



## COI QUERY

<b>Country of Origin/Topic</b>	<b>Burkina Faso</b>
<b>Question(s)</b>	<ol style="list-style-type: none"><li>1) Information about documented cases of discrimination/persecution in Bitou (south-eastern Burkina Faso) against parents/guardians of a minor belonging to Bissa ethnic group of Muslim religion, who have manifestly opposed against the will of their community and the rest of the family to subject the minor to Female Genital Mutilation (FGM) practice</li><li>2) Information about documented cases of death penalty or execution, torture or inhuman or degrading treatment or punishment in Bitou inflicted to parents/guardians of a minor belonging to Bissa ethnic group and of Muslim religion, who have manifestly opposed against the will of their community and the rest of the family to subject the minor to FGM practice</li></ol>
<b>Date of completion</b>	21 February 2019
<b>Query Code</b>	Q5
<b>Contributing EU+ COI units (if applicable)</b>	

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## COI QUERY RESPONSE

**1) Information about documented cases of discrimination/persecution in Bitou (south-eastern Burkina Faso) against parents/guardians of a minor belonging to Bissa ethnic group of Muslim religion, who have manifestly opposed against the will of their community and the rest of the family to subject the minor to Female Genital Mutilation (FGM) practice**

Within the time constraints of this Query no information could be found on documented cases of discrimination/persecution specifically in Bitou against parents/guardians of a minor belonging to Bissa ethnic group and of Muslim religion, who have manifestly opposed against the will of their community and the rest of the family to subject the minor to FGM practice.

However, below follows some general information regarding repercussions against individuals and families who refuse to perform FGM in Burkina Faso.

According to UNICEF, FGM 'is performed in line with tradition and social norms to ensure that girls are socially accepted and marriageable, and to uphold their status and honour and that of the entire family'.<sup>1</sup>

During a workshop held by EASO in 2016, Idah Nabaterregga from the organisation Terres des Femmes provided general insights into the practice of FGM in Burkina Faso, including social attitudes towards both the practice itself and towards the so-called 'abandonment': the decision not to perform FGM, therefore challenging the tradition.

FGM is seen as part of social acceptance and it gives a sense of community. It is seen as an initiation ritual from childhood to adulthood, and that is why it is practiced within the age of 4 to 14 years so that a child can become a full adult.<sup>2</sup>

Nabaterregga explained that, as part of the campaign to raise awareness against FGM, their local implementing partner NGO organised so-called 'abandonment ceremonies', where communities openly declare to abandon the practice. However, she observed that there is some resistance and that even though ceremonies are held, they do not necessarily lead to the abandonment of the practice.

She further added:

'People will say, 'We have abandoned' openly, but then the activities will go on underground. So it's not a guarantee, but it's one measure.'<sup>3</sup>

[...] No families stand alone and say, 'I'm not circumcising because it's dangerous'. If the others are not with you, you can't do it alone, you can't decide it. There is stigmatisation associated

<sup>1</sup> UNICEF, Burkina Faso Country Profile, January 2019, [url](#), p. 1

<sup>2</sup> Nabaterregga, I., EASO, Workshop on Female Genital Mutilation/Cutting & Country of Origin Information, 25-26 October 2016, Malta, [url](#), p. 51

<sup>3</sup> Nabaterregga, I., EASO, Workshop on Female Genital Mutilation/Cutting & Country of Origin Information, 25-26 October 2016, Malta, [url](#), p. 52



with it, ostracism, all kinds of that name that have been called and so on. There is no family that dares to abandon it on an individual basis. Only underground.'

Nabateregga also explained that the decision not to perform FGM is never expressed openly by an individual only, rather various actors are involved.

The decision-makers, according to Nabateregga are the parents and the extended family, which includes the co-wives. It is possible that the husband may not be in favor of FGM, but 'the pressure from the co-wives will force that person to undergo FGM willingly'. Also, the husband, or the mother-in-law may be the decision-makers for the performance of FGM, requiring that the bride undergoes FGM.

However, the situation appears to be changing. According to Nabateregga, 'Younger generations are more often spared and gradually they are not being cut. FGM is no longer a taboo and is openly talked about. An increasing number of people supporting abandonment and we have religious leaders, traditional leaders and circumcisers onboard which was very hard in the past to bring onboard to fight against FGM.'<sup>4</sup>

The parents/guardians of minors who oppose to FGM are stigmatised. Not only the individual is stigmatised, but so is the entire family, raising issues of morality, i.e. if they raised their daughter the right way.

Nabateregga stated:

'Families completely, completely, lose their belongingness to their community. They're completely isolated from these communities. They can't attend market meetings, they can't go to markets to buy anything.[..] So if they have not undergone through FGM, if their daughter has not undergone FGM, the mother will not dare come into this market.'<sup>5</sup>

Not having undergone FGM affects all aspects of a family's and a girl's daily life. Children have issues going to the boreholes to fetch water and even drop off school because, since they have not undergone FGM, they feel isolated from their peers<sup>6</sup>

Relocation is not a possibility, either within the region or in another geographical area. According to Nabateregga:

'In countries where the laws are not effective enough, there is no possibility of relocation, be it in urban areas, be it in your geographical location. You can forget it; you cannot relocate the families. If their countries have a high in prevalence like we've seen, relocation does not matter in this case, because women have to be circumcised everywhere. At the end of it all, you belong to your community; women and girls belong to their communities. They have families, and if they want to be accepted, they have to follow their cultures. And there is the risk of being isolated for the rest of their life'.<sup>7</sup>

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<sup>4</sup> Nabateregga, I., EASO, Workshop on Female Genital Mutilation/Cutting & Country of Origin Information, 25-26 October 2016, Malta, [url](#), p. 54

<sup>5</sup> Nabateregga, I., EASO, Workshop on Female Genital Mutilation/Cutting & Country of Origin Information, 25-26 October 2016, Malta, [url](#), p. 55

<sup>6</sup> Nabateregga, I., EASO, Workshop on Female Genital Mutilation/Cutting & Country of Origin Information, 25-26 October 2016, Malta, [url](#), p. 55

<sup>7</sup> Nabateregga, I., EASO, Workshop on Female Genital Mutilation/Cutting & Country of Origin Information, 25-26 October 2016, Malta, [url](#), p. 55



## Legal framework

Burkina Faso has a legal framework against female genital mutilation (FGM) since 1996. Law No. 043/96/ADP prohibits and punishes the practice of FGM.<sup>8</sup> This constitutes the principal legislation<sup>9</sup> governing FGM in Burkina Faso.<sup>10</sup> In addition, the country has signed international and regional treaties and is partner of UNFPA and UNICEF Joint Programme to eradicate FGM by 2015.<sup>11</sup> In the national budget there is a part for FGM-funding activities.<sup>12</sup> Since 2013 a review of the Penal Code has been taking place.<sup>13</sup> A draft Constitution was submitted to the President<sup>14</sup>, which includes ‘protection for women and girls from violence’.<sup>15</sup> There are in addition other laws that focus on the protection of women and children, including Article 13 of Law No. 049–2005 on Reproductive Health<sup>16</sup> which protects them against violence or medical malpractice and Article 510 of the Family Code (1989)<sup>17</sup> which sets out parental responsibility to protect the child and ensure ‘the child's safety, health, full development and morality’.<sup>18</sup>

## Current situation and trends of FGM in Burkina Faso

In Burkina Faso there has been a decline in FGM, from 89% in 1980 to 53% in 2010.<sup>19</sup> In 2015, 67.6% of Burkina women aged between 15 and 49 said they had undergone FGM.<sup>20</sup> According to Nabaterregga, the prevalence of FGM in Burkina Faso is 76% and it varies from one ethnic group to the other, as of 2016. By region, it ranges from 54% in the Central West to 89% in the Central East. By residence, the rural population is more affected than the urban population. Given the religious variation, the Muslims are also higher affected than any other religions, however, prevalence is still high with all religions.<sup>21</sup>

The regional pattern of FGM prevalence broadly corresponds with the distribution of ethnic groups: the highest-practicing groups include the Séonufo (87.2%) and Lobi (83.2%) in the south-west, the

<sup>8</sup> Burkina Faso: Code Pénal, 13 December 1996, available at: [url](#)

<sup>9</sup> Articles 380, 381 and 382 go into detail of the definition of FGM, penalties and prison sentence that the law imposes. It is worth mentioning that penalties are also imposed, according to the law, to those who knew of the criminal behavior concerning FGM and did not report it to the authorities. Source: US DoS, Burkina Faso: Report on Female Genital Mutilation (FGM) or Female Genital Cutting (FGC). 1 June 2001. [url](#).

<sup>10</sup> 28toomany, Burkina Faso: The Law and FGM, September 2018, [url](#), p. 3

<sup>11</sup> A list of international and regional treaties, along with a list of relevant national laws are mentioned by the 28toomany 2015 report. For more information, see: 28toomany, Country Profile: FGM in Burkina Faso, December 2015, [url](#), pp. 45-46

<sup>12</sup> Nabaterregga, I., EASO, Workshop on Female Genital Mutilation/Cutting & Country of Origin Information, 25-26 October 2016, Malta, [url](#), p. 52

<sup>13</sup> Post (The), Burkina : Le nouveau Code pénal adopté, 1 June 2018, [url](#); lefaso.net. Projet de loi portant code pénal: Le Burkina Faso abolit la peine de mort, 31 May 2018 [url](#)

<sup>14</sup> A referendum will be held for the people of Burkina Faso on the new Constitution on 24 March 2019. For more information, see: Constitutionnet, Burkina Faso will hold vote on new constitution in March, 28 August 2018, [url](#)

<sup>15</sup> AI, Amnesty International Report 2017/2018, The state of the world's human rights, 22 February 2018, [url](#), p. 105

<sup>16</sup> Burkina Faso, Law on Reproductive Health, 2005, [url](#)

<sup>17</sup> Burkina Faso, Family Code, 1989, [url](#)

<sup>18</sup> 28toomany, Burkina Faso: The Law and FGM, September 2018, [url](#), p. 3

<sup>19</sup> UNICEF, Female Genital Mutilation/Cutting: A global concern, Brochure, February 2016, [url](#)

<sup>20</sup> AI, Burkina Faso: Urgent need to protect girls from FGM and forced marriage, 10 October 2018, [url](#)

<sup>21</sup> Nabaterregga, I., EASO, Workshop on Female Genital Mutilation/Cutting & Country of Origin Information, 25-26 October 2016, Malta, [url](#), p. 51



Fulani (83.9%) towards the north-east, the Mossi (78.4%) across the central band and the Bissa (83.1%) mainly in CentreEast.<sup>22</sup>

Although FGM is prohibited in Burkina Faso, the practice continues taking place.<sup>23</sup> According to the organisation 28toomany, 'evidence in both the media and from NGOs working on the ground suggests that girls are being cut younger (as infants and babies) and that they are being taken across borders to countries where there are no laws in place or where enforcement is less stringent.' Also, the countries surrounding Burkina Faso either have not criminalised FGM (Mali), or have laws that are not enforced as effectively as Burkina Faso. As a result, many Burkinabé families that want to have their daughters undergo FGM cross the border to another country to have this done.<sup>24</sup>

One of the most recent incidents of FGM, reported on 19 September 2018, was the hospitalisation of approximately 50 girls, some around the age of four, after they underwent FGM. In relation to that incident, the Burkina Faso Police arrested at least 28 individuals, after an anonymous tip, which constituted the largest crackdown to date.<sup>25</sup>

According to UNICEF, increasingly people have come to understand the negative effects of FGM, resulting in a rapid drop in the prevalence rate. In 2005 only 25% of girls in Burkina Faso underwent FGM, compared to 66.35% in 1996—a 40% decrease in less than a decade. According to the Girl Generation organisation, the prevalence rate dropped from 89% in 1980, to 76% in 2016.<sup>26</sup>

Furthermore, the percentage of girls aged 15 to 19 years who have undergone FGM is lower than the percentage of women aged 45 to 49 years who have undergone FGM, 58% and 89% respectively.<sup>27</sup>

An article published in 2018 by UNFPA reported on the case of a woman who refused for her daughter to be subjected to FGM, becoming an advocate against FGM.<sup>28</sup>

### General information on the Bissa

The Bissa are a large ethnic group centered in Burkina Faso. Their homeland is Burkina Faso's southeast region, with some settlements in northern Togo and Ghana.<sup>29</sup> They are principally located in the province of Boulgou; however, Bissa are also located in certain villages in Zoundweogo, Koulpelogo, and Kouritenga.<sup>30</sup> While details of their history are unclear, they may have entered their present location as early as the 14th century.<sup>31</sup> They follow a mix of traditional religion, Islam and, to a lesser extent, Christianity.<sup>32</sup> According to the DHS Program 2010 Burkina Faso Report<sup>33</sup>, the FGM prevalence in the Bissa is one of the highest at 83.1 %.<sup>34</sup> The Bissa live by subsistence farming, raising

<sup>22</sup> 28toomany, Burkina Faso, Key Findings, 2017, [url](#), p.2

<sup>23</sup> AI, Burkina Faso: Urgent need to protect girls from FGM and forced marriage, 10 October 2018, [url](#)

<sup>24</sup> 28toomany, Country Profile: FGM in Burkina Faso, December 2015, [url](#), p. 3

<sup>25</sup> Reuters, Burkina Faso arrests dozens for FGM in biggest crackdown yet, 19 September 2018, [url](#); Guardian, (The), Burkina Faso botched FGM leaves 50 girls in hospital, 18 September 2018, [url](#)

<sup>26</sup> Girl Generation (The), Working to End FGM in Burkina Faso, 13 September 2016, [url](#)

<sup>27</sup> UNICEF, Female Genital Mutilation/Cutting: A statistical overview and exploration of the dynamics of change, 2013, [url](#)

<sup>28</sup> UNFPA, 'I refused'. Brave women and girls take a stand against FGM, 6 February 2018, [url](#)

<sup>29</sup> Joshua Project, Bissa in Burkina Faso, nd., [url](#)

<sup>30</sup> Berthelette, J. Survey Report on the Bissa Language, SIL International, 2001, [url](#), p. 3

<sup>31</sup> Joshua Project, Bissa in Burkina Faso, nd., [url](#)

<sup>32</sup> Clifton, C. People profile summary. Unpublished manuscript, 1998, [url](#), p.6

<sup>33</sup> DHS Program 2010 Burkina Faso Report constitutes the latest DHS Report for Burkina Faso currently available. DHS Program (the), Final Report Burkina Faso, 2010, [url](#)

<sup>34</sup> DHS Program (the), Final Report Burkina Faso, 2010, [url](#), p. 291



millet, maize, rice and peanuts. They sell cotton and some vegetables for cash.<sup>35</sup> Within the time constraints of this Query no information could be found specifically on the Bissa the Bitou region.

**2) Information about documented cases of death penalty or execution, torture or inhuman or degrading treatment or punishment in Bitou inflicted to parents/guardians of a minor belonging to Bissa ethnic group and of Muslim religion, who have manifestly opposed against the will of their community and the rest of the family to subject the minor to FGM practice**

In 2018, death penalty has been abolished in Burkina Faso, through the adoption of a new penal code by the country's parliament. The last known execution in the country took place in 1988.<sup>36</sup> Burkina Faso ratified in 1999 the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, however it has signed the Optional Protocol of the Convention against Torture.<sup>37</sup>

Within the time constraints of this Query no information could be found on documented cases of death penalty or execution, torture or inhuman or degrading treatment or punishment in Bitou, or anywhere else in the country, inflicted to parents/guardians of a minor belonging to Bissa ethnic group and of Muslim religion, who have manifestly opposed against the will of their community and the rest of the family to subject the minor to FGM practice.

The following information regarding the response by state and non-state actors to the practice of FGM could be of use.

**Main actors involved in combatting FGM**

There are a number of state and non-state actors involved in combatting FGM in Burkina Faso. The National Committee to Fight the Practice of Excision (CNLPE), equipped with a Permanent Secretariat, has the mandate to oversee all actions against FGM, including work to implement the law and national plans of action<sup>38</sup> and overall improve operational efficiency.<sup>39</sup>

Since 1992 three National Action Plans to eliminate FGM have been developed and implemented; in 2016, the parliament adopted the Government's four-year National Strategic Plan (2016–2020), which incorporated ending FGM. The CNLPE oversees its implementation and the coordination of all relevant parties.<sup>40</sup>

The Ministry of Women, National Solidarity and Family is another main government authority responsible for implementing policy to end FGM in Burkina Faso.<sup>41</sup>

<sup>35</sup> Joshua Project, Bissa in Burkina Faso, n.d., [url](#)

<sup>36</sup> Amnesty International, Burkina Faso: Abolition of death penalty a hard-won victory, 1 June 2018, [url](#)

<sup>37</sup> OHCHR, Burkina Faso, n.d., [url](#)

<sup>38</sup> 28toomany, Burkina Faso: The Law and FGM, September 2018, [url](#), p.6

<sup>39</sup> UNFPA – UNICEF, Joint Programme on FGM/C: Accelerating change. Burkina Faso has a strong law against FGM/C, but winning hearts and minds remains crucial, 2009, [url](#)

<sup>40</sup> UNFPA – UNICEF, 17 Ways to end FGM/C: Lessons from the Field, 2017, [url](#), p.39

<sup>41</sup> 28toomany, Burkina Faso: The Law and FGM, September 2018, [url](#), p.6



The Anti-FGM/C Task Force, a cross-governmental body, has members from all the government ministries, from civil society organizations, faith-based organizations, traditional leaders, health professionals, and ambassadors.<sup>42</sup>

Since 1990, the government established a free national helpline, called Green Phone, for people to report cases of FGM.<sup>43</sup>

International agencies, including the UNFPA-UNICEF Joint Programme on FGM, and NGOs are working to end FGM using a variety of strategies including community-dialogue, addressing the health risks of FGM, raising FGM awareness in schools and working with the media.<sup>44</sup>

Radio stations, television, newspapers, theatre groups and leaflets are used to raise awareness about the law and disseminate information about it and the dangers of the practice. This is done in local languages, making the information more accessible to communities within rural areas. Information on FGM is also included within both primary and secondary school curricula.<sup>45</sup>

According to Günther Lanier of UNICEF's Child Protection programme 'The real problem in Burkina is that many cases of FGM/C are never known. Once the authorities become aware of a case, the system works fairly well'.<sup>46</sup> It is also stated that the FGM arrests that occur are usually the result of anonymous tips.

According to the UNFPA-UNICEF report, Burkina Faso generally implements its anti-FGM laws.<sup>47</sup> In 2017, 86 arrests were made in the enforcement of FGM, which all went to court and which resulted in 43 convictions.<sup>48</sup>

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<sup>42</sup> Girl Generation (The), Burkina Faso, Burkina Faso was the first African country to introduce a national law against FGM, in 1996, nd., [url](#)

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<sup>44</sup> Girl Generation (The), Working to End FGM in Burkina Faso, 13 September 2016, [url](#); Nabaterregga, I., EASO, Workshop on Female Genital Mutilation/Cutting & Country of Origin Information, 25-26 October 2016, Malta, [url](#), pp. 51-52; UNFPA – UNICEF, Joint Programme on FGM/C: Accelerating change. Burkina Faso has a strong law against FGM/C, but winning hearts and minds remains crucial, 2009, [url](#)

<sup>45</sup> Girl Generation (The), Working to End FGM in Burkina Faso, 13 September 2016, [url](#)

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<sup>47</sup> UNFPA – UNICEF, Joint Programme on Female Genital Mutilation: Accelerating change. Performance Analysis for Phase 2, August 2018, [url](#), p. 23 Figure 3

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