



**International Covenant on  
Civil and Political Rights**

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**Human Rights Committee**

**Second periodic report submitted by Burkina Faso under  
article 40 of the Covenant, due in 2021<sup>\*</sup>, <sup>\*\*</sup>**

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\* The present document is being issued without formal editing.

\*\* The present document was submitted pursuant to the simplified reporting procedure. It contains the responses of the State party to the Committee's list of issues prior to reporting ([CCPR/C/BFA/QPR/2](#)).



## **I. Introduction**

1. Burkina Faso ratified the International Covenant on Civil and Political Rights and the first Optional Protocol thereto on 4 January 1999. In accordance with article 40 of the Covenant, the country submitted its initial report, which was considered by the Committee at its 3279th and 3280th meetings, on 28 and 29 June 2016. Following the presentation of the report, the Committee made a number of recommendations to Burkina Faso and invited it to submit its second periodic report by 29 July 2021.
2. The preparation of the present report was an inclusive and participatory process, with contributions received from government ministries, public institutions and civil society organizations working in the field of human rights. The draft report was approved at a workshop that brought together all these stakeholders on 29 June 2021. It was then approved by the Interministerial Committee on Human Rights and International Humanitarian Law on 19 May 2022, before its final adoption at the meeting of the Council of Ministers on 1 March 2023.
3. The report was drafted in accordance with the Committee's guidelines and the simplified reporting procedure. It sets out the measures that have been taken to give effect to the provisions of the Covenant and the recommendations made by the Committee following its consideration of the initial report in June 2016. It is divided into two sections, based on the Committee's list of issues. The first section relates to changes in the legal and institutional framework. The second section presents the progress made by Burkina Faso in implementing the provisions of the Covenant and the Committee's previous recommendations.

## **II. Replies to the list of issues prior to submission of the report (CCPR/C/BFA/QPR/2)**

### **Reply to the issue raised in paragraph 1**

4. Since the submission of its initial report to the Committee, Burkina Faso has adopted important legislation that ensures the protection of civil and political rights and the punishment of human rights violations. This legislation includes:
  - Act No. 002-2021/AN of 30 March 2021 amending Act No. 001-2016/AN of 24 March 2016 on the National Human Rights Commission
  - Act No. 001-2021/AN of 30 March 2021 on the Protection of Persons with regard to the Processing of Personal Data
  - Act No. 004-2020/AN of 23 January 2020 amending Act No. 035-2018/AN of 30 July 2018 on the Electoral Code
  - Act No. 003-2020/AN of 22 January 2020 setting quotas and requirements for the placement of women on lists of candidates for legislative and municipal elections
  - Act No. 002-2020/AN of 21 January 2020 on the Establishment of the Volunteer Defence Force
  - Act No. 044-2019/AN of 21 June 2019 amending Act No. 025-2018/AN of 31 May 2018 on the Criminal Code
  - Act No. 023-2019/AN of 14 May 2019 on States of Siege and States of Emergency in Burkina Faso; the state of emergency imposed was successively extended by Act No. 045-2019/AN of 11 July 2019, Act No. 001-2020/AN of 10 January 2020 and Act No. 031-2021/AN of 24 June 2021
  - Act No. 040-2019/AN of 29 May 2019 on the Code of Criminal Procedure
  - Act No. 015-2019/AN of 2 May 2019 on the Organization of the Judiciary
  - Act No. 035-2018/AN of 30 July 2018 amending Act No. 014-2001/AN of 3 July 2001 on the Electoral Code

- Act No. 033-2018/AN of 26 July 2018 amending Act No. 004-2015/CNT of 3 March 2015 on the Prevention and Punishment of Corruption
  - Organic Act No. 032-2018/AN of 26 July 2018 regulating the composition, organization, powers and functioning of the Council of State and the applicable procedure
  - Act No. 026-2018/AN of 1 June 2018 enacting general regulations on intelligence
  - Act No. 025-2018/AN of 31 May 2018 on the Criminal Code
  - Act No. 009-2018/AN of 3 May 2018 regulating expropriation in the public interest and compensation of persons affected by developments and projects carried out in the public or general interest
  - Act No. 055-2017/AN of 14 December 2017 on the Five-Year Military Programme 2018–2022
  - Act No. 044-2017/AN of 4 July 2017 amending Act No. 24-94/ADP of 24 May 1994 on the Code of Military Justice
  - Act No. 043-2017/AN of 4 July 2017 amending Organic Act No. 20-95/ADP of 16 May 1995 regulating the composition and functioning of the High Court of Justice and the applicable procedure
  - Act No. 039-2017/AN of 27 June 2017 on the Protection of Human Rights Defenders in Burkina Faso
  - Act No. 010-2017/AN of 10 April 2017 on the Prison System in Burkina Faso
  - Act No. 006-2017/AN of 19 January 2017 regulating the establishment, organization and functioning of a special judicial unit responsible for the prosecution of terrorist acts
  - Act No. 005-2017/AN of 19 January 2017 regulating the establishment, organization and functioning of special judicial units responsible for the prosecution of economic and financial offences and organized crime
  - Act No. 030-2016/AN of 20 October 2016 regulating the establishment of the employment tribunals of Dori and Fada N’Gourma
  - Act No. 024-2016/AN of 17 October 2016 on the Promotion and Protection of the Rights of Older Persons
  - Act No. 018-2016/AN of 26 May 2016 regulating the composition, organization, powers and functioning of the Court of Cassation and the applicable procedure
  - Act No. 011-2016/AN of 26 April 2016 regulating the establishment, composition, powers and functioning of the administrative courts and the applicable procedure
  - Act No. 010-2016/AN of 20 April 2016 regulating the establishment, composition, organization, powers and functioning of the Administrative Court of Appeal and the applicable procedure
  - Act No. 001-2016/AN of 24 March 2016 on the National Human Rights Commission
  - Organic Act No. 082-2015/CNT of 24 November 2015 regulating the powers, composition, organization and functioning of the State Oversight and Anti-Corruption Authority
5. In addition, the following international and regional instruments have been ratified:
- The Amendments to the Rome Statute of the International Criminal Court on the crime of aggression, on 19 August 2019
  - The Convention on the Reduction of Statelessness, on 18 July 2017
  - The Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled, on 16 May 2017
  - The Protocol of the Court of Justice of the African Union, on 19 December 2016

- The Protocol on Explosive Remnants of War (Protocol V), on 10 October 2016
- The African Union Convention on Cross-Border Cooperation, on 24 June 2016

6. During the reporting period, several public institutions and bodies were established that play a role in the promotion and protection of human rights and the prevention and punishment of abuses and violations of civil and political rights. The most important of these are:

- The National Human Rights Commission, established by Act No. 001-2016/AN of 24 March 2016. The remit of the Commission includes receiving individual or collective complaints about alleged human rights violations, investigating cases of human rights violations, providing guidance to complainants and victims, and offering legal assistance to individuals who request it. It also works to ensure that human rights are respected in places of deprivation of liberty, to which it makes regular visits, with or without advance notice, and makes recommendations to the competent authorities. Act No. 002-2021/AN of 30 March 2021, amending the law establishing the National Human Rights Commission, identifies the Commission as the national mechanism for the prevention of torture and related practices. Furthermore, in 2021 the Commission established two working groups, one focused on services for victims, including legal and judicial assistance, and the other on the prevention of conflict, abuse and atrocities.
- The Ministry for Humanitarian Action, created by Decree No. 2021-0023/PRES/PM/SGG-CM of 1 February 2021 on the responsibilities of members of the Government. The Ministry promotes national solidarity and humanitarian assistance. It also plays a role in drafting and implementing humanitarian policies.
- The High Council for Reconciliation and National Unity, established by Act No. 074-2015/CNT of 6 November 2015. The Council's responsibilities involved investigating and determining responsibility for crimes and all other serious human rights violations of a political nature committed between 1960 and 2015 that have not yet been resolved and proposing any action that might help to heal or alleviate the trauma suffered by the victims or their beneficiaries. Its mandate came to an end in May 2021.
- The National Guidance and Monitoring Council for National Reconciliation, created by Decree No. 2021-1163/PRES/PM of 19 November 2021 on the establishment, powers, composition and functioning of the National Guidance and Monitoring Council for National Reconciliation and Social Cohesion. The National Guidance and Monitoring Council is a consultative body and offers a framework for dialogue. It is responsible for guiding and monitoring government actions to promote national reconciliation and social cohesion. The Council is chaired by the Prime Minister and includes representatives from the public and private sectors, civil society organizations and traditional and religious authorities. The adoption of this Decree allows for the implementation of the road map for the National Reconciliation Forum.
- The National Observatory for the Prevention and Management of Community Conflicts, established by Decree No. 2015-1645/PRES/TRANS/PM/MJDHPC/MATD/MEF of 28 December 2015. The Observatory is a warning and monitoring body tasked with preventing and ensuring the holistic and peaceful management of community conflicts in Burkina Faso. As such, it is responsible for periodically assessing the situation with respect to community conflicts in the different regions of the country, activating the early warning procedure in the event of potential community conflicts, initiating preventive actions to head off conflicts and contributing to their peaceful resolution. It is also responsible for collecting, processing, analysing and disseminating data on community conflicts. This body has a permanent secretariat that has been operational since 2019.
- The National Observatory on Religious Affairs, established by Decree No. 2015-984/PRES-TRANS/PM/MATDS/MEF of 17 August 2015. The objective

of the Observatory is to maintain peaceful coexistence between the different religions practised in Burkina Faso. As such, it is responsible for monitoring religious content in the media, to help the High Council for Communication prevent extremist discourse.

- Commissions of inquiry into the failed coup d'état of 16 September 2015 and the popular uprising of 30 and 31 October 2014. These commissions, set up by the transitional Government, were tasked with carrying out investigations to determine the causes of the deaths and injuries that occurred during the popular uprising and the failed coup d'état.
- The High Council for Social Dialogue, established by Decree No. 2017-0261/PRES/PM/MINEFID/MFPTPS of 5 May 2017. The Council's objective is to contribute to the promotion of social dialogue and collective bargaining. It is a national tripartite body for social dialogue made up of representatives of employers, workers and the Government. Its main tasks are to promote social dialogue and to help find appropriate solutions to national social conflicts related to work.
- Judicial units specialized in economic and financial crime at the Ouaga I and Bobo-Dioulasso courts of major jurisdiction. These courts now have jurisdiction to hear cases involving highly complex economic and financial offences and organized crime, under the conditions specified by law.
- A judicial unit specialized in combating terrorism and organized crime at the Ouaga II court of major jurisdiction. As a result of the unit's establishment, the Ouaga II court now has nationwide jurisdiction to try offences of terrorism and financing of terrorism, as defined in existing national legislation, under the conditions specified by law. This jurisdiction is concurrent with the jurisdiction of the ordinary courts.
- The Special Unit for Counter-Terrorism Investigations and the Fight against Organized Crime.
- The National Financial Information Processing Unit, established by Act No. 016-2016/AN of 3 May 2016 on Combating Money-Laundering and the Financing of Terrorism in Burkina Faso.
- The Central Unit for Combating Cybercrime. Its responsibilities include receiving and processing complaints and reports from individuals or corporations, in public or private law; receiving and processing material transmitted to it by the public prosecutor's offices attached to the courts concerning offences that target computers or computer data and offences committed through or with the aid of information and communications technologies; and investigating offences that target computers or computer data and offences committed through or with the aid of information and communications technologies.

7. Alongside these bodies, ministerial departments and institutions including the Ministry of Justice and Human Rights, the Ministry of National Defence and Security, the Ministry for the Advancement of Women, the Ministry of Health and the Ministry of Foreign Affairs are working continuously to implement the Covenant in their particular areas of competence.

#### **Reply to the issue raised in paragraph 2**

8. Burkina Faso has endorsed the 1948 Universal Declaration of Human Rights and various international human rights instruments, including the Covenant. Under article 151 of the Constitution, treaties and agreements that have been duly ratified or approved have binding force and take precedence over national law.

9. In 2016 and 2017, to ensure that the provisions of the Covenant were widely disseminated and could be invoked before the national courts, the Government organized awareness-raising workshops in the country's 13 regions on the concluding observations made by the Committee following its consideration of the country's initial report in June 2016. These workshops gave 648 representatives of the criminal justice system, national

institutions, ministries, traditional and religious authorities and civil society organizations the opportunity to familiarize themselves with the recommendations of the Committee and the relevant provisions of the Covenant.

10. In addition, two awareness-raising sessions on human rights conventions were organized for members of the judiciary at the Bobo-Dioulasso and Fada N’Gourma courts of appeal. During those sessions, 62 members of the judiciary were educated about their role in implementing the international human rights conventions ratified by Burkina Faso and ways of applying human rights conventions in legal proceedings. By way of illustration, articles 2 and 3 (b) and (c) and 14 and 15 of the Covenant were invoked in Constitutional Council Decision No. 2017-013/CC of 9 June 2017 on the plea of unconstitutionality raised in respect of articles 2, 21 and 33 of Organic Act No. 20-95/ADP of 16 May 1995 regulating the composition and functioning of the High Court of Justice and the applicable procedure, as amended by Organic Act No. 017-2015/CNT of 21 May 2015. Similarly, articles 25 and 26 of the Covenant were invoked in Constitutional Council Decision No. 2018-028/CC of 17 August 2018 on the action of unconstitutionality filed in respect of articles 52 and 72 of Act No. 14-2001/AN of 3 July 2001 on the Electoral Code, as amended by article 1 of Act No. 035-2018/AN of 30 July 2018.

11. As for the status of the planned constitutional reform, the Constitutional Commission, set up on 29 September 2016, submitted its report on the preliminary draft Constitution to the President of Burkina Faso on 14 November 2017. This preliminary draft introduces innovations to improve the effectiveness of civil and political rights, including the abolition of the death penalty and the strengthening of the independence of the judiciary.

12. With regard to the legal proceedings in connection with the death of President Thomas Sankara, the trial opened on 11 October 2021 with 14 defendants, and the verdict was handed down on 6 April 2022 by the trial chamber of the military court. At the end of the trial, 11 people were found guilty and 3 acquitted.

### **Reply to the issue raised in paragraph 3**

13. The National Human Rights Commission, which was restructured pursuant to Act No. 001-2016/AN of 24 March 2016, has been in operation since the appointment of its members in accordance with Decree No. 2018-0060/PRES/PM/MJDHPC of 1 February 2018, which was followed by their swearing-in on 26 March 2018 before the Ouagadougou Court of Appeal, as required under article 17 of the Act. In addition, the Commission has set up its governing body, whose members were appointed in the Council of Ministers by Decree No. 2018-0567/PRES/PM/MJDHPC/MINEFID of 6 July 2018.

14. Regarding the members’ independence in the exercise of their mandate, article 45 of the law establishing the National Human Rights Commission provides that commissioners should carry the official accreditation they were provided with in 2019 when performing their duties. They can request the security forces to provide them with assistance, aid and protection. The principle of independence is upheld in that the commissioners and staff of the Commission do not receive instructions from any other authority. During their term and in the exercise of their functions, commissioners cannot be declared wanted or prosecuted, arrested, detained or tried on account of their views, actions or investigations relating to their mission of promoting and protecting human rights. They retain immunity after their term of office has ended for actions undertaken in pursuance of their mandate. To date, the Government has not received any reports of threats received by the commissioners or the institution’s staff in the course of or in connection with the performance of their duties.

15. The Government provides the Commission with an annual budget that the Commission may allocate according to its annual programme of work. Between 2019 and 2021, this annual budget was increased from 62 million to 560 million CFA francs (CFAF). The Commission was defined as a separate budget unit in the 2021 Finance Act. It also benefits from the support of several technical and financial partners.

16. The Commission has thus been able to carry out several activities that contribute to improving the protection of civil and political rights. It led a joint mission with the High Council for Reconciliation and National Unity on the events in Yirgou in February 2019. At the end of the mission, a report with recommendations was drawn up. These

recommendations, addressed to the authorities, concern in particular the appropriate resources to be provided to the judicial authorities and the establishment of a legal aid mechanism for victims, as well as a witness and victim protection mechanism. Efforts are currently under way to implement these recommendations.

17. In addition, the Commission organized a national forum for human rights defenders from 23 to 24 January 2020, which brought together 203 participants, mainly from civil society organizations, ministries and institutions. The forum's conclusions led to the creation of a national mechanism for the protection of human rights defenders. Its objective is to ensure the implementation of the Act on the Protection of Human Rights Defenders.

18. In addition, from 3 to 6 June 2020, the Commission conducted a fact-finding mission on the Tanwalbougou tragedy, which resulted in the deaths of 12 people on the premises of the local gendarmerie station. At the end of this mission, a report was produced in which the Commission stated that it had found no evidence of summary executions. However, it acknowledged that the poor conditions of detention and the ill-treatment suffered by the detainees could have caused the deaths of the 12 people. The Commission recommended that the military justice system deal swiftly with the case, which had been referred to it, so that the truth could be established. It also drew the authorities' attention to the volatility of the situation in Tanwalbougou and recommended that action be taken to prevent the weakening of social cohesion. The report was transmitted to the Government, which took note of it and promised to take appropriate action to implement the report's recommendations.

19. With regard to conditions of detention, the Commission has carried out monitoring missions in places of deprivation of liberty in the following regions: Nord (12–18 January 2020 and 8–12 February 2021), Centre-Nord (20–24 December 2020), Est (6–12 December 2020), Sahel (8–12 February 2021) and Centre (10–15 February 2020). In general, the Commission noted poor conditions of detention, overcrowding, long periods of pretrial detention, and the absence of units for women and minors in police custody cells.

20. The Commission also conducted a human rights monitoring mission during the presidential and legislative elections in seven regions, namely Boucle du Mouhoun, Centre-Nord, Est, Nord, Sahel, Centre and Hauts-Bassins from 15 to 25 November 2020. It recorded 649 incidents involving freedom of expression, freedom of movement and freedom to choose one's candidate and participate in that candidate's activities. The report also highlighted the issue of effective voting for prisoners. The Commission, in conjunction with other players (Independent National Electoral Commission, Higher Council for Communication), initiated a number of actions in response. For example, the Commission issued press releases calling on candidates, political parties, independent groups and citizens to respect human rights before, during and after the voting.

21. From 2016 to 2021, the Commission received 43 cases of human rights abuses and violations.

22. Steps are being taken to enable the Commission to obtain category A status. The accreditation of the Commission with category A status by the Global Alliance of National Human Rights Institutions is one of the indicators defined in the sectoral policy on justice and human rights.

23. In November 2020, the Commission established two working groups, one focused on services for victims, including legal and judicial assistance, and the other on the prevention of conflicts and abuse or atrocities:

- The first group, focused on victim services, is responsible for identifying and registering victims and beneficiaries of victims of human rights violations or abuses, and examining the situation of any victim requiring an urgent and appropriate intervention, particularly in terms of psychological care. The group monitors the processing of victims' cases referred to it, as well as any difficulties encountered by litigants in obtaining access to justice.
- The second group, focused on the prevention of conflicts and abuse or atrocities, is tasked with gathering information on crisis situations, issuing warnings of crisis situations and human rights abuses or violations, and monitoring the management of human rights and conflict situations.

#### Reply to the issue raised in paragraph 4

24. The Government set up the High Council for Reconciliation and National Unity, whose responsibilities included proposing any action that might help to heal or alleviate the trauma suffered by victims or beneficiaries of victims of crimes and any other serious human rights violations of a political nature, in particular by overseeing the processing of claims and deciding the terms of reparation and compensation.

25. The Council's work focused on crimes and other serious human rights violations of a political nature, that is, serious human rights violations committed in the name of the State or under the guise of State action, or in the process of exercising or seizing State power, between 1960 and 2015, and which have not been investigated. Such violations also include the arbitrary deprivation of life or liberty and damage to property.

26. According to its official report, the Council dealt with the following cases:

##### *Events of 30 and 31 October 2014 and the failed coup d'état of 16 September 2015*

27. A total of 524 persons were injured during these events. Following its examination of the case, the Council proposed the provision of treatment for 24 injured persons whose condition required urgent medical attention. Fifteen wounded persons underwent successful surgery, including one person who underwent surgery abroad. The Government established two independent commissions of inquiry to establish responsibility and identify the perpetrators and accomplices, both military and civilian, involved in the crimes committed during the two sets of events. The commission of inquiry into the coup d'état submitted its report in November 2015, and the commission of inquiry into the popular uprising submitted its report in June 2016.

##### *Military personnel dismissed following the 2011 mutiny*

28. In this case, the Council requested and obtained from the Government financial assistance for social reintegration amounting to CFAF 2,389,000,000. These efforts involved 613 dismissed military personnel and 137 dismissed police officers, totalling 750 persons. The Council also provided vocational training for dismissed military officials and police officers, who also received a basic kit to assist them in establishing a new life valued at CFAF 500,000.

29. A total of 84 persons were prosecuted in the case of the failed coup d'état. After a three-year investigation, the trial began on 27 February 2018, and the verdict was handed down on 2 September 2019, with 74 convictions and sentences ranging from 1 to 30 years' imprisonment, including for murder and aggravated assault and battery. A further 10 persons were exonerated.

30. Between 2014 and 2016, all the victims of the uprising and the failed coup d'état who were identified and recorded as such by the commissions created for that purpose received either financial assistance or medical care, amounting to CFAF 632,236,499. The court also ordered the restitution of various assets in the case of the failed coup d'état.

31. On the subject of compensation, at a military court hearing beginning on 22 October 2019, the persons found guilty of murder and aggravated assault and battery were ordered to remedy the harm caused to the victims. The Court delivered its judgment on 13 January 2020, ordering 62 defendants to pay, jointly and severally, damages of CFAF 947,279,507 to 298 victims.

32. The Norbert Zongo case was reopened in December 2015 with the appointment of a new investigating judge. Furthermore, the Government has implemented the judgment on reparations handed down on 5 June 2015 by the African Court on Human and Peoples' Rights in relation to application No. 013/2011 in the matter of the beneficiaries of the late Norbert Zongo and four others versus the State of Burkina Faso. A summary of the judgment was published in the special official gazette No. 07 (bis) of 9 November 2015, edition No. 7997 of the *Sidwaya* State newspaper on 10 September 2015 and the Government website [www.sig.bf](http://www.sig.bf) on 19 September 2015. As a result of this ruling, Norbert Zongo's beneficiaries received compensation of CFAF 233,135,409. As part of the ongoing legal proceedings, the Government issued an extradition request for François Compaoré, the main defendant in the



case. Despite a favourable response from the French authorities on 5 March 2020, the extradition request is still pending execution.

#### **Reply to the issue raised in paragraph 5**

33. Regarding efforts to combat corruption and illicit financial flows, the State Oversight and Anti-Corruption Authority received 1,159 reports of suspicious transactions between 2008 and 30 September 2020, of which 117 resulted in the submission of a financial investigation report to the public prosecutor having territorial jurisdiction, for further investigation, with a view to confirming or disproving the commission of crimes and underlying offences, notably corruption.

34. In addition, Burkina Faso has begun drawing up a new strategy to combat money-laundering and the financing of terrorism, which will be accompanied by an action plan for 2021–2025. The fight against illicit financial flows will be bolstered by actions to enhance the operational capacities of relevant stakeholders.

35. The powers of the General Finance Inspectorate to tackle corruption within the Ministry of Economy, Finance and Development and other public bodies have been strengthened through the adoption of Decree No. 2020-0354/PRES/PM/MINEFID of 15 May 2020 on the organization of the Ministry and Order No. 2020-0332/MINEFID/CAB/IGF of 10 July 2020 on the powers, organization and functioning of the Inspectorate. In 2018 and 2019, the Inspectorate's workforce was strengthened through the recruitment of 12 new finance inspectors.

36. Risk mapping was carried out for nine ministries, and a comprehensive fraud risk assessment was conducted for 19 departments and ministries. On completion of a study on the functioning of the anti-corruption committees of the Ministry of Economy, Finance and Development, a strategy and action plan were adopted to revitalize the committees. A total of 31 information and awareness-raising sessions were held for the Ministry's staff in Ouagadougou and other parts of the country. Furthermore, the internal control frameworks of 28 of the Ministry's units and five of its budget programmes were assessed.

37. The State considers combating corruption in the judicial system, including prisons, an important issue. For this reason, by Order No. 2017-009/MJDHPC/CAB of 7 September 2017, the Ministry of Justice established an anti-corruption committee. Any victim or witness of an act of corruption involving a justice system official or service, including prison guards and other prison staff, may complain to the committee.

38. Two specialized judicial units are currently operational and issuing rulings. From 2018 to 31 December 2020, the Ouagadougou Economic and Financial Unit recorded 156 cases, of which 79 were referred to special investigating offices, 43 have resulted in rulings and 34 are pending trial. Nine cases are before a specialized trial chamber and two rulings have been handed down. The Bobo-Dioulasso Economic and Financial Unit has recorded 119 cases, of which 19 are under investigation, 68 have resulted in rulings and 32 are pending trial.

39. The establishment of the National Coordinating Committee for Police Monitoring in 2019 is helping to combat corruption at roadside checks.

40. From 2015 to 2018, the State Oversight and Anti-Corruption Authority ran an information and awareness-raising campaign on the Anti-Corruption Act for opinion, religious and traditional leaders, politicians, administrators, association members, young people and women in 113 localities. During the same period, it held conferences on preventing and combating corruption in Bobo-Dioulasso and Gaoua for trainee gendarmes and for students at the National School for Primary Education Teachers and the School for Middle Management in Social Work. In 2019, the Authority carried out awareness-raising campaigns in some 40 localities in seven regions of the country. More than 3,000,000 people, including 5,369 secondary school students, received anti-corruption messages.

41. Furthermore, at the municipal level, awareness-raising days were held on corruption in the judiciary and prison system and some 15 radio programmes were broadcast on preventing and combating corruption.

42. With regard to internal administrative oversight, in 2021, the Authority carried out an audit of the management of the Office of the President, the Office of the Prime Minister and government ministries. The audit revealed a downward trend in the number of irregularities relating to deposit accounts, imprest accounts and fuels and lubricants, together with a good level (83 per cent) of implementation of audit/oversight recommendations.

43. In 2019, the Authority ran a training session for 20 municipal police officers on the topics of “ethics and deontology” and “capacity-building for police officers on preventing and combating corruption”.

44. Moreover, in 2020, the Authority launched an electronic platform for declaring interests and assets. The platform enables all persons who are not members of the executive or parliament and who are required to declare their interests and assets to do so online, with the aim of fostering a culture of probity, integrity and transparency in the management of public assets.

#### **Reply to the issue raised in paragraph 6**

45. In order to counter the spread of the coronavirus disease (COVID-19) pandemic, the Government declared a public health emergency pursuant to article 66 of Act No. 23/94/ADP of 19 May 1994 on the Public Health Code and issued Decree No. 2020-0271/PM/MDNAC/MSECU/MS/MTMUSR of 15 April 2020 temporarily restricting some freedoms as part of the special measures to reduce the spread of COVID-19, namely:

- A ban on gatherings and demonstrations of more than 50 people
- The closure of schools, places of worship, markets, bars and restaurants
- Restrictions on people’s freedom of movement through the imposition of a curfew from 7 p.m. to 5 a.m., and the lockdown of the main cities affected

46. The public health emergency was declared for a limited period of time.

47. In view of the upsurge in terrorist attacks and their spread to several new regions of the country, including Boucle du Mouhoun, Hauts-Bassins, Centre-Est, Est, Nord and Sahel, the Government, in accordance with article 58 of the Constitution, article 14 of Organic Act No. 14/59/AL of 31 August 1959 on States of Emergency and the international commitments of Burkina Faso, declared a state of emergency in 14 provinces of the country. The aims of this measure are to combat terrorism swiftly and effectively, and to restore calm to the population. The declaration of a state of emergency in some regions of Burkina Faso entails restrictions on the enjoyment of certain rights. Pursuant to Decree No. 2018-1200/PRES of 31 December 2018, the restrictions are as follows:

- A ban on the movement of persons or vehicles in places and at times specified by decree
- The granting of authorization to search citizens’ homes at any time and to impose house arrest
- The granting of authorization to hand over weapons and ammunition, and to have them searched for and removed
- A ban on publications, whatever the medium, and meetings likely to incite or foster radicalization and violent extremism

48. The state of emergency decreed in response to the unprecedented security situation complies with the Covenant insofar as it does not infringe the rights referred to in article 4 (1).

49. In accordance with article 4, the Government sent a letter dated 14 February 2019 addressed to the Secretary-General of the United Nations notifying him of its decision to declare a state of emergency and its implications, including details of the provisions derogated from.

50. Article 10 of the Act on States of Siege and States of Emergency in Burkina Faso provides that a state of emergency is a crisis situation allowing the administrative authorities to take exceptional security measures that may affect individual rights and freedoms.

Accordingly, the competent administrative authority may, in areas where a state of emergency is in force:

- Requisition people, goods and services
- Prohibit the movement of persons or vehicles throughout its area of jurisdiction or in places and at times specified by decree
- Order searches of citizens' homes, both during the day and at night
- Requisition the armed forces, or have them requisitioned, and entrust them with the task of maintaining or restoring order in collaboration with the internal security forces
- Order the surrender of weapons and ammunition, the search for any weapons caches and their removal in the event of discovery
- Control media content and prohibit publications, in any medium, and meetings that it deems liable to incite, create or maintain disorder
- Control, prohibit or put a stop to any teaching, preaching, programme or activity inciting violence, hatred or religious extremism
- Place under house arrest any person who in any way incites, creates or maintains disorder
- Suspend or dissolve any group or association that participates in or incites acts that undermine public order

51. Citizens may continue to exercise the rights not suspended by the Act.

52. In the context of the fight against terrorism, the defence and security forces have sometimes been accused of abuses against the local population, including arbitrary arrests, acts of torture and similar practices, and summary, extrajudicial and arbitrary executions. Such allegations are systematically investigated in order to establish responsibility and punish the perpetrators where appropriate. The judiciary has carried out investigations and inquiries to shed light on all allegations made against the defence and security forces.

53. Armed groups employ deceitful tactics as part of their modus operandi. Often using equipment and uniforms taken during attacks on the positions of the defence and security forces, they turn up at villages, markets, places of worship, schools and services in broad daylight and carry out arrests and public executions. Most of the suspects arrested, together with the members of armed groups neutralized in counter-attacks, are wearing the uniforms of the defence and security forces. Therefore, some of the acts of which the defence and security forces are accused are in fact attributable to armed terrorist groups.

54. By way of illustration, on 14 February 2019, in the Province of Soum, Sahel Region, at the southern end of Djibo, two soldiers were killed following the explosion of a body previously dressed in military garb by terrorists. Moreover, on the night of 29 February to 1 March 2020, the central police station in the Sahel town of Sebba was the target of a terrorist attack in which 10 police officers were killed and equipment was taken.

#### **Reply to the issue raised in paragraph 7**

55. National legislation defines and punishes all forms of discrimination. Article 1 of the Constitution prohibits all forms of discrimination, including on the grounds of race, ethnicity, region, colour, sex, language, religion, caste, political opinion, property or birth.

56. Pursuant to article 4 of the Constitution, all citizens of Burkina Faso and all persons living in Burkina Faso enjoy equal protection before the law. Everyone has the right to have their case heard by an independent and impartial court. This principle applies to all persons living in Burkina Faso, without discrimination of any kind. Accordingly, victims of discrimination are entitled to have their case heard by the competent courts.

57. Article 322-2 of the Criminal Code defines discrimination as any distinction, exclusion, restriction or preference based on race, ethnicity, colour, sex, language, religion, political or other opinion, national or social origin, property or birth that has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing,

of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life.

58. Article 322-3 provides for a punishment of 6 months' to 3 years' imprisonment and a fine of CFAF 300,000 to CFAF 2 million for discrimination that consists in:

- Refusing to supply goods or services
- Hindering the normal pursuit of an economic activity
- Refusing to hire, or punishing or dismissing a person
- Making the provision of any service or benefit subject to a discriminatory condition

59. Furthermore, article 322-4 of the Criminal Code provides that any public speech or writing that excuses or seeks to excuse discrimination, hatred, intolerance or violence of any kind against a person or group of people on any grounds whatsoever is punishable by imprisonment of between 6 months and 3 years and a fine of between CFAF 300,000 and CFAF 3 million. If this speech or writing has led to violence against persons and/or destruction of property, the punishment is 3 to 10 years' imprisonment and a fine of CFAF 500,000 to CFAF 5 million.

60. Under article 322-5 of the Criminal Code, non-public incitement to discrimination, intolerance, hatred or violence against a person or group of people on any grounds whatsoever is punishable by 2 months' to 1 year's imprisonment and a fine of CFAF 250,000 to CFAF 1.5 million.

61. Article 4 of the Labour Code prohibits all forms of discrimination in respect of employment and occupation. Article 38 stipulates that employers must refrain from discrimination of any kind with regard to access to employment, working conditions, vocational training, job retention or dismissal, particularly on the basis of actual or perceived HIV status.

62. In addition, article 93 (2) of Act No. 086-2015/CNT of 17 December 2015 amending the Act on the Rules Governing the Digital Media in Burkina Faso provides for a fine of CFAF 500,000 to CFAF 3 million for any person who commits defamation against a group of people on the basis of their ethnicity, race or religion.

63. Act No. 087-2015/CNT of 17 December 2015 amending the Act on the Rules Governing Radio and Television Broadcasting in Burkina Faso lays down penalties for persons guilty of acts of discrimination committed through the media. Under article 141 of the Act, any unprovoked insult directed at individuals by audiovisual means is punishable by a fine of between CFAF 500,000 and CFAF 3 million. The maximum fine is imposed if the insult is directed at a group of people belonging to a particular race, ethnicity, region, religion or political party with the aim of inciting hatred between citizens.

64. Act No. 085-2015/CNT of 17 December 2015 amending the Act on the Rules Governing the Print Media in Burkina Faso punishes defamation based on discrimination. Article 117 (2) of the Act provides for a fine of CFAF 500,000 to CFAF 3 million for any person who commits an act of defamation, as defined in article 95 of the Act, against a group of people on the basis of their ethnicity, race or religion.

65. It should also be noted that national legislation prescribes penalties for organizations that condone hatred. Article 16 of the Act on the Freedom of Association states that associations founded to pursue an illicit or indecent cause or objective are not valid, nor are those whose aim is to engage in practices contrary to human dignity or that promote, inter alia, hatred, intolerance, xenophobia, ethnicism or racism.

66. Article 30 of Act No. 012-2010/AN on the Protection and Promotion of the Rights of Persons with Disabilities establishes that all persons with disabilities have the right to employment in the public and private sectors provided that they possess the necessary skills. Such persons may not be discriminated against, nor may applications submitted by them be rejected, on the grounds of their disability.

67. Article 236 of the Personal and Family Code stipulates that children enjoy equal rights without exception, distinction or discrimination on the basis of their filiation.

68. The provisions mentioned above are strictly enforced by national courts, which systematically prosecute and punish all forms of discrimination.

69. In Burkina Faso, several policies and strategies take into account the issue of combating the caste system. For example, the sectoral policy on justice and human rights adopted on 16 May 2018 places the fight against all forms of discrimination at the heart of efforts to promote and protect human rights. It provides for public awareness-raising activities aimed at preventing or combating racial discrimination, xenophobia and related intolerance.

#### **Reply to the issue raised in paragraph 8**

70. No amendment to Act No. 003-2020/AN of 22 January 2020 is planned for the time being. However, to increase women's representation in decision-making positions, the Government has taken a number of steps, including:

- The adoption, in 2015, and implementation of the Integrated Programme for Women's Empowerment (2016–2020), one of the objectives of which is to ensure women's effective participation in decision-making positions
- The adoption of the National Gender Policy (2009–2019) and related action plans
- The organization, in 2016, of forums on women's civic participation in all 13 regions of the country
- The organization of training sessions on advocacy techniques, leadership, management and running election campaigns for associations of women standing for election
- The organization, in October 2020, of 10 awareness-raising sessions on political rights and women's political participation for 1,000 women – 500 in Ouagadougou and 500 in Bobo-Dioulasso

71. These efforts led to an improvement in women's representation in government, which rose from 21.8 per cent in 2019 to 27.27 per cent in 2021, an increase of 5.47 percentage points. Women's representation in the parliament grew from 9.44 per cent in the seventh legislature to 14.96 per cent in the eighth, an increase of 5.52 percentage points. In 2021, women accounted for 30.76 per cent of regional governors.

72. The Government has taken a number of important measures to improve and guarantee women's access to land, including:

- The granting of at least 30 per cent of newly developed land to women, with the gender quota for all sites newly developed by the State having increased to over 30 per cent since 2015; by way of illustration, from 2016 to 2020, the proportion of newly developed land allocated to women rose from 30 to 50.30 per cent
- The provision to women of 24,284 units of agricultural equipment and 10,863 draught animals over the period 2016–2020
- The granting to women of 1,243.54 metric tons of seeds of improved cowpea varieties between 2016 and 2020
- The training, in 2017, of 191 women and 191 men on the procedure for obtaining a rural land holding certificate
- The issuance of 780 such certificates to women under the National Land Management Programme (2013–2018)
- The granting of 144.58 hectares of peri-urban land to 38 women for livestock activities for the period from 2017 to September 2020

#### **Reply to the issue raised in paragraph 9**

73. With regard to marital rape, the criminal provisions of Act No. 061-2015/CNT of 6 September 2015 on the Prevention and Punishment of Violence against Women and Girls and Reparation and Support for Victims were incorporated into the 2018 Criminal Code,

under which the fines for the offence were increased from CFAF 100,000 to CFAF 500,000 and from CFAF 250,000 to CFAF 600,000.

74. In December 2018, with a view to effectively punishing violence against women, 55 justice officials and members of gender units received training on gender-based violence, guidelines for supporting survivors of such violence and the enforcement of legislation on female genital mutilation and child marriage. In 2015, to improve access to appropriate care services for victims of gender-based violence, the Government, with the support of its partners, set up a comprehensive care centre (psychological, health and legal) in Ouagadougou. Another centre has been established in Bobo-Dioulasso and is in the process of becoming operational.

75. The measures taken to improve care for victims of gender-based violence, and their children where applicable, include the following:

- The adoption of protocols for the comprehensive care of victims of gender-based violence for use by social, legal and health professionals
- The establishment, in 2020, of a toll-free hotline (80 00 12 87) for reporting cases of gender-based violence
- The provision of support to 443 women through the legal aid fund from 2016 to 31 December 2020
- The adoption of the National Gender Strategy (2020–2024) in January 2021

76. Regarding the collection of data on gender-based violence, an information management mechanism has been operational since 2019. In addition, from 2016 to 31 December 2019, a total of 999 cases of rape of women or girls were brought before public prosecutors. Of these cases, 224 were tried in 2019. In the same period, 68 convictions were handed down in cases of female genital mutilation.

#### **Reply to the issue raised in paragraph 10**

77. The Government has undertaken consultations with the various sections of society to review the Personal and Family Code. As a result of these consultations, a draft bill has been prepared to harmonize the minimum age of marriage for boys and girls at 18 years and to allow couples married according to customary or religious rules to have their marriages legally recognized by declaration before the civil registrar.

78. The 2018 Criminal Code introduced changes to the penalties for female genital mutilation, which is now punishable under articles 513-7, 513-8 and 513-9 of the Code. The applicable term of imprisonment, which previously ranged from 6 months to 3 years, is now between 1 and 10 years, and the fine has been increased from between CFAF 150,000 and CFAF 900,000 to between CFAF 500,000 and CFAF 3 million. The penalty for female genital mutilation resulting in the death of the victim was also increased, from between 5 and 10 years' imprisonment without a fine to between 11 and 21 years' imprisonment plus a fine ranging from CFAF 1 million to CFAF 5 million.

79. Defending female genital mutilation is now punishable under article 513-9, which provides that “any person who, through public speech, comment or writing, promotes female genital mutilation, shall be liable to imprisonment of from 1 to 5 years and a fine of from CFAF 250,000 to CFAF 1 million”.

80. In order to step up the fight against female genital mutilation, the Government has undertaken a number of actions, including launching deterrent patrols and prosecuting and punishing perpetrators. Between 2016 and 2019, 452 patrols were carried out over the country as a whole by the Defence and Security Forces. In addition, 214 alleged perpetrators of female genital mutilation were detained by the security services between 2015 and 2019. Between 2016 and 2019, 108 persons were convicted of female genital mutilation offences.

81. As a whole, the measures taken to combat female genital mutilation have led to a drop in the prevalence of excision among women of reproductive age, the rate falling from 76 to 63 per cent between 2010 and 2018.

82. In order to combat all forms of violence against women, several guidance documents have been adopted, including the Strategic Plan for the Elimination of Female Genital Mutilation 2016–2020. This Plan is divided into four operational areas, namely:

- Strengthening preventive measures to meet the needs of populations at risk of female genital mutilation
- Improving victims' access to medical and psychosocial care for the after-effects of female genital mutilation
- Protecting the rights of women and girls and providing legal support in the context of female genital mutilation
- Strengthening the management and coordination of the National Strategic Plan for the Elimination of Female Genital Mutilation

83. The implementation of these guidance documents has seen the following projects rolled out:

- The project to strengthen the promotion of the elimination of the practice of excision (2018–2020), worth CFAF 222,330,547, in five border regions of Burkina Faso.
- The project to reduce the incidence of excision in Ziro and Zoundwéogo Provinces (2015–2017), at an overall cost of CFAF 196.5 million.
- The project to end female genital mutilation in Burkina Faso, with the involvement of the Association des Amis Burkinabés de la Fondation Follereau (AAB/FFL) (Association of Burkinabé Friends of the Follereau Foundation) in Sissili and Koulpélogo Provinces. The project was implemented between 2015 and 2020 with funding of CFAF 50 million per year.
- The 2015–2017 project of the International Network to Analyze, Communicate and Transform the Campaign against FGM/C (INTACT). This project, costing CFAF 270 million, covered 48 municipalities in Kourwéogo, Bam, Sanmatenga, Séno, Oudalan, Yagha, Mouhoun and Kossi Provinces.

84. Several actions were carried out as part of these projects:

- Implementation of a behaviour change communication strategy that takes into account the following approaches: (i) the human rights-based approach and social norms theory; (ii) the teaching of modules covering female genital mutilation in the education system; (iii) an intensification of the crackdown on perpetrators of female genital mutilation/cutting and their accomplices and an improvement in reparation for the after-effects of female genital mutilation.
- Organization of seven training sessions, which were attended by 277 teachers and educational supervisors and resulted in the drawing up of 172 educational worksheets covering female genital mutilation, reproductive health and gender at the basic education level. In addition, lessons on the subjects of female genital mutilation, sexual and reproductive health and child marriage were provided to 1,254 students, including 619 girls, in the Sahel, Plateau-Central, Est, Centre, Hauts-Bassins, Boucle du Mouhoun and Centre-Ouest Regions. Furthermore, 285 former excision practitioners received training on issues relating to female genital mutilation.
- Organization of 10 advocacy campaigns to secure the commitment of the highest authorities and encourage the inclusion of female genital mutilation in municipal and regional development plans. As well as the President of Burkina Faso and the President of the National Assembly, 43 deputies and 574 municipal councillors from the Centre, Centre-Est, Boucle du Mouhoun, Cascades and Plateau-Central Regions took part in these campaigns.
- Training of 3,832 participants, including 1,348 women and 2,484 men, on female genital mutilation, social norms theory, psychosocial care, and monitoring and evaluation.
- Training of 21 journalists from 10 media outlets in promoting the elimination of female genital mutilation. In addition, 462 publications on female genital mutilation

were issued, and 1,042 scrolling messages and 425 adverts were run. At the same time, 1,698 public statements of abandonment of female genital mutilation have been made by communities, and 1,690 monitoring units have been set up.

85. To combat social exclusion and violence against individuals accused of witchcraft, it has been made an offence under articles 514-1 to 514-3 of the Criminal Code to accuse someone of practising witchcraft. Article 514-3 provides for penalties of 3 to 5 years' imprisonment accusations of witchcraft that lead to social exclusion, assault and battery on the victim and damage to movable or immovable property. If the victim dies, the offence is punishable by 5 to 10 years' imprisonment and a fine of between CFAF 250,000 and CFAF 2.5 million.

86. In addition, a national action plan to combat the social exclusion of persons accused of witchcraft (2012–2016) received funding amounting to CFAF 368,040,000. The implementation of this plan and the various annual programmes of work of the technical bodies and other stakeholders have made it possible to provide psychosocial care, health care and accommodation for victims of social exclusion (728 women and 10 men) and to reintegrate them into their families.

87. Furthermore, a road map was adopted for the period 2015–2019 for the rescue and reintegration of persons excluded from society for alleged witchcraft. In 2016, it helped reintegrate 61 women.

#### **Reply to the issue raised in paragraph 11**

88. The adoption of the Criminal Code in Burkina Faso has simplified the procedure for access to legal abortion in cases of rape or incest. Under article 513-13, “voluntary termination of pregnancy may be performed at any gestational age if a doctor certifies after examination that the continuation of the pregnancy would endanger the health of the woman or that there is a strong probability that the unborn child has a particularly serious illness or disability recognized as incurable at the time of diagnosis”.

89. In cases of rape or incest, if genuine distress is confirmed by the public prosecutor's office, the pregnant woman may ask a doctor to terminate her pregnancy within the first 14 weeks under article 513-14 of the Criminal Code. This article differs from the previous Code in two essential respects. Firstly, the opinion of a single public or private doctor is now sufficient to authorize voluntary termination of pregnancy, whereas the 1996 Code required two medical opinions, one of which needed to be issued by a public doctor. Secondly, the 10-week limit set in cases of incest or rape under the previous Code has been increased to 14 weeks.

90. From 2017 to 2018, the number of illegal abortions fell from 1,943 to 1,867, a drop of around 4 per cent, according to the number of cases recorded by various health units following complications resulting from illegal abortions.

91. In Burkina Faso, sexual and reproductive health services are offered at all levels of the health system. The Government has introduced free family planning services to improve the affordability of contraceptive methods. Between 2018 and 2020, the total cost of this free service was CFAF 22,424,339,537. Modern contraceptive methods may be used without restriction. As a result of government policies, the contraceptive prevalence rate rose from 25.4 per cent in 2017 to 30.1 per cent in 2020. Ultimately, the Government aims to achieve a contraceptive prevalence rate of 60 per cent by 2030.

92. Cervical and breast cancer awareness-raising and screening campaigns were also organized in 2020. In 2019, 34,054 women were screened and received free treatment for precancerous lesions of the cervix.

93. In 2020, outpatient consultations in medical centres and hospitals resulted in the diagnosis of 489 malignant tumours of the cervix and 1,031 malignant breast tumours.

#### **Reply to the issue raised in paragraph 12**

94. No person is currently on death row. Under article 900-1 of the Criminal Code, “death sentences handed down under previous legislation are automatically commuted to life



imprisonment". When the Code was adopted in 2018, there were 12 individuals on death row. In accordance with the aforementioned article, the sentences of these convicts have been commuted.

95. During its third universal periodic review, Burkina Faso undertook to ratify the Second Optional Protocol to the Covenant, aiming at the abolition of the death penalty. To give effect to this commitment, a meeting dedicated to exchange and consultation was organized between public and private stakeholders on 9 December 2019 to examine the advisability of ratifying the Protocol. The meeting recommended ratification, and steps are being taken to this end.

### **Reply to the issue raised in paragraph 13**

96. In implementing the National Economic and Social Development Plan – particularly strategic area No. 1, "Reforming institutions and modernizing the administration", and strategic objective 1.1, "Promoting good administrative and political governance" – the Government has taken measures that will enable the defence and security forces to do their job of maintaining security.

97. These measures include:

- Ongoing recruitment to the defence and security forces for the purpose of increasing their coverage of the national territory and improving the security officer-to-population ratio
- Appropriate ongoing training for new personnel and those present on the ground in order to better respond to new forms of security threat while upholding human rights
- Building new security infrastructure that meets human rights standards
- Providing the defence and security forces with sufficient equipment on a permanent basis to enable them to be operational at all levels
- Ensuring the appropriate deployment and permanent presence of the defence and security forces throughout the national territory, especially in high-crime areas, to allow the Government to fully assume its role

98. In total, 9,300 internal security officers were recruited and trained between 2016 and 2020, increasing the security officer-to-population ratio from 1:900 in 2016 to 1:668 in 2020. From 2016 to 2020, 12,350 military personnel were recruited to the national armed forces.

99. In addition, from 2018 to 2020, 796 prison guards were recruited, trained and assigned to penal institutions.

100. Regarding security infrastructure, 18 police and 7 gendarmerie stations were built between 2018 and 2020. This led to an increase in security service coverage from 65.81 per cent of the territory in 2018 to 69.23 per cent in 2020.

101. For 2021, there are plans to build three more district police stations in Ouagadougou and another in Bobo-Dioulasso. The construction of this infrastructure in Ouagadougou is part of a decentralization strategy for the central police station that is designed to improve working conditions for security officers and conditions for persons being held in custody. More police stations are under construction in Sanmatenga, Yagha, Bam, Zandoma, Passoré, Yatenga, Mouhoun and Sourou Provinces.

102. The security crisis in Burkina Faso and the shortage of State resources has encouraged the development of local security initiatives in some regions.

103. The Government has taken steps to end the abuses observed. A decree determining the conditions for public participation in local policing was adopted in November 2016 to regulate the actions of these local security initiatives and monitor their security and intelligence activities.

104. In addition, training and awareness-raising activities have been conducted with these groups to encourage them to incorporate respect for human rights into their activities and to improve their cooperation with the defence and security forces. Prosecutions have been initiated against members of these groups suspected of cruel, inhuman or degrading treatment.

Between 2015 and 30 April 2018, 151 persons were prosecuted in the national courts. This resulted in 52 of them being sentenced to fines and/or imprisonment for various offences.

105. In 2020, police emergency units were set up in the regional directorates of the national police, located in the regions' central police stations. Their missions include:

- Combating urban crime
- Conducting security patrols in cities
- Arresting persons who refuse to answer police summonses

106. These police emergency units can be contacted free of charge by calling the numbers 17 or 1010.

#### **Reply to the issue raised in paragraph 14**

107. Regarding the inadmissibility of statements obtained under torture, article 251-11 of the Code of Criminal Procedure provides that "any statement made as a result of torture or related practices may not be used as evidence in any proceedings, except in order to establish the responsibility of the perpetrator".

108. Under article 6 bis of Act No. 02-2021/AN of 30 March 2021 amending Act No. 01-2016/AN on the National Human Rights Commission, the Commission serves as the national mechanism for the prevention of torture and related practices. Its responsibilities in that capacity are to:

- Prevent torture and related practices, taking into account the standards in force at the national, regional, subregional and international levels
- Conduct visits to places of deprivation of liberty and their equipment and facilities, with unrestricted access
- Regularly examine the situation of persons deprived of their liberty in places of detention, with a view to strengthening, if necessary, their protection against torture and related practices
- Make recommendations to the competent authorities, with a view to improving the treatment and situation of persons deprived of their liberty
- Submit proposals to the competent authority concerning relevant existing or draft legislation

109. To this end, the Commission produces and publishes an annual report on the national mechanism for the prevention of torture and related practices.

110. The Commission has launched a review of the decree on its organization and functions with the aim of establishing a standing subcommission to assume the mandate of the national preventive mechanism.

111. Action is under way to make available statistical data on complaints of attempted or accomplished acts of torture or ill-treatment allegedly committed by or with the consent or acquiescence of public officials.

#### **Reply to the issue raised in paragraph 15**

112. The violence that occurred during the popular uprising of 30 and 31 October 2014 led to numerous human rights violations in several areas around the country. Judicial inquiries were opened in Dori, Léo, Ouahigouya, Bobo-Dioulasso and Ouagadougou and the public prosecutors in these areas referred their respective cases to investigating judges for further investigation. All cases remain under investigation.

113. Regarding the steps taken to finalize investigations into human rights violations committed by members of the internal security forces, members of the armed forces and prison guards during the social and political unrest of 2014 and 2015, see paragraphs 30–32 of the reply to the issue raised in paragraph 3 of the list of issues.

114. Burkina Faso systematically opens investigations to shed light on all allegations of human rights violations, including those related to torture, ill-treatment and excessive use of force by members of the defence and security forces and local security initiatives during counter-terrorism operations with a view to prosecuting and punishing those found responsible.

115. With regard to the legitimate use of force, lethal force and firearms, measures have been taken to regulate the actions of law enforcement officers through the adoption and strict application of rules of engagement.

116. The use of force and weapons is governed by Act No. 032-2003/AN of 14 May 2003 on Internal Security, Decree No. 2008-700/PRES/PM/DEF of 14 November 2008 on general discipline in the national armed forces and the Code of Conduct for Law Enforcement Officials.

117. Article 13 of Act No. 032-2003/AN of 31 July 2003 on Internal Security provides that law enforcement officers may use their weapons during operations to maintain law and order only in the following cases:

- When serious and widespread violence or assaults are committed against them
- When they are threatened by armed individuals
- When they cannot otherwise defend the land they are occupying, the infrastructure they are protecting or the posts or persons under their protection, or if resistance is such that it cannot be overcome other than by the use of arms

118. The principles of minimum force and proportionality apply at all times, including during counter-terrorism operations. Officers may open fire only on the orders and under the supervision of the operational commander. As far as possible, they should first give a warning. The defence and security forces have an obligation to verify that the objectives to be attacked are neither civilians nor civilian objects but are military objectives.

119. Lethal force is used by individual soldiers only in the event of imminent mortal danger, to protect themselves or other members of the defence and security forces, civilians or military installations. During military operations, suspicious persons may be arrested by the defence and security forces but must be released immediately after or handed over to the criminal investigation police for further processing. Searches are carried out for the sole purpose of finding dangerous objects.

120. The abovementioned measures and instructions, which are taught to soldiers upon recruitment and are known to all soldiers deployed on operations, are fully in line with the human rights agreements and treaties ratified by Burkina Faso.

121. In addition to the rules of engagement, article 24 of Decree No. 2008-700/PRES/PM/DEF of 14 November 2008 on general discipline in the national armed forces provides that military commanders bear full responsibility for orders given and their execution. They cannot be discharged from their responsibility on account of the responsibility of subordinates.

122. Article 25 of the aforementioned Decree provides that “the subordinate must not carry out an order to perform an act that is manifestly illegal or contrary to the rules of international law applicable in armed conflict or duly ratified or approved conventions”.

123. Article 29 of the Decree instructs soldiers in combat to target only military objectives and to treat all persons rendered hors de combat humanely and equally. Paragraph 2 of the same article prohibits the commission of war crimes.

124. All the abovementioned texts are compatible with the human rights treaties, agreements and conventions signed and ratified by Burkina Faso.

#### **Reply to the issue raised in paragraph 16**

125. Reducing prison overcrowding is one of the objectives of the sectoral policy on justice and human rights: several mechanisms have been used to that end. These include sentence adjustment measures (semi-custodial treatment, non-custodial placements, sentence

enforcement in instalments, suspended sentences, day release, release on parole, presidential pardons), increased numbers of justice personnel to speed up the handling of cases, the promotion of alternatives to imprisonment, strengthened judicial oversight of pretrial detention and the transfer of prisoners by administrative or judicial decision. In addition, the Code of Criminal Procedure sets time limits on the detention of accused persons, after which they are automatically released.

126. The construction of the large detention facility at the Bobo-Dioulasso detention and correctional facility has been completed. Between 2016 and 2020, 3 prisons were built in Koupéla, Pô and Boulsa and, between 2016 and 2019, 16 prisons underwent work to bring them up to standard or refurbishment. The former involved the construction of boundary walls, gatehouses, walking areas, women's quarters, minors' quarters and police posts, the installation of gas ducts and the setting up of containerized food stores.

127. The application of the measures contained in the Act on the Prison System and in the Code of Criminal Procedure has led to a reduction in the number of inmates in all detention and correctional facilities in Burkina Faso from 7,812 in 2018 to 7,401 in 2020.

128. As part of its efforts to combat COVID-19, the Government ordered full remission of the custodial sentences of 1,207 prisoners in 2020.

129. Regarding the separation of different categories of prisoner, juveniles are separated from adults and women from men. Measures have been taken to improve detention conditions in accordance with the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules).

130. In addition, health and hygiene measures in detention and correctional facilities have been put in place by the Government. Since 2018, health and hygiene committees have been set up in every facility. These committees are headed by the facility's director and run by the health worker, social workers, the prison guard responsible for health and hygiene, a representative of the prison staff and a representative of the prisoners.

131. The role of the health and hygiene committees is to identify situations that pose a risk to hygiene, sanitation or prisoners' health and to propose solutions. Their members are responsible for holding training and awareness-raising sessions for prisoners on good practices with regard to clothing and bodily hygiene, food hygiene and healthy living. The aim of these sessions is to help the prisoners protect their own health and that of other prisoners. For this purpose, they have been provided with hygiene equipment and products.

132. In Burkina Faso, all penal institutions have a supply of drinking water provided by the National Water and Sanitation Bureau. Renovation work on drinking water installations has been carried out in 10 detention and correctional facilities.

133. Generally speaking, efforts are being made to improve the material conditions of detention, access to adequate food and health care and decent sanitary conditions. In some detention and correctional facilities, women receive free dignity kits. The prison service has a budget allocated for the provision of food to prisoners. This budget is decentralized in the form of funds assigned to each institution. For example, for the Ouagadougou detention and correctional facility, the budget allocated for food increased from CFAF 78 million in 2018 to CFAF 85 million in 2019. With the support of the Directorate of Prison Production and Vocational Training, the Ouagadougou detention and correctional facility has improved its market gardening techniques and thus increased its output. Two thirds of this market garden output is used to improve the nutritional content of the prisoners' food rations. With support from the International Committee of the Red Cross, a modern kitchen has been constructed at the Ouagadougou detention and correctional facility.

134. An order on the upkeep of prisoners is in the process of being adopted with a view to improving their food. The order contains quantitative and qualitative indications regarding the meals to be served to women prisoners, pregnant and breastfeeding women and infants living with their mothers in detention. The order also specifies the hygiene items, cooking utensils and bed linen that prisoners must receive on a regular basis.

135. In addition, vulnerable prisoners (those with illnesses or disabilities and older persons) and convalescent prisoners have diets adapted to their needs.

136. The Government has widened the availability of tracer molecules (64.97 per cent) by providing funds for their acquisition in order to respond effectively to prisoners' needs and ensure better treatment for the diseases affecting each prison. The Government also increased the number of health-care staff at four prisons with at least three health workers in 2019. The infirmaries are currently being brought up to standard in order to improve health care in custodial settings with the construction of three new infirmaries in 2019, ensuring the availability of infirmaries with at least four rooms. These efforts enabled a prisoner health coverage rate of 32.77 per cent to be reached in 2019.

137. In 2019, the custody facilities in four district police stations in Ouagadougou were upgraded, taking into account the criteria and standards set out in the Nelson Mandela Rules.

138. The Ministry of Security has also initiated the construction of new district police stations in Ouagadougou that meet international rules and standards.

139. Lastly, a strategic development plan for the Prison Service and a related action plan were approved on 11 May 2021. One of the objectives of the action plan is to make prisons more humane, especially with respect to detention conditions, health, hygiene and food. To achieve this, a "humanization" budget line has been put in place and funds allocated to the institutions.

140. Regarding complaints mechanisms, under article 29 of the Act on the Prison System, all prisoners may submit requests or complaints to the prison director, who will grant them an interview if warranted. Moreover, article 219 of the Act provides that correspondence exchanged with counsel, the judicial authorities, social workers and ministers of religion is not subject to inspection.

141. In practice, prisoners write to their counsel and to judges without restriction. They regularly receive visits from lawyers and representatives of human rights movements and associations. Prisoners are regularly received in meetings with the prison director or the director's representative. These meetings are an opportunity to uncover shortcomings in the treatment of inmates and some prisoners use them to make complaints. They also submit requests to be heard by judges, with whom they may file complaints.

142. Prisoners have the opportunity to talk to judicial authorities during their visits. Article 29 (2) of the Act on the Prison System allows all prisoners to ask to speak to judges and inspection officials during their visits to the prison, without any staff member present.

143. Regarding measures to expedite the establishment of the mechanism for the prevention of torture and related practices, see paragraphs 115–118 concerning the issue raised in paragraph 14 of the list of issues.

#### **Reply to the issue raised in paragraph 17**

144. The Code of Criminal Procedure of 2019 constitutes progress with regard to the right of persons held in police custody to undergo a medical examination. Article 251-26 of the Code provides that persons held in police custody are entitled to be examined by a doctor. If they consider it necessary or a request is made by a family member, public prosecutors may designate a doctor to examine persons held in custody at any time during the custody period. After 72 hours, the person in custody is entitled to a medical examination upon request.

145. Article 515-15 of the Code provides that, when a decision is taken to extend the custody period, the person being held in custody must be given a medical examination by a doctor designated by the public prosecutor, the investigating judge or the criminal investigation officer. The designated doctor must issue a medical certificate for the case file, including an assessment of whether the extension is compatible with the person's state of health. The criminal investigation officer must mention all these steps in the report on the process.

146. The Code of Criminal Procedure contains legal safeguards for persons deprived of their liberty. According to article 251-14:

- Arrested persons are to be immediately informed by a criminal investigation officer or a staff member supervised by such an officer, in a language they understand, of the time at which they are being taken into custody, the right to be assisted by a lawyer

and the name and alleged date and location of the offence they are suspected of committing or attempting. They are also required to give an address. The officer in charge of the investigation must inform them that any notification or summons delivered to this address and any process served there will be considered duly received by them and that they must inform the court of any change of address in writing.

- The investigating officer is required to record the information provided by the arrested person and his or her responses in the interview and police custody reports, which the arrested person then signs. The arrested person may refuse to sign, and this is also recorded in the report.

147. To reinforce these safeguards, police custody is overseen by a public prosecutor. For certain offences falling within the jurisdiction of the specialized judicial units, the presiding judge of the court of major jurisdiction or a judge delegated by the presiding judge is responsible for deciding whether to extend custody.

148. Article 251-12 of the Code of Criminal Procedure provides for the presence of a lawyer during the preliminary investigation.

### **Reply to the issue raised in paragraph 18**

149. Following the adoption of the National Pact for Justice Reform in March 2015, a number of reforms have been carried out. For example, organic acts on the status of the judiciary and on the Higher Council of the Judiciary have been adopted, further strengthening the independence of judges. Under Constitutional Act No. 072-2015/CNT of 5 November 2015 amending the Constitution, the First President of the Court of Cassation and the First President of the Council of State became respectively the President and Vice-President of the Higher Council of the Judiciary, replacing the President of Burkina Faso and the Minister of Justice.

150. To address the capacity of the justice system, the Government has built three new courts of major jurisdiction in Ouagadougou, Pô and Boulsa. The opening of these courts will reduce the average radius of access to a court of major jurisdiction from 59 km to 56.5 km. In addition, eight courts of major jurisdiction have been refurbished and brought up to standard.

151. To improve average case processing times, the Criminal Code, the Code of Criminal Procedure, the Act on the Organization of the Judiciary, the Act on Administrative Courts, the Organic Act on the Council of State and the Organic Act on the Court of Cassation have all been reviewed. These reviews have led to amendments allowing the courts to be restructured in order to operate more efficiently and a number of cumbersome procedures to be simplified.

152. Specialized judicial units have also been set up (two units to combat economic and financial crime, in Ouaga and Bobo, and a counter-terrorism unit in Ouagadougou). Lastly, from 2016 to 31 December 2020, 51 training sessions were organized on a variety of topics for judicial officials, to familiarize them with the changes and strengthen their capacity to handle cases.

153. In 2016, the Government authorized the recruitment of 300 judges and 300 court clerks over three years, at a rate of 100 per year. Between 2018 and 2020, 300 court clerks and 178 judges were recruited.

154. Judges are selected and appointed by decision of the Higher Council of the Judiciary, in accordance with criteria set forth in the Organic Act on the Status of the Judiciary. Under article 37 of the Act, persons appointed to court administrator posts must:

- Be more than one year from retirement
- Have worked in a court or in the central administration of the Ministry of Justice for at least two years
- Have received a rating of 08/10 or higher in the previous two years
- Have never failed to draw up decisions or court records in the prescribed time limits

- Possess managerial skills

155. In addition, under article 6, “judges are irremovable. They may not be reassigned, even for promotion, without their consent, except in the event of disciplinary action. However, when the needs of the service so require, they may be moved by the appointing authority, subject to the assent and reasoned opinion of the Higher Council of the Judiciary. In such cases, the Council must receive a written, reasoned proposal. With the exception of judges in the high courts and the courts of appeal, no one may serve more than five years in the same position in the same court.”

156. The Higher Council of the Judiciary has exclusive responsibility for managing judges’ careers, their promotion and any disciplinary proceedings against them.

157. As to offences for which civilians can be tried in military courts, under article 38 of the Code of Military Justice: “Others likewise subject to the jurisdiction of the military courts include persons not legally or contractually bound to the armed forces, but who are officially registered as performing services; civilian personnel employed in military facilities and establishments, persons excluded from the armed forces who have not yet returned home and civilians who are accomplices or co-perpetrators in offences subject to military jurisdiction.” Civilians can be tried by military courts for offences classified as military offences (incitement to desertion, harbouring of deserters, treason, conspiracy, unauthorized use of uniforms, decorations or distinctive signs and emblems, desecration or contempt of the flag or the army, etc.).

158. In order to strengthen the guarantees of the right to a fair trial before the military courts, the Government has carried out a review of Act No. 24-94/ADP of 24 May 1994 on the Code of Military Justice, establishing the right of appeal. The composition and functioning of the military courts, and the applicable procedure, have also been improved. Military courts are now made up of five members: a president who is a military judge or a judicial officer, three military assessors and a professional judge who is a military judge or a judicial officer. Military judges receive the same professional training, at the same academies, as civilian judges. They therefore hold a master’s degree in law and a professional judge’s qualification. Defence before the military courts is provided by civilian lawyers who are members of the Bar or have been admitted to an internship, or by military officers or non-commissioned officers accredited by the Ministry of Defence (Act No. 044-2017/AN of 4 July 2017, amending the Act on the Code of Military Justice, art. 31). In addition, under article 50 of the Code of Military Justice, “the Code of Criminal Procedure is applicable to military courts”.

159. Thus, at the trial following the failed putsch of 2015, from 27 February 2018 to 2 September 2019, civilians who appeared before the military court benefited from these guarantees.

### Reply to the issued raised in paragraph 19

160. Burkina Faso has a database that is used to produce an annual national report on trafficking in persons. Publication of these statistics also provides the various actors with up-to-date, standardized and reliable information on the scale of violence against children. The tables below give statistics on trafficking in persons by year, sex, age, type of exploitation and victim’s nationality.

Table 1

#### Trafficking in persons by year, sex, type of exploitation and nationality

Year	Sex	Nationals		Foreigners	
		Labour exploitation	Sexual exploitation	Labour exploitation	Sexual exploitation
2016	F	408	33	33	55
	M	639	17	34	5
2017	F	595	19	28	49
	M	1 004	0	44	0

Year	Sex	Nationals		Foreigners	
		Labour exploitation	Sexual exploitation	Labour exploitation	Sexual exploitation
2018	F	129	58	38	70
	M	638	14	100	0
2019	F	722	91	147	39
	M	1 087	41	175	1
2020	F	588	102	11	32
	M	794	06	27	00
<b>Total</b>		<b>6 614</b>	<b>381</b>	<b>637</b>	<b>251</b>

Source: Directorate General for Research and Statistics/Ministry of Women's Affairs, National Solidarity, the Family and Humanitarian Action.

Table 2  
Trafficking by year, age, sex, type of exploitation

Year	Type of exploitation	Sex	Under 10	10–14	15–18	Older
2016	Labour exploitation	F				
		M	13	18	70	22
	Sexual exploitation	F				
		M	1	482	786	50
2017	Labour exploitation	F	49	179	362	25
		M	104	254	729	18
	Sexual exploitation	F	0	1	3	35
		M	0	0	0	0
2018	Labour exploitation	F	28	47	86	6
		M	80	252	352	54
	Sexual exploitation	F	0	11	99	17
		M	0	13	0	3
2019	Labour exploitation	F	95	359	332	83
		M	92	374	671	125
	Sexual exploitation	F	6	21	61	42
		M	1	8	33	0
2020	Labour exploitation	F	0	229	350	21
		M	10	227	565	18
	Sexual exploitation	F	0	17	80	37
		M	0	0	04	02
<b>Total</b>			<b>479</b>	<b>2 492</b>	<b>4 584</b>	<b>558</b>

Source: Directorate General for Research and Statistics/Ministry of Women's Affairs, National Solidarity, the Family and Humanitarian Action.

Table 3  
Suspected victims of trafficking by age group, sex and type of exploitation

Types	Sexual exploitation			Labour exploitation			Both		
	F	M	T	F	M	T	F	M	T
Age group									
0–7	6	1	7	95	92	187	101	93	194
7–14	21	8	29	359	374	733	380	382	762



Types	Sexual exploitation			Labour exploitation			Both		
	F	M	T	F	M	T	F	M	T
Age group									
14–18	61	33	94	332	671	1 003	393	704	1 097
18 and over	42	0	42	83	125	208	125	125	250
<b>Total</b>	<b>130</b>	<b>42</b>	<b>172</b>	<b>869</b>	<b>1 262</b>	<b>2 131</b>	<b>999</b>	<b>1 304</b>	<b>2 303</b>

Source: Directorate General for the Family and Children (2019 figures).

161. The Government has taken a number of measures to combat trafficking in persons, including the following:

- National strategy on child protection 2020–2024, adopted on 23 March 2020
- Sectoral policy on labour, employment and social protection, adopted on 18 April 2018
- National Strategy to Combat the Worst Forms of Child Labour 2019–2023 and an action plan 2019–2021, adopted on 7 May 2019
- 12,534 trafficking prevention activities in all regions, between 2016 and 2019, for example, counselling, talks, radio broadcasts, advocacy, training courses and public lectures

162. These activities reached 595,717 people, including 216,673 children (97,882 girls and 119,092 boys). In addition, awareness-raising activities reached 1,378,892 adults, including 846,829 women.

163. To ensure effective enforcement of the Act on Combating Trafficking in Persons and Related Practices, its provisions have been incorporated into the 2018 Criminal Code, which penalizes trafficking in persons and related practices in articles 511-1 to 511-17.

164. Thus, according to article 511-4 of the Criminal Code: “Anyone who commits any of the acts envisaged in articles 511-1 and 511-2 above is guilty of trafficking in persons and liable to a prison sentence of between 5 and 10 years and a fine of between CFAF 1 million and CFAF 5 million. Articles 511-5 and 511-6 specify aggravating circumstances incurring penalties ranging between 11 to 20 years’ imprisonment and life imprisonment.”

165. From 2016 to 2019, 292 suspected traffickers and 33 suspected trafficking networks were identified. In addition, 141 suspected traffickers were taken into custody and 39 were prosecuted.

### Reply to the issue raised in paragraph 20

166. The Government has launched an operation to rescue children, young people and mothers of twins in street situations. Between 2019 and 2020, the operation took 1,916 children and young people off the streets, of whom 117 were enrolled in school, 414 were placed in vocational education and training centres run by the Ministry of Women’s Affairs, and 189 were returned to their families. In addition, from 2018 to 2020, awareness-raising on children in street situations reached 11,423 people.

167. Other actions have also led to the removal of 612 child victims of abuse and violence from gold-panning sites and their return to their families.

168. Implementation of the National Strategy to Combat the Worst Forms of Child Labour in 2019 achieved the following results.

169. In terms of preventing the worst forms of child labour:

- Technical skills training sessions for 459 stakeholders, including 89 women, on the decree on the establishment of the list of dangerous occupations that are prohibited to children, and the incorporation of actions to combat the worst forms of child labour into regional development plans and municipal development plans

- Awareness-raising sessions (radio broadcasts, competitions, forum theatre, awareness-raising field trips, etc.) which reached around 180,000 people
- School kits for 2,539,708 pupils
- Support for the operation of 886 school canteens
- Scholarships for 25,414 needy children
- Start-up kits and working capital for 250 children leaving vocational training centres, to help with integration

170. In terms of protecting children from the worst forms of child labour, 437 workplaces with a high potential for the worst forms of child labour were inspected, and 36 field trips were made to gold-panning sites and Qur'anic schools. In addition, 18 juvenile judges were appointed and 13 child protection networks set up.

171. In terms of rehabilitation and reintegration of child victims of the worst forms of child labour, the following can be reported:

- Support for the enrolment or re-enrolment in school of 1,560 child victims of the worst forms of child labour, through the provision of school kits
- Support for the enrolment or re-enrolment of 723 child victims of the worst forms of child labour in training units
- 1,288 children returned to their families

172. As part of the development of the draft child protection code, two drafting workshops were organized, one from 21 to 26 October 2019 and the other from 10 to 21 August 2020. The workshops produced a preliminary draft of the code, whose provisions further strengthen the protection of children's rights.

173. The provisions of the Act on the Suppression of the Sale of Children, Child Prostitution and Child Pornography have been incorporated into the Criminal Code, which increases penalties by making them cumulative. Under article 533-34, for example, "the sale of a child is punishable by 5 to 10 years' imprisonment and a fine of CFAF 1.5 million to CFAF 3 million".

174. Article 533-36 states that "child prostitution is punishable by 5 to 10 years' imprisonment and a fine of CFAF 1.5 million to CFAF 3 million".

175. According to article 533-38, "child pornography is punishable by 5 to 10 years' imprisonment and a fine of CFAF 1.5 million to CFAF 3 million".

176. In the case referred to in the ninth bullet of article 533-37, the penalty is 11 to 15 years' imprisonment and a fine of CFAF 2.5 million to CFAF 5 million.

#### **Reply to the issue raised in paragraph 21**

177. The Act on the Status of Refugees in Burkina Faso applies to all asylum-seekers and refugees legally settled on national territory, without discrimination. Thus, according to article 10: "All refugees legally settled in Burkina Faso shall enjoy the same rights and shall be subject to the same obligations, without discrimination on grounds of race, ethnicity, religion or country of origin."

178. In the matter of refoulement and deportation, according to article 8 of the Act, no asylum-seeker may be turned back at the border or subject to any other measure that would force him or her to return to or remain in a territory where his or her life, physical integrity or freedom would be threatened for any of the reasons indicated in article 3 of the Act.

179. Thus, no measure to deport an asylum-seeker or escort him or her to the border may be enforced until the National Commission for Refugees has ruled on his or her situation, unless such measures are necessary for reasons of national security or public order or in enforcement of a decision rendered in accordance with the law. In all cases, measures to deport an asylum-seeker or escort him or her to the border may not have the effect of forcing him or her to return to or remain in a country where his or her freedom would be threatened

within the meaning of article 3 of the Act. The expulsion of a refugee may take place only pursuant to a decision reached in accordance with the procedure provided for by law.

180. In order to guarantee the principle of non-refoulement, the following actions have been taken:

- Training, from 27 to 30 December 2020 in Ziniaré, of 20 officials of the Permanent Secretariat and local offices of the National Commission for Refugees on the determination of refugee status and on international protection
- Four training sessions on refugee law at four training academies (Institute of Higher International Studies, Pabré Police Academy, Ouagadougou National Police Academy, Bobo-Dioulasso Gendarmerie Non-Commissioned Officer Academy) in November 2020
- Training for members of the Eligibility Committee and the Appeals Committee on refugee status determination in Koudougou from 17 to 21 February 2021

181. In addition, monitoring field trips were made to border crossings to raise awareness among security officers of the principle of non-refoulement and to work on setting up a national, cross-border coordination mechanism to reduce the effects of any stigmatization of refugees. The following visits were made:

- Mission to accompany the United Nations High Commissioner for Refugees to Séno on 2 and 3 February 2020
- Two awareness-raising and/or orientation missions on the protection of refugees and asylum-seekers for stakeholders in Boucle du Mouhoun Region
- Setting up of a toll-free number to manage asylum applications and protect refugees

182. In addition, 500 copies of the Guide to Refugees in Burkina Faso were produced and distributed, and 1,000 copies of the booklet on the Act on the Status of Refugees in Burkina Faso were produced and distributed in Ouagadougou.

183. Burkina Faso has up-to-date statistics, disaggregated by nationality, on the number of people seeking asylum. The tables below show the number of asylum applications filed and accepted.

### Asylum-seekers registered

2016

Country of origin	Women						Men						Grand total
	0-4	5-11	12-17	18-59	60+	Total	0-4	5-11	12-17	18-59	60+	Total	
Burundi	-	-	-	01	-	01	-	-	-	02	-	02	03
Cameroon						00				01		01	01
Niger						00				01		01	01
Nigeria						00				01		01	01
Central African Republic	05	01	-	22	01	29	04	01	04	25	-	34	63
Côte d'Ivoire				01		01				00		00	01
Democratic Republic of the Congo	-	-	-	02	-	02	01	-	-	02	-	03	05
Rwanda	-	02	-	02	-	04	-	-	-	01	-	01	05
Syria	-	-	-	01	-	01	-	-	-	-	01	01	02
Chad	-	-	-	02	-	02	-	-	-	02	-	02	04
Togo						00				01		01	01

Country of origin	Women						Men						Grand total
	0-4	5-11	12-17	18-59	60+	Total	0-4	5-11	12-17	18-59	60+	Total	
Türkiye						00						01	01
<b>Total</b>	<b>05</b>	<b>03</b>	<b>00</b>	<b>31</b>	<b>01</b>	<b>40</b>	<b>05</b>	<b>00</b>	<b>04</b>	<b>38</b>	<b>01</b>	<b>48</b>	<b>88</b>

2017

Country of origin	Women						Men						Grand Total
	0-4	5-11	12-17	18-59	60+	Total	0-4	5-11	12-17	18-59	60+	Total	
Burundi						00						01	01
Cameroon				01		01							01
Congo Brazzaville						00						01	01
Mali	-	-		00	-	00	-	-	-	01	-	01	01
Central African Republic	02	01	02	07	01	13	02		01	17	-	20	33
Côte d'Ivoire						00						01	01
Democratic Republic of the Congo	01	01	01	-	-	03	-	01	-	04	-	05	08
Syria	-	-	-	02	-	02	-	-	01	02		03	05
Chad	-	-	-		-	00	-	-	-	03	-	03	03
Türkiye	03	-	-	01	-	04	-	-	-	-	-	00	04
<b>Total</b>	<b>06</b>	<b>02</b>	<b>03</b>	<b>11</b>	<b>01</b>	<b>23</b>	<b>05</b>	<b>01</b>	<b>02</b>	<b>31</b>	<b>00</b>	<b>39</b>	<b>58</b>

2018

Country of origin	Women						Men						Grand total
	0-4	5-11	12-17	18-59	60+	Total	0-4	5-11	12-17	18-59	60+	Total	
Benin	00	00	01	04	00	05	00	00	00	02	00	02	07
Burundi	01	00	00	02	00	03	00	00	00	00	00	00	03
Cameroon	00	00	00	01	00	01	00	00	00	01	00	01	02
Congo Brazzaville	00	02	01	02	00	05	01	00	01	02	00	04	09
Côte d'Ivoire	00	00	00	00	00	00	00	00	00	02	00	02	02
Liberia	00	00	00	00	00	00	00	00	00	01	00	01	01
Nigeria	00	00	01	00	00	01	00	00	00	00	00	00	01
Central African Republic	00	01	04	13	01	19	00	02	02	31	00	35	54
Democratic Republic of the Congo	00	00	00	00	00	00	00	00	00	01	00	01	01
Rwanda	00	00	00	01	00	01	00	00	00	00	00	00	01
South Sudan	00	00	00	00	00	00	00	00	00	01	00	01	01
Syria	00	00	00	00	00	00	00	00	00	01	00	01	01
Chad	00	01	00	00	00	01	00	00	01	01	00	02	03
Togo	00	00	01	00	00	01	00	00	00	01	00	01	02
Türkiye	04	02	02	09	00	17	02	01	00	09	00	12	29
<b>Total</b>	<b>05</b>	<b>06</b>	<b>10</b>	<b>32</b>	<b>01</b>	<b>54</b>	<b>03</b>	<b>03</b>	<b>04</b>	<b>53</b>	<b>00</b>	<b>63</b>	<b>117</b>

## Successful asylum applications

2016

Country of origin	Women						Men						Grand Total
	0-4	5-11	12-17	18-59	60+	Total	0-4	5-11	12-17	18-59	60+	Total	
Burundi	01	01		03		05	01	03		03		07	12
Central African Republic		02	01	22		25	04		01	37		42	67
Democratic Republic of the Congo				02		02		02		03		05	07
Rwanda	01	01		02		04		01				01	05
Syria				01		01					01	01	02
<b>Total</b>	<b>02</b>	<b>04</b>	<b>01</b>	<b>30</b>		<b>37</b>	<b>05</b>	<b>06</b>	<b>01</b>	<b>43</b>	<b>01</b>	<b>56</b>	<b>93</b>

2017

Country of origin	Women						Men						Grand total
	0-4	5-11	12-17	18-59	60+	Total	0-4	5-11	12-17	18-59	60+	Total	
Central African Republic	04	02		20		26	01		03	21		25	51
Chad				02		02							02
Rwanda		02		01		03				02		02	05
Türkiye	03			01		04				01		01	05
Democratic Republic of the Congo	01	01	01			03		01		01		02	05
Congo Brazzaville										01		01	01
<b>Total</b>	<b>08</b>	<b>05</b>	<b>01</b>	<b>24</b>		<b>38</b>	<b>01</b>	<b>01</b>	<b>03</b>	<b>26</b>		<b>31</b>	<b>69</b>

2018

Country of origin	Women						Men						Grand total
	0-4	5-11	12-17	18-59	60+	Total	0-4	5-11	12-17	18-59	60+	Total	
Burundi				01		01						00	01
Cameroon				01		01						00	01
Congo Brazzaville		02		01		03	01		01			02	05
Central African Republic	00	00	01	13	01	15	00	00	01	17	00	18	33
Democratic Republic of the Congo						00				01		01	01
Rwanda				01		01						00	01
Syria						00				01		01	01
Chad		01	00	00		01			01	01		02	03
Türkiye	01	01	02	03		07				04		04	11
<b>Total</b>	<b>01</b>	<b>04</b>	<b>03</b>	<b>20</b>	<b>01</b>	<b>29</b>	<b>01</b>	<b>00</b>	<b>03</b>	<b>24</b>	<b>00</b>	<b>28</b>	<b>57</b>

**Malian refugees as at 30 August 2019**

<i>Country of origin</i>	<i>Women</i>						<i>Men</i>						<i>Grand Total</i>	
	<i>0-4</i>	<i>5-11</i>	<i>12-17</i>	<i>18-59</i>	<i>60+</i>	<i>Total</i>	<i>0-4</i>	<i>5-11</i>	<i>12-17</i>	<i>18-59</i>	<i>60+</i>	<i>Total</i>	<i>Total</i>	
Mali	2 012	3 483	2 164	5 640	383	13 682	2 072	3 392	2 255	3 860	458	12 037	25 719	

184. In 2020, 182 asylum-seekers were registered in Ouagadougou. In considering these applications, the National Commission for Refugees Eligibility Committee met to conduct an initial review of 45 asylum applications, 8 of which were accepted and the applicants granted refugee status.

185. The Appeals Committee met twice, on 3 March and 18 December 2020, reviewing five asylum applications and admitting two. In 2020, a total of 50 asylum applications were considered with refugee status granted in 10 cases.

**Malian refugees in Burkina Faso as at 31 January 2021**

<i>Country of origin</i>	<i>Women</i>						<i>Men</i>						<i>Grand Total</i>	
	<i>0-4</i>	<i>5-11</i>	<i>12-17</i>	<i>18-59</i>	<i>60+</i>	<i>Total</i>	<i>0-4</i>	<i>5-11</i>	<i>12-17</i>	<i>18-59</i>	<i>60+</i>	<i>Total</i>	<i>Total</i>	
Mali	852	2 671	1 283	4 724	340	10 577	850	2 569	2 032	3 434	361	9 246	19 823	

**Refugees and asylum-seekers of other nationalities in Burkina Faso as at 31 January 2021***Asylum-seekers*

<i>Age</i>	<i>By age group</i>		
	<i>Men</i>	<i>Women</i>	<i>(%)</i>
0-4	1	1	5.88%
5-11	1	2	8.82%
12-17		1	2.94%
18-59	21	7	82.35%
60+			00%
Subtotal	23	11	100%
(%)	67.65%	32.35%	Families
<b>Grand total</b>		<b>34</b>	<b>26</b>

<i>Country</i>	<i>By country of origin</i>		
	<i>Men</i>	<i>Women</i>	<i>Total</i>
Benin	-	-	-
Burundi	2	-	2
Central African Republic	16	9	25
Ethiopia	1	-	1
South Sudan	3	2	5
Chad	1	-	1

*Refugees*

<i>By age group</i>			
<i>Age</i>	<i>Men</i>	<i>Women</i>	<i>(%)</i>
0–4	4	10	3.33%
5–11	20	25	10.39%
12–17	23	24	10.85%
18–59	179	129	71.13%
60+	14	5	4.39%
Subtotal	240	193	100%
(%)	55.43%	44.57%	Families
<b>Grand total</b>		<b>433</b>	251

*Source:* National Commission for Refugees.

<i>By country of origin</i>			
<i>Country</i>	<i>Men</i>	<i>Women</i>	<i>Total</i>
Burundi	15	13	28
Central African Republic	102	90	192
Congo Brazzaville	16	10	26
Democratic Republic of the Congo	21	12	33
Rwanda	8	8	16
Chad	50	31	81
Togo	6	9	15
Other	22	20	42

186. In Burkina Faso, the status of stateless persons and the procedure for determining statelessness are governed by the Personal and Family Code. The Code, which is currently under review, devotes an entire section to the issue of statelessness.

187. The Government has taken a number of steps to ensure that births are registered and civil status certificates issued free of charge, including:

- The organization of campaigns for the mass issuance of civil status certificates (60,000 birth certificates issued in the fourth quarter of 2019 and 15,000 certificates issued to children aged from 0 to 6 years in Plateau-Central Region)
- The registration of 363,827 births at civil registry centres within the statutory period of two months in 2017, 345,599 in 2018 and 177,492 in 2019
- The supplying of civil registers and paperwork to communes, diplomatic missions and consulates free of charge, which, in principle, occurs once a year; in practice, however, such supplies are provided as needed
- The supervision of civil registry centres to ensure that registers are kept and used properly
- The rapid registration of civil status events via mobile phone through the “e-civil” application, which may be used to register the births of children in refugee camps
- The establishment and equipping of 500 new secondary civil registry centres, to bring the services concerned closer to citizens
- The organization from 2016 to 2019 of initiatives for the issuance of birth certificates free of charge, known as “One woman, one birth certificate” and benefiting 50,482 women

- The organization in 2019 and 2022 of initiatives for the issuance of birth certificates free of charge, benefiting 7,000 internally displaced persons

188. In addition, initiatives have been carried out to raise awareness of the importance of civil status documents. These include:

- The development of a communication plan for social mobilization around civil status events
- Capacity-building for 2,268 actors on the ground focusing on civil status management, from 2016 to 2019
- Seven large-scale birth certificate operations, carried out by the State, that have enabled birth certificates to be issued to 242,900 vulnerable people from 2017 to 2020
- Operations for the issuance of national identity cards, benefiting 17,574 women from 2016 to 2020
- The initiation in 2020, by the National Commission for Refugees, of a process to issue refugee identity cards to 2,254 people in Bobo-Dioulasso and Dori; 804 cards are waiting to be issued by the National Identification Office, of which 405 will be received by the National Commission for Refugees

189. According to statistics from the National Council for Emergency Assistance and Rehabilitation, as at 31 December 2021 the number of persons internally displaced by insecurity stood at 1,579,976. Of these, 22.34 per cent were women, 16 per cent were men and 61.66 per cent were children. The Government, with the support of its partners, has developed integrated care strategies for women and children in particular, given their vulnerability and specific needs. In 2019, these involved:

- The adoption of a humanitarian response plan for Burkina Faso, which was revised in 2020 and 2021
- Efforts to educate host populations about the protection of internally displaced women and children
- The setting up of child-friendly spaces at sites for internally displaced persons
- The provision of medical care for 953 people injured in terrorist attacks
- The provision of financial, nutritional and psychological support for 700 families of victims of terrorist attacks
- The supply of food aid comprising 9,774 tonnes of cereals, pulses and food products to 465,322 internally displaced persons
- The provision of cash transfers to 55,000 internally displaced households
- The provision of survival equipment and hygiene kits to 58,265 internally displaced households

190. As at June 2020, the actions taken had achieved the following results:

- 1,119,291 people had received food aid
- 105,965 internally displaced persons had received shelter assistance
- 197,582 internally displaced persons had been provided with survival equipment
- 465,779 people had benefited from nutritional assistance
- 677,928 people had been given access to medical care and health services
- 114,624 children had been placed in the care of the education sector, including 59,576 girls and 54,990 boys
- 343,918 people, including 101,972 women, had been given access to water, hygiene and sanitation



- 84,814 people, including 25,147 women, had received support in the protection sector (documentation, psychosocial support, awareness-raising on gender-based violence, etc.)
- 20,000 birth certificates had been issued to internally displaced persons
- CFAF 415 million had been invested to support the early recovery of internally displaced persons through subsidies for income-generating activities and the rehabilitation of community infrastructure using the “cash for work” approach for internally displaced persons and vulnerable host populations

191. Several projects were carried out between 2019 and 2021 to strengthen the resilience of people affected by terrorism:

- A project to support the protection and profiling of internally displaced persons and vulnerable host populations in Burkina Faso, at a total cost of CFAF 246,452,416
- A project on emergency humanitarian assistance for internally displaced persons, at a total cost of CFAF 261,456,845
- A project on micro-jobs for young people, at a total cost of CFAF 429,218,300
- A project to support the protection, registration and management of temporary reception sites for internally displaced persons in Burkina Faso, at a total cost of CFAF 1,088,271,725

#### **Reply to the issue raised in paragraph 22**

192. The review of article 312 of the Criminal Code, as amended by Act No. 044-2019/AN of 21 June 2019, is not currently envisaged, since this law is aimed at strengthening the ability of the defence and security forces to act by protecting them against certain publications that could demoralize them or undermine the effectiveness of their actions or operations, and at protecting the dignity and honour of victims of certain serious or minor offences and their families.

193. The freedom of expression and opinion is recognized and protected by article 8 of the Constitution, which states that “freedom of opinion and of the press and the right to information shall be guaranteed. Every individual shall have the right to express and disseminate his or her opinions within the laws and regulations in force.” This constitutional norm is implemented through several laws:

- Act No. 51-2015/CNT of 30 August 2015 on the Right of Access to Public Information and Administrative Documents
- Act No. 085-2015/CNT amending the Act on the Rules Governing the Print Media in Burkina Faso
- Act No. 086-2015/CNT amending the Act on the Rules Governing the Digital Media in Burkina Faso
- Act No. 087-2015/CNT amending the Act on the Rules Governing Radio and Television Broadcasting in Burkina Faso
- Act No. 080-2015/CNT of 4 September 2015 on the Regulation of Advertising in Burkina Faso

194. In addition, one of the major innovations introduced by the adoption of the laws governing the print media, radio and television broadcasting and digital media is the abolition of custodial sentences for press offences.

195. Seminars and training sessions have been organized since 2014 for those responsible for enforcing the laws on freedom of expression, public access to information and journalistic safety. These training courses are aimed at strengthening and enhancing the technical skills of those persons in establishing professional relations with journalists and guaranteeing their safety, with a view to better dissemination of information.

196. With regard to the measures taken to guarantee the effective implementation of Act No. 039-2017/AN of 27 June 2017 on the Protection of Human Rights Defenders in Burkina

Faso, five sessions to promote ownership of the law, involving a total of 120 persons, were organized in five localities (Léo, Nouna, Po, Diébougou and Yako). Likewise, in 2021, workshops to popularize and disseminate the law were organized in three regions (Est, Sahel and Nord). These workshops reached 512 persons, mainly young people.

### **Reply to the issue raised in paragraph 23**

197. Burkina Faso has a legal framework that fosters the exercise of the rights to freedom of peaceful assembly and freedom of association. Article 21 of the Constitution states that: “Freedom of association is guaranteed. Everyone has the right to establish associations and to participate freely in the activities of those associations. Associations must operate in accordance with the laws and regulations in force.” Likewise, article 7 of the Constitution guarantees freedom of peaceful assembly and freedom to demonstrate, subject to respect for the law, public order and public morals. The right to organize is also guaranteed (art. 21). Act No. 064-2015/CNT of 20 October 2015 on Freedom of Association in Burkina Faso was adopted in line with these constitutional provisions. Article 4 of the Act stipulates that associations may be formed freely, without prior administrative authorization.

198. There are several other texts governing this matter:

- Act No. 022-97/II/AN of 21 October 1997 on Freedom of Assembly and Freedom to Demonstrate on the Public Highway
- Act No. 028-2008/AN of 13 May 2008 on the Labour Code, article 116 of which recognizes workers’ freedom to exercise their right to organize and their freedom of opinion

199. When a demonstration is illegal, the Government, as the guarantor of public order and public security, has the right to enforce the law by requesting the intervention of the defence and security forces to prevent the demonstration.

200. Likewise, the Government is empowered to set limits for certain events, to avoid abuses and violations of public order. To this end, it may have to requisition security forces to prevent proceedings from getting out of hand. No demonstration that is conducted in strict compliance with the Act on Freedom of Assembly and Freedom to Demonstrate on the Public Highway may be prevented under any circumstances.

201. Allegations that security forces sometimes impede peaceful assemblies are referred to State structures, and investigations are launched to shed light on the matter.

202. With regard to Act No. 26-2008 of 8 May 2008 on the Punishment of Acts of Vandalism Committed during Street Protests, the articles at issue were repealed pursuant to the new Criminal Code. At any event, the only restrictions on peaceful assemblies are those relating to public order and public morals.

203. As at 31 December 2021, the number of officially registered associations was 11,000.

204. Under article 3 of the Act on Freedom of Association, an association is “any group of domestic or foreign natural or legal persons that on a regular, non-profit-making basis pursue common objectives, in particular in the cultural, sporting, social, spiritual, religious, scientific, professional or socioeconomic fields”.

205. Article 4 of the Act states, in its first paragraph, that associations may be formed freely, without prior administrative authorization. Their validity is governed by general legal principles applicable to contracts and obligations. There are thus no special conditions for official recognition of human rights associations compared with other associations. These associations are established freely and remain subject to the same formalities as any other association under the Act.

206. The Act on the Protection of Human Rights Defenders in Burkina Faso sets out the rules for the protection of such persons and determines their responsibilities.

207. There are rare cases of associations whose registration has been refused. All associations that apply for official recognition are registered, except for those whose objective and/or cause is not in conformity with article 16 of Act No. 064-2015/CNT, which provides that associations founded to pursue an illicit or indecent cause or objective are not

valid, nor are those whose aim is to engage in practices contrary to human dignity or that promote, inter alia, hatred, intolerance, xenophobia, ethnicism or racism. The same provisions apply in the case of profit-making associations. Also, in the event that a name is unavailable, that is, if an association illegally uses the name of another association, the ministry responsible for civil liberties has the right not to issue a receipt for the association's application for official recognition.

#### **Reply to the issue raised in paragraph 24**

208. On 30 July 2018, the National Assembly passed Act No. 035-2018/AN amending Act No. 014-2001/AN of 3 July 2001 on the Electoral Code. This revision of the law resulted, among other innovations, in the lifting of the ineligibility, in presidential, legislative and municipal elections, imposed during the transition on all persons who had supported unconstitutional changes that undermined the principle of the democratic changeover of political power, in particular the principle of the limitation of the number of presidential terms in office, and led to an insurrection or any form of uprising (arts. 135, 166 and 242).

209. Nationals of Burkina Faso living abroad have been able to vote since 2018. To give effect to the right to vote of Burkina Faso nationals living abroad, the revised electoral law of 2018 allows the branches of the Independent National Electoral Commission to organize elections within the embassies and consulates general of Burkina Faso. Burkina Faso nationals living abroad were thus able to take part in the 2020 presidential elections.

210. Under article 166 of Act No. 035-2018/AN amending the Act on the Electoral Code, the following persons are ineligible:

- Individuals who have been convicted if their conviction permanently precludes them from being registered to vote
- Individuals whose conviction temporarily precludes them from being registered to vote for a period double that during which they may be included on the electoral roll
- Individuals deprived by a judicial decision of their right to stand for election under the laws in force
- Individuals for whom a judicial guardian has been appointed

211. Prisoners not disqualified from voting took part in the 2020 elections.

#### **Reply to the issue raised in paragraph 25**

212. Burkina Faso has no minority groups within its population. The Fulani (Peulh) and Tuareg communities do not constitute minorities in Burkina Faso. The Criminal Code contains provisions that punish all forms of discrimination, in particular the stigmatization to which certain ethnic groups might be subjected. Article 322-4 of the Code provides that any public speech or writing that excuses or seeks to excuse discrimination, hatred, intolerance or violence of any kind against a person or group of people on any grounds whatsoever is punishable by imprisonment of between 6 months and 3 years and a fine of between CFAF 300,000 and CFAF 3 million. On the basis of this provision, the Ouagadougou court of major jurisdiction on 30 October 2019 sentenced a student to 24 months' imprisonment and a fine of CFAF 300,000 for having made hateful comments against the Fulani community on social networks on 25 March 2019. Another student was prosecuted for similar acts and sentenced to 18 months' imprisonment and a fine of CFAF 500,000 on 22 June 2020.

213. To promote intercommunal dialogue, the National Observatory for the Prevention and Management of Community Conflicts has organized training and awareness-raising activities. Thus, from 2019 to 2020, 116 members of regional observatories and 43 community leaders were trained on topics related to the prevention and management of intercommunal conflict. In the same vein, 1,000 intercommunal conflict prevention and management guides have been produced and distributed.

214. Human rights violations committed in the context of intercommunal conflicts are systematically investigated, prosecuted and, where appropriate, punished.

215. The fight against terrorism is not systematically directed against a particular community. The mission of the defence and security forces is to protect people and property and defend territorial integrity. They conduct their operations in a professional manner that respects human rights. The Government would like to make it clear that military counter-terrorism operations carried out by the defence and security forces do not target unarmed groups or the Fulani community. They are aimed solely at armed terrorist groups.

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