



**International Convention on  
the Elimination of All Forms  
of Racial Discrimination**

Distr.: General  
30 December 2024  
English  
Original: French  
English, French and Spanish only

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**Committee on the Elimination of Racial Discrimination**

**Combined twentieth to twenty-fourth periodic  
reports submitted by Burkina Faso under article 9  
of the Convention, due in 2017\***

[Date received: 9 May 2024]

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



## Introduction

1. Burkina Faso ratified the Convention on 18 July 1974 without reservations. The present report, submitted in accordance with article 9 of the Convention, combines five periodic reports covering the period 2014–2021. It describes the measures taken by the country to give effect to its obligations under the Convention.
2. Since the submission of the previous report in August 2013, the implementation of the Convention has taken place in a difficult sociopolitical context marked, among other things, by the popular uprising of 30 and 31 October 2014, the failed coup d'état of 16 September 2015 and the various terrorist attacks that have undermined the country's stability since 2015 and tested the promotion and protection of human rights.
3. 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 public and private stakeholders. It was then approved by the Interministerial Committee on Human Rights and International Humanitarian Law, before being adopted by the Council of Ministers at its meeting on 21 June 2023.
4. The present report was prepared in accordance with the reporting guidelines adopted by the Committee at its seventy-first session ([CERD/C/2007/1](#)). It is divided into two main parts. The first part deals with the development of the normative and institutional framework and the implementation of the recommendations made following the presentation of the previous report. The second part highlights the legislative, administrative, judicial and other measures taken by Burkina Faso to give effect to the various provisions of the Convention.

## Part one

### Development of the normative and institutional framework and status of implementation of recommendations

#### I. Development of the normative and institutional framework

##### A. Development of the normative framework

5. Since the presentation of the previous report in 2013, Burkina Faso has adopted important legislative instruments on the protection and promotion of human rights, some of which contribute to the prevention and punishment of racial discrimination. These include:
  - Act No. 043/AN of 31 December 2021 amending Act No. 014-2001/AN of 3 July 2001 on the Electoral Code
  - Act No. 004-2021/AN of 6 April 2021 on Social Security Provision for Employed Persons and Persons Treated as Such
  - Act No. 003-2021/AN of 1 April 2021 on Social Security Provision for Public Servants
  - 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. 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. 034/AN of 25 August 2020 amending Act No. 035-2018/AN 30 July 2018 on the Electoral Code
- Act No. 040-2019/AN of 29 May 2019 on the Code of Criminal Procedure
- Act No. 023-2019/AN of 14 May 2019 on States of Siege and States of Emergency in Burkina Faso
- 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. 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
- 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. 024-2016/AN of 17 October 2016 on the Protection and Promotion of the Rights of Older Persons
- Act No. 001-2016/AN of 24 March 2016 on the National Human Rights Commission
- Act No. 103-2015/CNT of 22 December 2015 on Private Residential Leases
- Act No. 84-2015/CNT of 17 December 2015 amending Act No. 060-2009/AN of 17 December 2009 on the Suppression of Terrorism
- Act No. 057-2015/CNT of 4 September 2015 on the Rules Governing the Print Media in Burkina Faso, and the amendments thereto
- Act No. 081-2015/CNT of 24 November 2015 on the General Civil Service Regulations
- Act No. 064-2015/CNT of 20 October 2015 on Freedom of Association
- 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
- Act No. 060-2015/CNT of 5 September 2015 on the Universal Health Insurance System
- Act No. 059-2015/CNT of 4 September 2015 on the Rules Governing Radio and Television Broadcasting in Burkina Faso, and the amendments thereto
- Act No. 058-2015/CNT of 4 September 2015 on the Rules Governing the Digital Media in Burkina Faso, and the amendments thereto
- Act No. 051-2015/CNT of 30 August 2015 on the Right of Access to Public Information and Administrative Documents
- Act No. 005/AN of 7 April 2015 amending Act No. 014-2001/AN of 3 July 2001 on the Electoral Code

- Organic Act No. 003-2015/CNT of 23 January 2015 regulating the powers, composition, organization and functioning of the Commission for National Reconciliation and Reform
  - Act No. 011-2014/AN of 17 April 2014 on the Suppression of the Sale of Children, Child Prostitution and Child Pornography
6. In addition, the following international and regional instruments have been ratified:
- African Charter on the Values and Principles of Decentralization, Local Governance and Local Development, on 19 August 2019
  - Protocol of the Court of Justice of the African Union, adopted in Maputo on 11 July 2003, on 19 December 2016
  - Convention on the Reduction of Statelessness, on 18 July 2017
  - Protocol of the Court of Justice of the African Union, on 19 December 2016
  - African Union Convention on Cross-Border Cooperation, on 24 June 2016

## **B. Development of the institutional framework**

7. As part of its drive to strengthen the institutional framework for the promotion and protection of human rights, during the reporting period the Government set up public institutions and structures whose missions contribute to the fight against all forms of discrimination. These include:

- The National Human Rights Commission, established by Act No. 001-2016/AN of 24 March 2016, as amended by Act No. 002-2021/AN of 30 March 2021
- 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 High Council for Reconciliation and National Unity, established by Act No. 074-2015/CNT of 6 November 2015
- The National Solidarity Observatory and its permanent secretariat, established on 1 October 2015, which monitors the implementation of solidarity projects and programmes founded on respect for human rights
- The National Observatory on Religious Affairs, established by Decree No. 2015-984/PRES-TRANS/PM/MATDS/MEF of 17 August 2015, as amended by Decree No. 2020-0770/PRES/PM/MATDC/MINEFID
- The legal aid fund, established on 11 June 2013 and operationalized in 2016 with the adoption of Decree No. 2016-185/PRES/PM/MJDHPC/MINEFID of 11 April 2016 on the organization of legal aid in Burkina Faso
- The High Council for Social Dialogue, established by Decree No. 2017-0261/PRES/PM/MINEFID/MFPTPS of 5 May 2017, which contributes to the prevention and settlement of national social conflicts related to work
- Specialized judicial units at the Ouaga II and Bobo-Dioulasso courts of major jurisdiction, which now have jurisdiction to hear cases involving highly complex economic and financial offences and organized crime, under the conditions specified by law
- The specialized judicial unit at the Ouaga II court of major jurisdiction, which, as a result of the unit's establishment, 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 Central Unit for Combating Cybercrime established by Decree No. 2020-0096/PRES/PM/MSECU/MJ/MINEFID of 14 February 2020, which is

tasked with investigating offences that target computers or computer data and offences committed through or with the aid of information and communications technologies

- The Commission on Information Technology and Freedoms, established by Act No. 001-2021/AN of 30 March 2021 on the Protection of Persons with regard to the Processing of Personal Data

## II. Status of implementation of recommendations

8. As part of its efforts to implement the recommendations made following the presentation of the previous report, the Government shared the outcome of that exercise with public and private stakeholders, at both the central and local levels. The workshops organized for that purpose allowed it to disseminate widely not only the national report but also, most importantly, the Committee's concluding observations and to gather relevant proposals for implementing the recommendations.

9. In addition, action plans were adopted for 2014–2017 and 2019–2022 to ensure the effective implementation of the Committee's recommendations and those made by other treaty bodies and under the universal periodic review. These action plans have facilitated the coordination of the implementation efforts and the establishment of a basis for evaluating the measures taken.

10. Under these action plans, administrative, legislative and political measures have been taken to give effect to the Committee's recommendations.

11. The status of implementation of these recommendations is as follows.

*Include in national legislation a definition of racial discrimination that is in line with article 1 of the Convention.*

12. Article 322-2 of the Criminal Code defines an act of racial discrimination as any distinction, exclusion, restriction or preference based on race, ethnicity, colour, sex, language, religion, political or other opinion, national or social origin, wealth 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.

*Amend current legislation, and the Criminal Code in particular, to include provisions that give full effect to all the elements set out in article 4 of the Convention.*

13. Under article 13 of the Constitution of Burkina Faso, political parties and groupings may be created freely. They may carry out their activities freely while respecting the law. All political parties and groupings have equal rights and duties. No political parties or groupings may be formed on a tribalist, regionalist, denominational or racist basis. Likewise, under article 4 of Act No. 032-2001/AN of 29 November 2023 on the Political Parties and Groupings Charter, political parties and groupings must, in their programmes and activities, reject intolerance, regionalism, ethnocentrism, fanaticism, racism, xenophobia and incitement to or use of violence in all its forms. No political party or grouping may be founded or carry out activities on the basis of principles and/or objectives involving sectarianism or nepotism; exclusive membership of a particular faith or language group or affiliation with a particular region; or membership of the same sex or ethnicity or enjoyment of a particular professional status.

14. The Criminal Code of 2018 establishes penalties for any act of discrimination or infringement of freedom of conscience or freedom of worship that is likely to set people against each other. Article 332-4 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 for between 6 months and 3 years and a fine of between 300,000 and 3 million CFA francs (CFAF). 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. Article 332-5 of the Criminal Code provides that

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.

15. In addition, article 93 (2) of Act No. 086-2015/CNT of 17 December 2015 amending Act No. 058-2015/CNT of 4 September 2015 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 an act of defamation against a group of people on the basis of their ethnicity, race or religion.

16. Act No. 087-2015/CNT of 17 December 2015 amending Act No. 059-2015/CNT of 4 September 2015 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 1 million and CFAF 5 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.

17. Act No. 085-2015/CNT of 17 December 2015 amending Act No. 057-2015/CNT of 4 September 2015 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.

18. It should also be noted that national legislation prohibits organizations from condoning hatred. Thus, article 16 of Act No. 064-2015/CNT of 4 September 2015 on 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.

*Take specific measures to combat and eradicate all caste practices, including through the effective implementation of the current legislation on racial discrimination.*

19. In Burkina Faso, the principles of equality and non-discrimination are enshrined in the Constitution and in a number of legislative texts. Thus, the Constitution, in article 1 (3), provides that discrimination of any kind is prohibited, particularly that based on race, ethnicity, region, colour, sex, language, religion, caste, political opinion, wealth or birth. Article 2 provides that slavery, slavery-like practices, inhuman, cruel, degrading or humiliating treatment, physical or mental torture, child abuse and child cruelty and all forms of human degradation are prohibited and punishable by law. In addition, article 513-1 of the Criminal Code defines cultural violence as any harmful or degrading practice against women and girls that is justified on the basis of customs, traditions or religion. Article 513-2 of the Code establishes penalties of 6 months' to 5 years' imprisonment and a fine of CFAF 500,000 to CFAF 1 million for such violence.

20. To ensure the effective application of the above provisions, awareness-raising and information sessions are regularly organized by the Ministry for Human Rights, for the benefit of those involved in the criminal justice system. Such initiatives are aimed at the effective implementation of the Convention.

*Consider adopting special legislation on discrimination based on descent.*

21. The laws of Burkina Faso prohibit discrimination based on descent, particularly with regard to marriage and inheritance. Article 234 of the Persons and Family Code states that marriage results from the free and conscious wish of a man and a woman to take each other as spouses. The following are therefore prohibited:

- Forced marriages, particularly those imposed by families and those resulting from customary rules that oblige the surviving spouse to marry one of the deceased spouse's relatives
- Impediments or objections to marriage on the basis of race, caste, colour or religion

*Strengthen and continue with public awareness and education campaigns, particularly among the ethnic and other groups concerned and among traditional and religious leaders, on the harmful effects of the caste system and the situation of victims.*

22. The National Culture and Tourism Strategy, adopted in 2018, recognizes the important contribution of traditional and religious authorities to establishing and maintaining social cohesion and keeping the peace. These authorities play a major role in promoting values and eliminating cultural and social pressures. As part of the Strategy's implementation, and with a view to effectively combating the caste system, technical – and sometimes financial – support is given to artists whose work is intended to denounce caste practices and encourage changes in behaviour.

23. In addition, the Government has organized several awareness-raising sessions on the culture of tolerance and peace for the public at large. One example is the commemoration of the 2014 International Day for Tolerance, under the theme “Cultural diversity, a factor in promoting tolerance in Burkina Faso”. This day, which was marked in the Sahel Region, enabled the Government to emphasize the richness of cultural diversity and raise awareness of the need to respect different cultural expressions. In 2015, the day was commemorated in the Centre-Ouest Region, in 2016 in the Est Region, in 2017 in the Nord Region, in 2018 in the Centre-Sud Region, in 2019 in Banfora, in 2020 in Kaya and in 2021 in Dédougou. The events provide an opportunity for the Government to employ a variety of themes to raise widespread awareness of the dangers of intolerance and, above all, of the need to cultivate the values of tolerance and peace. In conjunction with the commemoration of the International Day for Tolerance, the Government, through the decentralized structures responsible for promoting human rights and public-spiritedness, organizes various awareness-raising activities for the benefit of people throughout the country, with the aim of fostering a genuine culture of mutual respect between populations and, thereby, enhancing respect for cultural identities. In total, these commemorative events reached more than 183,000 people directly between 2014 and 2020. In addition, in 2015 and 2016, public awareness and education campaigns were carried out in the Centre, Centre-Sud, Centre-Ouest, Plateau-Central and Nord Regions on the harmful effects of the caste system and the situation of victims. These campaigns involved traditional chiefs and opinion leaders, as well as the general public.

24. All these activities were carried out within the framework of the National Strategy to Promote a Culture of Tolerance and Peace. This Strategy is a reference document adopted by the Government in 2008 and reviewed in 2015. The aim of the Strategy is to highlight cultural values and correct harmful cultural practices.

*Include the caste issue in the appropriate programmes, policies and strategies adopted by Burkina Faso. Provide the Committee with detailed additional information on the impact of the measures taken to abolish this system.*

25. In Burkina Faso, several policies and strategies take into account the issue of combating the caste system. For example, the National Policy on Human Rights, adopted in March 2013 and reviewed in 2018, places the fight against all forms of discrimination at the heart of efforts to promote and protect human rights. It thus includes actions to combat racial discrimination.

26. In addition, the National Gender Policy, adopted in 2009, is aimed at building, by 2019, a society that is free of all forms of gender inequality and inequity and provides all its citizens with the essential security they need for their social, cultural, political and economic development. The Policy, which has been operationalized through three-year rolling action plans implemented by all national development stakeholders, is helping to combat inequalities, particularly those resulting from the caste system.

27. Upon the Policy's expiry, a National Gender Strategy for 2020–2024 was adopted, in 2020, along with an operational action plan for 2020–2022. The overall aim of the Strategy is to promote gender equality and the empowerment of women and girls in Burkina Faso through the implementation of concrete actions at all levels (central, local, community), by the various actors in the priority national development sectors and areas.

*Take urgent measures to put a stop to harmful customary practices that impede women's full enjoyment of their rights in certain ethnic groups. Give this issue priority in the National Policy on Human Rights and the Promotion of Civic Responsibility, the National Strategy for the Acceleration of Girls' Education for 2012–2021 and the National Gender Policy for 2009–2019.*

28. The normative framework for the prevention of harmful practices against women was strengthened with the adoption 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. Article 4 of this law protects all female persons without discrimination of any kind based on race, colour, language, religion, political opinion, national origin, marital or social status. In addition, the Criminal Code prohibits cultural violence against women. It defines cultural violence in article 513-1 (see para. 17 above).

29. Besides the adoption of this law, the Government has undertaken a number of initiatives to combat harmful customary practices against women. They include, in particular:

- The establishment of a joint programme to combat violence against women and girls (2014–2015) as part of efforts to eliminate stereotypes and discriminatory practices against women
- The implementation of the 2012–2016 National Action Plan to Combat Social Exclusion
- The adoption and implementation of a road map for the rescue and reintegration of persons excluded from society for alleged witchcraft
- The adoption of the National Strategy for the Prevention and Elimination of Child Marriage
- The celebration of International Women's Day 2017, under the theme "Moral worth of the human person: responsibilities of communities in combating the social exclusion of women"
- The adoption of the 2016–2020 action plan to promote the abandonment of the practice of excision
- The production of advertising spots on the abandonment of the practice of excision
- The opening, in 2015, of an integrated care centre for victims of gender-based violence
- The introduction of the toll-free number 80 00 12 87 in March 2021, through which the integrated care centre has received 555 reports of gender-based violence – 473 from women and 82 from men – since 2 August 2021

30. Between 2016 and 2020, the permanent secretariat of the National Council to Combat the Practice of Excision recorded 96 cases of excision, 211 persons tried and 206 convicted, including 13 practitioners of excision. Penalties range from prison sentences of 2 to 24 months to suspended sentences of 6 to 36 months, while fines are between CFAF 150,000 and CFAF 900,000. According to the 2019 Statistical Yearbook of the Ministry of Security, 214 alleged perpetrators of female genital mutilation were arrested by the security services from 2015 to 2019.

31. The commitment of Burkina Faso to women's rights is recognized internationally. Indeed, under its leadership within the Group of African States, in both the General Assembly and the Human Rights Council, resolutions on intensifying efforts to eliminate female genital mutilation have been adopted since 2012.

32. As part of the implementation of the National Policy on Human Rights and the Promotion of Civic Responsibility, a number of actions are being taken to combat the social exclusion of women for alleged witchcraft. A road map for the rescue and reintegration of persons excluded from society for alleged witchcraft has been adopted to coordinate the actions of the various stakeholders. Rescue and reintegration initiatives allowed more than 598 persons to be returned to their families over the period 2013–2020, thanks to the combined efforts of social workers, who carried out home visits for mediation, and other

relevant actors, including private and faith-based structures and the Ministry for Human Rights.

33. To give effect to the National Strategy for the Acceleration of Girls' Education adopted in 2012, an action plan was drawn up. The implementation of this plan has enabled measures to be taken against the worst forms of violence suffered by girls in education, notably forced and/or early marriage, early and/or unwanted pregnancies, sexual harassment, rape, bullying and verbal abuse, physical assaults, social exclusion and child trafficking, with a view to keeping girls in school. These measures include:

- Raising awareness among parents, teachers and students of the concept of gender and of school violence, particularly against girls
- Distributing school supply kits to girls
- Subsidizing girls' school fees
- Building community homes for girls and providing support to private accommodation facilities for girls in some provinces

34. All these measures have helped to improve indicators with respect to girls' education at the primary level. Thus, the admission rate for girls increased from 94.8 per cent in 2013/14 to 102.7 per cent in 2017/18. Similarly, the gross enrolment rate for girls rose from 64.2 per cent in 2013/14 to 87.5 per cent in 2019/20. The number of girls enrolled went up from 1,256,370 in 2013/14 to 1,599,131 in 2019/20. There has been clear progress with respect to the retention rate for girls, with the primary school completion rate rising from 59.7 per cent to 64.9 per cent in 2019/20. In addition, implementation of the National Strategy for the Acceleration of Girls' Education has helped to improve the gender parity index at the post-primary level, which was 1.18 in favour of girls in 2020.

35. In addition, objective 1.1 of axis 1 of the National Gender Strategy (promoting equity of access to basic social services and social protection) provides for the strengthening of equality and equity in access to education, school retention and educational success for girls and boys at all levels of education.

*Intensify campaigns to raise awareness among the general public, and among traditional and religious leaders in particular, and make women aware of their rights by disseminating the relevant legislation.*

36. Regarding public awareness campaigns, since 2013 the State has organized, in collaboration with its partners, several awareness-raising sessions on the harmful effects of gender discrimination, gender inequality and gender-based violence. These include:

- Training for 500 traditional and religious leaders on gender and human rights
- Dialogue sessions with traditional leaders on the sociocultural foundations of gender equality
- The organization in 2015 of a mobile outreach programme on violence against women for people in the Centre, Centre-Ouest, Sahel, Boucle du Mouhoun, Plateau-Central and Hauts-Bassins Regions
- A 2016 meeting with community networks on violence against women and girls
- The organization of a workshop in Yako, in the Nord Region, on the role of the family in combating social exclusion arising from suspicion of witchcraft
- The organization from 2014 to 2018 of educational talks for traditional chiefs and groups on abandoning the social exclusion of women for alleged witchcraft, in the Centre-Sud, Centre-Nord, Plateau-Central and Nord Regions, in local languages
- The organization in 2016 of six regional workshops to promote ownership of a road map for the rescue and reintegration of women excluded from society for alleged witchcraft, in Ziniaré, Kaya, Ouahigouya, Manga, Koudougou and Dédougou

- The organization in 2016 of 10 training sessions on the harmful effects of early and forced marriage, for 309 customary, religious and women's leaders in the Boucle du Mouhoun, Est and Sahel Regions
- The organization, in 2016, of an advocacy event calling for the abandonment of early marriage, targeting 200 traditional leaders from the Sahel Region, in Dori, in conjunction with the launch of the African Union campaign against child marriage
- The organization in Yako, in the Nord Region, in February 2017 of an advocacy event for customary chiefs on their contributions to and role in the fight against the social exclusion of people suspected of witchcraft
- The dissemination of Act No. 061-2015/CNT of 6 September 2015, and awareness-raising in 2017 on the legal aid fund for 176 women and girls in the 13 regions
- From 2016 to 2018, public commitments by 1,089 villages to abandon the practices of excision and child marriage in their communities, following interventions promoting the abandonment of female genital mutilation
- Awareness-raising about child abuse for 319,533 persons, including 199,908 women, from 2016 to 2020, and the removal from the streets of 4,153 children and young people in street situations, including 228 girls
- From 2016 to 2020, training and exchange meetings on gender-based violence, guidelines for the care of gender-based violence survivors and application of the law on female genital mutilation and child marriage, in Ouagadougou, Kaya, Ouahigouya, Tenkodog and Bobo Dioulasso, targeting 165 actors in the criminal justice system and members of gender affairs units
- In 2017 and 2018, educational talks on the subject of violence, in six provinces, for 550 women and girls
- The implementation of the 2016–2021 operational action plan of the National Strategy for the Prevention and Elimination of Child Marriage, which has led to a number of achievements, including the sensitization to the issue of child marriage of 395,171 persons, the provision of care for 5,830 girls and 192 boys who were victims of child marriage, the establishment of monitoring units in 740 villages that had undertaken to abandon the practices of excision and child marriage and the retention in the school system of 7,190 girls who were victims or at risk of child marriage
- The identification and retention in the school system in 2018 of 6,830 girls at risk of child marriage
- Awareness-raising for 4,126 women and men about human rights and violence against women and girls, in 2018
- The organization in 2019 of a public conference for women on the prevention of violence in humanitarian crisis situations and care of women and girl victims of such violence, on the occasion of the 16 days of activism
- The training in 2019 of 20 female officers from the national police and the national gendarmerie on the subject of gender-based sexual violence
- The organization of an awareness-raising session for 100 women on gender-based violence, in the context of the coronavirus disease (COVID-19) pandemic, followed by legal assistance, on 22 and 23 June 2020, in Zongo
- The organization of an awareness-raising session for 400 women on violence against women, followed by legal assistance, in Orodara, Houndé, Ziniaré and Ouagadougou, in September and October 2020

*Expedite the inclusion in the Criminal Code of a provision to protect women accused of witchcraft.*

37. The exclusion of women accused of witchcraft has been established as an offence in the new Criminal Code of 31 May 2018, which provides for an appropriate penalty.

Article 513-6 provides that anyone who casts out, sends away, rejects or ill-treats a woman or girl accused of witchcraft is liable to 1 to 5 years' imprisonment and a fine of CFAF 600,000 to CFAF 1,500,000.

38. Furthermore, with a view to strengthening the protection of older persons, Burkina Faso has adopted Act No. 024-2016/AN of 17 October 2016 on the Protection and Promotion of the Rights of Older Persons. Articles 43–46 provide for penalties of imprisonment and/or fines for anyone found guilty of the following acts: abandonment and social exclusion of older persons; and abandonment or abuse of any kind, specifically including ill-treatment following accusations of witchcraft.

*Take measures to ensure that child refugees are registered free of charge and issued with birth certificates. Improve refugees' access to registry offices and continue to conduct awareness campaigns for parents in camps, to inform them of their right to register their children.*

39. Births in Burkina Faso are registered upon declaration of the birth to the civil registry official. This is done regardless of legal status. As a general policy, registration is free of charge for all children born in Burkina Faso. These principles are also applied, without distinction, when refugee children are registered. With a view to encouraging the registration of refugee children, awareness-raising tours and mobile court sessions have been held regularly since the massive influx of Malian refugees to Burkina Faso in 2012.

40. As part of the establishment of a countrywide system of local government and the operationalization of the National Population Register Strategy, secondary civil registry centres have been established and civil registry officials have been appointed and given delegated authority. In the same vein, secondary civil registry centres have been set up in the Mentao and Goudébou refugee camps.

41. In addition, in the various refugee camps, parents have been made aware of the importance of declaring civil status events, in particular births, and of their children's right to be registered. They are informed about reporting procedures.

*Ensure, as a matter of urgency, that the appeal body established under the Refugees Act becomes operational so that pending asylum applications can be considered.*

42. The Appeals Committee has been operational since 2013, following the appointment of its five members. The members have benefited from several training sessions on refugee status determination and refugee rights. The Committee held its first session on 29 March 2016. The second session was held on 29 December 2016. The table below shows the results of its sessions.

Table 1  
**Results of refugee Appeals Committee sessions**

Date	Number of cases scheduled	Number of cases considered	Results		
			Admitted	Not admitted	Comments
29 March 2016	4	4	2	2	None
29 December 2016	3	2	1	1	The third case was closed owing to the applicant's failure to appear
<b>Overall total</b>				<b>7</b>	

Source: National Commission for Refugees database.

*Facilitate refugees' access to the labour market with the implementation of the 2008 Refugees Act and raise employers' awareness of this issue.*

43. The Government has taken a number of measures to improve refugees' access to the labour market. The National Commission for Refugees regularly issues letters of

recommendation, at the request of refugees, to enable them to apply for job vacancies. Similarly, the National Agency for Employment has been invited to present job opportunities for refugees in Burkina Faso at meetings with refugees organized by the National Commission to discuss their concerns and the measures required to facilitate their integration into society and employment.

44. In addition, advocacy actions are carried out on an ad hoc basis with private employers to encourage them to include in their job advertisements criteria allowing refugees with the requisite skills to take tests and be interviewed. Such actions will continue. Many employers are unfamiliar with the law on refugees in Burkina Faso, which explains why they are sometimes reluctant to employ them.

*Take new measures or strengthen existing ones to protect garibou children from neighbouring countries or from certain ethnic groups from exploitation, abuse and trafficking.*

45. Faced with the situation of homeless children in street situations, several initiatives have been taken to improve their living conditions, regardless of their nationality.

46. The plight of children and young people in street situations is worsening. Major activities have thus been carried out to improve their living conditions, whatever their nationality. These include:

- An operation to remove children and women from the streets, with the removal and reintegration of 1,404 children and young people in street situations from 2019 to December 2020, at a cost of CFAF 500 million
- The provision of 166.5 tons of food support for Qur'anic teachers
- The signing of agreements between the Ministry of Women's Affairs, National Solidarity, the Family and Humanitarian Action and Qur'anic teachers on the protection and care at Qur'anic homes of children and young people in street situations
- The institutionalization of removal activities in all regions (by 2021, 1,400 women and children in street situations had been removed)
- The provision of installation kits for 90 children and young people in street situations, at a cost of CFAF 6.5 million

47. Also, in 2018 a toll-free number (116) was established by the telephone operator Orange for calls to the children's helpline.

48. In addition, the legal framework for the care of children at risk has been strengthened with the adoption of Act No. 015-2014/AN of 13 May 2014 on the Protection of Children in Conflict with the Law or at Risk and of Act No. 011-2014/AN of 17 April 2014 on the Suppression of the Sale of Children, Child Prostitution and Child Pornography.

49. In September 2015, the Government adopted the Emergency Programme for the Removal of Children in Street Situations, the aim of which is to remove and provide psychosocial care for 1,000 children in street situations in Ouagadougou and Bobo-Dioulasso. As part of the implementation of the Programme, an operation launched in August 2018 made it possible to remove children and women from the streets. Between 2016 and 2020, 4,153 children and young people were removed from the streets, including 228 girls.

50. In 2019, this operation also enabled the job placement of 565 children and young people in street situations, for CFAF 8,980,000; support for the schooling of 415 children and young people, for CFAF 2,850,000; and financial support amounting to CFAF 10,333,000 for the realization of income-generating activities for 150 children and young people removed from the streets and/or for their families.

51. From 2016 to 2020, 319,533 persons, including 199,908 women, were made aware of the problem of child abuse, and 5,849 children in difficulty, including 1,241 girls, were trained in various trades. Information on the worst forms of child labour was provided to 745,460 persons, including 39,269 women and girls.

52. In addition, a national forum for children was organized on 29 and 30 December 2016 under the theme “*Talibé* children: roles and responsibilities for better protection and promotion of children’s rights in Burkina Faso”. The aim was to take stock of the situation with respect to child begging in Burkina Faso, to review the implementation of previous recommendations on the phenomenon of *talibé* children, to consider the difficulties encountered in promoting their rights and to make proposals and recommendations for guidelines for eradicating begging by children and for improving the promotion of their rights. In addition, following consultations held in 2018 with 300 Qur’anic teachers, partnership agreements were signed with 282 of them to enable them to meet the needs of the 2,502 *talibé* children entrusted to their care.

*Strictly enforce the legislation relating to begging and Act No. 029-2008/AN of 15 May 2008 on Combating Human Trafficking and Related Practices and prosecute and punish the marabouts responsible.*

53. As part of the fight against child begging, the Government has taken a number of measures, including the opening of the Ouagadougou emergency reception centre in 2013 and the implementation by social services since that date of the project to strengthen social protection in Burkina Faso. Thanks to this project, a social and economic integration programme for children and young people in street situations has been running since the end of 2013. This programme has made it possible to undertake a variety of actions in the field of family reunification and schooling or training/apprenticeship placements for street children, with support for families in difficulty, the aim being to facilitate the reintegration of the children into their families.

54. The project has also made it possible to:

- Establish 15 outreach teams in 2014
- Hold three training sessions for 104 persons involved in the care of children in street situations in 2014
- Hold 18 training sessions in microenterprise management for 1,000 persons, to help them set up in trades and to establish income-generating activities, in 2014 and 2015
- Hold 8 training sessions for 340 master craftspeople responsible for the vocational training of children in street situations
- Hold 450 awareness-raising sessions, including 200 educational talks, 22 theatre forums, 92 radio broadcasts and 136 films followed by debates, reaching more than 25,000 persons
- In 2019, place 565 children and young people in street situations in jobs, for CFAF 8,980,000; provide support for the schooling of 415 such children and young people, for CFAF 2,850,000; and provide financial support amounting to CFAF 10,333,000 for the realization of income-generating activities for 150 children and youths removed from the street and/or for their families

55. Regarding the prosecution of traffickers, from 2017 to 2018 proceedings were initiated against 150 persons: 11 who were charged, 78 who were investigated and 61 who were convicted. A national survey on child labour is currently under way.

56. With a view to combating trafficking in persons, the Government has adopted several reference documents, including the sectoral policy on labour, employment and social protection adopted on 18 April 2018 and the National Strategy to Combat the Worst Forms of Child Labour 2019–2023 and the accompanying action plan 2019–2021.

57. In addition, as part of the implementation of the recommendations made under the second cycle of the universal periodic review, in 2017 the Government, in partnership with the United Nations Children’s Fund (UNICEF), organized five sessions to familiarize 150 actors from the criminal justice system and civil society with legal texts on the protection of children against economic and sexual exploitation.

58. With regard to the suppression of child trafficking, the table below provides statistical data on child victims of this phenomenon from 2013 to 2020.

Table 2  
**Number of children trafficked from 2013 to 2020**

<i>Indicators/Year</i>	<i>Number of child victims of domestic trafficking</i>	<i>Number of child victims of international trafficking</i>	<i>Number of judicial proceedings</i>	<i>Number of convictions</i>
2013	949	197	22	18
2014	211	69	-	-
2015	916	183	32	10
2016	871	-	43	-
2017	872	326	61	-
2018	667	392	28	-
2019	1 265	-	-	-
2020	1 522	-	-	-
<b>Total</b>	<b>7 273</b>	<b>1 167</b>	<b>186</b>	<b>28</b>

*Source:* Ministry of Women's Affairs, National Solidarity, the Family and Humanitarian Action.

*Step up its efforts to raise awareness among parents and the people in charge of Qur'anic schools.*

59. In 2013, the Government carried out a listing of Qur'anic households nationwide. As a result, 7,502 Qur'anic homes were identified, with a total of 139,435 children. Following this operation, the Ministry of Education and Literacy organized an awareness-raising meeting in 2014 for representatives of the Qur'anic teachers, officials from central and local structures, technical and financial partners and senior ministry officials.

60. The following measures were taken in 2020 and 2021:

- Training for 359 Qur'anic teachers on: begging, Islam and children's rights; protection of children in situations of mobility, including children and young people in street situations; social cohesion and the fight against violent extremism and parental education
- Organization of a workshop to assess the implementation of agreements signed with Qur'anic teachers
- Organization of two advocacy meetings with member associations of the Federation of Islamic Associations of Burkina on the protection of children in Qur'anic homes
- Awareness-raising among 297 Qur'anic teachers about violence and other forms of child abuse, in the communes of Ouaga, Bobo and Dori

61. In addition, as part of the social and economic integration programme for children and young people in street situations in Burkina Faso, over 2,000 such children and youths have benefited from various forms of support. This support ranges from primary and post-primary schooling to income-generating activities, vocational training placements and return to the family.

*Take the necessary measures to avoid the marginalization of certain ethnic groups or certain regions and to ensure that they are included when implementing development programmes and policies, particularly those related to basic public services.*

62. The decentralization process in Burkina Faso, which was extended throughout the country with the establishment of the nationwide system of local government in 2006, is aimed at integrating stakeholders without distinction and promoting equitable and coherent development with respect to the provision of basic services. Every citizen and every ethnic group can make a democratic contribution to the free administration of the local government. The reference documents for the third phase of decentralization, in particular the Decentralization Vision for 2040, set out the country's ambitions in this area: "Efficient local

governments, delivering high-quality, accessible local public services, act as a driving force for inclusive and sustainable local development and mobilize local democracy grounded in local sociocultural traditions.”

63. This vision is elaborated on in the national development plan, which emphasizes local economic development and coherence on the one hand and accessibility to local public services on the other.

64. Moreover, article 14 of the Constitution states that “the natural wealth and resources belong to the people. They are to be used to improve living conditions, in line with the principles of sustainable development.”

65. The first National Economic and Social Development Plan 2016–2020 took on board the main targets of the Sustainable Development Goals by better integrating economic growth and transformation, reduction of inequalities and social inclusion, environmental sustainability and effective and inclusive governance.

66. The Plan was implemented through various programmes, including: the Sahel Emergency Programme and the Local Economy Development Support Programme, adopted in 2017.

67. The Sahel Emergency Programme is a response to the security challenges that are jeopardizing the implementation of the National Economic and Social Development Programme 2016–2020. Its overall aim is thus to help improve the security of people and goods and economic and social development in its area of intervention, which covers the Sahel, Nord, Centre-Nord, Est, Centre-Est and Boucle du Mouhoun Regions. It focuses on meeting the needs of women and young people. The overall physical implementation rate for 2017–2021 stands at 62.4 per cent, as 1,379 actions were implemented out of 2,210 that were planned, and a total of nearly CFAF 331,245,957,000 was invested in the implementation of the Programme in 2017–2020, out of a forecast budget of CFAF 704,653,392,510, representing a financial implementation rate of 47 per cent.

68. The Local Economy Development Support Programme is a tool for the implementation of the National Economic and Social Development Plan. Its priority is to reduce poverty and interregional and intraregional disparities through the emergence of competitive local economies. The Programme is implemented through four components. The overall results for 2017–2021, by component, are as follows:

- Development of promising economic sectors and transformation of informal production units, with a cumulative technical implementation rate of 54 per cent
- Development of modern energy services and basic socioeconomic infrastructure, with a cumulative technical implementation rate of 71.68 per cent
- Social protection and inclusion of vulnerable households in the circular flow of income, with a rate of 59.04 per cent
- Promotion of financial and social inclusion of the population, with a rate of 50.58 per cent

69. The second National Economic and Social Development Plan was adopted on 30 July 2021 for the period 2021–2025, following on from the 2016–2020 Plan. An innovation in this Plan involves the incorporation of an environmental charter as an integral part of the plan. Taking into account the context of security and health crises and the risk of erosion of social cohesion facing Burkina Faso, the Plan’s overall objective is to restore security and peace, strengthen the nation’s resilience and structurally transform the country’s economy, for strong, inclusive and sustainable growth. With a view to preventing marginalization, themes 1 and 3 of the plan are, respectively: “Consolidating resilience, security, social cohesion and peace” and “Consolidating the development of human capital and national solidarity”.

70. Furthermore, since 2008, Independence Day has been celebrated in Burkina Faso on a rotating basis in the regions, with the aim of involving grass-roots populations more closely in the commemorative activities and promoting integrated development, with the construction of socioeconomic infrastructure in the host regions.

71. In the field of education, article 3 of Act No. 2007-AN of 13 July 2007 on Education Policy enshrines the right to education, stating that everyone living in Burkina Faso has the right to education, without discrimination of any kind, including on the grounds of sex, social origin, race, religion, political opinion, nationality or state of health. This right is exercised on the basis of equity and equality of opportunity for all citizens. The Act also introduced compulsory schooling for all children between the ages of 6 and 16 and made public basic education free.

72. To strengthen inclusion in the mainstream education system, a national strategy for the development of inclusive education from 2018 to 2022 has been implemented. The aim of this strategy is to offer the same opportunities for access and success to all children. It takes into account all learners and focuses on students who have traditionally been denied the right of access to education, such as learners with special needs, persons with disabilities, girls and students from ethnic and linguistic minorities.

73. In order to guarantee the right to education for children affected by the security situation, the Government adopted the National Strategy for Education in Emergency Situations 2020–2024, along with a three-year action plan for 2019–2021. It provides a frame of reference for reopening schools, taking care of internally displaced pupils and teachers, building school infrastructure and rehabilitating infrastructure damaged by terrorist activities or natural phenomena. A technical secretariat for education in emergency situations has been set up within the Ministry of Education to oversee the implementation of the Strategy. The total cost of the National Strategy for Education in Emergency Situations is CFAF 55.5 billion (or US\$ 92.5 million) for the period 2020–2022.

74. Several activities have been carried out to implement the Strategy. These include providing displaced pupils with school kits, renting rooms to accommodate pupils from displaced schools, training teachers and education supervisors in curricula used in emergency situations, training school life facilitators to provide psychosocial support and providing psychosocial care for pupils.

75. In addition, every year the Government allocates a recruitment quota to each administrative region. Thus, in 2022, 2,000 persons (1,940 boys and 60 girls) were recruited. In the first military region (Sahel, Nord, Centre-Nord), 415 persons, including 11 girls, were recruited. In the second military region (Boucle du Mouhoun, Haut-Bassins, Cascades, Sud-Ouest), 542 persons were recruited, including 16 girls. As for the third region (Plateau-Central, Centre, Est, Centre-Ouest, Centre-Sud, Centre-Est), 865 persons were recruited, including 21 girls and 844 boys.

*Finalize the measures designed to give the National Human Rights Commission resources of its own sufficient for its operation, in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles). Work to ensure that the National Human Rights Commission is reaccredited with the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights.*

76. In the context of revitalization of the National Human Rights Commission, the National Assembly of Burkina Faso on 24 March 2016 adopted Act No. 001-2016/AN on the National Human Rights Commission. This text introduces major innovations that reinforce the effectiveness and independence of the Commission, in line with the Paris Principles. The innovations include:

- Gender parity in the composition of the Bureau
- A prohibition against combining the status of commissioner with certain public or private functions
- Recognition of the right of unrestricted access to places of detention and deprivation of liberty
- Decentralization of the Commission's services
- The possibility for the institution to freely recruit its own staff

- The limitation of the number of seconded public sector employees to one quarter of the Commission's staff

77. To make the Commission operational, a decree on its organization and functioning was adopted on 9 March 2017. Its members were sworn in on 26 March 2018. The Chair and other officers were elected in April 2018 and appointed by the Council of Ministers. From 2016 to 2021, the Commission's budget rose from CFAF 12 million to CFAF 592 million.

78. As part of the preparation of the Finance Bill for fiscal year 2022, the budget nomenclature was revised to include the Commission as a line item, with its own allocation of CFAF 592 million. As a result, its budget will no longer be included in that of the Ministry for Human Rights.

79. Steps are being taken to enable the Commission to be accredited with category A status. Accreditation by the Global Alliance of National Human Rights Institutions is one of the indicators established in the sectoral policy on justice and human rights.

*Ensure that national legislation contains appropriate provisions and that the general public, including people living in refugee camps, nomadic or semi-nomadic groups and people living in rural areas, know their rights and are aware of all the legal remedies available to them in cases of racial discrimination.*

80. In Burkina Faso, the right to a remedy against acts of racial discrimination is enshrined in article 4 of the Constitution, which states that all citizens and residents of Burkina Faso enjoy equal protection of the law and that everyone has the right to have his or her case heard by an independent and impartial tribunal.

81. Article 157 of the Constitution allows any citizen to apply to the Constitutional Council for a ruling on the constitutionality of laws, either directly or by filing a constitutional complaint in a court case to which he or she is a party.

82. Article 2 of the Code of Civil Procedure states that all persons have the right to bring proceedings before a competent national court in respect of any act that violates the fundamental rights recognized and guaranteed by the Constitution, international conventions and the laws and regulations in force.

83. In addition, article 230-1 of the Code of Criminal Procedure guarantees the right to reparation for any individual who has suffered a rights violation. Under the terms of the article, civil proceedings to seek reparation for damage caused by a felony, misdemeanour or infraction are available to anyone who has personally suffered damage directly caused by the offence.

84. To ensure that refugees know their rights, training courses on the rights and duties of refugees are organized every year for refugees themselves and for the defence and security forces, in camps and training colleges.

85. In addition, awareness-raising campaigns on peaceful coexistence are regularly conducted in refugee camps and surrounding villages with a view to preventing conflicts between refugees and local populations. Joint committees composed of refugees and representatives of the local population have been set up. The role of these committees is to ensure that any conflicts that may arise between refugees and local populations are resolved peacefully.

86. Refugees also benefit from legal assistance. The National Commission for Refugees is responsible for ensuring that refugees' rights are respected if they are arrested.

*Implement and build on the initiatives taken by Burkina Faso to resolve and put an end to the conflicts between herders and farmers and to prevent them from turning into ethnic conflicts, including through the preventive and mediation activities of the Ministry for Human Rights, the conflict prevention and resolution mechanism and the system for monitoring conflicts between herders and farmers; and continue efforts to raise awareness among the communities or ethnic groups concerned.*

87. The Ministry for Human Rights and the Promotion of Civic Responsibility has taken a number of initiatives to prevent and resolve community conflicts.

88. Given the extent of the problem, the National Observatory for the Prevention and Management of Community Conflicts was established by Decree No. 2015-1645/PRES-TRANS/PM/MJDHPC/MATD/MEF of 28 December 2015. The Observatory has several branches at the national, regional, provincial, departmental and village levels. Its main role is to resolve community conflicts using a structural approach. It was set up to bring together the efforts of the various public and private actors involved in community conflict prevention, with a view to curbing the many human rights violations to which such conflicts give rise. It is responsible for, inter alia, 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 avoid conflicts and contributing to their peaceful resolution.

89. With a view to ensuring the optimal functioning of the Observatory, a guide to community conflict prevention and resolution was drawn up in 2015 and serves as a reference for Observatory members in their work. The guide is intended as a practical tool to harmonize and facilitate the handling of community conflicts. All members of the regional observatories have already been trained in the use of the guide. Members of the other observatories are in the process of being trained. In addition, the guide has been translated into four national languages, namely, Mooré, Dioula, Fulfuldé and Gulmancéma, to enable people who are literate in those languages to make better use of the document, which will contribute to a noticeable reduction in community conflicts.

90. According to the Observatory's annual report for 2020–2021, 812 community conflicts were recorded in 2020, of which 105 were resolved and 323 are in the process of being resolved. Conflicts between farmers and herders had the highest resolution rate, at 25.5 per cent, followed by ethnic conflicts and mining conflicts, at 20 per cent each.

91. Awareness-raising and information workshops on promoting tolerance and peace were also organized. These awareness-raising activities involved traditional and religious leaders, women and young people, representatives of civil society organizations, political parties and the media in all regions of the country. A total of 322 people, including 131 women (40.68 per cent), took part in the activities.

92. Efforts have also been made to help improve security of land tenure in rural areas through the effective application of the National Policy on Land Tenure Security in Rural Areas and Act No. 034-2009 on Rural Land Tenure. Between 2016 and 2020, a number of local land management bodies were set up in the various communes: 201 Rural Land Services, 3,554 Village Land Conciliation Commissions and 3,554 Village Land Committees. In addition, 27,875 producers have reinforced their knowledge of rural land tenure laws. Measures have also been taken to demarcate access corridors to water reservoirs for hydro-agricultural facilities.

93. With regard to the security and sustainable management of pastoral resources, between 2016 and 2020, the Government established 208 cattle trails, issued 6,275 International Transhumance Certificates, constructed 755 pastoral boreholes and 183 pastoral rainwater storage facilities, demarcated 43,421.5 hectares of pastoral land, and created and secured new pastoral zones.

94. Capacity-building on the legislative and regulatory framework is carried out through communal information and awareness-raising workshops on the peaceful management of natural resources for the benefit of men and women, and the dissemination of Act No. 034 on Pastoralism and its implementing texts.

*Investigate the human rights violations committed in the course of these conflicts, prosecute and punish the perpetrators and compensate the victims.*

95. Human rights violations committed in the context of community conflicts are treated in the same way as all other cases of human rights violations committed in Burkina Faso. All human rights violations committed in the context of community conflicts are dealt with by the relevant departments, and the alleged perpetrators are prosecuted in accordance with the laws in force. Proceedings have been initiated against people involved in community conflicts in Guenon, Zabré, Passakongo and Ziniaré. With regard to the Guenon case, on 26 July 2021, having ruled on one defendant in absentia and found some of the other defendants

guilty, the relevant section of the Criminal Chamber of the Ouagadougou Court of Appeal dropped the charges against two defendants, acquitted some defendants and sentenced others to suspended prison terms and fines. Substantial progress had been made in the other three cases, which are still under investigation.

*Take measures to ensure that human rights education is offered in schools and included in academic programmes.*

96. Burkina Faso has subscribed to the World Programme for Human Rights Education and has taken measures aimed at instilling a culture of human rights in its citizens by all appropriate means. Initial and in-service training programmes have been established for law enforcement officers.

97. As part of initial training, modules on human rights have been introduced at police, gendarme and prison guard training academies. A 25-hour module on human rights and civil liberties and a 30-hour module on children's rights are taught at the National Police School. At the Police Academy, a 30-hour module on human rights and civil liberties and a 20-hour module on human rights in the context of the criminal investigation police are taught. A 30-hour module on human rights and prison is included in every course taught at the National Prison Guard School.

98. The introduction of human rights education at all levels of the school curriculum began in Burkina Faso in 2016. In order to consolidate the progress made, an action plan for the period 2020–2024 was adopted in 2019 to ensure the effectiveness of human rights education at the various levels of education, in colleges and vocational training centres for stakeholders who require human rights education and for particular socio-professional groups. A mid-term report on the implementation of the action plan was approved on 25 October 2021. The results of the report show that the completion rate for activities planned to improve the delivery of human rights education was 40.79 per cent in 2020.

*Pay particular attention to the training of teachers, civil registry staff and law enforcement officers.*

99. In the 2012–2016 National Civil Status Strategy, the section on capacity-building for relevant stakeholders places particular emphasis on the training of civil registry staff and law enforcement officers. As part of the implementation of the Strategy, training sessions on civil status management and the operation of departmental and district courts were organized for civil registry staff and officials, as well as officials from departmental and district courts. In 2016, 1,118 persons attended the training sessions. In 2017, the Strategy was revised and an accompanying action plan was drafted for the period 2017–2021.

100. Between 2017 and 2021, an estimated 1,916 persons were trained by the division responsible for the modernization of civil registry services. In addition to these training courses, many local authorities include training courses for civil registry officials in their capacity-building plans, to the extent that their financial resources allow.

101. In addition, as part of the process of familiarizing members of the judiciary with the international human rights conventions ratified by Burkina Faso, the Convention is being disseminated to them. In addition, a compendium of international human rights conventions has been put together and made available to actors in the criminal justice system.

102. To ensure quality education, teachers receive initial and in-service training. Initial training is provided by training schools such as the National Teacher Training Academy and the Graduate Institute for Teacher Training. Initial teacher training takes place under the guidance of the division responsible for educational support and initial and in-service training. The same division monitors and supervises any initial teacher training offered by private entities.

*Include in the next periodic report specific information on action plans and other measures adopted to implement the Durban Declaration and Programme of Action at the national level.*

103. As part of the fight against racism, racial discrimination, xenophobia and related intolerance, discussions were held with a view to drawing up an action plan to implement the outcome of the Durban Conference. The discussions led to the drafting of an action plan, which was approved at a national workshop.

104. In addition, the National Strategy to Promote a Culture of Tolerance and Peace, adopted in 2008, is currently being reviewed to take account of new challenges in terms of preserving peace and national cohesion. The aim of the review is to provide Burkina Faso with a relevant instrument that takes into account the concerns and aspirations of all stakeholders, with a view to preserving peace, security and national unity. The Strategy will be implemented through three-year action plans.

*Continue consulting and expanding dialogue with civil society organizations working in the area of human rights protection, in particular those combating racial discrimination, when preparing the next periodic report.*

105. As part of efforts to enhance dialogue with civil society organizations working in the area of human rights, a day of discussion and consultation between the Minister responsible for human rights and civil society partners has been held annually since 2015.

106. The reports submitted by Burkina Faso to the treaty bodies are drafted in several stages, using a participatory and inclusive approach. Civil society organizations are involved in all stages of report preparation, including consultation, drafting and approval of the draft report before its adoption by the Council of Ministers.

107. For the present report, civil society organizations were consulted from the data collection phase onwards. They also took part in the workshop to approve the draft report and in the session of the Interministerial Committee on Human Rights at which the document was approved.

*Encourage the State party to make the optional declaration provided for in article 14 of the Convention.*

108. With regard to the ratification of international human rights instruments, Burkina Faso engages in wide-ranging consultations with relevant stakeholders. As part of this process, a meeting will be organized to discuss the advisability of making the declaration recognizing the Committee's competence as provided for in article 14 of the Convention.

*Regularly update the core document, last submitted in 2012 (HRI/CORE/BFA/2012), in accordance with the harmonized guidelines on reporting under the international human rights treaties, in particular those on the common core document, as adopted at the fifth inter-committee meeting of the human rights treaty bodies held in June 2006 (HRI/GEN/2/Rev.6, chap. I).*

109. The common core document has been updated to cover the period 2010–2021. It was drafted in accordance with the framework set out in document [HRI/MC/2006/3](#), dated 10 May 2006, on the harmonized guidelines on reporting under the international human rights treaties.

*Ensure that reports are made readily available to the general public when they are submitted and that the Committee's concluding observations with respect to these reports are similarly publicized in the official and other commonly used languages, as appropriate.*

110. Once the report has been adopted by the Council of Ministers, the minutes of the relevant meeting, which describe the main points of the report, are published on the website of the Government Information Service. Following publication, any interested party can obtain the full report from the central or local offices of the relevant departments of the Ministry for Human Rights. The Ministry's website is now operational, and the present report will be made publicly available on it.

111. After the report has been presented to the Committee, workshops are organized for all actors working in the field of human rights to discuss the concluding observations issued by the treaty bodies.

## **Part two Implementation of the Convention**

### **I. Information relating to articles 1–7 of the Convention**

#### **Article 1 Definition of racial discrimination**

112. At the domestic level, the principles of equality and non-discrimination are enshrined in the Constitution and in a number of legislative texts. Article 322-2 of the Criminal Code defines an act of discrimination as any distinction, exclusion, restriction or preference based on race, ethnicity, colour, sex, language, religion, political or other opinion, national or social origin, wealth 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. In addition to this definition, which complies with article 1 of the Convention, article 322-1 establishes penalties of between 1 and 10 years' imprisonment, a fine of CFAF 1 million to CFAF 5 million and 5 years' restricted residence for any act of discrimination or infringement of freedom of conscience or freedom of worship that is likely to set individuals against each other.

#### **Article 2 Condemnation of racial discrimination**

##### **(a) Measures taken in the context of the prohibition of racial discrimination**

113. In addition to the Criminal Code, several laws contain provisions prohibiting racial discrimination. These include:

- Act No. 081-2015/CNT of 24 November 2015 establishing the General Civil Service Regulations. Article 16 of this Act provides for equal access to civil service jobs, without any distinction, for all citizens of Burkina Faso who meet the requirements for the job for which they apply.
- Act No. 060-2015/CNT of 5 September 2015 on the Universal Health Insurance System. Article 2 of this Act provides that the universal health insurance system is open to all persons without distinction as to race, nationality, sex, origin or pre-existing health conditions. The Act also enshrines the principles of national solidarity, equity, non-discrimination, risk pooling, efficiency and the general liability of the State.
- Act No. 064-2015/CNT of 20 October 2015 on Freedom of Association. Article 16 of this Act 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.
- Act No. 086-2015/CNT of 17 December 2015 amending Act No. 058-2015/CNT on the Rules Governing the Digital Media in Burkina Faso. Article 93 (2) of this Act provides for a fine of CFAF 500,000 to CFAF 3 million for any person who commits an act of defamation against a group of people on the basis of their ethnicity, race or religion.
- Act No. 087-2015/CNT of 17 December 2015 amending Act No. 059-2015/CNT on the Rules Governing Radio and Television Broadcasting in Burkina Faso. Under

article 141 of this Act, any unprovoked insult directed at individuals by audiovisual means is punishable by a fine of CFAF 1 million to CFAF 5 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.

- Act No. 051-2015/CNT of 30 August 2015 on the Right of Access to Public Information and Administrative Documents. Article 7 of this Act provides that all users of public services and anyone entrusted with a public service mission must be guaranteed access, on an equal footing, to public information and administrative documents. Any discrimination based on sex, race, social origin, ethnicity, religion, profession or political or philosophical opinion is prohibited.
- Act No. 085-2015/CNT of 17 December 2015 amending Act No. 057-2015/CNT on the Rules Governing the Print Media in Burkina Faso. Article 117 (2) of this 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.
- Article 4 of Act No. 004-2021/AN of 6 April 2021 on Social Security Provision for Employed Persons and Persons Treated as Such provides that all workers subject to the provisions of the Labour Code, without distinction of any kind, including as to race, nationality, sex or social origin, are subject to the social security scheme under the Act if they are mainly employed in Burkina Faso by one or more employers, regardless of the nature, form or validity of the contract and the nature and amount of the remuneration.

**(b) Specific measures to ensure the development and protection of certain racial groups**

114. The Constitution of 11 June 1991 sets out the principles of the unity of the State and equality of treatment of all racial groups and individuals living in the country. No specific measures are therefore taken. Projects and programmes are implemented without discrimination.

115. Social and economic measures taken concern all people living in Burkina Faso, without any specific distinction. With a view to creating an environment conducive to integrated and sustainable development, the State adopted the National Economic and Social Development Programme 2016–2020 with the aim of ensuring collective welfare in all sectors. Implementing this framework will make it possible to give effect to all human rights, in a way that reflects their interdependence, for the benefit of all social groups living in the country without distinction of any kind.

### **Article 3**

#### **Condemnation of racial segregation and apartheid**

116. Burkina Faso is a party to the International Convention on the Suppression and Punishment of the Crime of Apartheid, which it ratified on 24 October 1978, and the International Convention against Apartheid in Sports, ratified on 29 June 1988. At the domestic level, racial segregation falls within the scope of article 322-2 of the Criminal Code.

### **Article 4**

#### **Measures designed to prohibit incitement to racial hatred**

117. Information on the measures taken at the national level to prohibit incitement to racial hatred is contained in paragraphs 12 and 14 of this report, which relate to the implementation of the Committee's second recommendation.

## **Article 5**

### **Protection against racial discrimination**

#### **(a) Right to equal treatment**

118. It will be recalled that article 4 of the Constitution guarantees all individuals living in Burkina Faso equal protection of the law. Everyone has the right to have his or her case heard by an independent and impartial tribunal. Every accused person is presumed innocent until proven guilty. These principles apply to both citizens and foreign nationals living in the country, without distinction as to race, colour, descent or national or ethnic origin.

119. Burkina Faso has adopted two major counter-terrorism laws. These are Act No. 60-2009/AN of 17 December 2009 on the Suppression of Terrorism, as amended in 2015, and Act No. 016-2016/AN of 3 May 2016 on Combating Money-Laundering and the Financing of Terrorism. These two acts do not include any discriminatory measures and apply to all persons without distinction.

120. Since the submission of the previous report, no competent authority has registered any complaint concerning acts of racial discrimination.

#### **(b) Right to security of person and protection by the State against assault or bodily harm**

121. The general measures taken as part of national security policy protect the whole population living in Burkina Faso. There are no specific measures for protecting a given racial group. To date, no ongoing or completed case linked to discrimination has been recorded in judicial statistics.

#### **(c) Political rights**

122. The right to take part in elections is guaranteed to all citizens of Burkina Faso. Article 12 of the Constitution provides that all citizens of Burkina Faso, without distinction of any kind, have the right to participate in the conduct of public and social affairs. They are all entitled to vote and to be elected in accordance with the law. Any person may participate in the electoral process as a voter and/or candidate without any discrimination on grounds of race, religion or political opinion.

123. Foreign nationals also have the right to take part in elections subject to certain conditions set out in the Electoral Code and the amendments thereto. Under article 43 (2) of the Electoral Code, any foreign national holding a valid identity document (for example, a passport, identity card or consular identification card) who has at least 10 years' actual residence, can demonstrate that he or she practises a profession or holds a post that is legally recognized and is up-to-date with his or her tax obligations is eligible to vote in local elections (for example, in provincial and municipal elections). In addition, under article 241 of the Code, persons who are eligible to vote may stand for election to the municipal council, provided that they actually reside in the commune or have certain economic and social interests there.

124. Furthermore, the right to participate in the Government and the management of public affairs is guaranteed to citizens at the State, National Assembly and local authority levels. Article 16 of Act No. 081-2015/CNT provides that access to employment in the civil service is open by equal right, without any distinction, to all citizens of Burkina Faso who meet the requirements for the post for which they apply. Article 25 of Act No. 038-2017/AN of 23 May 2017 establishing the Parliamentary Civil Service Regulations provides that access to employment in the parliamentary civil service is open by equal right, without any distinction, to all citizens of Burkina Faso who meet the requirements for the post for which they apply. Moreover, under article 9 of Act No. 002-2017/AN of 13 January 2017 on the Local Civil Service, equal access to local authority jobs is guaranteed to all citizens of Burkina Faso who meet the requirements for the post for which they apply.

#### **(d) Other civil rights**

125. With a view to significantly reducing the risk of statelessness on its soil, Burkina Faso acceded on 1 May 2012 to the 1954 Convention relating to the Status of Stateless Persons

and on 18 October 2016 adopted a law ratifying the 1961 Convention on the Reduction of Statelessness. This law was enacted in April 2017.

126. In addition, the country took part in the regional ministerial conferences of States members of the Economic Community of West African States (ECOWAS) on statelessness, held in Abidjan from 23 to 25 February 2015 and in Banjul from 7 to 9 May 2017. A mobile unit for raising awareness about statelessness was deployed in the 13 regions of Burkina Faso in 2016 with a view to the implementation of the recommendations made at the Abidjan conference. Following this, an action plan for the period 2017–2024 was adopted with a view to putting an end to this phenomenon. A priority measure under the plan is to issue civil status documents to people living in Côte d’Ivoire who can avail themselves of the protection of the State of Burkina Faso.

127. In Burkina Faso, the right of non-citizens of Burkina Faso to form associations to defend their causes is recognized by law. Under article 2 of Act No. 064-2015/CNT 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.

128. In addition, foreign associations, defined as those whose headquarters are located abroad, may carry out their activities in Burkina Faso under certain conditions. Article 24 of the same Act provides that any foreign association wishing to operate in Burkina Faso must obtain prior authorization from the Minister responsible for civil liberties. It must appoint a representative and a deputy, of whom at least one must be a national of Burkina Faso. The representative or his or her deputy must reside in Burkina Faso.

129. Similarly, pursuant to article 23 of the aforementioned Act, the foreign association may be recognized as a charity under the conditions specified by law.

**(e) Economic, social and cultural rights in particular**

130. Economic, social and cultural rights are enshrined in the Constitution, the preamble of which clearly expresses the country’s commitment to the international human rights instruments, as well as in many laws and regulations. In keeping with these commitments, the Government spares no effort to ensure that all its citizens, and all persons under its jurisdiction, may enjoy economic, social and cultural rights.

*The right to work*

131. Under article 19 of the Constitution, the right to work is recognized as an equal right for all. Discrimination in employment and remuneration, including that based on sex, colour, social origin, ethnicity or political opinion, is prohibited. This provision is implemented in practice through:

- Act No. 081-2015/CNT of 24 November 2015 establishing the General Civil Service Regulations
- Act No. 003-2017/AN of 13 January 2017 establishing the General Regulations on the Local Civil Service
- Act No. 038-2017/AN of 23 May 2017 establishing the Parliamentary Civil Service Regulations
- Act No. 002-2017/AN of 13 January 2017 on the Local Civil Service
- The Labour Code
- Autonomous regulations governing specific professional groups
- Certificates of compliance of contracts with foreign migrant workers

*The right to form and join trade unions*

132. The second subparagraph of article 21 of the Constitution specifies that trade union freedoms are guaranteed. Union activities are not subject to any limitations or restrictions

except those specified by law. Article 22 further provides that the right to strike is guaranteed and must be exercised in accordance with the legislation in force.

133. The overall framework in this area is laid down by Act No. 064-2015/CNT of 20 October 2015 on Freedom of Association and Act No. 28-2008/AN of 13 May 2008 on the Labour Code. Act No. 064-2015/CNT sets out the general conditions for the establishment of associations and trade unions and the exercise of their activities. Article 34 of the Act stipulates that trade unions may be formed freely and without prior authorization. The formation of a trade union must be announced in the press, together with the identities of the three most senior officials. In order for a trade union to exist legally, its establishment must have been the subject of a prior declaration to the ministry responsible for civil liberties and it must comply with the provisions of the Labour Code or any other legal text in lieu thereof or appertaining thereto. Article 40 stipulates that the members responsible for the administration or management of the trade union must be citizens of Burkina Faso or nationals of a foreign State with which reciprocal agreements on trade union law have been concluded. They must all be in possession of their civil rights and not have any conviction entailing suspension of the right to vote under the electoral laws in force.

134. Article 275 of the Labour Code provides that workers and employers may freely establish trade unions for persons engaged in the same, similar or related occupations involved in the production of specific goods.

135. In taking decisions on, in particular, recruitment, the organization and distribution of work, vocational training, promotion, pay, social benefits, disciplinary measures and dismissal, no employer may take account of whether a worker belongs to a trade union or not or is involved in trade union activities. The authorities may neither suspend nor dissolve workers' and employers' unions. They may be dissolved only by court order.

136. Trade unions have legal personality. They may thus exercise all the rights of a claimant in criminal proceedings in all courts and allocate a portion of their resources to both the establishment of housing for workers and the acquisition of real estate.

137. They may subsidize producers' or consumers' cooperatives as well as all public or private institutions of interest to workers, and sign contracts or agreements with any other trade unions, companies, enterprises or persons.

138. Pursuant to article 299, legally established trade unions may meet freely to analyse and protect their occupational interests. They may form federations at the national or local levels. The rights and obligations of trade unions established by Act No. 064-2015/CNT of 20 October 2015 on Freedom of Association are also accorded to trade union federations.

#### *The right to housing*

139. Article 6 of Act No. 034-2012/AN of 2 July 2012 on Agrarian and Land Reorganization provides that land belongs to the State, communities and populations. Accordingly, any person may acquire land for residential use in accordance with the conditions laid down by law.

140. More than 90 per cent of housing is built by the people who live in it. Mindful of this fact, the Government has set up a Self-Build Homes Support Office. This approach is aimed at supporting self-build by offering architectural services to clients. The Government has encouraged private initiatives in direct housing construction, which has led to the emergence of private property and land developers and housing cooperatives. Act No. 017-2006/AN of 18 May 2006 on the Town Planning and Construction Code encourages this trend.

141. With a view to creating a legal environment that promotes effective enjoyment of the right to housing, Burkina Faso adopted Act No. 103-2015/CNT of 22 December 2015 on Private Residential Leases. Under this Act, decent housing is any dwelling built to minimum acceptable standards with respect to living space, durability of structural materials, safety, lighting, sanitation and easy access to safe drinking water. Article 3 of the Act defines a tenant as any person renting premises. This provision makes no mention of nationality, race, ethnicity or descent; the Act thus benefits all people living in Burkina Faso without discrimination.

142. In addition, with a view to meeting the strong demand for plots of land, social housing and social infrastructure, the Government organized a vast land allocation operation in 2016 through the National Urban Development Company, which prepares and allocates serviced plots, and the Housing Project Administration Centre, which builds and allocates social and affordable housing. This operation enabled 1,110 individuals and companies to acquire serviced plots. It should be noted that plots prepared by the National Urban Development Company are sold to natural and legal persons who wish to purchase them and have the means to do so, regardless of nationality.

143. In its drive to facilitate access to decent housing, Burkina Faso built more than 4,572 homes between 2008 and 2016 through the 10,000 Homes Programme. Another national programme to build 40,000 decent social housing units across the country was launched on 5 April 2017. This programme replaces the 10,000 Homes Programme. These homes are attributed in a non-discriminatory manner. Similarly, the Permanent Secretariat of the National Housing Construction Programme was established in 2016. As a result, 7,117 low-cost social housing units were built between 2017 and 2021. People benefit from these homes without any discrimination.

*The right to public health, medical care, social security and social services*

144. Under the Constitution, the right to health is enjoyed by all persons living in Burkina Faso, without distinction. In the same vein, article 6 of Act No. 034-98/AN of 18 May 1998 on Hospitals, provides that public and private hospitals, whether or not operated for profit, must guarantee equal access to all their services. However, there are still some problems with the realization of the right to health, linked particularly to the lack of healthcare infrastructure and staff.

145. The Government therefore took measures to improve the health situation in the country, with the adoption of a new national health policy and a national health development plan for the period 2011–2020. The National Health Policy is based on the principles of primary healthcare and the values of equity, social justice, solidarity, acceptability, ethics, probity and respect for the cultural identity of communities and the rights of patients, as well as the gender perspective and good governance. The vision for health is defined as “the highest attainable standard of health for the entire population through a highly effective national health system”.

146. The Government has worked on several initiatives with a view to improving access to health services and care, including the adoption of Act No. 060-2015/CNT of 5 September 2015 on the Universal Health Insurance System and the Access to Health Services Programme. Article 2 of the Act provides that the universal health insurance system is open to all persons without distinction as to race, nationality, sex, origin or pre-existing health conditions. Article 3 of the Act enshrines the principles of national solidarity, equity, non-discrimination, risk pooling, efficiency and the general liability of the State.

147. As part of the implementation of the Access to Health Services Programme, since 2 March 2016 the Government has provided free healthcare to pregnant and breastfeeding women and to children aged between 0 and 5 years, without discrimination of any kind. This measure covers around 25 per cent of the population, thus representing a decisive step towards universal health insurance. In addition, a decree on the provision of free family planning services to women of reproductive age was adopted in 2017. The adoption of this decree enabled 159,199 of women of reproductive age, or 22.4 per cent, to benefit from various family planning methods free of charge in 2020. Between 2017 and 2020, the percentage of pregnant women benefiting from prenatal check-ups rose from 55.6 per cent to 72 per cent, an increase of more than 16 percentage points.

148. In addition, the adoption on 4 November 2021 of Decree No. 2021-1118 on free screening, treatment and laboratory monitoring for people living with HIV throughout the country will allow the needs of all people living in Burkina Faso, from HIV screening to treatment, to be met comprehensively and without discrimination, which will considerably reduce the HIV/AIDS prevalence rate.

149. The services covered by the Access to Health Services Programme are provided free of charge at all the country’s public healthcare facilities and at government-approved private

healthcare facilities that have agreed to join the programme. The healthcare package that has been provided free of charge since 2016 includes prenatal care, childbirth, healthcare for infants from the ages of 0 to 5 years, family planning products and anti-retroviral drugs.

150. A review in October 2021 revealed that 96,779,546 services had been provided to pregnant women and children under the age of 5 years under the free healthcare package at a total cost of CFAF 166,613,126,615, 84.97 per cent of which had been covered by the State budget.

151. In 2019, a total of 83,748 family planning products had been distributed free of charge at a cost of CFAF 58,187,133. In October 2021, the number of products had reached 1,766,328 at an estimated cost of CFAF 2,280,159,703.

152. Furthermore, in the course of 2016, 17,648 community-based health workers were recruited for all villages on a gender-parity basis. All community-based health workers have been trained and provided with additional kits to optimize the package of services they provide. They work in collaboration with health workers to help resolve people's health problems.

153. Regarding human resources management, in the course of 2016, the Government stepped up the recruitment and training of health personnel and proceeded to assign them in accordance with the needs of local communities. These measures have made it possible to staff all regional hospital centres with at least two cardiologists and two gynaecologists. They ensure that human resources specialized in healthcare are equitably distributed. As at 31 December 2020, the country had 1,910 doctors, 1,824 licensed nurses, 6,789 State-registered nurses, 313 pharmacists, 4,320 midwives and 2,165 community-based organizations for its 2,697 health facilities.

154. It is important to point out that Burkina Faso has endorsed the Global Health Security Initiative of the World Health Organization. This endorsement reflects the country's determination to better protect the public against health risks.

155. A number of priority measures have been taken with a view to providing an appropriate response to health problems. The health budget has been raised from 9.3 per cent of the State budget in 2016 to 13.6 per cent in 2021, an increase of 4.3 percentage points.

156. In this context, a universal campaign to distribute long-lasting insecticide-treated mosquito nets was carried out. Under this campaign, 10,431,028 such nets were distributed to 4,176,784 households in 2016. In 2019, this figure rose to 12,569,272 nets, distributed to 5,039,671 households. In the course of 2020, 863,922 nets were provided to pregnant women and children under the age of 5 years in health centres.

157. In 2020, in the first stage of a seasonal malaria chemoprevention campaign for children aged between 3 and 59 months with a target of 3,861,352 children, 3,952,686 children received protection, an overall coverage rate of 102.4 per cent. This rate rose to 103.4 per cent in the fourth stage, carried out in the same year.

158. From June 2020 to October 2021, 371,267 persons aged 18 years or over were vaccinated free of charge against COVID-19, representing 3.71 per cent of the estimated 10,206,236 people to be vaccinated. Moreover, COVID-19 testing fees have fallen from CFAF 50,000 in 2020 to CFAF 25,000 in 2021 for the polymerase chain reaction (PCR) test. The price of analgesic rapid diagnostic tests (RDT) is set at CFAF 5,000 for non-air travellers. Results are available within 48 hours of the sample being taken.

159. In addition to reagents being available for COVID-19 tests, barrier measures are being maintained to protect the population. These include handwashing, use of alcohol-based hand sanitizer and mandatory wearing of masks in almost all establishments open to the public. All measures taken to prevent COVID-19, especially those relating to access to healthcare and vaccines, have been implemented without discrimination.

160. The right to social security is governed by Act No. 015-2006/AN of 11 May 2006 on Social Security Provision for Employed Persons and Persons Treated as Such. This Act sets up a social security scheme to protect private sector employees and persons treated as such, and their dependants.

161. Pursuant to this Act, the National Social Security Fund has set up a voluntary insurance scheme that all self-employed workers in the informal private sector and the liberal professions can join. With a view to extending social protection to the rural and informal sectors, the National Social Security Fund has undertaken priority awareness-raising initiatives that have enabled many workers in these sectors to take out voluntary insurance. According to the 2019 Statistical Yearbook of the National Social Security Fund, the number of persons taking out voluntary insurance rose from 8,217 in 2016 to 17,033 in 2019. Act No. 015-AN was reviewed and replaced with Act No. 004-2021/AN of 6 April 2021 on Social Security Provision for Employed Persons and Persons Treated as Such.

162. Social security for public sector employees is governed by Act No. 003-2021/AN of 1 April 2021 on Social Security Provision for Public Servants, the implementing regulations for which are currently being prepared. This Act establishes a social security scheme for the public sector employees referred to in article 2 of the Act. The scheme is run by the Autonomous Pension Fund for Civil Servants.

#### *The right to education and training*

163. Public schools are freely accessible without distinction on the basis of race, ethnicity or social origin. There are thus no inequalities between ethnic groups in education or training. The Infrastructure Development Plan is based exclusively on the needs of the education zones. Particular attention is given to the rural areas, which are the most disadvantaged in terms of educational infrastructure. This is also the case with the deployment of teaching staff.

164. The principle of non-discrimination in access to education is also affirmed in Act No. 013-2007/AN of 30 July 2007 on Education Policy. Articles 4 and 6 of the Act specify, respectively, that basic education is compulsory for all children between the ages of 6 and 16 years and that basic public education is free for the same children.

165. Vocational training is expanding in Burkina Faso, with the opening in all regions of vocational training centres managed by the National Agency for Vocational Training with a view to providing initial and modular vocational training for learners. Vocational training centres such as Ziniaré Model Vocational Training Centre, Ouagadougou Assessment and Vocational Training Centre and Bobo-Dioulasso Industrial Vocational Training Centre also provide further training. Technical and vocational training prepares young people to join the labour market by offering them the opportunity to master the labour standards and skills relevant to their chosen profession or subject. Students are admitted on an equal opportunity basis.

166. In 2017, Burkina Faso had 160 technical and vocational schools located throughout the country. As of 2020, the number of such establishments had risen to 221.

167. A directorate for the promotion of inclusive education, girls' education and gender has been established, and a National Strategy for the Development of Inclusive Education for the period 2018–2022 is being implemented with a view to enabling children with disabilities to benefit from education. The aim of this strategy is to offer the same opportunities for access and success to all children. It takes into account all learners and focuses on students who have traditionally been denied the right of access to education, such as learners with special needs, persons with disabilities, girls and students from ethnic and linguistic minorities.

168. The following steps have been taken to provide for the needs of persons with disabilities in the field of education:

- Subsidizing tuition fees for children with disabilities attending public or private schools
- Removing platforms beneath blackboards to facilitate blackboard access for persons with reduced mobility
- Integrating access ramps into buildings (classrooms and toilets)
- Installing special toilet facilities for persons with reduced mobility
- Introducing scholarship quotas for children with disabilities

169. Similarly, particular attention is given to bilingual education, which involves the use of national languages in teaching. In 2020, 10 written national languages were taught in 276 bilingual schools. At that time, those schools had 45,313 students.

*The right to equal participation in cultural activities*

170. Under the Constitution of 11 June 1991, every citizen has the right to participate freely in cultural life and in the promotion and protection of traditional values. Burkina Faso is a mosaic of cultures, with some 60 ethnic groups. Each social or ethnic group may freely practise its culture, religion and traditions or customs while respecting the law, public order and morality.

171. In 2018, the sectoral policy on culture, tourism, sports and leisure for 2018–2027 was adopted. The overall aim of this policy for the culture, tourism, sports and leisure sector is to develop cultural, tourism, sports and leisure industries that create jobs and added value and contribute to strengthening social cohesion and inclusion, the development of the population and the international reputation of Burkina Faso.

172. With a view to enabling all communities living in Burkina Faso to take part in cultural activities on an equal footing, Burkina Faso has instituted a “foreign communities day”. This is an opportunity for local communities to enjoy positive interaction with and share in the everyday lives of friendly foreign communities living in the country. The day also fosters cohesion and mutual understanding between these communities.

*The right of access to any place intended for use by the general public*

173. Access to public places or other places open to the public is unrestricted. Under the law, no limitation or restriction may be placed on the right of access to public places on the grounds of race, colour or ethnicity.

## **Article 6**

### **Right of victims to a remedy**

174. In Burkina Faso, the right to a remedy is enshrined in article 4 of the Constitution, which provides that all citizens and residents of Burkina Faso enjoy equal protection of the law. Everyone has the right to have his or her case heard by an independent and impartial tribunal.

175. Article 157 of the Constitution allows any citizen to apply to the Constitutional Council for a ruling on the constitutionality of laws, either directly or by filing a constitutional complaint in a court case to which he or she is a party.

176. The right to a remedy, enshrined in the Constitution of 11 June 1991, is exercised within the framework of the laws and regulations in force. Anyone who has been the victim of racial discrimination has the right to apply to the competent court for reparation. It must, however, be recognized that the right to a remedy as it is defined is not specific to cases of discrimination but applies to all human rights violations.

177. When a case is brought, the court hears it in a manner that is impartial and fair. Perpetrators of hate speech against and stigmatization of certain ethnic groups have been prosecuted and punished in accordance with the law. For example, on 30 October 2019 the Ouagadougou court of major jurisdiction (*tribunal de grande instance*) 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. On 22 July 2022, a shopkeeper was sentenced to 6 months’ imprisonment for an audio recording in which he made defamatory remarks and incited violence against a journalist.

178. With a view to building capacity among the population so that victims can seek effective remedies in the event of human rights violations, 13 regional awareness-raising sessions were organized between 2015 and 2018 in the country’s 13 regions. They focused on ways and means of giving effect to the right to reparation in the event of a violation or infringement of rights, including the right to equal treatment. The sessions were attended by

645 people, including representatives of civil society organizations and the media involved in the defence of human rights, opinion leaders, police and gendarmerie officers, judges and prosecutors and staff of decentralized administrations and local authorities.

179. Institutions such as the National Human Rights Commission, the Office of the Ombudsman and the Higher Council for Communication are empowered to receive and deal with individual or collective complaints of racial discrimination.

## **Article 7**

### **Education and information on the prohibition of racial discrimination**

#### **(a) Education and teaching**

180. Act No. 013-2007/AN of 30 July 2007 on Education Policy sets out the principles that govern education. Article 3 of the Act provides that all persons living in Burkina Faso have the right to education, without distinction of any kind, including on the grounds of sex, social origin, race, religion, political opinion, nationality or state of health. This right is exercised on the basis of equity and equality of opportunity for all citizens.

181. Article 13 of the same Act states that one of the aims of the education system is to turn the young people of Burkina Faso into responsible, productive and creative citizens. In this sense, the Act focuses on ensuring the full and harmonious development of the individual, in particular by:

- Cultivating a spirit of responsible citizenship and a sense of democracy, national unity, responsibility and social justice
- Developing a spirit of solidarity, integrity, equity, justice, loyalty, tolerance and peace
- Cultivating respect for others, including respect for gender equity and for linguistic, religious and cultural diversity
- Developing an understanding of universal values

182. To implement Act No. 013-2007/AN, the National Strategy for the Acceleration of Girls' Education 2012–2021 was adopted with the aims of establishing an education system free from all forms of gender inequality and inequity and providing the essential conditions for girls and boys to attend and remain in school and to achieve academic and vocational success.

183. To achieve these objectives, a number of laws and programmes have been adopted in relation to the teaching, at both the primary and secondary levels, of human rights and a culture of public-spiritedness and tolerance. Thus, by Order No. 2020/008/MDHPC of 18 March 2020, an action plan for human rights education was adopted for the period 2020–2024 with the general aim of enhancing the effectiveness of the human rights education imparted at different levels, in schools and vocational training centres to the actors targeted under the different phases of the plan and to the various social and professional groups. The first annual implementation report was drawn up in 2021, with a physical implementation rate of 40.79 per cent.

184. The aim of the human rights component of the sectoral policy on justice and human rights for 2018–2027 is to “instil by all appropriate means a culture of human rights in the usual behaviour of citizens”.

185. In addition, the Government carries out various awareness-raising activities, including the organization in schools of annual lectures on tolerance and peace, which help to broadly sensitize students to the importance of a culture of tolerance and respect for cultural diversity. These activities also provide an opportunity to raise students' awareness of the forms and manifestations of discrimination and stigmatization, and of the dangers they present.

186. Teaching staff and education supervisors receive in-service training on new topics, including human rights.

187. The right to education is recognized for all persons living in Burkina Faso. In some cases, measures have been taken to encourage the school enrolment of young girls. These

measures include covering the cost of parents' association membership fees for girls in the first year of primary education, building accommodation for girls, establishing a scholarship quota of 54 per cent, supplying school canteens and distributing food supplies to parents of children who attend class regularly.

**(b) Culture**

188. Freedom of expression, media pluralism, multilingualism, equal access to art and to scientific and technological knowledge and culture, and the possibility for all cultures to be expressed and disseminated, are guaranteed by the Constitution.

189. The State ensures that these rights are given effect through cultural promotion. Multimedia systems are actively used to disseminate and promote Burkina Faso culture. Culture is also disseminated and promoted through the performing arts, books, museums, public libraries, exhibitions, the production of works of art and recordings, seminars and workshops, and so on. The activities of several cultural institutions and associations are underpinned by the principles and values of the National Culture Policy. In practice, there is no discrimination against any minority group with regard to the free expression of its culture. Cultural associations work to promote the different cultures that exist in Burkina Faso. They are free to carry out their activities in accordance with the country's laws. All these activities contribute to the country's cultural development and social cohesion.

190. Culture in Burkina Faso is promoted through public and private initiatives. As a result, cultural events such as the Ouaga Jazz Festival and the Atypical Nights festival in Koudougou have blossomed into some of the largest and most widely recognized on the African continent.

191. With a view to supporting actors from the world of culture, the Government set up the Cultural and Tourism Development Fund on 24 August 2016. Activities under the Fund were officially launched on 30 May 2017. One of the Fund's aims is to increase investment in the culture and tourism sectors in order to strengthen their role as drivers of economic growth. Among other things, the Fund subsidizes non-market projects, grants loans to cultural and tourism actors, provides guarantees for those seeking loans from banks or financial institutions and supports capacity-building for cultural and tourism actors and businesses.

**(c) Information**

192. To guarantee the right to information for everyone, while preserving public order, morality, privacy and the ethics of the communications profession, Burkina Faso has adopted rigorous laws on the seeking and dissemination of information. These are: Act No. 058-2015/CNT on the Rules Governing the Digital Media in Burkina Faso, as amended by Act No. 086-2015/CNT of 17 December 2015; Act No. 059-2015/CNT on the Rules Governing Radio and Television Broadcasting in Burkina Faso, as amended by Act No. 087-2015/CNT of 17 December 2015; Act No. 051-2015/CNT of 30 August 2015 on the Right of Access to Public Information and Administrative Documents; and Act No. 057-2015/CNT on the Rules Governing the Print Media in Burkina Faso, as amended by Act No. 085-2015/CNT of 17 December 2015. To strengthen its powers in the fight against possible abuses and to improve oversight of the activities of the public and private media, the Higher Council for Communication was given constitutional status pursuant to Act No. 033-2012/AN of 11 June 2012 amending the Constitution.

193. The media make various efforts to raise awareness of human rights. Both the public and private media include features on issues related to human rights in their programmes. Radiodiffusion-Télévision du Burkina broadcasts programmes in which human rights issues are discussed.

## **II. Difficulties encountered in implementing the Convention**

### **A. The popular uprising of 30 and 31 October 2014**

194. The popular uprising delayed the adoption of the action plan for the implementation of recommendations until 7 January 2015. While some recommendations may have been

implemented before the adoption of the action plan, the demonstrations that took place in the country in the last quarter of 2014 meant that the activities that initially had been planned could not be carried out. In addition, new challenges created by the uprising forced the Transitional Government to make budgetary adjustments, resulting in the cancellation of certain planned measures.

## **B. The failed coup of 16 September 2015**

195. The failed coup d'état, which came at a time of intense government activity, slowed the process of implementing the recommendations. Some activities had to be postponed until subsequent years.

## **C. The security situation**

196. Since 2015, terrorist attacks involving human rights violations have multiplied. This situation hinders the effective implementation of recommendations, as the State is obliged to devote greater efforts, in terms of the allocation of human, financial and material resources, to maintaining security. Furthermore, insecurity has made some parts of the country inaccessible, preventing the implementation of planned activities in these areas.

## **D. The health crisis (COVID-19)**

197. Burkina Faso, in common with many other countries, has had to deal with the COVID-19 pandemic. Its first cases were reported on 9 March 2020. Faced with the spread of the disease, the Government adopted Decree No. 2020-0239/PRES/PM/MS/MDAC/MATDC/MSECU/MINEFID of 30 March 2020 declaring a nationwide state of emergency under article 66 of Act No. 23/94/ADP on the Public Health Code. The declaration of a health emergency was intended to curb the spread of the pandemic and build lasting resilience in order to save lives.

198. The pandemic response and mitigation measures have had an adverse impact on budgetary allocations for activities within the framework of the implementation of the Convention. This situation caused the rate of implementation of the Committee's recommendations to decrease.

## **Conclusion**

199. The present periodic report highlights the progress made in implementing the Convention. A great deal of progress has been made since the submission of the previous report. Indeed, most of the recommendations made by the Committee have been implemented. Efforts have also focused on the intensification of awareness-raising measures for the entire population.

200. Notwithstanding these advances, Burkina Faso has encountered difficulties in implementing the Convention, including a lack of resources, ignorance of the law and the persistence of sociocultural inertia, including in respect of harmful cultural practices. State and non-State actors are taking action with a view to removing these constraints and creating conditions conducive to the more effective exercise of human rights.

201. In the belief that improving the human rights situation requires dynamic cooperation with the treaty bodies, the Government reiterates its readiness to receive the Committee's recommendations, which will allow for better implementation of the Convention.

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