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GENERAL ASSEMBLY
Forty-fifth session
Items 12, 92, 99, 112 and 113 of the
preliminary list*
REPORT OF THE ECONOMIC AND SOCIAL
COUNCIL
EFFECTIVE IMPLEMENTATION OF UNITED
NATIONS INSTRUMENTS ON HUMAN
RIGHTS AND EFFECTIVE FUNCTIONING
OF BODIES ESTABLISHED PURSUANT
TO SUCH INSTRUMENTS
POLICIES AND PROGRAMMES INVOLVING
YOUTH
TORTURE AND OTHER CRUEL, INHUMAN OR
DEGRADING TREATMENT OR PUNISHMENT
ENHANCING THE EFFECTIVENESS OF THE
PRINCIPLE OF PERIODIC AND GENUINE
ELECTIONS

SECURITY COUNCIL
Forty-fifth year

Letter dated 20 April 1990 from the Chargé d'affaires a.i. of the
Permanent Mission of Israel to the United Nations addressed to
the Secretary-General

I have been instructed by my Government to draw your attention to the attached extract from Country Reports on Human Rights Practices for 1989, published by the Department of State of the United States of America, which contains information on the situation concerning human rights in Burkina Faso. I have underlined passages of special relevance.

In view of the importance of this information, I have the honour to request that this attached extract be issued as an official document of the General Assembly, under items 12, 92, 99, 112 and 113 of the preliminary list, and of the Security Council.

(Signed) Johanan BEIN
Ambassador
Acting Permanent Representative

* A/45/50.

1p.

101st Congress
2d Session

JOINT COMMITTEE PRINT

COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES FOR 1989

REPORT

SUBMITTED TO THE

COMMITTEE ON FOREIGN AFFAIRS
HOUSE OF REPRESENTATIVES

AND THE

COMMITTEE ON FOREIGN RELATIONS
U.S. SENATE

BY THE

DEPARTMENT OF STATE

IN ACCORDANCE WITH SECTIONS 116(d) AND 502B(b) OF THE
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* Underlining has been added by the Chargé d'affaires a.i.
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BURKINA FASO

Burkina Faso is ruled by a military regime headed by Captain Blaise Compaore, who took power from Thomas Sankara on October 15, 1987 in the country's fourth military coup since 1980. The new military regime continued the ban on political parties and activities and gave no indication that the country will return to constitutional rule. Instead, President Compaore moved to firm up a narrow political base by forming a "popular front" of various leftwing and centrist groups, military officers, and miscellaneous civilians to assist in running the Government. He has also formed a network of Revolutionary Committees (CR's), loosely organized at national, regional, and local levels, to mobilize the population and promote revolutionary goals.

The Burkina Faso armed forces number about 7,500 members, including 5,200 in the army, 100 in the air force, and 2,200 in the paramilitary gendarmerie and the police. All police and internal security forces are controlled by the Ministry of Defense.

Burkina Faso, one of the world's poorer countries, is overwhelmingly tied to subsistence agriculture, with 90 percent of the population living in rural areas. Agriculture is, however, highly vulnerable to fluctuations in rainfall. Frequent drought, lack of communications and other infrastructure, a low literacy rate, and a stagnant economy are all longstanding problems. The country has a per capita income of about \$180 per year.

Human rights continued to be circumscribed in 1989. Problem areas were extrajudicial killings, arbitrary detentions, mistreatment of detainees, and restrictions on press, speech, assembly, and the right of citizens to change their government through peaceful means. The Government did allow the establishment of a local human rights organization (which intervened in some specific cases), permitted some political groupings to form and distribute pamphlets discreetly, and released all political opponents held in prison.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing

Four members of the armed forces were summarily executed without trial in September 1989 after allegedly plotting a coup d'etat. The four were Minister of Defense Major Jean-Baptiste Lengani, Minister of Economic Promotion Captain Henri Zongo, the officer in charge of the communications unit, Captain Sabyamba Koundaba, and an unidentified bodyguard of the Minister of Defense. After the coup attempt of Christmas 1989, the Government made a point of denying rumors that 7 people had been executed and said all arrestees would receive trials.

b. Disappearance

There were no reports of politically motivated disappearance.

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

Torture and mistreatment of detainees have been persistent problems for a number of years. Amnesty International published a special report in 1988, "Burkina Faso, Political Imprisonment and the Use of Torture from 1983 to 1988," giving accounts of the imprisonment of political opponents and torture under the present and preceding governments. Police brutality continued in 1989, although there were fewer credible reports, usually involving severe beatings, often at the time of apprehension. A Catholic Church-sponsored organization has alleged that the police and gendarmerie beat and tortured at least 15 people arrested for political reasons in 1989. The Government denied that anyone has been tortured.

Prison conditions are poor, with most prisons holding double their design capacity, and are characterized by the lack of sufficient food, minimum hygiene, and medical support.

d. Arbitrary Arrest, Detention, or Exile

There were continuing reports in 1989 of arbitrary arrest. The law permits preventive detention without charge for a maximum of 72 hours, renewable for a single 72-hour period in criminal cases. In practice, there are frequent violations of this restriction in cases involving both Burkinabe and foreign nationals, especially in political cases. Several schoolchildren, for example, were held in detention without charge for a number of months in 1988. In addition, in cases of emergency or national security, the military code, which provides for indefinite detention, overrides the civil code. Access to lawyers is not normally permitted in security cases, although it is provided for by law.

The Government detained several persons for political reasons during 1989, but by the end of the year all had been released, many within a few days of their arrest. Immediately following the discovery of the alleged coup plot on September 18, three or four government officials were arrested and held briefly for questioning. These persons were later released, but four others were summarily executed without trial. The Government also released a number of persons detained since the overthrow of the Sankara government in 1987, including former Interior Minister Ernest Nongria Ouedraogo. In this connection, 23 junior military personnel, detained at various times since Sankara's overthrow on suspicion of coup-plotting, were released August 4, 1989. An unknown number of people were arrested as a result of a coup attempt over Christmas 1989. Numbers rumored range from 5 to 30 prisoners, including military personnel. They were still being held at year's end, and the Government had provided no names or other information, despite reports.

Some internationalists, ex-military officers, and former government officials remain in self-imposed exile abroad, partly due to fear for their safety should they return. Captain Boukary Kabore, leader of resistance at Koudougou airforce base against Compoare's coup in 1987, is now exiled in Ghana. He charged in 1989 that the popular front Government is attempting to liquidate all remaining Sankara loyalists. The Government has encouraged opponents of the Sankara regime to return home, but few have done so. Kabore stated in an interview in November that if he had the chance to seize power in Burkina, he would do so.

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With regard to forced or compulsory labor, see Section 6.c.

e. Denial of Fair Public Trial

The regular judiciary, patterned after the French system, has continued to function for most criminal and civil cases. Defendants traditionally receive a fair trial and are represented by counsel. In 1987 the Government began the practice of appointing civil service attorneys to represent those who do not wish to retain, or are unable to afford, a private attorney.

The people's revolutionary courts begun under Sankara continued to hear cases primarily involving public corruption. The president of each people's court is a magistrate appointed by the Government to head a tribunal composed of magistrates, military personnel, and members of the CR's. The court president asks questions directly of the defendant.

In December 1988, seven soldiers were convicted by a military court in Bobo Dioulasso. The trial was held in secret, and the seven were executed the day after conviction without an opportunity to appeal. In the 1989 case of the four persons summarily executed, there was no known trial.

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

Government authorities generally do not interfere in the daily lives of ordinary citizens, and there is no general monitoring of private correspondence or telephones. Under the law, homes may be searched only under authority of a warrant issued by the attorney general. An exception exists, however, in national security cases, where a special law permits surveillance, searches, and monitoring of telephones and correspondence without a warrant. This law is used against persons suspected of opposition to the Government.

The Government encourages participation in the CR's and also in organizations being formed to support the Popular Front. However, it was still not clear in 1989 if lack of participation will result in dismissals from civil service positions, as was the case in previous regimes.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

While there is no formal government censorship, the Government employs intimidating methods to limit freedom of speech and press. For example, repeated references by the regime to enemies of the State at home and abroad inhibit both government-employed journalists and ordinary citizens from expressing critical views. Similarly, it uses occasional dismissals from government service and arbitrary arrest to quash debate on political topics. In 1989 several persons were arrested and held briefly for distributing political leaflets.

Under the control of the Minister of Information, the media, which consists of a daily newspaper, a weekly magazine, a monthly magazine, and radio and television stations, are all government owned, and all journalists are civil servants. The media do not engage in serious criticism of the Government and

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reflects government positions on both international and national issues. Journalists who try to report stories without political bias may be replaced for failing to support sufficiently the political views of the Government. In 1989 a private newspaper, L'Observateur, attempted to publish its first edition since it was burned down in 1984. The Government quickly cut off the electricity and stationed police at the doors, ostensibly because the newspaper did not have the proper permits. It subsequently made it clear that no permit will be granted. A small, private all-music radio station authorized to broadcast in the last days of the Sankara administration remains closed as well, after being shut down in the first days of the Compaore Government.

A new information code has been pending for more than a year. A number of proposed provisions involve insuring government control of any means of communication, publicly or privately owned, and government licensing of journalists. It would also institute prison terms or fines for violation of the code.

Foreign newspapers and magazines entered the country freely during 1989. For the most part, foreign journalists traveled freely and filed stories without censorship and enjoyed access to government officials. Films are subject to censorship by a review board which includes religious authorities as well as government officials. There were no known instances of political censorship of movies. There is no interference with international radio broadcasts.

b. Freedom of Peaceful Assembly and Association

Under both the Sankara and Compaore Governments, political parties as such have been banned, and administrative permission is generally required for assemblies of any kind. However, in 1989 the Government permitted several small political groupings to meet more or less openly, with the more centrist groups invited to join the Government's popular front. Nonpolitical associations for business, religious, cultural, and other purposes exist and experience no difficulty in obtaining permission to meet or in associating with international bodies in their fields.

For a discussion of freedom of association as it applies to labor unions, see Section 6.a.

c. Freedom of Religion

Burkina Faso is a secular state, and there is no official discrimination on religious grounds. Islam and Christianity exist side by side, with about 40 percent of the population Muslim and about 15 percent Christian. The remainder of the population practices traditional African religions. Muslim and Christian holidays are recognized as national holidays. Social mobility and access to modern sector jobs are neither linked to, nor restricted by, religious affiliations.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Travelers within Burkina Faso are routinely stopped at police and military checkpoints. There appears to be little restriction on foreign travel for business and tourism. Exit permits, once used to limit movements of workers to neighboring countries, particularly to Cote d'Ivoire where 2 million or more Burkinabe continue to reside and work, are no longer required.

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Refugees are accepted freely in Burkina Faso, and attempts are made to provide for their care in cooperation with the United Nations High Commissioner for Refugees. There were approximately 270 refugees and displaced persons in Burkina Faso at the end of 1989, mainly from Chad.

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

Citizens do not have the right to change their government through democratic procedures. The military have dominated the political process since 1980 through four changes in leadership. To bolster his popular front, President Compaore has taken some steps to create an opening to small conservative and centrist political forces, but he has not publicly indicated any movement toward a constitution, national elections, or political parties in the future. He relies on an amorphous grouping of people, including military officers, to help run the Government and has a loose network of Revolutionary Committees throughout the country to mobilize support.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

There were no known international investigations of Burkina in 1989. A new, local human rights organization, the Burkina Movement for Human Rights and Rights of Peoples (MBDHP), was formed, led publicly by the President, Administrative Chamber of the Superior Court. While the MBDHP has not directly publicly criticized the Government on specific human rights issues, after the September executions it publicly reaffirmed its opposition to the death penalty and the need in Burkina for fair public trials. Privately, it has brought a number of specific issues to the attention of the Government, such as the treatment of prisoners immediately after the September 1989 coup plot. Members were not harassed in 1989.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status

Minority ethnic groups are as likely to be represented in the inner circles of the Government as are the dominant Mossi, who comprise 50 percent of the population. Government decisions do not favor one ethnic group over another.

In the largely rural African society of Burkina Faso, women still occupy a subordinate position. Women supply much of the labor in family farming and are active in the market economy. The Government is committed to expanding opportunities for women, including in cabinet and civil service positions.

Women make up one-fourth of the government work force, which represents one-third of the total salaried work force in the country. Women make up approximately one-third of the total student population in the primary, secondary, and advanced school systems. While there is no known discrimination against women in the granting of scholarships for advanced study, schools in rural areas have disproportionately fewer girls than schools in urban areas.

Violence against women, especially wife beating, occurs fairly frequently in the rural areas, less often in the urban areas. The Government is attempting through the National Women's

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Association (UFB) to educate people on the subject. Specific cases can be brought to the UFB which attempts to offer protection and counsel. Such cases are sometimes brought before a "popular conciliation tribunal" for mediation. The Government also sponsors campaigns against female genital mutilation, which still occurs in many rural areas, although it is becoming less common in urban centers. Another form of mutilation is by scarring the face of both boys and girls of certain ethnic groups, which is rapidly disappearing. The UFB also takes the leadership in these campaigns.

Section 6 Worker Rights

a. The Right of Association

Workers have traditionally had the legal right to associate. There are a number of autonomous unions and five labor federations. Organized labor continues to be an important force in Burkina Faso. All unions jealously guard their limited independence from the Government. However, despite legal rights, the unions have been prevented from engaging in activities the Government opposes. Under the previous regime, many labor leaders were arrested and held for long periods. Some were reportedly tortured. One former trade union official was detained briefly in September 1989, allegedly in connection with a nonunion dispute.

Organized labor has the legal right to strike, but the Sankara government eliminated this right in practice. The Compaore Government has not faced major labor unrest, and its attitude has yet to be tested. There were several minor strikes in 1989. The International Labor Organization's (ILO) Committee of Experts noted with satisfaction in 1989 that all the teachers dismissed following a strike in 1989 had been reinstated, that sanctions against officials had been lifted, and that all political prisoners and administrative detainees had been freed.

The largest federation, the National Organization of Free Trade Unions, is affiliated with the International Confederation of Free Trade Unions. Another federation is affiliated with the World Confederation of Labor, and a third is affiliated with the Communist-controlled World Federation of Trade Unions. The other two federations are unaffiliated. The five federations take turns representing labor at the ILO meetings and participate in African regional labor meetings as well.

b. The Right to Organize and Bargain Collectively

Unions have the right to bargain for wages and other benefits within a specific bargaining unit, such as a company or factory, but cannot bargain industry-wide. They represent the interests of their members in the private and public sectors, as well as before the labor inspection service of the Government and before the courts.

There are no export processing zones in Burkina Faso.

c. Prohibition of Forced or Compulsory Labor

Forced labor is not employed and is prohibited by law.

BURKINA FASO**d. Minimum Age for Employment of Children**

The labor code sets the minimum age for employment at 14, the average age for completion of basic secondary school. However, the Government lacks the means to enforce this provision adequately, even in the small-wage sector. Most children actually begin work at an earlier age owing to the large number of small, family subsistence farms and the traditional apprenticeship system.

e. Acceptable Conditions of Work

A minimum monthly wage of about \$75 and a maximum workweek of 48 hours are stipulated by the labor code, as are safety and health provisions. This minimum wage is not adequate for a worker to support a family, and wage workers usually must rely on supplementing income through the extended family and subsistence agriculture. A system of government inspections and labor courts ensures that these provisions are applied in the small industrial and commercial sectors, but they have been impossible to enforce in the dominant subsistence agriculture sector which involves 90 percent of the population.
