

# **Burkina Faso 2023 Human Rights Report**

## **Executive Summary**

On April 19, Transition President Captain Ibrahim Traoré signed a decree establishing a “general mobilization and warning” that gave him broad powers to abridge individual rights, purportedly in the interest of defeating terrorist groups. The decree stated that the transition government would have power to requisition individuals, goods, and services, and authorized restrictions on unspecified rights.

Significant human rights issues included credible reports of: arbitrary or unlawful killings, including extrajudicial killings; enforced disappearance; torture or cruel, inhuman, or degrading treatment or punishment by and on behalf of the government; arbitrary arrest or detention; serious problems with the independence of the judiciary; arbitrary or unlawful interference with privacy; serious abuses in a conflict, including reportedly unlawful or widespread civilian deaths or harm, enforced disappearances or abductions, physical abuses, and conflict-related sexual violence or punishment; unlawful recruitment or use of children in armed conflict by armed groups; serious restrictions on freedom of expression and media freedom, including violence or threats of violence against journalists, unjustified arrests or prosecutions of journalists, censorship, or enforcement of or threat to enforce criminal libel laws to limit expression; substantial interference with

the freedom of peaceful assembly and freedom of association; inability of citizens to change their government peacefully through free and fair elections; serious and unreasonable restrictions on political participation; serious government corruption; extensive gender-based violence, including domestic or intimate partner violence, sexual violence, workplace violence, child, early, and forced marriage, female genital mutilation/cutting, femicide, and other forms of such violence; and crimes involving violence or threats of violence targeting members of the Fulani ethnic group.

Beyond opening investigations, the Transition Authorities did not take credible steps to identify and punish officials who may have committed human rights abuses.

The country experienced deadly attacks by violent extremist organizations during the year. *Jama'at Nasr al-Islam wal Muslimin* (Group for the Support of Islam and Muslims), the Islamic State in the Greater Sahara, and other armed groups, such as the homegrown Ansaroul Islam, perpetrated numerous attacks resulting in hundreds of civilian deaths as well as scores of deaths among government security forces and state-sponsored militias. Security incidents included improvised explosive device attacks; targeted killings; kidnappings; attacks on mining sites (especially gold mines); burning of schools, medical centers, and homes; and theft of cattle, vehicles, and food assistance. According to the UN Human Rights Office, the country recorded 513 security incidents that left more than 1,400 dead during the

first six months of the year. The Transition Authorities detained several hundred suspected violent extremists. This included children allegedly associated with armed groups, including potential trafficking victims.

## **Section 1. Respect for the Integrity of the Person**

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

There were numerous reports that government security forces and government-sponsored militias, known as the *Volontaires pour la defense de la Patrie* (Volunteers for the Defense of the Fatherland, or VDPs) committed arbitrary or unlawful killings, including extrajudicial killings, during the year.

On March 27, an article in the French newspaper *Libération* accused government security forces of torturing to death seven children from the Fulani community suspected of complicity with terrorists in Ouahigouya, Nord Region. According to the article, the seven victims were among more than 40 individuals, mostly from the Fulani community, who were kidnapped by government security forces and VDPs in retaliation for a terrorist attack on February 13. In a public statement, the Transition Authorities condemned the article and denied the allegations, asserting that the country's security forces acted in strict compliance with international humanitarian law.

On April 7, soldiers of the Dori garrison conducted a “punitive expedition” against residents following the killing of a soldier on the night of April 3 at his home in a district of Dori, Sahel Region. Soldiers inflicted inhuman, cruel, and degrading treatment on the population, killing seven individuals and wounding several others.

According to reports by the press and human rights groups, including the Collective Against Impunity and Stigmatization of Communities (CISC), armed men, identified as VDPs by surviving victims, killed 28 unarmed civilians from the Fulani ethnic community in the city of Nouna, Boucle du Mouhoun Region, in December 2022, following an attack on the local VDP headquarters the night before. On January 2, the transition government issued a statement acknowledging the killings and noted the opening of an investigation. The investigation was pending as of year’s end.

On April 20, a group of armed men in local military uniforms with motorcycles, pickup trucks, and an armored transport vehicle entered the village of Karma, Nord Region, and began killing the mostly Mossi population there, leaving nearly 150 dead, according to survivors and civil society representatives. Audio recordings shared by villagers in Moore, a local language, accused the security forces of being responsible for the killings. Speaking to French media entity *Le Monde* anonymously, a military official suggested that the massacre may have been perpetrated by terrorists masquerading as security forces. The Transition Authorities announced an

investigation into the case, which continued at year's end. In a May 2 press release, the transition government rejected the West African regional bloc ECOWAS' characterization of "genocide" to describe the massacre.

There were numerous reports that violent extremist groups committed killings. Multiple sources reported that violent extremists killed hundreds of civilians, members of the security forces, and members of state-sponsored militias. There were several accounts of criminal groups working in concert with terrorist organizations and drug traffickers to kill gendarmes, police, and VDPs.

On February 17, a local branch of the Islamic State in the Greater Sahara (IS-GS), Dawlatoul Islamia, attacked state security forces, killing 51 soldiers on the road from Deou to Oursi in Oudalan Province, Sahel Region, near the border with Mali and Niger. Social media activists put the death toll at 80. On February 20, the same group killed approximately 19 soldiers and left 30 others of the Tin-Akoff military detachment missing in Oudalan, and later claimed responsibility for both attacks.

In February the Transition Authorities amended the law to elevate the importance of provost marshals, who were deployed in the national territory with combat units to document human rights abuses and other offenses committed by defense and security forces. In August the Transition Authorities set up an intraministerial working group to address allegations of human rights abuses.

## **b. Disappearance**

There were reports of disappearances by or on behalf of security forces and state-sponsored volunteer militias during the year.

There were numerous reports of disappearances of civilians by violent extremist groups.

The international nongovernmental organization (NGO) Doctors Without Borders (MSF) announced that one of its employees was abducted in Ouagadougou on the night of July 6. According to MSF, Issa Dicko, a Fulani employee who worked as a “cultural mediator” for the organization, was arrested by individuals believed to be security forces.

On the night of September 28, two Fulani individuals accompanying a patient were abducted at the Gaoua Regional Hospital, Poni Province, Sud-Ouest Region, by individuals believed to be VDPs.

On December 1, at least six individuals believed to be police abducted Daouda Diallo, the secretary general of the CISC and one of the most prominent human rights defenders in the country, in front of the passport office in Ouagadougou, where he had gone to renew his travel documents. Diallo had been on a list of at least 10 individuals critical of the transition government to be conscripted since November but had refused to comply. Diallo had previously escaped an attempted kidnapping by unidentified individuals on January 6, following the CISC’s denunciation of the killings of

28 individuals allegedly by VDPs in Nouna.

The CISC recorded 203 enforced disappearances as of mid-November. The Transition Authorities announced the opening of investigations into many of these disappearances, but there were no updates on these investigations as of year's end.

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

The constitution and law prohibited such practices, but there were credible reports that government officials employed them. According to articles 4-8 of the Penal Code, a guilty verdict of torture or similar practices was punishable by a term of three years to life imprisonment. The CISC and *le Mouvement burkinabe des droits de l'homme et des peuples* (the Burkinabe Movement for Human and Peoples' Rights, or MBDHP) alleged numerous instances of torture committed by VDPs. Most allegations of torture involved victims suspected of having links to extremists or persons of Fulani/Peuhl ethnicity. Impunity was a significant problem.

According to media reports, on May 23 residents and VDPs stripped, tied up, and beat 63 members of the Fulani community including seven women and three children at the Ouahigouya market, Yatenga Province, Nord Region. The victims had fled attacks by violent extremists in Zogore and Oula communes in the Nord Region and were transporting several hundred

animals to the Ouahigouya market.

## **Prison and Detention Center Conditions**

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

**Abusive Physical Conditions:** Women prisoners had better conditions than men, in large part due to less crowding. Some infants and children younger than age five accompanied their inmate mothers. There were no appropriate facilities or installations for prisoners or detainees with disabilities, and persons with disabilities relied on other inmates for assistance.

Food, potable water, sanitation, heating, ventilation, lighting, and medical care were inadequate in most detention facilities across the country. The High Security Prison in Ouagadougou employed one on-site nurse and a second volunteer nurse to treat more than 900 detainees and prisoners, with no doctor present but available on call.

Prisoners received two meals a day, but diets were inadequate, and inmates relied on supplemental food from relatives and the formal partnership with the International Committee of the Red Cross (ICRC) to treat malnourished inmates with specialized supplements. Sanitation was rudimentary.

**Administration:** The Transition Authorities did not provide information on



investigations into allegations of mistreatment in prisons.

**Independent Monitoring:** The Transition Authorities permitted monitoring by independent nongovernmental observers. The ICRC and MBDHP were able to visit prisoners in some facilities throughout the country, including the High Security Prison.

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

The constitution and law prohibited arbitrary arrest and detention and provided for the right of persons to challenge the lawfulness of their arrest or detention in court. Arbitrary arrests occurred, however, and lack of access to defense counsel and inadequate staffing of the judiciary prevented many detainees from seeking pretrial release in court. The MBDHP and CISC received hundreds of new cases of persons reported missing by their families during the year.

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

By law police and gendarmes were required to 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 had the right to expeditious arraignment, bail, access to legal counsel, and, if indigent, access to a government-provided

lawyer after being charged. In practice, however, attorneys were not appointed until trial began. A judge could order temporary release without bail pending trial. Authorities seldom respected these rights. The law provided detainees access to family members through court-issued authorizations.

The law limited detention without charge for investigative purposes to a maximum of 72 hours, renewable for a single 48-hour period. In terrorism investigations the law allowed detention for a 15-day period with an extension of 10 days. In cases not related to terrorism, police did not always comply with the law, and the average time of detention without charge was one week. Once authorities charged a suspect, the law permitted investigative judges to impose extensions for pretrial detention up to one year for correctional matters, and up to two years for criminal matters (sentences of 10 years and above). Individuals charged with terrorism offenses could be detained indefinitely until trial. Authorities often detained defendants without access to legal counsel for weeks, months, or even years before the defendant appeared before a magistrate. There were instances in which authorities detained suspects incommunicado.

**Arbitrary Arrest:** Local independent rights groups alleged that security forces regularly arrested individuals arbitrarily for suspected involvement in terrorism. An official with the Ministry of Justice reported that hundreds of individuals detained at the High Security Prison remained in detention

without being charged. Judiciary leaders decried what they saw as a “broad net” cast by security forces in the field, whom they suspected of rounding up large groups of suspects without sufficient cause.

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

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

The constitution and law provided for an independent judiciary, but according to some NGOs, the judiciary was corrupt, inefficient, and subject to executive influence.

On July 28, traditional healer Amseto Nikiema and eight of her associates were taken into police custody in Komsilga and then transferred to an Ouagadougou prison following the issuance of an arrest warrant for assault, acts of torture shared on social media, and illegal confinement. The same

day, soldiers with the National Intelligence Agency, purportedly at the direction of Transition President Traoré, demanded the healer's release into their custody, and she was released to soldiers on July 29 through a verbal order that reportedly came from the minister of justice.

Following Nikiema's release, all three of the country's magistrate unions issued formal declarations of a work stoppage by the judiciary amid widespread condemnation of the process by civil society organizations, members of the bar, unions, and members of the public. The Transition Authorities justified their interference in the judicial proceedings through official communications from the Ministry of Communications, citing national security interests. On September 6, the traditional healer was fined one million CFA francs (\$1,653) and issued a three-year suspended prison sentence. Her eight codefendants were fined 500,000 CFA francs (\$826) each and sentenced to four-year prison terms, which were later suspended. Some observers noted the military's involvement and lack of respect for the rule of law during the trial's proceedings, calling into question whether the outcomes of the trial were predetermined.

Legal codes were often outdated, although the Ministry of Justice initiated a program to rewrite the Criminal Procedure Code to improve access to justice and streamline criminal procedures. Nonetheless, there were not enough courts, and legal costs were excessive. Citizens' lack of 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 lack of funds to pay appointed counsel, concern regarding personal safety, and the social stigma associated with representing accused extremists.

The country's second session of criminal terrorism trials concluded on June 23 in the Specialized Antiterrorism Court, nearly two years after the country's first terrorism trial in August 2021. During the two-week special session, 50 defendants appeared at the Antiterrorism Court in 26 cases. A three-judge panel acquitted 17 defendants and found 23 guilty. Trials for another 10 defendants were delayed or remanded for differing causes, including the unknown whereabouts of coconspirator defendants. Convicted criminals received various sentences including 10 years of imprisonment, life imprisonment, and, in some instances, substantial fines. Journalists were required to refrain from publishing articles on the trials until the end of the session to reduce security threats from terrorist organizations. Post-session reporting, however, was minimal. Overall, most observers assessed that the second round of terrorism trials were a significant improvement over the first round in 2021 and represented institutional improvement.

## **Trial Procedures**

The constitution provided for the right to a fair and public trial, but the judiciary generally did not enforce this right. The law presumed defendants

were innocent. Defendants had the right to be informed promptly and in detail of the charges against them, with free assistance of an interpreter. Trials were public but could be delayed. Defendants had the right to be present at their trials and to legal representation, consultation, and adequate time and facilities to prepare a defense. Defendants had the right to provide evidence and not to be compelled to testify or confess guilt, but a refusal to testify often resulted in harsher sentences. Defendants could challenge and present witnesses and had the right of appeal. In criminal cases court-appointed lawyers were mandatory for those who could not afford one. The government did not always respect these rights, due in part to a shortage of magistrates and court-appointed lawyers.

### **Political Prisoners and Detainees**

There were no reports of political prisoners or detainees.

### **f. Transnational Repression**

Not applicable.

### **g. Property Seizure and Restitution**

Not applicable.

### **h. Arbitrary or Unlawful Interference with Privacy, Family,**

## Home, or Correspondence

The constitution and law prohibited such actions, and the government generally respected these prohibitions. In cases of national security, however, the law permitted surveillance, searches, and monitoring of telephones and private correspondence without a warrant. The penal code permitted wiretapping in terrorism cases, to be authorized by the president of a tribunal for a limited term. Investigative judges had the authority to authorize audio recording in private places. The national intelligence service was authorized to use technology for surveillance, national security, and counterterrorism purposes. The state of emergency, which was put in place in 2018, remained in effect in 22 provinces within eight of the country's 13 administrative regions in response to continued insecurity from extremist attacks. On April 19, Transition Authorities introduced a "general mobilization and warning" decree, empowering the government to take extraordinary measures in order to maintain a higher level of national defense posture. This decree gave the Transition Authorities the power to requisition individuals, goods, and services, laid the groundwork for a general military conscription, and authorized restrictions on unspecified fundamental freedoms. The decree also granted additional powers to security forces to carry out searches of homes and restrict freedom of movement and freedom of peaceful assembly.

During the year, the Transition Authorities carried out surveillance,

searches, and monitoring of homes, telephones, and private correspondence of many activists and political leaders under the general mobilization decree.

On March 25, the transition legislative body passed a law establishing Monitoring and Development Committees to involve the populace in the security and development of the country. According to Transition Authorities, these committees complemented VDP forces, 50,000 of which were recruited during the year, by collecting intelligence. According to international and local independent rights groups, the military employed informant systems to generate lists of suspected extremists based on anecdotal evidence. Violent extremist groups were widely reported to employ similar systems to identify civilians accused of aiding security forces; some of those identified suffered violence or death at the hands of these groups.

## **i. Conflict-related Abuses**

The country experienced numerous attacks by violent extremist organizations during the year, such as targeted killings; abductions; attacks on schools, health centers, and mining sites; and theft of food assistance, contributing to a humanitarian crisis and creating significant internal displacement. Security forces and state-sponsored militias were implicated in killings and other abuses. Violent extremist groups including the Group



for the Support of Islam and Muslims (JNIM), IS-GS, and Ansaroul Islam committed numerous killings and other abuses.

**Killings:** Both security forces and state-sponsored militias were implicated in or credibly accused of abuses against civilians, including killings.

On March 10, the CISC accused government forces and VDPs of killing at least 21 civilians in a raid on the village of Toessin-Foulbe in the Centre-Nord on March 8. According to the CISC, all but two of the dead belonged to the Fulani ethnic group, several women were reportedly injured, and three individuals were missing. The Transition Authorities subsequently announced they had launched an investigation into the incident.

According to the MBDHP, 17 bodies from Fulani and Tamashek communities were found on May 28 in Ekeou, Senou Province, Sahel Region. The victims had reportedly been arrested by soldiers and VDPs in February.

Violent extremist groups killed hundreds of civilians during the year. These groups frequently targeted villagers suspected of collaborating with state-sponsored militias and security forces, or simply killed civilians in retribution for losses inflicted by security forces.

On February 26, terrorists killed at least 60 individuals in Partiaga, Est Region, according to witnesses. The terrorists went from house to house and killed everyone they encountered, burning some alive. They also destroyed infrastructure, including the equipment of the sole mobile phone

company in the area and the gendarmerie headquarters.

According to a local security-focused think tank, between March 10 and 14 nearly 50 individuals, both civilians and security forces, were killed in five separate attacks in the Centre-Nord and Sahel regions. On March 12 and 14, extremists killed at least 24 artisanal miners at mining sites in Sahel Region. On May 25, violent extremists killed 50 civilians fleeing the rural communes of Madjoari and Kompienga, Est Region. On October 15, extremists killed at least 11 civilians and soldiers in Silmague, Centre-Nord Region.

**Abductions:** Violent extremists kidnapped dozens of civilians throughout the year, including international humanitarian aid and medical workers. The assailants sometimes kidnapped health workers for a temporary period to obtain medical assistance. On January 1, a group of armed individuals abducted two patients, a nurse, a pharmacist, and another person from the Touka Bayel health center, northern Sahel Region. The victims were found dead on January 2.

Local authorities such as mayors, religious, or traditional leaders were recurrent targets of abduction by terrorist groups. On January 2, terrorist groups abducted and then executed a Catholic priest in Dedougou, Boucle du Mouhoun Region.

According to the governor of Sahel Region, terrorists abducted approximately 60 women near Arbinda on January 12 while the women

were gathering wild fruit in the countryside. Security forces freed them one week later. A prefect from Tcheriba commune in the Boucle du Mouhoun Region was kidnapped by armed men on May 8 and later was found dead in a forest. His colleague and driver, who were also abducted, escaped from their captors. The former mayor of Kompienga, Est Region was reportedly abducted from his farm on May 21.

**Child Soldiers:** There were no reports of the government recruiting or using child soldiers. Nonetheless, according to UNICEF, children were being increasingly recruited by armed groups. The Transition Authorities detained children for alleged association with violent extremist groups, some of whom may have been trafficking victims. The number of children detained during the year was estimated at between five and 15. The Transition Authorities held children in a high-security prison separately from adult detainees. They allowed international organizations and NGOs access to provide specialized care, including legal services. In many cases, authorities held detainees, including children, without charge or trial for longer periods than the maximum sentence for the alleged offense; this included terrorism cases. Detainees faced harsh conditions, including inadequate food and water, and poor sanitation, heating, ventilation, lighting, and medical care.

**Other Conflict-related Abuse:** According to media reports, on July 12 armed terrorists attacked a humanitarian supply convoy bound for Arbinda, Sahel Region, killing 16 individuals and stealing the supplies. Twenty empty trucks

were left behind and multiple individuals were reported missing.

On February 8, terrorists killed two MSF staff members in their marked vehicle in Sourou Province, Boucle du Mouhoun Region. On February 17, MSF temporarily suspended operations in the country and stated it would respond only to life-saving emergencies. On August 10, armed individuals shot a World Food Program cargo helicopter that was transporting humanitarian assistance from Ouagadougou to Djibo, Sahel Region. There were no casualties or injuries among the passengers or pilots, and the helicopter was able to continue its mission. This was the first time an aircraft belonging to a humanitarian organization was targeted.

## **Section 2. Respect for Civil Liberties**

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

The constitution provided for freedom of expression, including for the press, but the government limited this right through legal means. Restrictions on journalists reporting any security-related news remained in place.

**Freedom of Expression:** A 2019 revision of the penal code criminalized communicating the position or movements of defense forces, sites of national interest or of a strategic nature, and the publication of any terrorist crime scene without authorization. The amendment significantly increased

penalties for the crime of publicly insulting another person if electronic communications were used to publish the insult; the law had previously only prohibited persons from insulting the head of state or using derogatory language with respect to the office.

During the year, the Transition Authorities arrested several civil society leaders who had been critical of the transition government's policies.

Arouna Loure and 11 other civil society leaders were forcibly conscripted into the VDP forces after they criticized the transition government, the deterioration of the security situation, and the inadequate response to humanitarian matters. The transition government spokesperson told media in early September that citizens called to serve on the battlefield should be proud.

**Violence and Harassment:** Several journalists and their family members reported receiving death threats or other acts of intimidation from transition government supporters because of their critique of the transition government. A May 8 statement from the Collective of Journalists, Activists, and Opinion Leaders Who Are Victims of Threats assessed that the transition government had moved to the stage “of muzzling inherent in any dictatorial regime” after several months of rule characterized by a “worsening of the security and humanitarian crisis and the exacerbation of the diplomatic, economic and social cohesion crisis.”

During the year several cases of violent attacks or other acts of intimidation

against journalists and other activists remained pending before the courts.

**Censorship or Content Restrictions for Members of the Press and Other**

**Media, Including Online Media:** During the year, the Transition Authorities appealed to the press’s “patriotism,” telling them to refrain from comments that could divide the citizens or distract from the counterterrorism effort. On July 19, the Higher Council of Communication, a government-affiliated entity, released seven watch points for media managers and journalists. The points urged members of the press “to assume their social responsibility, by putting at the heart of their daily reporting the concern not to accentuate the fragility of the country.” In addition to prohibitions on publishing security-related information and insulting the head of state, the law prohibited the publication of shocking images or material that demonstrated 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.

In March the Transition Authorities expelled all France 24 journalists, and on April 1, journalists working for French daily newspapers *Le Monde* and *Libération*. In March Transition President Traoré stated on national television that the Transition Authorities would close all media entities that were distributing “propaganda” of the “enemy.” On August 10, the Transition Authorities suspended Radio Omega, a popular local radio station, after it broadcast an interview deemed “insulting” to Niger’s new

military leaders. On September 10, the Transition Authorities lifted the suspension stating that the media had “learned the lessons of the sanction.” On September 25, the Transition Authorities suspended all *Jeune Afrique* media in the country for their reporting on alleged divisions within the army.

## **Internet Freedom**

The law permitted a judge, at the request of a prosecutor, to block internet websites or email addresses being used to spread “false information” to the public. The Transition Authorities did not restrict or disrupt access to the internet; however, the Higher Council of Communication and the chief prosecutor monitored internet websites and discussion forums to enforce compliance with regulations.

## **b. Freedoms of Peaceful Assembly and Association**

The law provided for the freedoms of peaceful assembly and association, but the Transition Authorities frequently restricted these rights for those critical of the Transition Authorities.

### **Freedom of Peaceful Assembly**

The law provided for the right of political parties and labor unions to hold meetings and rallies without government permission, although advance notification and approval were required for public demonstrations that could affect traffic or threaten public order.

During the year, the Transition Authorities often denied approval of public events hosted by those critical of the transition government but did not do so for supporters. A coalition led by the National Confederation of Burkinabe Workers and a group of civil society organizations called for a rally on October 31 in Ouagadougou to protest “abusive measures” taken by the Transition Authorities. Days before the event, local authorities issued a press release asking the unions and their allies to “suspend” it, citing national security interests. The rally did not take place. Nevertheless, on November 5 and 11, thousands of individuals successfully held meetings in Ouagadougou to express support for the Transition Authorities.

### **c. Freedom of Religion**

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

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

The constitution provided for freedom of internal movement, foreign travel, emigration, and repatriation, and the Transition Authorities generally respected these rights.

**In-country Movement:** The Transition Authorities required citizens to carry a national identity document, and 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.

During the year, the Transition Authorities suspended the importation, sale, and free distribution of motorized two-wheeled vehicles throughout the country. The measure aimed to reduce the mobility and operational capacity of armed groups but applied to all persons in the country.

Armed extremists restricted movement of thousands of rural inhabitants throughout the country by planting improvised explosive devices on major highways, hijacking vehicles, and setting up checkpoints. In response to dozens of attacks by unknown armed groups, local authorities instituted a nighttime ban on motorcycle traffic in the Est, Sahel, and Nord regions.

## **e. Protection of Refugees**

The Transition Authorities cooperated with the Office of the UN High Commissioner for Refugees (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.

**Access to Asylum:** The law provided for the granting of asylum or refugee status, and the Transition Authorities had established a system for providing protection to refugees. The Ministry of Solidarity, Humanitarian Affairs, National Reconciliation, Gender, and Family, aided by the National

Committee for Refugees, was the focal point for coordination of national and international efforts.

**Freedom of Movement:** According to UNHCR, police arbitrarily arrested Fulani refugees traveling 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. As part of the Refugee Identity Card program, in collaboration with the National Commission for Refugees and the National Identification Office, UNHCR continued an enrollment operation for refugees hosted in the country. The issuance of these identity cards to refugees provided protection against arbitrary arrest and abusive detention, and helped facilitate refugees' access to basic services, livelihoods, and durable solutions.

## **f. Status and Treatment of Internally Displaced Persons (IDPs)**

Worsening conflict and growing insecurity continued to force families to flee from their homes during the year. As of March, the National Council for Emergency Relief and Rehabilitation had registered more than two million IDPs, constituting 10 percent of the country's population, with estimates

reaching up to 2.9 million IDPs by the end of the reporting year, according to UNHCR.

In December 2022, the Transition Authorities expelled UN Resident Coordinator Barbara Manzi in a culmination of growing tensions with the United Nations. Humanitarian coordination weakened throughout the year in the absence of a permanent resident coordinator. The Transition Authorities' requirement of military escorts for humanitarian convoys continued to obstruct the delivery of commodities as it violated humanitarian principles, risked greater loss of life, and necessitated the use of expensive helicopters, which lacked cargo capacity to meet humanitarian needs. Bans on cash assistance by the governors of the Sahel, Centre-Nord, and Est regions further inhibited the humanitarian response. Humanitarian actors also faced mounting physical and existential threats from the Transition Authorities bolstered by claims that humanitarian assistance ultimately ended up in the hands of terrorists.

For further information concerning IDPs in the country, please see the materials of the Internal Displacement Monitoring Center:

<https://www.internal-displacement.org>.

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

## Process

The constitution provided citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage. This right was not respected since the January 2022 coup d'état.

## Elections and Political Participation

**Abuses or Irregularities in Recent Elections:** Following the coup d'état on January 24, 2022, and subsequent military putsch on September 30, 2022, the Transition Authorities had not taken steps to hold elections, agreed upon with ECOWAS to occur no later than July 2024. On September 29, Transition President Traoré indicated that elections were not a priority and announced a process for rewriting the constitution to “better reflect the interests of the masses.”

**Political Parties and Political Participation:** Prior to the January 2022 coup, political parties generally operated freely. Following the two military takeovers, the Transition Authorities suspended the activities of political parties and civil society organizations. During the year, political leaders unsuccessfully requested that the transition government lift the ban on political party activities. In May political parties refused to amend a government draft document on political and electoral reforms unless the suspension was lifted.

**Participation of Women and Members of Marginalized or Vulnerable**

**Groups:** No laws limited participation of women and members of minority groups in the political process, but many members of minority groups did not participate. Although the gender quota law required political parties to name women to fill at least 30 percent of the positions on their candidate lists in legislative and municipal elections, no political party met this requirement in the November 2020 elections. In March 2020 a new law establishing “zebra lists” mandated that electoral lists alternate names of men and women to better achieve a 30 percent quota. The law included positive incentives for political parties respecting the quota but no penalties for those who did not abide by the law. The transition government included four women among 23 cabinet members.

**Section 4. Corruption in Government**

The law provided criminal penalties for corruption by officials, but the Transition Authorities did not implement the law effectively. There were numerous reports of government corruption during the year, including cases of misappropriation, fraud, or other offenses.

**Corruption:** The NGO National Network for Anti-Corruption cited the customs, police, and General Directorate of Land and Maritime Transport as the most corrupt entities in the government. According to the organization, cases of corruption continued to increase with 651 alleged cases recorded in

2022, compared to 303 cases during the previous year. On July 11, the Transition Authorities launched an e-transformation process for police operations to improve quality of policing services and reduce corruption.

Corruption was pervasive at all levels of government, but the anti-corruption authorities focused their investigatory energies on officials of former President Roch Kaboré's government and perceived political enemies.

Since March 2022, the Higher Authority for State Control, and the Fight against Corruption (ASCE-LC) conducted a series of audits of more than one hundred public institutions, including the presidency, the prime ministry, National Assembly, and the security and defense ministries, among others. On March 9, the ASCE-LC released its investigations alleging nearly 16 billion CFA francs (\$26 million) in financial irregularities at the presidency, prime ministry, and the National Assembly during the tenure of former President Kaboré.

On March 1, a court in Ouagadougou convicted and sentenced the former CEO of the national lottery company to four years in prison and 750 million CFA francs (\$1.2 million) in fines for embezzlement and abuse of authority. On August 17, Vincent Dabilgou, former transport minister, was sentenced to 11 years in prison, four of them suspended, for embezzlement of public funds, illicit enrichment, and money laundering.

For additional information regarding corruption in the country, please see

the Department of State's *Investment Climate Statement* for the country, and the Department of State's *International Narcotics Control Strategy Report*, which includes information on financial crimes.

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

At least 30 Burkinabe citizens including trade union leaders, civil society organizations leaders, journalists, human rights defenders, and political leaders were allegedly conscripted into the VDP after they criticized the Transition Authorities, the security situation, or social conditions in the country. On December 6, the judiciary ruled that these forced conscriptions were illegal because they were not aimed at strictly defending the country's territory. The Transition Authorities ignored this ruling.

**Retribution against Human Rights Defenders:** During the year, human rights defenders were threatened and intimidated by individuals believed to be affiliated with the transition government. On November 30, prominent social media activist Wendpouire Charles Sawadogo was conscripted into the VDP forces after he reposted a UN High Commissioner for Human Rights statement referring to the terrorist group JNIM as a "party" following the November 26 JNIM attack on the city of Djibo. The Transition Authorities

also summoned the UN Human Rights Office representative to express their anger regarding the published statement. Sawadogo had previously been arrested on April 27 for suspicion of “foreign intelligence” to destabilize the transition government but was released four days later.

**Government Human Rights Bodies:** The Office of the Ombudsman addressed citizen complaints regarding government entities and other bodies entrusted with a public service mission. The ombudsperson, whom the president appointed for a nonrenewable five-year term and who could not be removed during the term, was generally viewed as effective and impartial.

The government-funded National Commission on Human Rights (CNDH) provided a permanent framework for dialogue on human rights concerns. Its members included 15 representatives of human rights NGOs, unions, professional associations, and the government. On July 4, the CNDH organized a workshop on the national mechanism for the prevention of torture in order to improve its implementation.

## **Section 6. Discrimination and Societal Abuses**

### **Women**

**Rape and Domestic Violence:** According to the penal code, rape of any person was punishable by a prison sentence of seven to 20 years, or 10 to 21



years in case of aggravated circumstances such as causing mutilation or handicap, and a substantial monetary fine when committed against a person age 13 or older. The penalty was 11 to 30 years in prison and higher monetary fines when the survivor was younger than 13. The government generally enforced the law. On March 20, a man was sentenced to two years in prison for rape of a child in Bobo-Dioulasso, according to media reports. According to the UN Human Rights Office, on April 17 a court sentenced a VDP to one year in prison and a fine of 500,000 CFA francs (\$826) for the attempted rape of a woman whom he intimidated with his gun. Rape was widely underreported in part due to societal taboos and the drawn-out judicial process owing to the overburdened justice system.

Gender-based violence was also prevalent, including reports of rape and domestic violence, which was also criminalized. One in five women age 15 to 49 reported being subjected to physical domestic violence since the age of 15, according to the fifth demographic investigation of the National Institute of Statistics and Demography published in September. Insecurity led to an increase in gender-based violence by armed group actors and other individuals.

The law made 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 was punishable by two to five years in prison and monetary fines. The law required police to

provide for protection of domestic violence survivors and their minor children and mandated the establishment of chambers in the High Court with exclusive jurisdiction over cases of violence against women and girls. The law required all police and gendarmerie units to designate officers to assist women affected or threatened by gender-based violence and to respond to emergencies; some units did not comply. The law mandated 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 received survivors on an emergency basis, offered them security, provided support services (including medical and psychosocial support), and, when possible, referred them to court officials for legal assistance.

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 did not provide statistics on prosecutions, convictions, or punishment. The Ministry of Solidarity, Humanitarian Action, National Reconciliation, Gender, and the Family operated a toll-free number for survivors of domestic abuse. A government-run shelter for survivors of gender-based violence housed women and girls, regardless of nationality. In Ouagadougou the ministry assisted survivors of domestic violence at four centers. The ministry sometimes provided counseling and housing for survivors of domestic violence.

The ministry had 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.

**Female Genital Mutilation/Cutting (FGM/C):** The practice of FGM/C was prohibited by law, and those found guilty were liable to a prison sentence of one to 10 years with a substantial monetary fine. If a victim of FGM/C died during or following the procedure, the sentence increased to a term of 11 to 20 years' imprisonment and an even higher monetary fine. Accomplices were also subject to the law. The transition government enforced the law. According to the minister of gender and family, the FGM/C prevalence rate was 18 percent.

The Transition Authorities continued to fund and operate a toll-free number to receive anonymous reports of FGM/C. The Transition Authorities also continued to fund the Permanent Secretariat of the National Council for the Fight against the Practice of Excision. The government's official midwifery curriculum included components on the prevention of FGM/C and care for women and girls affected by the practice.

**Other Forms of Gender-based Violence or Harassment:** In the Centre-Est and Nord regions, primarily in rural areas, self-proclaimed traditional healers performed rituals in which participants denounced others as "witches" whom they held responsible for their misfortune. Those accused, often

elderly women and less frequently men, were sometimes tied up, humiliated, beaten, brutalized, banned from their villages, or killed. Widows were disproportionately accused of witchcraft by male relatives, who then claimed their land and other inheritance. The law, which was seldom enforced, made the 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.

**Discrimination:** The law prohibited discrimination based on race, color, sex, religion, political opinion, social origin, gender, disability, language, sexual orientation or gender identity, HIV-positive status or having other communicable diseases, or social status with respect to employment and occupation. The Transition Authorities did not effectively enforce these laws and regulations. Penalties were commensurate with those for comparable offenses but were seldom applied. Although the constitution provided for gender equality, legal restrictions remained on 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 risk for their health or reproductive capacity.

Although the law generally provided the same legal status and rights for women as for men, including under family, labor, property, and inheritance laws, discrimination frequently occurred. Labor laws provided that all

workers, regardless of gender, should receive equal pay for equal working conditions, qualifications, and performance. Women nevertheless generally received lower pay for equal work, had less education, and owned less property.

Although the law provided 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.

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

Government and private health centers were open to all women and offered reproductive health services, skilled medical assistance during childbirth (essential obstetric and postpartum care), and diagnosis and treatment of sexually transmitted diseases. Family planning services were free in all public health facilities. Remote villages, however, often lacked these facilities or did not have adequate transportation infrastructure to permit easy access. The government provided emergency contraception and postexposure prophylaxis for survivors of sexual violence.

According to a March 2022 survey, modern contraceptive prevalence among women in union increased from 28 percent in February 2020 to 32 percent in March 2022. The survey revealed an increase in unavailability for certain contraceptive methods such as the implant, the pill, and condoms in health facilities in the first quarter of the year compared with 2020. The survey revealed unmet reproductive needs dropped from 32 percent to 17 percent between December 2014 and March 2022.

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

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

In 2016, according to the National Institute of Statistics and Demography,

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

## **Systemic Racial or Ethnic Violence and Discrimination**

There were no specific laws that protected members of marginalized groups, but the constitution provided that all persons were equal under the law. Long-standing conflicts between Fulani 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. The Transition Authorities' efforts at dialogue and mediation contributed to a decrease in such incidents.

Allegations of killings, physical abuse, and other human rights abuses by state-sponsored militias continued, particularly against the Fulani community. According to rights groups, violence targeting Fulani ethnic groups significantly increased during the year. In May at least 45 Fulani community members were arrested and executed across the Nord, Boucle du Mouhoun, and Hauts-Bassins regions while participating in daily activities like livestock market participation and intercity travel. On May 21, three

Fulani community members were removed from a bus between Hounde and Bobo-Dioulasso, Tuy Province, Hauts-Bassins Region and executed on the spot. The perpetrators, whom several sources alleged to be VDPs, also removed their motorcycles from the bus and set them on fire. On May 31, four Fulani shepherds were almost lynched by locals in Bobo-Dioulasso. Local security forces took the men into custody but later released and cleared them of suspicion of sympathizing with terrorists.

Many observers, including the CISC, noted an ethnic dynamic underscoring the increased violence in the country. Armed groups often recruited from the Fulani community, while most men allegedly killed by VDPs were Fulani because of their perceived support of extremist groups.

There were reports the VDP did not incorporate Fulani into their ranks, nor did Fulani seek to be included. 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 marginalization among the Fulani.

During the year, in addition to targeted killings of Fulani community members, incidents of hate speech circulated via audio on social networks promoting ethnic discrimination, including calls to kill Fulani.

## Children

**Birth Registration:** Citizenship derived either from birth within the country's



territory or through a parent. Parents generally did not register births immediately, particularly in 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 provided 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. 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.

Many children attended Quranic schools. Some educators exploited children sent to Quranic schools in forced begging. Catholic schools banned wearing of headscarves, effectively denying many Muslim girls access to these institutions.

**Child Abuse:** The penal code provided for a prison sentence of one to three years with a substantial fine for those found guilty of inhuman treatment or mistreatment of children.

**Child, Early, and Forced Marriage:** The law prohibited forced marriage and provided for prison sentences ranging from six months to two years for offenders, and a three-year prison sentence if the survivor was younger than

13. According to media reports, however, the traditional practice of kidnapping, raping, and impregnating a girl and then forcing her family to consent to her marriage to her violator persisted. NGOs reported that minors, especially girls, were sometimes kidnapped on their way to school or to market and forced into early marriage.

The legal minimum age for marriage for women was 17 and for men was 20, but there was the option to request an exemption by the civil court, and the government did not effectively enforce the law. Data from UNICEF indicated that 10 percent of girls were married before age 15 and 52 percent before 18. During the year, the Transition Authorities, through the national steering body for the prevention and elimination of child marriage, organized awareness-raising campaigns on the abandonment of child marriage, reaching more than three million persons, and held 192 public declarations of abandonment of child marriage across the country.

**Sexual Exploitation of Children:** The law criminalized the sale of children, child commercial sexual exploitation, including child sex trafficking, and child pornography. The law prescribed penalties of 11 to 20 years' imprisonment and a substantial monetary fine for sex trafficking involving a victim 15 or younger, and five to 10 years' imprisonment and substantial monetary fines for sex trafficking involving a victim older than 15. The law prescribed penalties for conviction of child pornography of five to 10 years' imprisonment, a substantial monetary fine, or both. The minimum age of

consensual sex was 15. Children from poor families were particularly vulnerable to sex trafficking. The Transition Authorities did not report any convictions for violations of the law during the year.

**Infanticide, Including Infanticide of Children with Disabilities:** The law provided for a sentence of 10 years to life imprisonment for infanticide. Media reported an increase in the number of cases of abandonment of newborn babies by IDP women in Kaya, Centre-Nord Region. According to those women, extreme poverty and the categorical rejection of children from rape by violent extremists or other civilians were the main reasons why they abandoned infants.

## **Antisemitism**

There was no known Jewish community and no reports of antisemitic acts.

## **Trafficking in Persons**

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

## **Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation, Gender Identity or Expression, or Sex Characteristics**

**Criminalization:** No laws explicitly criminalized same-sex sexual conduct or

identity; however, lesbian, gay, bisexual, transgender, queer, or intersex (LGBTQI+) persons could be prosecuted for “indecent assault” or “violation of morality.” The government rarely enforced these laws.

**Violence and Harassment:** The Transition Authorities incited anti-LGBTQI+ harassment. For instance, in early August, a youth coalition likely funded by the Transition Authorities held a rally to spread homophobic messages and demonstrate against homosexuality. The government tolerated or condoned societal violence and discrimination against LGBTQI+ persons. LGBTQI+ rights advocacy groups often counseled members of the community to conceal their sexual orientation or gender identity to protect them from violence. Efforts to report violence against LGBTQI+ persons were not taken seriously by police or gendarmes. There were reports of rape and physical abuse of prisoners based on sexual orientation or gender identity. Victims of violence who were targeted by family members because of sexual orientation or gender identity sometimes did not seek treatment or help from social services, due to further ostracization or violence. The country had no hate crime laws or other criminal justice mechanisms to aid in the investigation, prosecution, or sentencing of bias-motivated crimes against the LGBTQI+ community.

According to a leader of a human rights organization, LGBTQI+ community members faced stigma. The government did not address or respond to societal violence and discrimination against LGBTQI+ persons, exposing

them to the threat of harassment.

**Discrimination:** The law did not prohibit discrimination by state and nonstate actors based on sexual orientation, gender identity or expression, or sex characteristics. LGBTQI+ persons faced discrimination in access to health care, employment, housing, and public accommodation. Members of the LGBTQI+ community were fired from their jobs, both in the private sector and in government, when their employers became aware of their sexual orientation.

**Availability of Legal Gender Recognition:** Legal gender recognition was not available. Further, transgender persons did not have access to medical services related to gender transition, leading some to travel to Cote d'Ivoire or Togo for treatment, or to take hormone therapy without the supervision of a doctor. Persons whose gender expression did not comport with the gender identity on their government documents risked arrest for identity theft.

**Involuntary or Coercive Medical or Psychological Practices:** Strong societal and cultural taboos dissuaded many LGBTQI+ persons from revealing their identity publicly or even privately. Human rights NGOs made no public reports of so-called conversion therapy. There were no known reports of medically unnecessary and irreversible surgeries performed on children or on nonconsenting adult intersex persons.

**Restrictions of Freedom of Expression, Association, or Peaceful Assembly:**

LGBTQI+ persons faced restrictions on their freedom to associate and assemble and were often excluded from gathering in public or commercially owned spaces. NGOs were required to register with the government, but some organizations of interest to LGBTQI+ persons reported they had to use obfuscating names or mission statements to obtain that registration.

Freedom of expression was limited for topics of interest to LGBTQI+ persons. On August 24, the High Council for Communication banned the transmission of any content suggestive of LGBTQI+ practices on television.

**Persons with Disabilities**

Persons with disabilities encountered discrimination and could not access education, health services, public buildings, and transportation on an equal basis with others. The law prohibited 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 was legislation to provide persons with disabilities reduced cost or free health care and access to education and employment. The law also included building codes to provide for access to government buildings. On August 31, the Transition Authorities signed a charter for better inclusion of persons with disabilities in humanitarian action. The Transition Authorities did not effectively enforce these provisions.

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

The Transition Authorities continued to arrange for candidates with vision disabilities to take the public administration recruitment exams by providing the tests in Braille. Additionally, the Transition 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, although the Transition Authorities provided for limited education programs for students with disabilities in Ouagadougou.

## **Other Societal Violence or Discrimination**

Societal discrimination against persons with HIV and 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 for HIV and sometimes evicted wives with HIV from their homes, although families did not evict husbands with HIV. Some property owners refused to rent lodgings to persons with HIV and AIDS. The Transition Authorities distributed free antiretroviral medication to some persons with HIV who qualified according to national guidelines.

## **Section 7. Worker Rights**

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

The law allowed workers to form and join independent unions, bargain collectively, and conduct legal strikes. The law prohibited antiunion discrimination and provided unions the right to conduct their activities without interference.

Nonetheless, restrictions in domestic law limited the exercise of these rights. For example, the law placed restrictions on the labor rights of public employees such as magistrates, police, military, and other security personnel considered essential public servants. The law significantly limited the right to strike. For strikes that called on workers to stay home and that did not entail participation in a rally, the union was required to provide eight to 15 days' advance notice to the employer. If unions called for a march, they had to provide three days' advance notice to the city mayor. Transition Authorities held march organizers accountable for any property damage or destruction that occurred during a demonstration. The law strictly prohibited all strikes that included occupying the workplace, including nonviolent strikes. The law also gave the Transition Authorities extensive requisitioning powers, authorizing them to requisition private- and public-sector workers to secure minimum service in essential services. The



Transition Authorities defined essential services more broadly than international standards, including services such as mining and quarrying, university centers, and slaughterhouses.

The law prohibited antiunion discrimination and allowed a labor inspector to reinstate immediately workers fired because of their union activities.

Relevant legal protections covered 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 Transition Authorities did not effectively enforce the law. The law listed sanctions for violations, including warnings, penalties, suspension, or dissolution. Penalties consisted of imprisonment and fines and varied depending on the gravity of the violation. Penalties were less than those for comparable offenses.

Amendments to the law awarded a legal existence to labor unions and NGOs, created a commission of mediation, and required that associations abide by the law concerning funding terrorism and money laundering. The law also stated that no one could serve as the head of a political party and the head of an association at the same time.

The Transition Authorities generally respected freedom of association and the right to collective bargaining. The Transition Authorities generally respected the right of unions to conduct activities without interference. Unions had 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. Penalties were rarely applied against violators.

Employers did not always respect freedom of association and sometimes discouraged union membership. For example, workers in the mining industry were often intimidated, transferred, or fired when they chose to join a union. National unions reported that domestic workers, workers hired through employment agencies and subcontractors, and other contract workers were fired for joining unions and were unable to utilize complaint mechanisms because they were employed in the informal wage sector.

There were no reports of government restrictions on collective bargaining during the year. There was extensive collective bargaining in the formal wage sector, where workers utilized complaint processes to report worker rights violations. No official records counted violations in the informal sector.

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

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

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

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>.

## **d. Discrimination (see section 6)**

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

**Wage and Hour Laws:** The law mandated a minimum monthly wage in the formal sector, which did not apply to subsistence agriculture or other informal occupations. The minimum wage was less than the poverty income level, which was 45,000 CFA francs (\$74) per month.

The law mandated a standard workweek of 40 hours for nondomestic workers and a 60-hour workweek for household employees. The law provided for overtime pay, and there were regulations pertaining to rest periods, limits on hours worked, and prohibitions on excessive compulsory overtime. Employers often paid less than the minimum wage. Employees usually supplemented their income through reliance on extended family, subsistence agriculture, or trading in the informal sector.

**Occupational Safety and Health:** Existing occupational safety and health (OSH) standards provided general, not industry-specific guidance, and did

not actively identify unsafe conditions in particular industries. Although the labor law required employers to take measures to provide for worker safety, to protect the physical and mental health of their workers, and to verify that the workplace, machinery, materials, substances, and work processes under their control did not present health or safety risks to the workers, the International Labor Organization noted in 2020 that the government had not yet formulated a national OSH policy, conducted periodic reviews, nor developed a national OSH program.

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

No official data were available on work-related injuries or death.

**Wage, Hour, and OSH Enforcement:** The Ministry of Civil Service, Labor, and Social Security was responsible for enforcing the minimum wage and hours of work standards. Ministry inspectors and labor tribunals were responsible for overseeing OSH standards in the small industrial and commercial sectors, but these standards did not apply in subsistence agriculture and other informal sectors.

The Transition Authorities did not effectively enforce the law. Penalties for violations were commensurate with those for comparable offenses, but the penalties were seldom applied. Inspectors lacked transport and training, and the number of inspectors was insufficient. There were no reports of effective enforcement of inspection findings during the year for wage, hour, and safety regulations.