assistance, contributing to a humanitarian crisis and creating significant internal displacement. Security forces also were responsible for killings and other abuses.

Killings: According to the Armed Conflict Location and Event Data Project, as of November 14, there were more than 2,200 conflict-related fatalities since the beginning of the year, including more than 1,000 civilian deaths perpetrated by both security forces and various armed groups.

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HRW issued a report in July documenting 180 civilian deaths, the majority of whom were Fulani men, between November 2019 and June, allegedly at the hands of security forces around Djibo in the Sahel Region.

On June 29, security forces reportedly arrested 12 Fulani men near Tanwalbougou (Est Region). Seven of the 12 were found dead on the outskirts of the village, in the same area where security forces allegedly killed 12 others while in detention the month before (see section 1.a.). The other five were released in a nearby village, after allegedly being tortured to the point of requiring urgent medical care.

In addition to large numbers of attacks against civilians perpetrated by armed groups and security forces alike, there were numerous attacks by extremists against security forces throughout the year (see section 1.a.).

As of August extremists including Jama'at Nasr al-Islam wal Muslimin and the Group for the Support of Islam and Muslims, the Islamic State in the Greater Sahara, and Ansaroul Islam had conducted 22 attacks against political leaders and village officials in various locales, unlike in prior years when there were few known incidents of apparent targeted assassinations. In March a former mayor, a deputy mayor, three village chiefs, one prince, and two village development councilors were killed in the Est Region. In May, four village development councilors were killed in the Est Region. On June 13, the deputy mayor of the commune of Solhan, Sahel Region, was killed. In July a mayor and two municipal councilors were killed in the Centre Nord Region.

Armed groups also took advantage of poor road maintenance to plant improvised explosive devices (IEDs) in potholes and ditches in efforts to ambush security forces and VDPs, which also led to the deaths of civilians. On January 4, a provincial government-sponsored bus convoy carrying children back to school after winter holidays triggered an IED believed to have been planted by extremists in Sourou Province. The blast killed 14 passengers, including seven schoolchildren. On July 12, Mathias Tankoano, the president of the Higher Council of Communication (CSC), and his security escort escaped an ambush by unidentified armed individuals employing a remotely controlled IED.

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Extremists often targeted religious houses of worship and faith leaders. In December 2019 extremists killed 14 worshipers including the pastor during Sunday mass in their church in Hontoukoura village, (Komondjari Province, Est Region). On February 10, extremists abducted seven persons at the home of a pastor in Sebba, Sahel Region; five bodies, including that of the pastor, were found the following day. On February 18, extremists stormed Pansy village (Yagha Province, in the commune of Boundore) killing 24, including a pastor of the International Missionary Society, and they burned a Protestant church. On August 11, extremists kidnapped the imam of Djibo Grand Mosque in the Nord Region, while he was travelling back from Ouagadougou. He was found dead on August 15 in the outskirts of Djibo.

On January 20, extremists killed 36 civilians in Nagraogo and Alamou villages in Barsalogo Commune, Centre-Nord Region. Returned internally displaced persons (IDPs) were among the victims. On January 25, extremists stormed the village of Silgadji (Tongomayel Commune, Soum Province, Sahel Region) and killed 39 civilians of different religious backgrounds. Press and security services reported that on May 29, extremists attacked a convoy of local shopkeepers returning from the local market in Loroum Province's Titao town, killing 16 civilians. On May 31, extremists fired upon the crowd at the cattle market in Kompienbiga village, near Pama, killing 25 and injuring others.

On June 26, armed attackers ambushed a convoy of merchants, under escort by VDPs, on the Titao-Solle road in Loroum Province (Nord Region). Despite a prompt reaction from the Solle military detachment, six VDPs and one soldier were killed and several others injured.

On July 13, 20 gunmen attacked the villages of Gabougou and Fondjoma in Matiakoali Commune, in the East. They allegedly killed five persons and abducted two others. Two days later the same gunmen reportedly returned to these villages claiming that they had a list of 30 individuals they would execute. Many in the villages fled.

On July 21, the body of a VDP from Peela village in Tangaye, abducted two days earlier by extremists, was discovered by fellow VDPs. They had to move the body from a distance using a rope because the body had been covered in explosives.

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Communal tensions, often exploited by extremists, security forces, and VDPs, sometimes resulted in interethnic clashes.

An investigation by the government remained open with no charges made following the January 2019 attack by members of Koglweogo against Fulani herding communities in Yirgou outside the town of Barsalogho that killed 46 civilians. On February 4, authorities provisionally released the Koglweogo vigilante group leader Boureima Nadbanka and one other Koglweogo member, of 13 who had been arrested in December 2019; the releases followed protests by Nadbanka's supporters who had blocked roads to pressure the government into releasing him.

Abductions: Extremists kidnapped dozens of civilians throughout the year, including international humanitarian aid and medical workers. In August media sources reported the kidnapping of the deputy mayor of Lanfiera (Centre Ouest Region) by unidentified armed individuals. On August 27, extremists kidnapped two retired civil servants on the Namissiguia-Djibo road at an illegal checkpoint and released them on September 5 in the village of Bourro, 19 miles from Djibo (Sahel Region). On September 18, the chief of Djibasso village, in the Boucle du Mouhoun Region, was kidnapped and remained missing at year's end.

Physical Abuse, Punishment, and Torture: According to HRW, the Collective against Communities' Impunity and Stigmatization, and the MBDHP, on several occasions security force members tortured and beat civilians they suspected of having ties to terrorist groups, and sometimes destroyed their property (see section 1.c.).

In July witnesses said extremists raped two women in a village in the Nord Region.

Child Soldiers: There were no reports of the government recruiting or using child soldiers. Although it was difficult to obtain precise data on groups that recruited and used children, information from the Ministry of Justice reported the presence of a few children, estimated to be 12-14 years old, held in detention centers on terrorism charges, which indicated that armed nonstate groups may have recruited minors. As of September officials from the Ministry of Justice confirmed that eight minors, arrested with alleged terrorists, were detained at the HSP and the

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MACO. Several minors arrested and detained as terror suspects were released to NGOs and the Red Cross for return to their families.

Other Conflict-related Abuse: According to the Ministry of National Education, as of September 15, 2,300 schools had closed due to attacks or insecurity, negatively affecting almost 350,000 students and more than 11,200 teachers (section 6, Children). In a May report, HRW documented the alleged use of 10 schools by government security forces for military purposes in Centre-Nord and Sahel Regions in 2019, including three occupied as bases for six months to a year. In at least eight cases, the schools had reportedly closed due to insecurity prior to the occupation. In July at least 13 schools were burned in the municipality of Tansarga, in the Est Region; reports indicated that up to 20 armed individuals went from village to village ransacking and burning the schools. On September 15, extremists set fire to the elementary school, communal high school, town hall, and prefecture in Tansarga, Est Region.

Local authorities in the Sahel, Nord, and Est Regions reported that extremists had displaced hundreds of thousands of civilians and limited movement in rural areas. According to the independent nonprofit news organization *The New Humanitarian*, the number of persons in need of emergency food aid tripled to more than 3.2 million during the year, with an estimated 11,000 suffering from “catastrophic” levels of hunger. The government worked with international and local aid organizations to improve food, water, health services, and protection for affected civilians against abuses and violations, but civilians and civilian services remained extremely vulnerable and in many cases were directly targeted by armed groups.

Throughout the year armed groups attacked medical facilities and hijacked ambulances and official vehicles of humanitarian and medical aid workers. According to UN Population Fund, as of July approximately 113 health centers were closed and 156 were idle due to terrorist activity, depriving 1.5 million persons of access to health care. Multiple sources reported that on June 24, unknown attackers seized a World Food Program (WFP) truck in Soum Province (Sahel Region). The attackers stole the truck’s cargo (35 metric tons of vegetable oil for WFP’s nutrition distribution) and abducted the driver and his apprentice for several hours before releasing them and the vehicle the same night.

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On August 27, unidentified armed individuals caused a serious water shortage in Titao after they broke into a sector of the city of Titao, in Loroum Province (Nord Region), and destroyed machinery used to pump water to treatment stations of the National Office for Water and Sanitation. The assailants also stole the battery and starter, reportedly for use in making IEDs.

According to a report commissioned by the government, extremist attacks on gold mining sites gave them access to gold as a source of funding, as well as to explosives for the production of IEDs. The report revealed that since 2016, armed extremist groups had reaped 70 billion CFA francs (\$126 million) from attacks on mining sites.

Extremist groups also forced women, predominantly in the North and Sahel Regions, to cover their heads, forced men to wear religious garb, prevented children from going to non-Quranic schools, and prohibited civilians from drinking alcohol, smoking, and frequenting bars at the risk of beatings or death.

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, 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 in an effort 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 Speech: 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

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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 amendments as an unacceptable attempt to stifle freedom of speech.

On July 29, the CSC issued a decision banning media coverage of political activities during the period from August 3 to October 30, the precampaign period prior to the November 22 presidential and legislative elections. Media coverage of any activity in support of a political party, candidate, or grouping of political parties or independents was banned. This decision drew criticism from media professionals, civil society organizations, and political leaders. They accused the CSC of supporting the president's majority coalition, since the president and members of the government could continue their official government activities and be covered by the media. Critics noted that on the pretext of reviewing the status of the National Economic and Social Development Program, a presidential program, ministers toured regions using logistical and financial resources of the state. Following the adoption on August 25 of a new electoral law, the precampaign period was changed to October 1-30.

Freedom of Press and 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 CSC 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 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.

Violence and Harassment: On January 7, unidentified individuals set the car of journalist Ladji Bama on fire, in front of his home in Ouagadougou. On November

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10, in the period preceding the November 22 elections, Bama was the victim of another attack by an unidentified individual when a bullet hit the car he and two others were travelling in during their return trip from Dori (Sahel Region), where he had participated in a panel discussing electoral corruption. Bama, who had won awards for reporting on corruption, was one of the journalists who exposed the “fine coal” scandal in 2018 concerning an attempted fraudulent export to Canada of gold and of silver, disguised as coal residue.

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.

Libel/Slander Laws: On July 24, five activists on social media networks were sentenced to 12 to 36 months in prison for contempt of court, public insults, incitement to hatred towards magistrates, and violence. This judgment came after these activists were accused of having insulted, in Facebook posts, the chief prosecutor for warning government security forces regarding their alleged acts of torture inflicted against offenders of the government’s COVID-19 curfew.

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 CSC and the chief prosecutor monitored internet websites and discussion forums to enforce compliance with regulations.

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

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

Freedom of Peaceful Assembly

On multiple occasions throughout the year, the government denied requests for permits to NGOs and civil society organizations who sought to organize demonstrations and rallies. The government stopped a planned rally by a coalition of civil society organizations and labor unions in March, invoking COVID-19 restrictions. On May 30, police used tear gas to disperse a protest march of nightclub workers advocating for the lifting of a COVID-19-related curfew in Bobo-Dioulasso. On August 8, police broke up an impromptu gathering in Ouagadougou calling for the return of former president Blaise Compaore.

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.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at <https://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.

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.

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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 and Nord Regions.

e. Status and Treatment of Internally Displaced Persons

Recurrent armed attacks and interethnic clashes throughout the Nord and Est Regions caused a steep increase in the number of IDPs, from approximately 560,000 registered in December 2019 to almost 1.1 million as of December 2020 (see section 1.g.). According to *The New Humanitarian*, the number of persons in need of emergency food aid tripled to more than 3.2 million during the year, with approximately 11,000 suffering from “catastrophic” levels of hunger. In July and August, the NGO Davycas, with WFP and UNICEF support, conducted a nutritional survey for the Ministry of Health in 11 communes of the country with a high concentration of IDPs. The survey showed that more than 535,500 children younger than age five suffered from global acute malnutrition, including 156,500 who suffered severe malnutrition.

On August 20, the government revised its humanitarian response plan for conflict-affected areas. The new plan, at a cost of 233 billion CFA francs (\$424 million) is intended to help 2.9 million persons in identified areas for intervention. The government worked with international and local aid organizations to improve food, water, health services, and protection of affected civilians against abuses. The government promoted local integration of IDPs by offering limited assistance to host families.

Despite interventions from the government and NGOs, access to lodging, water, and food remained critical problems facing IDPs. Media reported that in the Centre-Nord Region, some IDPs used a former pigsty for shelter in the rainy season due to a lack of tents; before the rainy season, they had been sleeping outside. In an interview, the mayor of Fada N’Gourma Commune (Est Region) revealed that women could sometimes spend all day waiting in line at a local water point in vain. On August 27, IDPs in the Nord-Ouest Region demonstrated to

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denounce deficiencies in food distribution and the exclusion of some IDPs from government aid.

IDPs were highly vulnerable to attacks and human rights abuses. On October 4, unidentified armed individuals ambushed a convoy of IDPs in the Centre Nord Region, killing 25 men and later releasing the women and children. The IDPs had been returning to their homes from the town of Pissila, where they had hoped to find an improved security situation. The survivors received psychological support from a partner in the region of the Office of the UN High Commissioner for Refugees (UNHCR).

NGOs reported that IDP girls were particularly at risk for abuses. In a June report on girls in the Sahel Region, the NGO Plan International noted that early marriage, forced labor, and physical violence had multiplied in the conflict-affected area. Similarly, a May Oxfam report described women and girls exposed to daily rape, sexual harassment, and assault in fields and at water points; many, facing extreme poverty, were also vulnerable to recruitment by armed groups.

Oxfam also described corrupt practices in the registration of IDPs and the misappropriation of aid resources. The COVID-19 pandemic exacerbated the precarious conditions of IDPs, with the WFP reporting a significant increase in household costs linked to the pandemic.

f. Protection of Refugees

Abuse of Migrants, Refugees, and Stateless Persons: 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 more than 20,000 refugees as of October 31, the vast majority from Mali.

Recurrent terrorist attacks hampered access by humanitarian workers to deliver lifesaving supplies and assistance to refugees, as well as IDPs.

After almost eight years of relatively undisturbed existence, the Malian refugee camps in Mentao and Goudebou effectively closed down for periods during the year. Goudebou emptied after unidentified armed men attacked the camp on

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March 2, while refugees in Mentao left after government forces carried out a heavy-handed search operation on May 2 that led to serious injuries.

According to refugee accounts relayed by UNHCR, the March 2 attack occurred when unidentified gunmen entered Goudebou Camp to demand a particular refugee, who was not present. The attackers beat members of the refugee's family, set fire to the gendarme post, and issued all the camp's refugees a March 7 ultimatum to leave the camp or face death. As of December the camp stood empty, including the schools, health center, and water infrastructure.

The Mentao Camp effectively closed after government security forces entered the camp on May 2 in search of individuals who had attacked gendarmes, killing one, earlier that day. Alleging the assailants had passed through the camp and could still be there, government forces conducted a thorough search of each shelter. According to contacts, the forces separated men and women and severely beat many of the men. At least 32 refugees were injured, some seriously. Although the government told UNHCR there was no ultimatum forcing them to leave, the refugees fled to the town of Djibo. In a May 5 communique, the government promised to investigate the incident and offered to help find a new site to which the refugees could be relocated. On July 14, the government announced the relocation of the Mentao camp onto the site of the reopened Goudoubo camp, which it said had more space and better security measures.

In early April a dispute in a Sud-Ouest Region gold mine near Diebougou resulted in one death and the flight of more than one thousand Nigerien nationals from the mine site towards the towns of Kokologo and Sabou. They sought their government's consular assistance to be repatriated while the border was closed due to the COVID-19 pandemic.

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.

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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.

Durable Solutions: Following the March 2 incident in the Goudebou Camp, many refugees decided the situation was too precarious, and more than 5,000 registered with UNHCR for repatriation assistance. Most of them returned to Mali, although mid-March border closures related to COVID-19 prevented some returns.

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 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 Kaboré was re-elected to a second five-year term with 57.74 percent of the popular vote in the November 22 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

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majority coalition with smaller parties. The Congress for Democracy and Progress, the party of longtime former president Blaise Compaore who was 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. The government had earlier declared that voting would take place only in areas where security could be guaranteed.

In the period preceding the November presidential and legislative elections, the National Assembly adopted a bill on August 29 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 a large number of voters living in insecure areas of the country.

Political Parties and Political Participation: Political parties generally operated freely. In a September 3 press release, 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 22 presidential and legislative elections. According to the communique, 143 political parties and three political formations were legally constituted, and the minister urged other political parties to comply with the regulatory provisions by September 11 if they wished to take part in the elections.

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 a constitutional change that led to a popular uprising” were ineligible to be candidates in future elections. In 2018 the National Assembly passed a new electoral law that allows all political candidates to run for election

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and opened the vote to members of the Burkinabe diaspora in possession of a national identity card or passport. At least two candidates who were formerly excluded under this law applied to be presidential candidates in the November elections and were approved by the electoral commission.

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 22 elections, nor during the 2016 and the May 2017 make-up municipal elections. In March a new law establishing “zebra lists” mandated that electoral lists alternate names of men and women in order 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. In September the Ministry of Territorial Administration, with the financial support of the UN Development Program, organized a public awareness campaign tour for the law on the gender quota in five regions to improve the participation of women in the November elections.

Monique Yeli Kam, of the Burkina Rebirth Movement, was the only female candidate among 14 certified as eligible for the November 22 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 to 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. Throughout the year the press reported cases of misappropriation, fraud, or other offenses. The NGO National Network

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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 former minister of defense Jean-Claude Bouda for using government funds to build personal wealth. He was arrested in May 26 and provisionally released on October 22.

On June 14, Judge Narcisse Sawadogo was arrested on corruption allegations, as part of a broader judicial process involving Ouagadougou's mayor Armand Beouinde. Charging documents stated the magistrate asked for financial compensation to help Beouinde avoid justice. Beouinde was accused of using taxpayer money to buy vehicles worth 4.6 billion CFA francs (\$7.9 million) through a company in which he and his family had interests. Sawadogo was released on December 28 after the court ruled the offense of attempted fraud was not constituted.

Financial Disclosure: The law 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. On August 4, the Higher Authority of State Monitoring and the Fight against Corruption launched an electronic platform of declaration of interest and inheritance. The initiative, funded by the World Bank, was made available to government officials as well as members of certain institutions to declare their assets. The Constitutional Council is mandated to monitor and verify compliance with such laws and may order investigations if noncompliance is suspected. Disclosures are not made public, however, and there were no reports of criminal or administrative sanctions for noncompliance. On the eve of the 2020 presidential and legislative elections, National Assembly members elected in 2015 who had not complied with this law faced no sanctions.

In 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 prison term of 20 years and substantial fines. 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 with lawful income. Convicted offenders risk

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imprisonment for two to five years and a substantial fine. A 2016 law limits the value of a gift a government official may receive to 35,000 CFA francs (\$60).

Section 5. Governmental Attitude Regarding 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 July the minister of defense responded to human rights groups' allegations on behalf of the government, committing to investigate the numerous allegations; at year's end there were no significant updates on such investigations.

The United Nations or Other International Bodies: During the year the government approved the establishment of an office in Ouagadougou by the UN High Commissioner for Human Rights; as of year's end, the office was not yet operational.

Government Human Rights Bodies: In 2019 President Kabore established the Ministry of Human Rights and Civic Promotion, separating responsibilities from the Ministry of Justice, which had overseen human rights. During the year the Ministry of 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 also 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

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15 representatives of human rights NGOs, unions, professional associations, and the government. Although inadequately funded, the commission produced a well documented report, released in June, on intercommunal violence and made recommendations to the government on responding to IDP population needs.

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

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 victim 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.

In May, Oxfam reported more than one million women and girls in the country faced increased sexual violence, as well as hunger and water shortages, as a result of the conflict and further exacerbated by the COVID-19 pandemic (see sections 1.g. and 2.e.).

On August 12, a man was arrested for having raped and impregnated his 14-year-old daughter who was then repudiated by the family for acts of incest. She was transferred to a shelter for young girls in distress in Ouagadougou.

The Ministry of Women, National Solidarity, Family, and Humanitarian Affairs indicated in a July 8 communique that three girls ages three, five, and eight were raped in the Boucle du Mouhoun Region, and the three-year-old victim died. The communique also revealed that a 17-year-old IDP was seriously injured with a machete by her boyfriend. An investigation was underway into these attacks.

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On March 30, a 16-year-old girl was reportedly raped on her hospital bed in the Tanghin-Dassouri Department by the son of a male patient housed in the same room as the victim.

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. A government-run shelter for survivors of gender-based violence housed women and girls regardless of nationality. In Ouagadougou the Ministry of Women, National Solidarity, Family, and Humanitarian Affairs 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 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. 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.

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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 December 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, in January, nine girls ages one to five were excised in the village of Tiomboni in Houunde, 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, which reported that as of August, 3,090 villages had agreed to cease practicing excision. The council strengthened the skills of regional coordinators of women's associations in the fight against excision through training. The government also provided training to 2,500 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 fight against FGM/C.

Other Harmful Traditional Practices: In the Center-East Region, 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.

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

Reproductive Rights: The law entitles couples and individuals to decide freely the number, spacing, and timing of their children, and to manage their reproductive health free from discrimination, coercion, or violence, but individuals often lacked the information and means to exercise these rights.

Government and private health centers were open to all women and offered reproductive health services, skilled medical assistance during childbirth (essential obstetric and postpartum care), and diagnosis and treatment of sexually transmitted diseases. 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 the UNFPA, 58 percent of women aged 15-49 had their reproductive needs satisfied with modern methods. According to the UNFPA also, in 2018 the adolescent birth rate was 132 per 1,000 girls aged 15-19.

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 Internally Displaced Persons.

The volatile security situation impacted women’s and girls’ sexual and reproductive health needs, since 12 percent of the health centers in the Nord, Sahel, and Est regions closed due to insecurity. The COVID-19 pandemic reduced access to family planning services, as well as overall sexual and reproductive health.

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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 UNFPA, between 2014-2019, 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.

Coercion in Population Control: There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

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. 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 a number of community outreach efforts and awareness campaigns to promote women's rights.

Children

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

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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 victim is younger than age 13.

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 per cent of women were married before age 15 and 52 per cent 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. In August the Lobbying and Advocacy Action

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Group (GALOP), an association mainly composed of the wives of senior officials and chaired by the first lady, initiated a training session to counter the practice of child marriage, which was carried by media in Ouagadougou. GALOP set up a network of journalists and communicators to produce and disseminate press articles to raise awareness of the effects of early marriage. During the year the government organized travelling campaigns targeting specific communes for education against the practice.

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.

Sexual Exploitation of Children: The law provides penalties for conviction of “child prostitution” or 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 sexual exploitation, 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 CONASUR, the national emergency relief council, women and children accounted for 60 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

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<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

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.

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.

On October 27, President Kabore presided over a national forum on developing more socioeconomic inclusion for persons with disabilities. The government continued to arrange for candidates with vision disabilities to take the public administration recruitment exams by providing the tests in braille. Additionally, authorities opened specific counters at enrollment sites to allow persons with disabilities to register more easily for public service admission tests. According to the Ministry of Education, children with disabilities attended school at lower rates

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than others, although the government provided for limited special education programs in Ouagadougou.

Members of National/Racial/Ethnic Minority Groups

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.

On April 13, in the western part of the country, media reported that a land dispute along ethnic lines between Karaboro and Mosse communities in the Cascade Region's Sideradougou Commune resulted in the death of four men.

Allegations of extrajudicial killings, torture, and violations of due process and basic human rights by security forces and VDPs, particularly against the Fulani community, continued to mount. 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 a growing case load of such allegations.

Many observers, including HRW, noted an ethnic dynamic underscoring the violence in the country. Armed groups often recruited from the Fulani community, while the vast majority of men allegedly killed by security forces were Fulani because of their perceived support of extremist groups.

On January 21, the government passed a law establishing the VDP in an effort to institutionalize civilian support for state counterterrorism efforts. There were reports the VDPs did not incorporate Fulani into their ranks, nor did Fulani seek to be included among the VDPs. 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 in an effort to change attitudes toward the Fulani community. It sponsored a number of media outreach efforts and awareness campaigns against the stigmatization of ethnic groups. In what observers understood to be a reference to

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the Fulani, President Kabore spoke against the “stigmatization of entire communities following armed terrorist acts in certain localities of our country” in his speech during the December 28 inauguration ceremony for his second and final term of office.

Indigenous People

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. A Chinese construction project announced in 2019 to build a hospital in a protected forest in Bobo-Dioulasso sparked a controversial debate and was strongly rejected by the local population. Indigenous communities criticized the government’s decision to permit construction on approximately 38 acres of the forest and suggested that the hospital be built on another site. Following the controversy, the government suspended the project and commissioned an environmental impact study of the site. On August 13, the government announced that in line with the study’s recommendation, the hospital would be built on another site located a few miles from the original one.

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, and intersex (LGBTI) community. NGOs reported police occasionally arrested gay men and transgender individuals and humiliated them in detention before releasing them.

Societal discrimination against LGBTI 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 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.

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LGBTI 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.

HIV and AIDS Social Stigma

Societal discrimination against persons with HIV/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/AIDS. The government distributed free antiretroviral medication to some HIV-positive persons who qualified according to national guidelines.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law allows workers to form and join independent unions, except for public employees and essential workers, such as magistrates, police, military, and other security personnel, who 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 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 inconsistently with international standards, including services such as mining and quarrying, university centers, and slaughterhouses.

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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 effectively enforced 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.

There were no reports of government restrictions on collective bargaining during the year. There was extensive collective bargaining in the formal wage sector, which was where many worker rights violations occurred.

Protesting the government's decision to tax civil servant benefits and allowances (known as the IUTS or *Impôt Unique sur les Traitements et Salaires*), several thousand civil servants marched peacefully on March 7 in Ouagadougou, Bobo Dioulasso, Koudougou, and other key urban centers and went on strike March 16-20. All further union actions were suspended due to COVID-19 restrictions. After COVID-19 restrictions were lifted, the unions rallied on July 4 and went on strike July 8-9. The unions demanded the annulment of the IUTS tax, a reversal of suspensions and cuts in wages, and follow-through on past promises to increase wages.

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On September 17, the minister of national education brought Bassolma Bazie to a disciplinary council for refusing to comply with his official working time. In addition to being a teacher, Bassolma Bazie was the general secretary of the General Confederation of Labor of Burkina Faso. He was also the spokesperson for the coalition of trade unions against the application of the IUTS. The unions and the workers he represented saw this disciplinary action as official harassment against the labor activist to undermine trade union freedoms.

On May 27, the Council of Ministers fired three civil servants from the Ministry of the Economy, Finance, and Development for serious acts of indiscipline during the strike by the coalition of unions against the application of the IUTS from March 16-20. These civil servants reportedly assaulted one of their colleagues for not following the call to strike. The Ministry's Trade Union Coordination body announced a strike from September 9-11 to demand the reinstatement of the three agents. After the administrative court suspended their termination process on September 8, it suspended the strike and declared it was open to dialogue with the government for a final resolution of the reinstatement issue and other concerns contained in the platform of demands from the coalition of unions.

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. 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.

Forced child labor occurred in the agricultural (particularly cotton), domestic labor, 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). Women from other West African countries were fraudulently recruited for employment and subsequently subjected to forced prostitution, forced labor in restaurants, or domestic servitude in private homes.

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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 did 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

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hawkers, did not attend school. Many children younger than 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 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 with respect to employment and occupation. The government did not effectively enforce the laws and regulations. Penalties were commensurate with those for comparable offenses.

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. The government took few actions during the year to prevent or eliminate employment discrimination.

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. The minimum wage was less than the poverty income level.

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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, to protect the physical and mental health of all 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 law requires every company with 30 or more employees to have a work safety committee. If an employee working for a company with fewer than 30 employees decides to remove himself due to safety concerns, a court rules on whether the employee's decision was justified.

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. Penalties for violations were commensurate with those for comparable offenses. 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. Employers subjected workers in the informal sector, who made up approximately 50 percent of the economy, to violations of wage, overtime, and occupational safety and health standards.