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## Committee on Economic, Social and Cultural Rights

### **Second periodic report submitted by Burkina Faso under articles 16 and 17 of the Covenant, due in 2021\***

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



## **Introduction**

1. In accordance with the Constitution of 11 June 1991, Burkina Faso is firmly committed to building a nation that respects human rights. This commitment is reflected in the ratification of several international human rights instruments, including the International Covenant on Economic, Social and Cultural Rights, which it ratified without reservation on 4 January 1999. The present report, which covers the period 2016–2021, has been drawn up in accordance with articles 16 and 17 of the Covenant.
2. The report was the outcome of 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 the stakeholders on 23 December 2021. It was then submitted for review and approval to the Interministerial Committee for Human Rights and International Humanitarian Law on 18 May 2022, before being adopted by the Council of Ministers on 21 June 2023.
3. It sets out the measures that have been taken to give effect to the provisions of the Covenant and the recommendations made by the Committee following its consideration of the initial report.

## **Part I**

### **Development of the normative and institutional framework**

#### **I. Development of the normative framework**

4. Since the submission to the Committee of the State party's previous report, the general framework for the promotion and protection of human rights, guaranteeing the effectiveness of economic, social and cultural rights, has been strengthened through the adoption of the following pieces of legislation:
  - Act No. 004-2021/AN of 6 April 2021 governing the provision of social security for employed persons and persons treated as such
  - Act No. 003-2021/AN of 1 April 2021 governing the provision of social security for State officials
  - 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. 048/2019/AN of 12 November 2019 on the protection of literary property
  - Act No. 023-2019/AN of 14 May 2019, establishing regulations governing states of siege and states of emergency
  - Act No. 044-2019/AN of 21 June 2019 amending Act No. 025-2018/AN of 31 May 2018 on the Criminal Code
  - Act No. 040-2019/AN of 29 May 2019 on the Code of Criminal Procedure
  - Act No. 015-2019/AN of 2 May 2019 on the organization of the judiciary
  - Act No. 033-2018/AN of 26 July 2018 amending Act No. 004-2015/CNT of 3 March 2015 on the prevention and punishment of corruption
  - 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. 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
  - Act No. 006-2017/AN of 19 January 2017 on the establishment, organization and functioning of a specialized judicial unit responsible for the suppression of acts of terrorism
  - Act No. 005-2017/AN of 19 January 2017 on the establishment, organization and functioning of specialized judicial units responsible for the suppression of economic and financial offences and organized crime
  - Act No. 003-2017/AN of 13 January 2017 creating a local government service
  - Act No. 030-2016/AN of 20 October 2016 on employment tribunals in Dori and Fada N'Gourma
  - Act No. 024-2016/AN of 17 October 2016 on the promotion and protection of the rights of older persons
  - Act No. 016-2016 of 3 May 2016 on combating money-laundering and financing of terrorism
  - Act No. 082-2015/CNT of 24 November 2015 on the powers, composition and operation of the Higher Authority for State Control – Combating Corruption
  - Decree No. 2020-031/PRES/PM/MSECU/MJ/MINEFID of 30 June 2020 on the establishment, powers, organization and operation of the Special Investigations Brigade to Fight Terrorism and Organized Crime
  - Decree No. 2020-099/PRES/PM/MSECU/MJ/MINEFID of 14 February 2020 on the establishment, powers, organization and operation of the Central Brigade for Combating Cybercrime
  - Decree No. 2019-1178/PRES/PM/MEA/MINEFID/MATDC/MCIA of 22 November 2019, adopting the practical guide on the delegation of public services related to drinking water supplies in the rural environment
  - Decree No. 2019-0320/PRES/PM/MEA/MINEFID/MATDC/MEEVCC/MS of 24 April 2019 on the standards, criteria and indicators for access to sanitation
  - Decree No. 2019-1145/PRES/PM/MEA/MINEFID/MATDC/MCIA of 15 November 2019, adopting reduced tariffs for drinking water in rural areas
  - Decree No. 2019-0204/ PRES/PM/MEA/MINEFID/MATDC/MS of 13 March 2019 on the standards, criteria and indicators for access to sanitation
5. The following international and regional instruments have also been ratified:
- The Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled, on 16 May 2017
  - The Protocol of the Court of Justice of the African Union, on 19 December 2016
  - The Protocol on Explosive Remnants of War (Protocol V), on 10 October 2016
  - The African Union Convention on Cross-Border Cooperation, on 24 June 2016

## II. Development of the institutional framework

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

- The National Human Rights Commission, established pursuant to Act No. 001-2016/AN of 24 March 2016

- The National Reconciliation and Reform Commission
- The High Council for Social Dialogue, set up pursuant to Decree No. 2017-0261/PRES/PM/MINEFID/MFPTPS of 5 May 2017
- Specialized judicial units under the *tribunaux de grande instance* (courts of major jurisdiction) of Ouagadougou I and Bobo-Dioulasso
- A specialized judicial unit under the *tribunal de grande instance* of Ouagadougou II
- The Special Investigations Brigade to Fight Terrorism and Organized Crime, set up pursuant to Decree No. 2018-0974/PRES/PM/MSECU/MJDHPC/MINEFID of 29 October 2018
- The National Financial Information Processing Unit, established pursuant to Act No. 016-2016/AN of 3 May 2016 on combating money-laundering and financing of terrorism

7. Alongside these bodies, ministerial departments and institutions, including the Ministry responsible for justice and human rights, the Ministry with responsibility for the advancement of women, education, health, labour and social protection, culture, water and sanitation, and agriculture are working continuously to implement the Covenant in their particular areas of competence.

## **Part II**

### **Information on implementation of the Committee's recommendations**

8. Following the presentation of the initial report of Burkina Faso, the Government circulated the Committee's concluding observations ([E/C.12/BFA/CO/1](#)) to public and private stakeholders at both central and decentralized levels. The aim was to disseminate the Committee's recommendations in order to gather the proposals needed for their effective implementation.

9. The status of implementation of the Committee's recommendations is as follows.

### **Response to paragraph 7 of the concluding observations on the justiciability of Covenant rights**

10. According to article 151 of the Constitution, once promulgated, duly ratified or approved treaties and agreements have primacy over laws. When they have been published in the Official Journal, such instruments become part of the domestic legal system and, as such, can be invoked by citizens to support their claims before the courts. The Covenant is therefore directly applicable in Burkina Faso, as it complies with the requirements of article 151.

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

12. In addition, two awareness-raising sessions on the human rights conventions were organized for members of the judiciary at the Bobo-Dioulasso and Fada N'Gourma courts of appeal. The rights enshrined in the Covenant have already been invoked before domestic courts.

## **Response to paragraph 8 of the concluding observations on the National Human Rights Commission**

13. The Government of Burkina Faso has taken several steps to bring the National Human Rights Commission into line with the Principles relating to the Status of National Institutions for the Promotion and Protection of Human Rights (the Paris Principles). Act No. 001-2016/AN of 23 March 2016, as amended pursuant to Act No. 002-2021/AN, has been adopted. It designates the National Human Rights Commission as the mechanism for the prevention of torture and related practices. It also enshrines the Commission's independence and financial autonomy in accordance with the Paris Principles. The Act governs the appointment and/or election of Commissioners, the operation of the Commission's bodies and the judicial immunities of Commission members. The Government provides the Commission with an annual budget that it allocates according to its annual programme of work. Between 2019 and 2021, the annual budget was increased from 62 million to 560 million CFA francs (CFAF). It is also supported by several technical and financial partners.

14. In addition, Decree No. 2017-0209/PRES/PM/MJDHPC/MINEFID of 19 April 2017 on the organization and functioning of the National Human Rights Commission provides for the establishment of three permanent subcommissions, including one that deals with economic, social and cultural rights.

15. As of 23 December 2021, the Commission was composed of 34 officials and nine commissioners, including four women.

16. In terms of financial autonomy, the Commission receives an annual budgetary allocation from the State. The Commission has thus secured the creation of a budget section that will take effect from the 2022 budget. The creation of this budget section provides the Commission with financial autonomy.

17. In 2018, the Commission adopted a strategic plan for the period 2018–2021. The plan serves as a guideline document and covers three areas identified with a view to the effective enjoyment of human rights in Burkina Faso. These are:

- Strengthening the Commission's action on human rights in the country
- Interaction between the Commission and State and non-State actors
- Increasing the effectiveness and efficiency of the Commission's work

18. Implementation of the plan has made it possible to carry out a number of human rights monitoring activities. The Commission has conducted various activities to promote and protect economic, social and cultural rights; they include:

- The celebration of World Food Day on 16 October 2020
- Monitoring of the human rights of internally displaced persons
- Monitoring of respect for human rights in industrial and artisanal mining activities, which involved visiting the Younga gold site in Boulgou Province, Centre-East Region, and the Perkoa zinc site in Sanguié Province, Centre-West Region, between 2019 and 2020
- The Commission has also carried out several monitoring visits to places of detention.

## **Response to paragraph 10 of the concluding observations on anti-corruption work**

19. Combating corruption in the judicial system, including prisons, is an important issue for the Government. For that reason, the Ministry of Justice established the Anti-Corruption Committee by means of Order No. 2017-009/MJDHPC/CAB of 7 September 2017. Subcommittees may be set up for prisons.

20. Some incidents of corruption have been reported in practice. The most recent example concerns the suspected extortion of money from prisoners by a former director of a short-stay

prison and correctional facility. He was dismissed from his position, tried and convicted by a competent court.

21. In addition, to promote professional ethics and conduct within the judiciary, the Supreme Judicial Council has set up a commission to hear petitions concerning misconduct by judges. For example, the Supreme Judicial Council imposed disciplinary sanctions on certain judges in 2020 and 2021.

22. Acts committed by clerical staff and prison security guards brought to the attention of the authorities have also been investigated, and the perpetrators prosecuted and punished. For example, in 2018, two prison security guards were each sentenced to 36 months' imprisonment, of which 24 months were to be served in custody and 12 months as a suspended sentence.

23. In addition, in its work to combat corruption and illicit financial flows, between 2018 and 30 September 2020, the National Financial Information Processing Unit received a total of 1,159 suspicious transaction reports, of which 117 were the subject of financial investigation reports.

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

25. Risk mapping was carried out for 9 ministries, and a comprehensive fraud risk assessment was conducted for 19 departments and ministries. On completion of a study on the functioning of the anti-corruption committees under the Ministry of Economy, Finance and Development, a strategy and action plan were adopted to revitalize their work.

26. Between 2015 and 2018, information and awareness-raising campaigns on the Anti-Corruption Act were held for religious and traditional opinion leaders, politicians, administrators, association members, young people and women in 113 localities.

27. During the same period, conferences on preventing and combating corruption were held in Bobo-Dioulasso and Gaoua for trainee gendarmes and for students at the National School for Primary Education Teachers and the School for Middle Management in Social Work.

28. Furthermore, awareness-raising days on corruption in the judiciary and the prison system were held and some 15 radio programmes on preventing and combating corruption were broadcast in both urban and rural areas.

29. Finally, it should be emphasized that the Higher Authority for State Control – Combating Corruption and the National Anti-Corruption Network regularly carry out monitoring activities, audits and investigations throughout the year to prevent, detect and punish corruption and related offences.

### **Response to paragraph 12 of the concluding observations on non-discrimination**

30. To address regional disparities, the four-component Local Economy Development Support Programme was launched in November 2016.

31. Under component 1, “Development of promising economic sectors and transformation of informal production units”, capacity strengthening on various topics has been provided to more than 1,200 promoters of informal production units.

32. Under component 2, “Development of modern energy services and basic socioeconomic infrastructure”, 1,652 commercial, storage and marketing facilities, agro-pastoral production and processing and basic social infrastructures have been built, and another 1,810 are under construction.

33. Under component 3, “Social protection of vulnerable households and their inclusion in the economy”, 192,004 people in the Sahel, North, East, Centre-West and Centre-East regions have benefited from cash transfers to a value of CFAF 17,648,940,000.

34. Under component 4, “Promoting social and financial inclusion of the population”, 10,930 promoters were selected in seven regions to receive loans totalling CFAF 3,022,611,000.

35. A number of infrastructure projects have been completed under the Sahel-Burkina Faso Emergency Programme. These include the construction of 51 elementary schools, 18 simplified drinking water supply systems (AEPS), more than 200 boreholes, the construction and/or rehabilitation of 17 police stations, 117.95 km of rural roads, 11.75 hectares of improved inland valleys and the supply of more than 50 ambulances to vulnerable areas of the country.

36. In terms of land use planning and sustainable development, achievements include the establishment of regional land use planning and sustainable development commissions in the Sahel, Centre, East, Hauts-Bassins and Boucle du Mouhoun regions, and provincial land use planning and sustainable development commissions in the Sahel, Centre and East regions. In addition, the national territorial planning and sustainable development plan, the Greater Ouagadougou development master plan, 10 development and urban planning master plans for the towns of Bittou, Pô, Yako, Boussé, Niangoloko, Orodara, Pama, Bogandé, Koupéla and Pouytenga and the national digital development master plan have been adopted.

37. In terms of urban planning tools, land use plans have been adopted for Banfora, Bobo-Dioulasso, Koudougou, Ouahigouya and Dédougou.

38. As regards cross-border development, projects are underway in the pilot zones of the Sikasso-Korhogo-Bobo-Dioulasso area and the IIR Sahel area (Dori-Tera-Gao-Timbuktu). The Burkina Faso-Côte d’Ivoire integrated cross-border development plan has also been launched. In addition to the structures, instruments and tools for land use planning and sustainable development, legislation has been passed to provide a better framework for land use planning in Burkina Faso:

- 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. 024-2018/AN of 28 May 2018 on the Territorial Planning and Sustainable Development Guideline and its implementing decree

### **Response to paragraph 14 of the concluding observations on resource management**

39. Mechanisms are in place to carry out or closely monitor internationally-accepted environmental risk assessments prior to the implementation of industrial-scale economic projects.

40. There are legal and regulatory provisions on the obligation to take appropriate corrective measures to mitigate the risks identified from the environmental and social impact assessment. These are:

- The Environment Code
- Decree No. 2015-1187/PRES-TRANS/PM/MERH/MATD/MME/MS/MARHASA/MRA/MICA/MHU/MIDT/MCT of 22 November 2015 on the conditions and procedures for carrying out and validating strategic environmental assessments and environmental and social impact studies and statements
- Decree No. 2015-1200/PRES-TRANS/PM/MERH/MME/MICA/MS/MIDT/MCT of 28 October 2015 on the procedures for carrying out environmental audits

41. The monitoring system to ensure environmental conservation and improvement is made up of environmental monitoring (in follow-up to the Environmental and Social

Management Plan), environmental inspection and environmental policing. There is thus a laboratory for environmental quality analysis within the structure of the Ministry of the Environment, the Green Economy and Climate Change.

42. Regular monitoring is carried out by the Government to strengthen implementation of the Environmental and Social Management Plan. In 2019, while 115 monitoring missions had been programmed under the Environmental and Social Management Plan, 140 were conducted; and while 120 environmental inspection missions had been planned, 170 were carried out. As at 30 June 2020, 18 Environmental and Social Management Plan monitoring missions and 154 environmental inspection missions had been carried out.

43. Pursuant to article 19 of the Mining Code, the Government adopted Decree No. 2020-0790/PRES/PM/MMC/MDHPC/MATDC/MINEFID of 24 September 2020 on the prevention and reparation of violations of the human rights of affected communities recorded in the context of mining activities.

### **Response to paragraph 16 of the concluding observations on equal rights for men and women**

44. Consultation meetings on gender-positive sociocultural values were held in Gaoua and Koudougou in 2018 and then in Bobo-Dioulasso in December 2019. There is also a growing commitment among those involved to gender promotion.

45. In addition, in 2019, 45 local stakeholders (politicians, civil society organizations, customary leaders and administrative staff), including 28 women and 17 men in the Centre-West region were also trained in gender issues and women's political participation.

46. Burkina Faso implemented a national gender policy between 2009 and 2019.

47. On expiry of that policy, a National Gender Strategy for the period 2020–2024 was adopted. The Strategy forms the new frame of reference for all those involved in gender promotion in Burkina Faso.

48. In addition to the 2020–2024 Strategy, the Government has adopted policy documents to combat discriminatory stereotypes. These are:

- The National Strategy for the Acceleration of Girls' Education, 2012–2021
- The 2020–2022 National Action Plan on implementation of United Nations Security Council resolutions 1325 (2000), 1820 (2008) and 2242 (2015)
- A 2019–2021 action plan for the integrated management of victims of gender-based violence, protocols on the integrated management of gender-based violence for use by professionals in the social, judicial and health sectors and a guide to collecting data on survivors and alleged perpetrators of gender-based violence
- The 2016–2025 National Strategy for the Prevention and Elimination of Child Marriage and its operational action plan for the period 2016–2018
- The 2016–2020 National Strategic Plan to Promote the Elimination of Female Genital Mutilation

### **Response to paragraph 18 of the concluding observations on combating inequalities in inheritance and matrimonial regimes**

49. Two workshops were held from 17 to 22 June and from 9 to 21 December 2019 to review the Personal and Family Code. The outcome of the workshops was a preliminary draft of the proposed Personal and Family Code. In the draft bill, the minimum age of marriage for boys and girls is harmonized at 18 years, and couples married according to customary or religious rules may have their marriages legally recognized by declaration before the civil registrar. On 31 August 2020, the document was examined by the technical committee responsible for the verification of draft legislation; it was then submitted to the office of the Minister of Justice and subsequently to the Council of Ministers.

## Response to paragraph 20 of the concluding observations on the right to work

50. The 2021–2025 National Employment Strategy and the National Strategy for the Promotion of Youth Entrepreneurship have been adopted, together with their operational action plans.

51. Actions to promote women’s access to employment include:

- A 48-hour session offering business and financing opportunities for women entrepreneurs in Ouagadougou and Bobo-Dioulasso in 2019, which made it possible for 750 women entrepreneurs to follow training
- In 2018 and 2019, 1,000 women-owned businesses were given grants equivalent to 50 per cent of their official registration costs
- In 2019, a list of jobs available for persons with disabilities was drawn up
- In 2019, a review was conducted of the National Strategy for the Protection and Promotion of the Rights of Persons with Disabilities, and a diagnostic study on the question of the employability of persons with disabilities was carried out between 2019 and 2020
- In 2019, an action plan was developed for the National Strategy for the Promotion of Female Entrepreneurship
- A total of 300 copies of the brochure on financing opportunities for women were distributed

52. Actions to promote women’s access to employment include:

- Implementation of the Integrated Programme for Women’s Empowerment in Burkina Faso (2016–2020). The implementation of this programme made it possible to provide 47,306 tons of mineral fertilizers, 82,326 tons of improved seeds and 16,890 items of modern production and processing equipment to women in 2016. In 2017, the programme provided 86 tons of agricultural inputs to 500 rural women and mobilized CFAF 500,000,000 to support income-generating activities by women. Grants of modern production and processing equipment were provided to 100 women’s associations and groups to a total value of CFAF 190,000,000.
- The Women in Business project (2016–2019) made it possible in 2018 for 420 adolescent girls and 210 young women to follow training in production, processing and storage techniques for local products, 200 adolescent girls and 100 young women to follow training in financing opportunities, and 60 adolescent girls to receive subsidies for innovative vocational training (as electronics engineers, electricians, mechanics, construction workers, etc.);
- Through its component 1, entitled “Support for economic initiatives by young persons and women and job creation”, the Special Emergency and Transition Programme, set up in 2015, made it possible to fund projects run by 134 women to a total of CFAF 1,220,000,000.
- The Programme of Economic Autonomy for Young Persons and Women in 2018 provided funding for 11,049 microprojects, 6,613, or 59.85 per cent, of which were run by women, to a total amount of CFAF 2,697,937,000.
- The Support Fund for Women’s Income-Generating Activities channelled credits worth a total of CFAF 35,735,867,000 to 409,828 women between 2018 and 30 November 2020.
- The National Strategy for the Promotion of Women’s Entrepreneurship (2016–2025) and its operational action plans (2016–2018) and (2020–2022) were implemented.
- Microprojects run by 239 women were financed to a total of CFAF 230,850,765 between 2017 and 2019.

53. The Informal Sector Support Fund granted credits worth CFAF 33,300,000 to 57 persons with disabilities, including 22 women.

### **Response to paragraph 22 of the concluding observations on the informal sector and social security**

54. In order to guarantee adequate benefits for all workers, Burkina Faso has embarked on a review of Act No. 004-2021/AN of 6 April 2021 on the social security scheme applicable to salaried and similar workers, Act No. 003-2021/AN of 1 April 2021 on the social security scheme applicable to public employees and Act No. 22-2006/AN of 16 November 2006 on the occupational risk prevention and compensation scheme applicable to civil servants, military personnel and members of the legal service.

55. The draft bills were reviewed and amended by the National Advisory Technical Committee on Health and Safety at Work and the Technical Committee for the Audit of Draft Bills. Some major innovations were introduced. The new provisions were based on the standards of the Inter-African Conference on Social Welfare (CIPRES) and meet the expectations of the persons covered as closely as possible.

56. The implementing texts for Act No. 060-2015/CNT of 5 September 2015 on a universal health insurance scheme have been adopted.

57. A feasibility study of the inclusion of allowances and other benefits in pension calculations was carried out in May 2018, and the study report was signed off in 2020.

58. On 14 October 2020, the Council of Ministers adopted a decree raising pensions by 2.5 per cent for civil servants of categories A, B and P and army officers, and by 5 per cent for other beneficiaries of the civil service pension fund.

59. The labour inspectorates have compiled a dedicated check sheet for persons active in the informal economy, based on the International Labour Organization (ILO) Guide on Labour Inspection Intervention in the Informal Economy. The inspectorate is increasingly taking action in respect of this sector.

Table 1

#### **Labour inspections in the informal sector**

<i>Inspections in the informal sector</i>					
<i>2016</i>	<i>2017</i>	<i>2018</i>	<i>2019</i>	<i>2020</i>	<i>30 June 2021</i>
-	57	210	467	355	83

60. The Labour Inspectorate's remit covers both the formal and the informal sectors. During inspections and conciliation meetings, templates have been filled out to centralize the list of undeclared workers and forward their names to the national social security fund for registration. A list of more than 2,000 unregistered workers was thus sent to the Fund in 2019.

61. Inspections were conducted in companies in the informal economy in all 13 regions. A total of 760 establishments in the informal economy were thus inspected between 2018 and 2020.

### **Response to paragraph 20 of the concluding observations on the right to work**

62. Minimum wages are governed by the Labour Code and Decree No. 2006-655/PRES/PMT/MTSS/MFB of 29 December 2006 setting guaranteed interprofessional minimum wages. In addition, pursuant to Decree No. 2010-809/PRES/PM/MTSS/MEF/MFPRE of 31 December 2010, a national commission on the minimum wage was set up, comprising representatives of various ministries, the Economic and Social Council and workers' and employers' organizations.

63. Similarly, a joint commission for wage negotiations in the private sector was set up in 2008; its terms of reference were revised pursuant to Order No. 2012-0001/MFPTSS/SG/DGT/DREPPDS of 16 January 2012.

### **Response to paragraph 26 of the concluding observations on trade union rights**

64. Act No. 064-2015/CNT of 20 October 2015 enshrines the freedom of association and determines the conditions governing trade union organizations in Burkina Faso. It covers both the public and the private sector.

65. Legislation adopted concerning the status of civil servants also promotes social dialogue and the freedom of association. It includes:

- Act No. 027-2018/AN of 1 June 2018 on the status of officers of the National Police, which repeals Act No. 045-2010 of 14 November 2010 on the status of personnel of the National Police
- Act No. 003-2017/AN of 13 January 2017 governing the local authority civil service
- Act No. 104-2015/CNT of 23 December 2015 governing staff of the paramilitary customs service
- Act No. 081-2015/CNT of 24 November 2015 governing the general status of the national civil service
- Act No. 063-2015/CNT of 15 September 2015 governing staff of the paramilitary water and forestry service
- Act No. 50-2015/CNT of 25 August 2015 governing the judiciary
- Act No. 16-2014/AN of 15 May 2014 governing prison security service staff
- Act No. 054-2012/AN of 18 December 2012 governing the staff of the court registry
- Act No. 45-2010/AN of 7 December 2010 governing staff of the National Police, and its implementing regulations
- Act No. 25-2010/AN of 18 May 2010 on the legal regime applicable to the employment of research and teaching staff, teaching staff of university hospitals and research staff

66. The private sector is subject primarily to the 2008 Labour Code and its implementing regulations.

67. In addition, Decree No. 2017-0261/PRES/PM/MINEFID/MFPTPS on the creation, remit, organization and operation of the High Council for Social Dialogue was adopted on 5 May 2017.

68. Burkina Faso has one employers' organization, the National Council of Employers of Burkina Faso, and six trade unions.

69. Workshops held in 2018 and 2019 to raise awareness among stakeholders on the application of ILO Conventions No. 87 on Freedom of Association and Protection of the Right to Organise, 1948, and No. 98, on the Right to Organise and Collective Bargaining, 1949, were attended by 1,975 participants, of whom 512 were women. Awareness-raising sessions were also organized for trade union organizations. During these sessions, 13 topics were addressed for the benefit of the social partners, enabling them to master the concepts of and legal framework for social dialogue.

70. With regard to the protection of unionized workers and their leaders against acts of intimidation, the Labour Code addresses professional institutions in its title VI, including profession-based trade unions in its chapter I (arts. 275–306). The provisions that offer protection for unionized workers can be found in articles 103 and 314 of the Code, which ensure the protection of workers' representatives.

**Response to paragraph 28 (a) of the concluding observations on violence against women**

71. With regard to marital rape, the provisions of Act No. 061-2015 have been taken up in the 2018 Criminal Code, in which the penalty was increased from between CFAF 100,000 and CFAF 500,000 previously to between CFAF 250,000 and CFAF 600,000.

**Response to paragraph 28 (b) of the concluding observations on violence against women**

72. To improve access to justice for victims of human rights violations, two training sessions on the major innovations of the new Criminal Code for members of the legal service and court registrars were held in July 2020. In addition, 300 women from Ziniaré, Banfora and Koudougou took part in awareness-raising campaigns on how to bring cases to court and the mechanisms established to facilitate access to justice.

73. In Burkina Faso, the most recurrent forms of gender-based violence are early marriage, forced marriage, domestic violence, sexual violence and female genital mutilation. Disaggregated data on gender-based violence are compiled and processed by the Ministry for the Advancement of Women. An analysis of the data makes it possible to identify appropriate action to reduce their scale.

74. For example:

- In October 2020, a gendarme was handed a sentence of 5 years, including 2 years to be served in prison, and a suspended fine of CFAF 600,000 for sexual violence against a 16-year-old girl
- In July 2020, a gendarme and a soldier were sentenced to 4 and 3 years' imprisonment, respectively, for the rape of two girl sex workers
- A father was taken into the public prosecutor's office on 12 August 2020 for the rape of his 14-year-old daughter
- Perpetrators of rape and social exclusion for allegations of witchcraft were convicted at a mobile court hearing on 30 June 2021

**Response to paragraph 28 (c) of the concluding observations on violence against women**

75. Projects and programmes have been developed to promote the eradication of female genital mutilation and to strengthen public education and awareness-raising initiatives. These include:

- The joint United Nations Population Fund (UNFPA)/ United Nations Children's Fund (UNICEF) programme to accelerate the eradication of female genital mutilation, which ran from 2009 to 2021, with an extension to its scope of intervention
- A project to reduce the incidence of excision in Ziro and Zoundwéogo Provinces;
- A pilot project to inform and mobilize the public to end female genital mutilation in Sissili and Koulpélogo Provinces
- The Gendarmerie and Police Awareness and Deterrence Patrol Programme
- A communication strategy to encourage behaviour change that takes account of the human rights-based approach and the social norms theory, the approach to teaching the modules on female genital mutilation in the education system, increased pressure from the law on the perpetrators of female genital mutilation/excision and their accomplices, and reparations for the consequences of female genital mutilation

76. All these initiatives have helped to raise awareness and provide training for 923,156 persons.

77. In 2018 and 2019, training sessions on combating violence against women and girls were held for those involved in protecting and promoting women's rights. Thus, in 2018, 55 persons involved in the judicial system (members of the legal service, police officers) were given training on gender-based violence, the application of Act No. 061-2015/CNT of 6 September 2015 on the prevention and repression of and reparations for violence against women and girls, the care of victims and the law on female genital mutilation and child marriage.

### **Response to paragraph 28 (d) of the concluding observations on violence against women**

78. Criminal guidance notes provide general instructions for staff of the prosecutorial service in prosecuting cases of domestic violence without fear or favour and calling for appropriate punishment. They thus protect the rights of victims and witnesses, particularly women.

79. An action plan for the integrated care of victims of gender-based violence for the period 2018–2020 was drawn up in 2018 with the aim of improving the provision of care for women and girls victims of violence.

80. With regard to excision, the prosecution of perpetrators and their accomplices has been stepped up. By way of illustration, 56 persons were convicted in 2017, 64 in 2018, 37 in 2019 and 25 in 2020. In addition, there has been an increase in the number of victims who have been provided with support in the form of reparations for the consequences of excision: 121 in 2017, 352 in 2018, 179 in 2019 and 164 in 2020.

### **Response to paragraph 31 of the concluding observations on the economic exploitation of children**

81. The provisions of articles 533-31 to 533-38 and articles 511-1 ff. of the Criminal Code protect children against trafficking, and punish the worst forms of child labour and sexual exploitation.

82. In order to strengthen the protection of children against all forms of violence, such as child marriage, sexual and economic exploitation and the worst forms of labour, the Government has adopted various plans, programmes, policies and strategies, including:

- The National Strategy for the Prevention and Elimination of Child Marriage, 2016–2025
- The National Child Protection Strategy, 2019–2023, which aims to establish an environment that ensures effective child protection by 2023
- The National Strategy to Combat the Worst Forms of Child Labour, 2019–2023

83. The following measures have also been taken:

- Monitoring and awareness-raising visits to places with a high potential for the worst forms of child labour (gold mines, artisanal quarries, cotton-growing areas, etc.). In 2018, a total of 36 awareness-raising visits were made to gold mines, six radio programmes were broadcast and three awareness-raising sessions were held. In 2019, 34 field visits, seven training courses and one conference were held and 17 radio programmes were broadcast.
- Follow-up was provided for 24 children removed from gold mines and artisanal quarries in Kaya and provided with job training in 2019. The situation of each of the 24 children taken from the mines and reintegrated into society was thus assessed
- Six regional workshops were organized in 2018, with another seven in 2019, for those involved in combating child labour, to provide information on the innovations in the new decree listing the hazardous jobs from which children are banned

84. Visits to identify vulnerable children and operations to remove them were organized in 2018 and 2019 with a view to ensuring care for them through daily case management by the social services for child victims of violence. These operations achieved the removal of 9,255 child victims of violence and their subsequent care in 2018 and 9,452 in 2019, making a total of 18,707 child victims.

85. They also reached 1,473 children and mothers of twins in 2018 and 463 in 2019, making a total of 1,936 children and mothers of twins removed from harm.

86. Public awareness-raising sessions held in 2018 reached 525,509 individuals, of whom 134,057 were children and 391,452 were adults. The figure for 2019 was a total of 69,612: 24,778 children and 44,834 adults.

87. With regard to human trafficking, in 2018, 1,047 child victims were intercepted, placed in care and reintegrated into society, as were 2,303 in 2019.

### **Response to paragraph 31 of the concluding observations on the economic exploitation of children**

88. A number of public information campaigns have been organized to raise awareness of the causes and consequences of child labour, and the relevant legislation in force. They are summarized in the table below.

Table 2  
**Awareness-raising campaigns organized by the Ministry for the Civil Service, Labour and Social Welfare**

<i>Campaigns</i>	<i>Year</i>				
	<i>2016</i>	<i>2017</i>	<i>2018</i>	<i>2019</i>	<i>2020</i>
Films followed by discussions	105	12	2	11	0
Sessions using the method developed by the Group for Research and Support for Local Self-Help (GRAAP)	53	4	0	11	0
Radio programmes	17	15	13	25	13
Training and awareness-raising workshops	16	0	13	35	17
Informal discussions-debates	10			1	1
Socioeducational activities	10	-	-	-	5
Cross-country runs	3	1	2	3	0
Drawing and writing competitions	2	2	1	4	2
Public lectures	2	13	1	1	2
Poster- and gadget-making sessions	1	0	0	0	3
Forum theatre performances	1	6	0	0	0
Football competitions	1	3	1	1	0
Radio games	0	5	0	25	13

*Source:* Ministry for the Civil Service, Labour and Social Welfare reports on combating child labour.

89. In addition, to monitor workplaces with a high potential for the use of child labour, labour inspectors and controllers carry out checks on compliance with legislation. The tables below provide an overview of the workplace monitoring and awareness-raising activities carried out.

Table 3  
**Workplace monitoring activities**

Year	Informal sector (carpentry, welding, etc.)		Agriculture	Number of children who have worked recently	Action taken
	Gold mines				
2016	15	56	1	156	None
2017	19	14	1	469	None
2018	65	276	7	912	None
2019					Observations and formal notifications
	24	498	23	1 614	
2020	13	308	72	1 839	None

Source: Ministry for the Civil Service, Labour and Social Welfare reports on combating child labour.

Table 4  
**Population reached by awareness-raising campaigns**

Year	Number of persons involved			
	Men	Women	Boys	Girls
2016	46 267	57 02	12 179	146
2017		103 016		92 424
2018	13 088	11 429	8 715	8 242
2019	119 268	3 024	4 225	1 867
2020	505 996	4 478	1 320	1 008

Source: Ministry for the Civil Service, Labour and Social Welfare reports on combating child labour.

### **Response to paragraph 33 of the concluding observations on combating poverty**

90. The National Strategy for Inclusive Finance 2019–2023 was adopted in 2020 with the aim of improving financial education for the benefit of vulnerable sections of the population. The overall objective of the Strategy is to increase, by 2023, to 75 per cent the proportion of the adult population with access to and actually using affordable, adapted financial products and services.

91. Similarly, the National Fund for Inclusive Finance was launched in September 2020 in the framework of funding for those involved in the informal system.

92. Through the Inclusive Finance Promotion Project, aimed at giving low-income populations access to financial services, finance will be available, by 2022, for around 1,320,000 beneficiaries nationwide, including 792,000 women.

93. In addition, access to digital financial services has been improved through the development of digital financial service platforms, mobile money and electronic and mobile banking.

94. The implementation of the National Economic and Social Development Plan over the 2016–2020 period has improved access to basic social services. As to access for all to a decent standard of living, a new water pricing policy and a new drinking water supply management mechanism for rural and semi-urban areas have been implemented through regulation. According to the midterm report on the implementation of the National Economic and Social Development Plan, access to drinking water has risen from 72 per cent of the population in

2016 to 75.41 per cent in 2020; access to sanitation has risen from 20 per cent in 2016 to 23.65 per cent in 2020.

### **Response to paragraph 33 of the concluding observations on food insecurity and malnutrition**

95. The plan for scaling up the promotion of best infant and young child feeding practices for the period 2013–2025 is being implemented. It is helping to reduce malnutrition in children under 5 years old. Care is provided for children aged 0–59 months suffering from acute malnutrition. As a result, we have seen a reduction in mortality resulting from malnutrition and a reduction in stunting.

96. A fund has been set up to help older persons who are members of the Bureau burkinabè des droits d’auteurs (Burkina Faso Board for Royalty Payments) living in poverty. Since 2017, the fund’s management committee has selected 50 members as beneficiaries each year. Each beneficiary receives CFAF 100,000 per quarter, or CFAF 400,000 per year.

97. In addition, the implementation of the National Economic and Social Development Plan through its topic 2: “Developing human capital”, which aims to promote public health and accelerate demographic transition, guarantee access to quality healthcare services and improve the nutritional status of the population, particularly women and children, has achieved a reduction in the proportion of severe acute malnutrition cases managed in relation to the number expected, from 58 per cent in 2016 to 41 per cent in 2020.

98. With the support of its technical and financial partners, the Government has taken steps to support soil and water conservation/soil protection and restoration, the development/rehabilitation of inland valleys and irrigated areas, and the construction of runoff water harvesting basins, market garden wells and ponds. This work achieved the following results over the period 2016–2020:

- 93,183.5 ha of land reclaimed through soil and water conservation/soil protection and restoration
- 519,540.22 ha of new improved inland valleys and 2,353 ha of rehabilitated inland valleys
- 7,127.9 ha of new irrigated areas developed and 703 ha rehabilitated
- 291 market garden wells completed
- 33 ponds made
- 774 runoff water harvesting basins completed

99. In addition, the acquisition and provision over the period 2016–2020 of inputs, agricultural equipment and draught animals made it possible to supply farmers with:

- 33,426.22 tons of seeds
- 111,140.46 tons of mineral fertilizer
- 64,253 items of equipment
- 20,005 draught animals (oxen and donkeys)

100. In order to create a favourable environment for the development of agricultural, forestry, pastoral, fishing and wildlife activities for the benefit of small farmers, the Government implemented the following during the 2016–2020 period:

- The drafting and validation of a national strategy for the development of agricultural entrepreneurship, in December 2016.
- The development of new products (credits, compensation funds, working capital, etc.) tailored to the needs of producers and alternative financing mechanisms for the economic activities of women and young people. Thus, 3,515 farmers received credits for the acquisition of agricultural inputs, 53,514 inland valley farmers and

3,473 market gardeners received working capital funds and 975 promoters had their microprojects financed from the support fund.

- The adoption in 2018 of the Act on the Code for Agriculture, Forestry, Livestock, Fisheries and Wildlife Investment, which promotes decent jobs and entrepreneurship in the relevant sectors. Two decrees implementing the Act were adopted on 31 December 2019.
- On 16 September 2020, the Agricultural Development Fund was established in the form of a financial line opened in the books of the bank Banque Agricole du Faso.
- The adoption of Decree No. 2020-0772/PRES/PM/MAAH/MINEFID of 16 September 2020 establishing an agricultural insurance mechanism, which is intended to provide farmers with risk coverage against the vagaries of the weather.

### **Response to paragraph 37 of the concluding observations on forced eviction**

101. Act No. 009-2018/AN of 3 May 2018 was introduced to protect the public against forced eviction; it provides regulations governing expropriation in the public interest and compensation for persons affected by developments and projects carried out in the public or general interest. It is in line with international standards on the subject, and provides victims with every guarantee of fair compensation for the damage caused by expropriation.

102. In addition, between 2016 to 2020, measures were taken to encourage the general application of Act No. 034-2009/AN of 16 June 2009 on rural land tenure, notably through the adoption of legal texts to bring the National Policy for Securing Land Tenure in Rural Areas into operation.

103. Other measures included the distribution of 1,300 copies of texts on and tools for rural land ownership to 15,000 farmers, the creation of 250 institutional frameworks for rural land management, training and awareness-raising sessions for those involved in or affected by rural land tenure (26,515 persons trained on the Rural Land Tenure Act), the creation of 3,207 village land ownership conciliation commissions and the issuance of 860 rural land ownership certificates.

### **Response to paragraph 39 of the concluding observations on the right to adequate and affordable housing**

104. Theme 2 of the National Economic and Social Development Plan, entitled “developing human capital” and, more specifically, strategic objective 2.5, the aim of which is to “improve the living environment and access to water, sanitation and quality energy services”, form part of the framework of the right to decent housing. The Government has therefore taken steps to increase the supply of decent housing and a healthy living environment for the public.

105. In respect of planning the expansion and occupation of the urban environment, between 2016 and 2021, a number of cities in Burkina Faso were provided with planning tools to allow them greater control of the management of those areas.

106. The adoption of Act No. 022-2017/AN of 9 May 2017 on leasing agreements and Act No. 057-2008/AN of 20 November 2008 on property development has led to the emergence of structures operating in the property development sector that support the State in expanding the housing supply. As a result, housing construction has increased the supply from 4,572 units in 2015 to 8,650 in 2018, an overall increase of 89.2 per cent.

107. A strategy to reduce the number of informal dwellings was adopted, as was the National Housing Construction Programme, which provides for the construction of 40,000 social and economic housing units in all the administrative centres of both urban and rural communes. The programme is open to all Burkina Faso nationals aged 21 years or over, whether living within the country or abroad; workers in the public, private and informal sectors and the liberal professions, mutual insurance companies and other workers’

socioprofessional organizations; persons who own a plot of land on which they would like to build benefit from tax exemptions on building materials.

108. The tables below provide an overview of registrations to the Programme by professional status and income bracket, as well as an annual breakdown of housing units built.

Table 5  
**Breakdown of housing units by category and by year**

<i>Type of housing unit</i>	<i>Number of housing units per year</i>				<i>Total</i>
	<i>2017</i>	<i>2018</i>	<i>2019</i>	<i>2020</i>	
Social housing	5 000	5 000	5 000	5 000	20 000
Affordable and luxury accommodation	2 500	5 000	5 000	7 500	20 000
<b>Total</b>	<b>7 500</b>	<b>10 000</b>	<b>10 000</b>	<b>12 500</b>	<b>40 000</b>

Table 6  
**Registration by professional status**

<i>Type of structure</i>	<i>Number</i>	<i>Percentage</i>
Public sector	64 905	31.17%
Private sector	53 339	25.62%
Informal economy	46 540	22.35%
Other	22 645	10.87%
Liberal professions	17 706	8.50%
International organizations	3 097	1.49%
<b>Total</b>	<b>208 232</b>	<b>100.00%</b>

Table 7  
**Registration by income bracket**

<i>Income bracket (CFAF)</i>	<i>Number</i>	<i>Percentage</i>
0 to 30 000	8 897	4.27%
30 000 to 50 000	14 823	7.12%
50 000 to 75 000	15 083	7.24%
75 000 to 100 000	26 381	12.67%
100 000 to 150 000	33 851	16.26%
150 000 to 200 000	31 930	15.33%
200 000 to 250 000	21 011	10.09%
250 000 to 300 000	11 358	5.45%
300 000 to 400 000	7 357	3.53%
400 000 to 500 000	4 121	1.98%
Other	9 467	4.55%
Not specified	23 953	11.50%
<b>Total</b>	<b>208 232</b>	<b>100.00%</b>

109. In addition, the Special Emergency Assistance Programme to the Sahel Member Countries and Sudan, the overall objective of which is to help improve the security of persons and goods and to promote economic and social development in the Sahel region, has enabled the construction of productive boreholes and simplified drinking water supply systems and

the rehabilitation of boreholes, as well as the construction of social and affordable housing in three provincial capitals.

110. To date, over 5,000 housing units have been built under the National Housing Construction Programme, and more are under construction under the Public-Private Partnership scheme.

111. To address the huge rise in rents for residential buildings which is often behind the issues affecting access to decent housing, the Government adopted Decree No. 2018-0687/PRES/PM/MHU/MINEFID/MCIA of 31 July 2018, setting out the nature of the work to be carried out by the landlord and the tenant and the terms and conditions for reviewing the rent of private residential leases in application of Act No. 103-CNT/2015 of 22 December 2015. The Decree regulates the setting of rents for private residential leases.

### **Response to paragraph 41 of the concluding observations on the right to safe drinking water and sanitation**

112. The right to safe drinking water and sanitation was enshrined in the Constitution under Act No. 072-2015/CNT of 5 November 2015 revising the Constitution. The right to safe drinking water and sanitation is recognized in article 18 of the Constitution. In addition, the National Economic and Social Development Plan includes a strategic objective on improving the living environment, access to water, sanitation and quality energy services. To this end, sectoral policies favouring universal access to water and sanitation are being implemented. These include the President's vision of "no more water-collecting chores", the Environment, Water and Sanitation Sectoral Policy, 2018–2027, and the 2021–2025 National Water Strategy.

113. Similarly, development programmes are being implemented to ensure that populations enjoy their universal right to water and sanitation. These include the National Safe Drinking Water Supply Programme, 2016–2030, the National Programme on the Integrated Management of Water Resources, 2016–2030, the National Hydraulic Installations Programme, 2017–2030, and the Water Supply and Sanitation Programme.

114. As a result, the activities carried out over the period 2016–2020 have made it possible to ensure the supply of safe drinking water to 3,681,106 persons, of whom 1,778,372 live in rural areas and 1,902,734 in urban areas. In urban areas, a total of 5,694,066 persons, of an urban population of 6,105,472, have a water connection, as do 10,337,258 persons of the rural population of 14,867,594. These achievements raised the national rate of access to safe drinking water from 71.9 per cent in 2015 to 76.4 per cent in 2020.

115. Various measures have been taken in the area of sanitation. For example:

- The adoption on 24 April 2019 of Decree No. 2019-0320/PRES/PM/MEA/MINEFID/MATDC/MEEVCC/ MS laying out standards, criteria and indicators for access to sanitation
- Subsidies to households for the construction of family latrines and other sanitation facilities
- Implementation of the Safe Drinking Water and Sanitation in the Urban Environment project and the Better Management of Hydraulic Infrastructure for Safe Drinking Water Supplies, Health Promotion and Sanitation in the Urban Environment project, phase 2 (PROGEA II)

116. Between 2016 and 2020, 11,345 new boreholes, 15 multi-village drinking water supply networks (AEP-MV), 238,081 family latrines and 5,440 institutional and public latrines were built. In addition, 7 septic treatment plants and 4,042 boreholes were rehabilitated. These actions helped raise the national rate of access to family sanitation from 18 per cent in 2015 to 25.3 per cent in 2019. Over the period 2016–2020, the number of additional people with access to sanitation is estimated at 2,059,621, of whom 1,377,140 lived in rural areas and 682,481 in urban areas. A total of 5,299,287 persons benefit from adequate sanitation facilities nationwide.

117. This is attributable to the clear commitment to draw up at least one simplified solid waste management plan each year and the implementation of the national project for the treatment and recovery of plastic waste. Efforts to clean up the environment have made it possible to increase the percentage of communes with a functional solid waste management system from 13 per cent in 2015 to 28.13 per cent in 2020.

118. In 2020, a number of actions were carried out in the environment, water and sanitation sector to take account of gender-related issues and the human rights-based approach. For example, the Ministerial Unit for Gender Promotion within the Ministry of Water and Sanitation has updated its 2020–2022 action plan.

119. With a view to taking cross-cutting aspects into account in its work, the water agency in Nakambé began the development and validation of a guide on integrating the human rights-based approach and gender mainstreaming in 2019. In addition, gender mainstreaming has resulted in the appointment of two women among the five presidents of the local water agencies' boards of directors, meaning that 40 per cent of the presidents of those decision-making bodies are now women.

### **Response to paragraph 43 of the concluding observations on the right to health**

120. The proportion of the national budget allocated to the health sector is constantly increasing, and varies between 11 and 12 per cent. Between 2016 and 2020, the budget allocated to health rose from CFAF 134.63 billion to CFAF 234.502 billion, an increase of 74.18 per cent.

121. In order to improve the quality of, and access to, healthcare, 206 new health and social protection centres were built and equipped and one medical centre with a surgical unit was completed in Gayéri. The Government also launched a project to build and equip 240 new health and social protection centres, 13 medical centres with surgical units, two regional hospital centres, two university hospital centres and two specialized geriatric and cancer centres. In addition, 34 health and social protection centres in the main towns of rural communes have been transformed into medical centres.

122. The annual health worker recruitment exercise has helped to improve certain indicators. As a result, the population/physician ratio has fallen from 15,836:1 in 2016 to 10,927:1 in 2019. The population/qualified nurse ratio rose from 3,281:1 in 2018 to 2,028:1 in 2019, for a target of 3,500, and the population/qualified midwife ratio rose from 5,510:1 in 2018 to 5,128:1 in 2019, for a target of 5,900.

### **Response to paragraph 45 of the concluding observations on combating infant and maternal mortality**

123. Efforts to combat infant mortality and maternal mortality and morbidity have been stepped up, making it possible to manage malaria in children under the age of 5 years. As a result, the lethality of severe malaria in children under 5 is falling (1.5 per cent in 2016 compared to 1.1 per cent in 2019). The in-hospital mortality rate (per 1,000) (university hospital centres, regional hospital centres, district hospitals) went from 56.40 in 2016 to 59.30 in 2020. The in-hospital maternal mortality rate per 100,000 women in labour fell from 134.60 in 2016 to 134 in 2020.

124. Childhood vaccination campaigns have been organized throughout the country. They have led to improved antigen coverage rates: third dose of pentavalent vaccine (Penta3): 62.3 per cent in 2018 and 56.5 per cent in 2019; second dose of combined measles-rubella vaccine (RR2): 52.6 per cent in 2018 and 48.1 per cent in 2019. The substantial increase in the contribution from the State budget, which rose from CFAF 1,200,000,000 in 2018 to CFAF 4,700,000,000 in 2019, has made it possible to increase the number of vehicles available to the campaign.

125. Decree No. 2016-311/PRES/PM/MS/MADTSI/MINEFID of 29 April 2016 on free healthcare for women and children under the age of 5 years living in the country enshrines

free healthcare, medicines and family planning and prenatal care. This measure has led to improved maternal and child health and reduced maternal and infant mortality. Between 2016 and 2020, 80,689,421 free measures were offered at an estimated cost of over CFAF 116.8 billion. The number of women benefiting from free healthcare rose from 3,233,293 to 6,901,979, and the number of children from 7,068,370 to 10,307,427, between 2016 and 2020.

### **Response to paragraph 47 (a) of the concluding observations on sexual and reproductive health**

126. With the adoption of the Criminal Code, the procedure for access to legal abortion in cases of rape or incest has been simplified. Under article 513-14 of the Criminal Code, in cases of rape or incest, if the public prosecutor's office confirms that the pregnant woman is in genuine distress, she may ask a doctor to terminate her pregnancy within the first 14 weeks.

127. This article differs from the provisions of the previous Code in two essential respects. Firstly, the opinion of a single doctor, whether working in public or private healthcare, is now sufficient to authorize the voluntary termination of the pregnancy, whereas the 1996 version of the Code required two medical opinions, one of which needed to be given by a doctor working in public healthcare. Secondly, the 10-week limit set in cases of incest or rape under the previous Code has been increased to 14 weeks.

128. The number of illegal abortions fell by approximately 4 per cent between 2017 and 2018, from 1,943 to 1,867. These are cases recorded by various health facilities following complications resulting from clandestine abortions. Post-abortion care is free in public health facilities.

### **Response to paragraph 47 (b) of the concluding observations on sexual and reproductive health**

129. Sexual and reproductive health services are offered at all levels of the country's health system (community health centres, health and social promotion centres, medical centres with field surgical teams, regional hospital centres, regional university hospital centres and university hospital centres). The Government adopted the National Family Planning Acceleration Plan, 2017–2020, as a national reference, the aim of which is to increase the prevalence rate for the use of modern contraceptives among women in relationships from 22.5 per cent in 2015 to 32 per cent in 2020.

130. The Government has introduced free family planning services to improve the affordability of the contraceptive methods not subject to restrictions. Between 2018 and 2020, the total cost of this free service was CFAF 22,424,339,537. Ultimately, the Government aims to achieve 60 per cent prevalence in the use of contraceptive methods by 2030. For example, the adoption in 2018 of the use of self-injection of subcutaneous Depo-Medroxyprogesterone Acetate (DMPA/SC) as an innovative and promising strategy that helps to improve access to family planning services, which has been implemented in eight regions (35 districts), had, by the first quarter of 2021, reached 1,957 former users and 1,137 new users. Together, these government policies have led to a rise in the prevalence rate of contraceptive use from 22.5 per cent in 2015 to 31.9 per cent in 2020.

### **Response to paragraph 47 (c) of the concluding observations on sexual and reproductive health**

131. Several measures are being taken to improve sexual and reproductive health services for adolescents and young persons in order to reduce pregnancy-related school dropout rates. To that end, in 2017, the Ministerial Committee to Combat AIDS, under the Ministry of Education, Literacy and the Promotion of National Languages, developed teaching modules on sexual and reproductive health. Thus, in 2018 and 2019, awareness-raising on the issue of pregnancy in schools was conducted among 15,774 male and female students. Between 2019

and 2021, a total of 157,917 young people participated in awareness-raising activities on sexual and reproductive health.

132. Further initiatives include an interactive Internet platform called “QG Jeunes”, available on the Google Play store since March 2018, a toll-free number (34 24) for contacting mentors to discuss issues related to sexuality, and the “U-report” platform for the elimination of female genital mutilation.

133. In addition, the implementation of a sexual and reproductive health project for adolescents and young persons for the period 2021–2025 has raised awareness among 3,000 persons of the need for dialogue between men and women and, in 2021, for dialogue between parents and children.

### **Response to paragraph 50 of the concluding observations on the right to education**

134. A number of initiatives have been launched to expand access to quality education for all. These include the recruitment of teaching staff, the construction of school infrastructure, the financing of certain educational initiatives and the establishment of school canteens. By way of illustration, 35 preschools were built between 2018 and 2019.

135. Similarly, local authorities have been lobbied to integrate non-formal education into their local development plans. During the 2020–2021 period, there were 2,370 literacy centres, with a total of 99,866 students, including 78,007 women, following the courses offered.

136. In the case of school canteens, the State allocates CFAF 18,882,000,000 each year for the purchase of food.

137. Awareness-raising sessions are organized on a regular basis to promote the inclusion and education of girls and gender mainstreaming. An integrated plan for girls’ education has been adopted and is being implemented in four Provinces in the Sahel Region (Yagha, Soum, Séno and Oudalan) and three Provinces in the Centre-Nord Region (Sanmatenga, Bam and Namentenga).

138. In addition, the Government and its partners also provide specific support for girls. In fact, since 2018, an average of 2,200 girls of post-primary age have been provided with accommodation each year. A sum of CFAF 5,000 per month is allocated to each of them to cover accommodation costs.

139. The Government has adopted the Accelerated/Transition Enrolment Strategy to encourage the enrolment of out-of-school children aged between 9 and 12 years. Under the Strategy, such children are provided with education in the form of the teaching content for classes CP1, CP2 and CE1 over nine months, i.e. two months in the national language and seven months in French. After that period of nine months, they are integrated into the mainstream system, in class CE2.

140. In 2018, the 572 Accelerated/Transition Enrolment Strategy centres were attended by a total of 14,875 students: 7,553 girls and 7,322 boys. In 2019, the figure was 12,014: 970 girls and 6,044 boys. By 2020–2021, it had risen to 14,651: 7,238 girls and 7,413 boys. Since 2018, an average of 2,000 teachers have been trained each year in inclusive education.

141. The adoption of the National Strategy to Accelerate Girls’ Education for the period 2012–2021 is contributing to the establishment of an education system free of all forms of gender inequality and inequity. The results of the implementation of the Strategy between 2017 and 2021 include:

- Subsidized primary school enrolment for 230,467 girls
- Specific support (support courses, various donations, etc.) for more than 43,000 vulnerable girls at post-primary level in 2021
- School kits for 1,500 girls living in difficult circumstances

- Between 2017 and 2021, subsidized parent-teacher association membership fees for 912,100 girls newly enrolled in the class CP1, and a ban on excluding any pupil for non-payment of such fees
- Support for accommodation and meals for 88,855 girls in 2020–2021

142. The implementation of the Sahel Women’s Empowerment and Demographic Dividend Project for the period 2016–2020 has achieved the following results:

- Financial support each year for more than 830 girls who were victims of or at risk of child marriage in the Boucle du Mouhoun, Est, Sahel, Hauts Bassins and Centre-Est Regions
- The setting up of 21 Deen kan (the child’s voice, in the Dioula language) clubs in schools in the regions covered by the project
- Training for 1,610 girls in life skills and the development of self-esteem

143. Several other initiatives have been implemented:

- Economic Community of West African States (ECOWAS) scholarships for excellence awarded to 218 girls between 2016 and 2019
- 54 per cent of places in technical education and scholarships for scientific studies set aside for girls
- National scholarships awarded to 13,049 girls: 8,834 for post-primary education and 4,215 for secondary education between 2017 and 2020
- Free canteen meals in primary schools at a total cost of over CFAF 18 billion between 2017 and 2021
- Subsidized accommodation for 2,496 girls
- The provision of 51,309 school kits for girls at post-primary and secondary levels between 2016 and 2018
- Financial assistance of CFAF 35,000 per girl per year for 1,774 girls in 2019–2020
- The awarding of incentive prizes to 882 girls from 48 schools for their academic performance at post-primary and secondary levels in 2018–2019
- Training for 303 stakeholders in the education sector, including 104 women, in menstrual hygiene management and latrine hygiene, between 2017 and 2019
- The opening of nine vocational training centres between 2016 and 2020, providing training for 660 girls

144. In terms of infrastructure, 2,617 primary and post-primary classrooms were built between 2016 and 2020.

Table 8  
**Achievements related to infrastructure expansion**

<i>Indicators</i>	<i>Completed 2016 2020</i>
Number of classrooms built to replace thatched huts	2 617
Number of new classrooms built	2 141
Number of new primary school classrooms built to bring schools up to standard	1 988
Number of new classrooms built to extend general secondary schools and lycées	103
Number of classrooms built to convert general secondary schools to lycées	0
Number of new general secondary schools built	498
Number of preschool classrooms built	298

## Response to paragraph 52 of the concluding observations on access to the Internet

145. Significant progress has been made in the field of information and communication technologies (ICT) in terms of infrastructure, with the deployment of 1,226 km of fibre-optic cables, as part of the National Telecommunications Backbone project. In addition, virtual landing points in Bobo-Dioulasso and Ouagadougou were brought into service in 2018. To ensure the efficient operation of the equipment, international bandwidth was acquired between 2015 and 2020 to increase its capacity from 12 to 60 gigabits per second. These efforts have enabled Internet service providers to reduce the cost of acquiring international bandwidth by 84 per cent, and to increase Internet usage from 6 per cent in 2015 to 30 per cent in 2019.

146. In terms of telecommunications infrastructure development, action taken in 2020 consolidated the progress made in improving connectivity, with targets exceeded, as shown below:

Table 9  
**Performance indicator profile for the ICT sector**

Indicator	Ref. 2015	Implementation					Target: 2020
		2016	2017	2018	2019	2020	
International Internet speed in Gbps	6	11	16	42.89	44.19	58.26	50
Internet penetration rate (%)	15.47	19.93	29.14	32.52	30.41	46.7	Not available

*Source:* Transport, Communication and Housing Infrastructure Sector Dialogue, annual performance report 2020.

147. The Government has held several awareness-raising sessions on the use of information and communication technologies for the benefit of the population.

Table 10  
**Number of persons trained in the use of information and communication technologies**

Year	2015	2016	2017	2018	2019	2020
Number of persons	3 860	2 622	3 966	7 064	3 270	6 070

*Source:* Information Technology and Freedom Commission.

148. Several initiatives have been undertaken to improve electricity coverage throughout the country. Various strategies and plans have been adopted. For example:

- The 2019–2023 Energy Strategy, which aims to ensure access to modern, high-quality energy services and promote energy efficiency
- The National Production-Transport-Distribution and Rural Electrification Master Plan, 2017–2025, aimed at forecasting national demand for electrical energy
- The National Action Plan for Gender Mainstreaming in Energy Access, 2020–2024, which aims to guarantee access for all to reliable, modern energy services, at an affordable cost and without disparities between men and women
- The 2020–2022 action plan of the Ministerial Unit for Gender Promotion, under the Energy Ministry, ensures that gender is effectively taken into account in development plans, projects and programmes in the energy sector in Burkina Faso

149. In addition, development projects and programmes have been implemented to help make electrical energy available and accessible. These include:

- The 2013–2018 project for a 225 kV electricity connection between Bolgatanga, Ghana, and Ouagadougou, the aim of which was to build a 225 kV line to ensure the country's electricity supply through imports through Ghana
- The 2017–2020 project for a 132 kV electricity connection between Zano and Koupéla, aimed at improving the quantity and quality of the electrical power supply in the eastern region of the country
- The project to build a photovoltaic solar power plant in Zagtouli in 2017, to promote the use of renewable energies
- The Team 9 project, which aimed to improve access to modern energy services for the public, with the installation of electricity supplies in 94 settlements
- The Access to Energy Services Project, which has enabled the installation of electricity supplies in 55 settlements

150. Over the period 2016–2019, the population's access to energy services has improved, with an increase in electricity coverage and a rise in the rate of access to electricity in both urban and rural areas. The number of electricity subscribers rose from 575,055 in 2015 to 772,412 in 2019, while the number of settlements connected to electricity supplies increased from 562 to 942.

Table 11  
Indicators of the impact of access to energy supplies

<i>National Economic and Social Development Plan impact indicator</i>	<i>Ref. 2015</i>	<i>Completed 2016</i>	<i>Completed 2017</i>	<i>Completed 2018</i>	<i>Completed 2019</i>	<i>Completed 2020</i>	<i>Target 2020</i>
National electricity coverage (%)	33.32	33.55	36.08	38.56	41.83	Not available	80
National electrification rate (%)	18.8	20.07	20.63	21.44	22.57	Not available	45
Urban electrification rate (%)	59.88	66.46	65.76	68.69	67.38	Not available	75
Rural electrification rate (%)	3.06	3.24	3.27	3.16	5.32	Not available	19
Cost per kWh, high-voltage (CFAF, incl. tax)	75	75	75	75	75	75	50

*Source:* Ministry of Energy, Mines and Quarries, Directorate General for Research and Sectoral Statistics, 2021.

Table 12  
Indicators for access to energy supplies

<i>Sector subimpact indicator</i>	<i>Ref. 2015</i>	<i>Completed 2016</i>	<i>Completed 2017</i>	<i>Completed 2018</i>	<i>Completed 2019</i>	<i>Completed 2020</i>	<i>Target 2020</i>
Number of electricity customers	575 055	618 204	664 158	709 276	772 412	Not available	1 000 000
Number of settlements with electricity supplies	562	625	678	711	942	Not available	Not available

*Source:* Ministry of Energy, Mines and Quarries, Directorate General for Research and Sectoral Statistics, 2021.

151. Installed renewable energy capacity has increased slightly, from 412.37 MW in 2019 to 419.4 MW in 2020. National capacity connected to the electricity distribution network is rising, with a slight increase in the share of renewable energies.

Table 13  
**Power connected to the grid**

Indicators	Ref. 2015	Implementation					Target 2020
		2016	2017	2018	2019	2020	
Installed capacity (MW)	328.3	324.3	324.6	359.55	412.37	417.5	1 000
Share of renewable energies in total production (%)	9.36	14.33	12.55	16.87	17.6	Not available	30

*Source:* Industrial and Artisanal Processing Sector Dialogue, annual performance report 2020.

152. Other projects currently underway aimed at making electricity available and accessible to all, by correcting disparities between urban and rural areas include:

- The YELEEN rural electrification project, 2020–2025
- The YELEEN project to develop solar power plants and strengthen the national electricity system, 2020–2025
- The Decentralized Rural Electrification Project using Solar Photovoltaic Systems, covering 42 settlements, 2021–2023
- The Peri-urban Electrification Project for Ouagadougou and Bobo-Dioulasso
- The Kossodo Power Plant Reinforcement Project, 2020–2021
- The Interconnected National Network Strengthening Project
- The Electricity Connections Development Project, 2019–2030
- The Electricity Sector Support Project, 2014–2022
- The Project for the Electrification of 300 Rural Settlements, 2020–2022
- The Project for the Electrification of 300 Rural Settlements (Phase 2), 2022–2024
- The Electricity System Reinforcement Project for rural settlements already connected to the network, 2020–2023

### **Response to paragraph 53 of the concluding observations, on the ratification of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights**

153. Burkina Faso has not begun the process of ratifying the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights. However, the preliminary draft of the constitution of the fifth republic enshrines economic, social and cultural rights, including the right to an adequate standard of living and the right to a healthy and nourishing environment.

### **Response to paragraph 54 of the concluding observations on indicators relating to economic, social and cultural rights**

154. Under the National Economic and Social Development Plan adopted in April 2016 in accordance with the Sustainable Development Goals, impact indicators relating to economic, social and cultural rights have been developed. They include indicators on gender mainstreaming, gender equality and equity, and access to a decent living environment, water and sanitation, housing, energy services, quality health services and quality education and training for all. These indicators are assessed annually in a performance report aimed at informing economic and social development stakeholders of the results achieved under the national reference framework.

155. The Action Plan for the Implementation of Universal Periodic Review and Treaty Body Recommendations and Voluntary Commitments 2019–2022 contains implementation measures and results and impact indicators in relation to each recommendation. It also provides for a monitoring and evaluation mechanism – the Mechanism for Monitoring Human Rights Recommendations and Commitments, or MESURE\_DH. This mechanism is used to monitor the implementation of universal periodic review and treaty body recommendations, including through impact indicators, aiming, among other things, to:

- Make viable, usable information available for reporting
- Facilitate information-gathering
- Monitor the implementation of recommendations in real time
- Follow up on recommendations not fully addressed in previous cycles

### **Response to paragraph 55 of the concluding observations on the dissemination of the concluding observations**

156. Following the presentation of the initial report of Burkina Faso to the Committee on Economic, Social and Cultural Rights in 2016, 13 workshops on the results of the review were organized for public stakeholders from central and decentralized agencies and civil society organizations. These workshops served as a means to share and discuss the Covenant with participants.

157. The National Action Plan for the Implementation of Universal Periodic Review and Treaty Body Recommendations 2019–2022 incorporated recommendations from the Committee on Economic, Social and Cultural Rights. Under this plan, measures were taken to give effect to the Committee’s recommendations. In 2020, 5,000 copies of the plan were produced and awareness-raising sessions were held for stakeholders from various ministerial departments, institutions, central and decentralized agencies and civil society organizations.

158. The preparation of the second periodic report of Burkina Faso under the Covenant was an inclusive and participatory process, with contributions received from government ministries, public institutions, international organizations and civil society organizations working in the field of human rights.

## **Part III Implementation of the International Covenant on Economic, Social and Cultural Rights**

### **I. Information on the general provisions of the Covenant**

#### **Article 1**

##### **The right to self-determination**

159. Article 14 of the Constitution provides that: “Natural wealth and resources belong to the people. They shall be used to improve their living conditions.” Article 30 of the Constitution recognizes the right of citizens to file suit in respect of acts that endanger natural resources.

160. In Burkina Faso, sociocultural practices and activities such as *parenté à plaisanterie* (kinship mockery) and Annual Communities Day foster social cohesion. The State is actively working to consolidate these sociocultural values, including through the establishment of the biennial National Culture Week and the launch of the annual National Citizenship Week in 2017.

161. In Burkina Faso, all communities enjoy the same rights to lands and territories, in accordance with Act No. 034-2009/AN of 16 June 2009 on rural land tenure. This law promotes access to land by rural communities and offers the option of refining or adapting its provisions to fit the characteristics of the rural environment and the specific nature of local

needs through the drawing up of local land charters. Through bodies such as municipal councils and village development councils, all communities, without exception, participate in the decentralization process that has been under way since 1993, which places local communities at the forefront of public affairs, decisions about matters that affect them and local development policies.

## Article 2

### International cooperation

#### *Impact of assistance and international economic and technical cooperation*

162. Internationally, Burkina Faso benefits from technical cooperation, non-reimbursable financial aid and loans and official development assistance. This cooperation takes the form of activities carried out by the United Nations specialized agencies, assistance from various partner States and the support of a number of foreign non-governmental organizations. Several technical and financial partners have participated in development projects related to various economic, social and cultural rights. Regarding official development assistance, over the period 2011–2020, Burkina Faso recorded a total official development assistance flow of \$13,112.97 million, or an average annual flow of \$1,311.30 million. Official development assistance over this period followed an upward trend from 2011 to 2013, virtual stagnated from 2014 to 2016, then experienced an upturn from 2017 onwards.

163. This rise continued in 2020, reaching a new record of \$2,141.66 million (CFAF 1,232.71 billion, an increase of 38.3 per cent on the previous year's total of \$1,548.72 million (CFAF 907.41 billion). This extraordinary leap can be explained in particular by the efforts of technical and financial partners to support the Government in its fight against the coronavirus disease (COVID-19) pandemic, renewed official development assistance from the Netherlands and the first disbursements from the new Millennium Challenge Account.

#### *Comparative statistical data on the effectiveness of specific measures for combating discrimination, and progress made*

164. Burkina Faso has taken a number of affirmative measures to promote gender equality. These actions have led to an improvement in the enjoyment of economic, social and cultural rights by women in Burkina Faso.

Table 14

#### Number of civil service employees as at 31 December 2020, by sex

Sex	Year				
	2016	2017	2018	2019	2020
Female	58 279	63 413	67 040	69 599	90 207
Male	113 972	121 137	129 037	137 884	177 879
<b>Total</b>	<b>172 251</b>	<b>184 550</b>	<b>196 077</b>	<b>207 483</b>	<b>268 086</b>

Table 15

#### Number of women elected to the National Assembly from 1992 to the most recent electoral term

Representatives	Year	
	2015–2020	2020–2025
Men	115	111
Women	12	16
<b>Total</b>	<b>127</b>	<b>127</b>
% women	9.45 %	12.6 %

165. In the 2016 municipal elections, of a total of 18,602 municipal councillors in Burkina Faso, 16,243 (87.32 per cent) were men and 2,359 (12.68 per cent) were women.

166. In 2021, 6 out of 32 ambassadors (18.75 per cent), 10 out of 31 ministers (32.25 per cent), 16 out of 127 representatives (12.6 per cent), 3 out of 6 presidents of institutions (50 per cent) and 4 out of 13 governors (30.77 per cent) were women.

*Information on restrictions imposed in accordance with paragraph 3 on the enjoyment by non-nationals of the economic rights enshrined in the Covenant*

167. The Constitution recognizes and protects the economic, social and cultural rights of all persons living in the national territory. However, for economic, political or other reasons, restrictions may apply to the enjoyment of certain rights by foreigners. This is the case of employment in the civil service, which is restricted to nationals pursuant to General Civil Service Regulations Act No. 081-2015/CNT of 24 November 2015. Nonetheless, the Labour Code of Burkina Faso applies equally to all workers and employers in the country, regardless of their status.

168. Foreigners in Burkina Faso enjoy the same education rights as nationals. According to article 3 of Act No. 013-2007/AN of 30 July 2007 on education policy: “Education is a national priority. 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 or political opinion, nationality or state of health. This right is exercised on the basis of fairness and equal opportunity for all citizens.”

169. Healthcare for children under 5 years of age and pregnant women, family planning services and antiretroviral drugs and labile blood products are available free of charge for all persons living in Burkina Faso without distinction of any kind, including on the basis of nationality. Regarding the enjoyment of the right to healthcare by foreigners, article 1 of Decree No. 2016-311/PRS/PM/MS/MATDSI/MINEFID on free healthcare for women and children under 5 years of age living in Burkina Faso makes no distinction between foreigners and nationals. It provides that: “Healthcare shall be free for women and children under the age of 5 years throughout the country.”

170. Subsidies on certain essential products such as hydrocarbon fuels, butane gas and agricultural inputs benefit both nationals and foreigners.

**Article 3**  
**Gender equality and non-discrimination**

*Equality and non-discrimination on the basis of gender*

171. Article 1 of the Constitution prohibits all forms of gender-based discrimination. This principle is enshrined in legislative and regulatory texts and a wide range of programmes and policies.

172. The Education Policy Act establishes compulsory schooling for all children between 6 and 16 years of age. Several measures have been adopted in application of this law, including the National Fast Track for Girls Education Policy 2012–2021.

173. The State has taken a number of measures to ensure gender equality at all levels of education (see paras. 152 and 155 above). These measures resulted, for the 2020/21 primary school year, in a gross enrolment rate of 86.1 per cent, including 87.3 per cent for girls and 84.9 per cent for boys, equating to a parity index of 1.02. Regarding post-primary education, in 2021, the gross enrolment rate was 47.3 per cent, with 52.5 per cent for girls and 42.5 per cent for boys, equating to a parity index of 1.23. In 2021, the gross secondary school enrolment rate was 22.3 per cent, with 21.2 per cent for girls and 23.4 per cent for boys, giving a parity index of 0.91.

174. Regarding the right to participate in cultural activities, the Constitution recognizes the right of all citizens to take part freely in cultural life and in the promotion and protection of traditional values.

175. In the area of work, access to public and private employment is open, without distinction of any kind, and as an equal right, to all citizens of Burkina Faso who fulfil the requisite conditions for each job position offered, subject to limitations inherent in certain forms of employment, as defined in the provisions in force.

176. Women have access to land but often lack control over it. To meet this challenge, Act No. 070-2015/CNT of 22 October 2015 on agriculture, forestry, animal husbandry, fisheries and wildlife policy in Burkina Faso was enacted; its article 106 (2) provides that 30 per cent of newly developed land must be allocated to women to promote their participation in agricultural development.

177. The Government has taken a number of significant measures to broaden and protect women's access to land. Accordingly, as at 30 June 2021, 50.30 per cent of newly developed land had been effectively allocated to women. In 2017, the Ministry for Women organized training for 191 women and 191 men on land title acquisition procedures.

178. There is no legal discrimination in the areas of housing or food. The main obstacle in that regard continues to be poverty.

#### *Legislation on gender equality*

##### (a) Legislative framework for the promotion of gender equality

179. In Burkina Faso, gender equality is protected by law. Article 1 of the Constitution states that: "All citizens of Burkina Faso are born free and equal in rights. Discrimination of any kind, in particular on the basis of race, ethnicity, regional provenance, colour, sex, language, religion, caste, political opinion, property or birth, is prohibited." Article 19 (2) of the Constitution prohibits all forms of discrimination in employment and remuneration.

180. Article 182 of the Labour Code provides that salaries must be the same when the professional qualifications, working conditions and capacity for work are the same.

181. Article 62 of the Act on agrarian and land reform provides that urban and rural lands on the national territory may belong to any natural person, regardless of sex or marital status.

182. All persons living in the territory of Burkina Faso, without distinction of any kind, enjoy the right to health. This is one of the social rights enshrined in article 18 of the Constitution.

183. The Constitution enshrines the principle of equality between men and women. Marital rights adhere to the principle that marriage is based on equal rights and duties for the spouses. By law, monogamous marriage is the general legal norm; polygamy is permissible under conditions that preserve the fundamental rights of the wife. Article 236 of the Constitution provides that: "Children enjoy equal rights without exception, distinction or discrimination on the basis of their filiation."

##### (b) Assessment of the impact of legislation and policy on gender equality

184. In the area of employment, the Government is carrying out affirmative measures to encourage women to apply for positions once reserved exclusively for men, such as, for instance, recruiting women to the police force, the gendarmerie and the army. Significant progress in the area of access to credit has been made over the past 10 years. The Government has made efforts to set up national funds for women. The Support Fund for Women's Income-generating Activities eases access to credit for women by giving them loans and/or offering them guarantees, or by providing them with training that will help them to better manage their affairs, whether in agriculture, husbandry or craft activities, or as the owner of a restaurant or small business. As at 30 June 2016, the Gender Unit of the Ministry of Agriculture reported that 38 per cent of newly developed land had been allocated to women, out of an estimated total area of 12,854 hectares. There was a marked improvement in 2018, with 46 per cent of plots developed in inland valleys and 31 per cent of irrigated zones going to women.

**Articles 4 and 5****Derogations from and restrictions and limitations on economic, social and cultural rights**

185. The legislation of Burkina Faso does not provide for derogations from or restrictions or limitations on economic, social and cultural rights. The Constitution of Burkina Faso prohibits any discrimination based on race, ethnicity, region, colour, sex, language, religion, caste, political opinion, property or birth.

**II. Information on specific rights****Article 6****The right to work**

186. The Constitution of Burkina Faso recognizes the right to work, which applies equally to all. Under articles 18–20, discrimination in employment and remuneration, including that based on sex, colour, social origin, ethnicity or political opinion, is prohibited. Moreover, under article 70 (2) of the Labour Code, any unfair dismissal gives rise to reinstatement of the worker or, if reinstatement is challenged or refused, the payment of damages.

187. With regard to the employment of persons with disabilities, there is Decree No. 2012-829 of 22 October 2012 on social measures in favour of persons with disabilities in the area of vocational training, employment and transport. Article 10 of this decree establishes a 10 per cent employment quota for persons with disabilities in the civil service and public institutions, taking due account of the qualifications of the individuals concerned. The application of this provision has led to the recruitment of 186 persons with disabilities from 2014 to 2019.

188. Under the national employment policy, the Government of Burkina Faso, with the help of its partners, has set up national funds to provide funding to micro-, small- and medium-sized enterprises and one-stop service points to facilitate operations. From 2016 to 2020, 69,349 entrepreneurs received funding from the Fund to Support Youth Initiatives, the Employment Promotion Support Fund and the Informal Sector Support Fund. Over the same period, 495 microprojects for retired workers, including 97 women, were funded by the National Support Fund for Retired and Redundant Workers.

189. To enhance the employability of young people, since 2006, a programme to support the social integration of young graduates has been offered by the National Employment Agency. From 2016 to 2020, 14,476 young graduates were placed in internships, 11,517 young people were trained in job hunting techniques and 82,593 young people received training in entrepreneurship. The number of job listings published over the same period was 74,831.

190. To provide actors in the cultural sector with a sustainable mechanism for financing their activities and projects, the Culture and Tourism Development Fund was established pursuant to Decree No. 2016-729/PRES/PM/MCAT/MINEFID of 8 August 2016. From 2016 to 2020, 163 cultural projects and 45 tourism projects were funded.

191. As part of a programme to strengthen vocational training, the capacity of vocational training centres to serve trainees has been increased. From 2016 to 2020, 17,549 young people were trained in various trades.

192. In addition, from 2018 to 2020, the Government implemented a project to support vocational training, employment and entrepreneurship for persons with disabilities. This project provided financial support for the income-generating activities of 4,983 persons with disabilities, including 2,438 women with disabilities.

193. In addition, several funds and targeted employment programmes have been set up to facilitate access to the job market, including:

- Financing by the Support Fund for Women's Income-generating Activities of 83,868 projects involving 1,108,452 beneficiaries for a total amount of CFAF 86,704,990,000 between January 2014 and September 2021

- Allocation of CFAF 5 billion to the Support Fund for Women’s Income-generating Activities in 2020, for the granting of loans to women entrepreneurs to help revitalize women’s economic activities disrupted COVID-19 pandemic
- Granting of CFAF 2,871,890,000 to 9,250 women by the Support Fund for Women’s Income-generating Activities within the framework of the Programme for the Economic Empowerment of Young People and Women between 2017 and 2019
- Granting of CFAF 25,227,977,500 to 430,674 women living in rural areas by the Support Fund for Women’s Income-generating Activities as part of the national microfinance strategy
- Increase from CFAF 5 billion to 6 billion in funds allocated to the Special Women’s Project Funding Service in 2016, which supported 508 women’s associations in their entrepreneurial activities

## **Article 7**

### **The right to just and favourable conditions of work**

194. Under article 20 of the Constitution, “the State strives to ensure that working conditions are constantly improved and workers are protected”. Minimum wages in Burkina Faso are governed by the Labour Code and Decree No. 2006-655/PRES/PMT/MTSS/MFB of 29 December 2006 setting guaranteed interprofessional minimum wages. In addition, Decree No. 2010-809/PRES/PM/MTSS/MEF/MFPRE of 31 December 2010 provided for the establishment of the National Commission on the Guaranteed Interprofessional Minimum Wage, composed of representatives of various ministries, the Economic and Social Council and workers’ and employers’ organizations.

195. Hours worked beyond the legal weekly limit are regarded as overtime and remunerated accordingly, in accordance with article 138 of the Labour Code.

196. The labour inspectorate regularly inspects workplaces to verify compliance by employers with legal requirements for working conditions.

197. Under article 533-9 of the Criminal Code, sexual harassment is punishable by 1 to 3 years’ imprisonment and a fine of CFAF 250,000 to 2 million.

198. Moreover, Act No. 004-2021/AN of 6 April 2021 on the social security scheme applicable to salaried workers and other eligible persons provides for an occupational hazards branch to oversee prevention of, and the provision of benefits in the event of, work accidents and occupational diseases.

199. The protection of public servants against occupational hazards is governed by specific regulations for each type of job and is managed by the National Social Security Fund and the Civil Servants’ Pension Fund. Victims of a work accident or an occupational illness have a right to appropriate medical care for their particular condition, and to compensation for any resulting disability. In the event of temporary incapacity for work, insured persons are entitled, in addition to the above-mentioned medical care, to continue to receive their salary or wages.

200. In the private sector, articles 36 (3) and 247 of the Labour Code require employers to take all necessary measures to ensure the safety and protect the physical and mental health of workers.

## **Article 8**

### **Right to freedom of association**

201. In Burkina Faso, freedom of association is guaranteed by article 21 of the Constitution. The conditions governing the exercise of this right are set out in Act No. 064-2015/CNT of 20 October 2015 on freedom of association (art. 34); the General Civil Service Regulations Act No. 081-2015/CNT of 24 November 2015 (art. 69); Act No. 028-2008/AN of 13 May 2008 establishing the Labour Code (art. 275 ff.); Act No. 003-2017/AN of 13 January 2017 governing the local authority civil service (art. 68); Organic Act No. 050-2015/CNT of 25 August 2015 governing the judiciary (art. 102); Act No. 038-2017/AN of 23 May 2017 governing the parliamentary civil service (art. 57); Act No. 057-2017/AN of 19 December

2017 governing the hospital civil service (art. 69); and Act No. 027-2018/AN of 1 June 2018 on the status of officers of the National Police (art. 56).

202. To ensure the proper functioning of trade union organizations, the State grants them an annual subsidy to enable them to play their role effectively, without compromising their independence. In addition, under articles 121 and 142 of the General Civil Service Regulations Act, civil servants are entitled to extended leave to serve a full term as a trade union representative.

203. The right to strike is enshrined in the Constitution and may be exercised in accordance with the law (art. 22).

## **Article 9**

### **Right to social security**

204. The Government adopted the National Social Protection Policy by Decree No. 2012-1060/PRES/PM/MEF of 31 December 2012. Among other things, the Policy provides for social insurance to be extended to all categories of workers and for the range of benefits to be increased to cover all social risks.

205. In addition, the Government adopted Act No. 60-2015/CNT of 5 September 2015 on a universal health insurance scheme with a view to extending social protection to all citizens. The universal health insurance scheme contributes to the implementation of a social protection policy for all without any discrimination, including on the basis of nationality, sex, race, origin or medical history.

206. In order to operationalize the scheme, the National Universal Health Insurance Fund was set up on 24 April 2018 by Decree No. 2018-0331/PRES/PM/MFPTPS/MINEFID. In addition, the Armed Forces Health Insurance Fund for military personnel and their families was established by decree in April 2020. The National Universal Health Insurance Fund is a public social security institution and a key instrument in the implementation of the universal health insurance scheme.

207. With regard to mutual health insurance, between 2016 and 2020, 2,280 people, including 386 women, were made aware of the importance of mutual social insurance schemes and membership renewal, while 720 health workers were informed about the coordination, in practical terms, between health insurance and free healthcare programmes. In addition, 1,795 people, including 548 women, were informed about the implementation of the universal health insurance scheme in the country's 13 regions.

208. By 30 June 2021, 35,155 indigent people in the four pilot regions (Boucle du Mouhoun, Hauts-Bassins, Centre and Nord) had been registered and issued with insurance cards, compared with the target of 67,145 people. As a reminder, anyone with an insurance card is automatically entitled to benefits under the universal health insurance scheme.

## **Article 10**

### **Protection of the family and of mothers and children**

209. Article 23 of the Constitution establishes the right of every person to enter into marriage. It prohibits discrimination of any kind as to race, colour, religion, ethnicity, caste, social origin or property. The right of men and women to marry freely and found a family is regulated under the Persons and Family Code. Forcing, preventing or opposing marriage on the basis of race, caste, colour or religion is prohibited. Articles 531-1 ff. of the Criminal Code punish violations of these rights.

210. The child protection system has been strengthened through the creation of mechanisms for reporting and registering complaints of violence against children, including regional child protection units, provincial and communal child protection networks, children's judges in courts of major jurisdiction and community child protection units.

211. To improve care for children in need of protection, 36 transit centres have been set up in various provinces to accommodate and provide appropriate services to children on the move, child victims of trafficking and other vulnerable children in the community. In addition, five special education and vocational training centres for children in need of educational

assistance have been set up, along with specialized institutions such as the Centre for the Education and Reintegration of Minors in Conflict with the Law and the Laye Centre.

212. As at 30 October 2021, 251 communal social services have been established. These local services offer support to a diverse target group without discrimination.

213. Maternity leave is regulated mainly by the Act governing the general status of the national civil service and the Labour Code. Maternity leave lasts for a total of 14 weeks. It must begin no earlier than eight weeks and no later than four weeks before the estimated due date.

214. As regards the economic and social rights of asylum-seekers and their families, article 10 of Act No. 042-2008/AN of 23 October 2008 on the status of refugees in Burkina Faso states that: “All refugees who are legally settled in Burkina Faso have the same rights and obligations, without discrimination of any kind as to race, ethnicity, religion or country of origin.” Furthermore, the Government works with international organizations to support family reunification, in accordance with article 6 of the Act.

215. Regarding the protection of children against the worst forms of child labour and all forms of exploitation, article 149 of the Labour Code states that: “Children and adolescents must not be involved in work that is likely to harm their development and reproductive capacity. The types of work prohibited for children and adolescents and the categories of businesses prohibited from employing persons under 18 years old shall be set out in a decree issued by the Council of Ministers after consultation with the National Technical Advisory Committee on Occupational Health and Safety.”

216. The worst forms of child labour are strictly prohibited under the Labour Code. Article 152 of the Code sets the minimum age for employment at 16 years, except in the case of light work. Decree No. 2016-504/PRES/PM/MFPTPS/MS/MFSNF of 9 June 2016, establishing a hazardous work list, strengthens national child protection legislation and identifies the types of work that cannot be performed by children under 16 years old.

217. The Government has adopted various plans, programmes, policies and strategies to strengthen the protection of children against all forms of violence, including child marriage, trafficking in children, sexual and economic exploitation and the worst forms of child labour, and the provision of support to victims. It is also worth noting the adoption of the 2018 Criminal Code, which prohibits trafficking in persons in its article 511-1 ff., as well as a national action plan against the worst forms of child labour for the period 2019–2021.

218. Several measures have been taken to protect the economic, social and cultural rights of older persons and to combat the abuse, abandonment, neglect and ill-treatment of such persons. These include the adoption of article 532-10 of the Criminal Code and of Act No. 024-2016/AN of 17 October 2016 on the protection and promotion of the rights of older persons; the implementation of the 2012–2016 National Action Plan to Combat the Social Exclusion of Persons Accused of Witchcraft; the granting of subsidies to centres that support victims of social exclusion; and the organization of awareness-raising sessions on the International Day of Older Persons.

219. Measures taken to combat violence against women and girls include:

- The adoption of Act No. 061-2015/CNT on the prevention and punishment of violence against women and girls and reparation and support for victims, on 6 September 2015, and the organization of sessions to inform the public about it
- The issuance of Decree No. 2016-185/PRES/PM/MJDHPC/MINEFID of 11 April 2016 on the organization of legal aid in Burkina Faso, which establishes the Legal Aid Fund for indigent persons
- The adoption of the 2017–2026 National Strategy for the Promotion and Protection of Girls
- The adoption of the 2016–2025 National Strategy for the Prevention and Elimination of Child Marriage
- The adoption of the 2016–2020 National Strategic Plan for the Elimination of Female Genital Mutilation in Burkina Faso

- The establishment of integrated care centres for victims of gender-based violence (toll-free number: 80 00 12 87)
- The provision of training to justice officials on dealing with victims of gender-based violence

220. An action plan for the integrated care of victims of gender-based violence for the period 2018–2020 has been adopted with the aim of improving the provision of care for women and girls victims of violence. The plan sets out four strategic lines of action for effectively tackling the challenges relating to gender-based violence. The action taken to combat trafficking in persons in Burkina Faso is governed by Decree No. 2009-529/PRES/PM/MASSN/MATD/ SECU of 17 July 2009 on the creation, powers, functioning and composition of the National Watchdog and Monitoring Committee on Trafficking in Persons and Related Practices.

### Article 11

#### The right to an adequate standard of living

221. The results of the 2014 continuous multisectoral survey reveal that the poverty rate is 40.1 per cent. The depth of poverty and severity of poverty are 9.7 and 3.3 per cent respectively. Compared with the 2009 figures, those for 2014 show that poverty fell significantly over the period 2009–2014, with the poverty rate falling by around 7 percentage points.

222. The National Strategy for Inclusive Finance 2019–2023 was adopted in 2020 with the aim of improving financial education for the benefit of vulnerable populations. The overall objective of the Strategy is to increase to 75 per cent, by 2023, the proportion of the adult population with access to and actually using affordable, adapted financial products and services. Similarly, the National Fund for Inclusive Finance was launched in September 2020 within the framework of funding for those involved in the informal system.

223. Through the Inclusive Finance Promotion Project, aimed at giving low-income populations access to financial services, finance will be available, by 2022, for around 1,320,000 beneficiaries nationwide, including 792,000 women. The tables below show the financial services provided by the Burkina Faso post office from 2016 to 2020.

Table 16

#### Status of the digital transformation of the post office

Category of product or service	2016	2017	2018	2019	2020
Digital products (FasoRanana)	n/a	n/a	n/a	1	1
Electronic cash products	1	1	1	1	2
Online services	2	2	4	5	5
Digital postal services	n/a	n/a	1	2	2
<b>Total</b>	<b>2</b>	<b>2</b>	<b>5</b>	<b>9</b>	<b>10</b>

Source: LA POSTE BF.

Table 17

#### Winners of the GENIE-TIC competition, by field of activity

Indicators	2016	2017	2018	2019	2020
Rural world (agriculture, livestock rearing)	2	2	3	1	1
Trade	3	1	3	0	0

Source: DGDI/MENPTD.

Table 18  
**Number of conferences on information and communications technology in Burkina Faso**

<i>Indicators</i>	<i>2017</i>	<i>2018</i>	<i>2019</i>	<i>2020</i>
Number of conferences organized	13	16	12	6
Number of participants	300	700	1 000	350

*Source:* DGDI/MENPTD.

Table 19  
**Number of projects submitted to the Hackathon competition, by field of activity**

<i>Indicators</i>	<i>2017</i>	<i>2018</i>	<i>2019</i>	<i>2020</i>
Trade	0	0	6	3
Public finance	0	3	3	0

224. Pursuant to Decree No. 2019-0419/PRES/PM/MDENP/MINEFID of 9 May 2019 on the establishment and organization of Digital Week, the Ministry for the Development of the Digital Economy and Posts has conducted communication campaigns around digital platforms each time that the week has been observed.

225. Over the period 2018–2020, 24 digital products and services were developed by the Burkina Faso post office. In addition, 15 projects were submitted to the Hackathon competitions, including 9 in the field of trade and 6 in public finance. Within the framework of the Burkina Faso conferences on information and communications technology, 34 conferences were organized for 2,050 participants.

226. To combat hunger and promote food self-sufficiency, the Act on agriculture, forestry, animal husbandry, fisheries and wildlife policy was adopted on 22 October 2015. In addition, the role of the Ministry of Agriculture was reinforced. It is responsible, in conjunction with other ministerial departments and public or private organizations, for drawing up, implementing, monitoring and evaluating government policy on agriculture, hydro-agricultural development, food security and mechanization.

227. To meet the challenge of difficult food situations, the Government draws up and implements an annual operational plan to support vulnerable populations. Over the period 2016–2020, implementation of the plan made food available to the population through 846 cereal sales outlets for vulnerable people, with 1,300,821.41 tons sold at subsidized prices.

228. In addition, between 2016 and 2020, the Government and its technical and financial partners pursued their efforts in this regard with the distribution, free of charge, of 96,562.96 tons of food to vulnerable households and cash payments to 1,528,107 beneficiaries. This reduced the proportion of households experiencing structural food insecurity from 10 per cent in 2015 to 5 per cent in 2020.

229. In response to the recent security, humanitarian and health crises and natural disasters, particularly the recurrent floods, the Government, with support from its development partners, has put in place a number of social programmes designed to mitigate the adverse effects of these events on the population.

230. The Government has implemented numerous development programmes, which have raised the human development index from 0.388 in 2013 to 0.452 in 2019. In 2017, for example, it launched an emergency programme worth CFAF 415 billion for the Sahel region for the period 2017–2020, aimed in particular at improving access to basic social services and increasing resilience. The poverty index rose from 40 per cent in 2014 to 40.1 per cent in 2020.

231. The Act on the protection and promotion of the rights of older persons was adopted to combat poverty among older persons; it provides for the issuance of a senior citizen's card.

232. One aspect of the fight against poverty is access to decent housing. Housing and urban planning are thus a priority area in Burkina Faso. Significant progress was made between 2015 and 2018, particularly in terms of urban planning and development as well as access to decent housing.

233. The Civil Code provides protection against forced eviction by making the termination of a lease subject to such conditions as advance notice or agreement between the parties. Likewise, the Act on private residential leases stipulates that, in the event of subletting or assignment of a residential lease, the urgent applications judge may, at the request of the lessor, order the eviction of an occupant without legal title. When land tenure rights are removed in the public interest, a temporary or permanent resettlement programme may be established for the population displaced by the project concerned.

234. A commission has been set up to assess the compensation to be paid to those affected. Disagreements over the amount of compensation may be settled amicably or through court proceedings.

## **Article 12**

### **The right to health**

235. Over the past few years, the national healthcare system has undergone a number of reforms designed to improve its performance (see paras. 129–133).

236. The supply, distribution, availability and accessibility of healthcare products and medical equipment have improved significantly in recent years. Both public and private actors are involved in the system. The public supply chain is organized around the Purchasing Agency for Generic Essential Medicines and Medical Consumables, with the support of several technical and financial partners. The Agency supplies essential generic medicines and medical consumables to 70 district distribution depots through its 10 agencies in 8 regions of the country.

237. The measures taken to consolidate the progress made in enhancing the affordability of healthcare services are primarily focused on providing free or subsidized care.

238. Where free services are concerned, mention may be made of the effective treatment of severe malaria in children under 5 years old and pregnant women in public health facilities, the distribution of insecticide-treated mosquito nets for children and pregnant women, and vaccination campaigns conducted under the Expanded Programme on Immunization.

239. With regard to measures to prevent and combat HIV/AIDS, the strategic vision of Burkina Faso for 2025 establishes that it will begin to put an end to the epidemic by stepping up its response measures and by reducing new infections, deaths and obstacles and inequalities linked to human rights and gender. In this connection, a number of awareness-raising initiatives have been undertaken by the Government with a view to eradicating HIV/AIDS. For example:

- The implementation of the Information, Education and Communication/Communication for Behaviour Change and Sexual and Reproductive Health/HIV Programme, which reached 638,394 people
- The implementation of a programme to promote targeted prevention by raising awareness of safer behaviours, which, as at 31 December 2020, had reached 26,306 women sex workers, 6,919 prisoners and 61,998 persons living with HIV
- The adoption of an HIV/AIDS self-testing strategy in 2021 to overcome barriers that hinder access to testing, particularly for sex workers

## **Articles 13 and 14**

### **The right to education**

240. The aims and objectives established in article 13 (1) are set out in articles 14 and 15 of the Education Policy Act. Educational programmes cover human rights education, particularly at the primary school level. In addition, educational staff, particularly teachers, receive basic or in-service training in human rights.

241. For information on mandatory schooling for children, see paragraph 185.
242. The principle of free basic public education is enshrined in article 6 of the Education Policy Act.
243. Secondary education is not free. However, a number of measures have been taken to facilitate enrolment for students, including those from poor families. Enrolment fees for students admitted to the first year of secondary school, as well as returning students, are capped at CFAF 5,000, or CFAF 10,000 for students admitted through the supplementary enrolment procedure.
244. Technical and vocational education is offered and is expanding rapidly as technical and vocational high schools are opened.
245. In order to promote literacy and adult education, a literacy/training programme for adolescents, young people and adults has been adopted. The National Fund for Literacy and Non-Formal Education has also been set up to support literacy initiatives.
246. The Government has taken a number of measures to ensure gender equality at all levels of the education system (see paras. 152 and 155).
247. Grants and a set number of scholarships are available for children with special needs, including those with disabilities. In addition, provisions for reasonable adjustments have been incorporated into building standards (access ramps, the removal of platforms from under blackboards, the refurbishment of latrines etc).

#### **Article 15** **Cultural rights**

248. The Constitution of Burkina Faso recognizes the right of all persons to take part in cultural life and to enjoy the benefits of scientific progress and its applications. To this end, the National Culture Policy (2010–2019) and the National Culture and Tourism Strategy (2018–2027) have been adopted.
249. The Government provides financial and technical support to associations and festivals that promote intangible cultural heritage, including cultural values.
250. In order to promote and protect all national languages, the Government has progressively transcribed the national languages and introduced them into the education system as taught languages or languages of instruction. To enhance access to the cultural heritage of humanity, private cybercentres have been set up and equipped with computers.
251. The use of scientific and technical progress for purposes which are contrary to the enjoyment of human dignity is prohibited by the laws and regulations currently in force in Burkina Faso. Act No. 001-2021/AN of 30 March 2021 on the protection of persons with regard to personal data establishes that any processing of personal data must have received the consent of the person(s) concerned, unless otherwise provided by law. The Commission on Information Technology and Freedoms is responsible for implementing this Act.
252. In Burkina Faso, copyright is recognized and protected under Act No. 048-2019/AN of 12 November 2019 on the protection of literary and artistic property. In this connection, a public professional body known as the Copyright Office of Burkina Faso has been established. Mention should also be made of the establishment of the National Committee for Combating the Pirating of Literary and Artistic Works and the establishment and dynamization of the Institute for Black Peoples. Any violation of copyright, as defined and regulated by law, is punishable under article 614-4 of the Criminal Code.
253. There are no Indigenous Peoples in Burkina Faso. The measures taken to protect moral and material interests apply to everyone without distinction as to social or ethnic origin or other ground.

### **III. Difficulties encountered in implementing the Covenant**

#### **Security and humanitarian situation**

254. The emergence of terrorism in 2015 has given rise to human rights violations and large-scale internal displacement. This situation is an obstacle to the effective implementation of action plans for implementing the recommendations made during the universal periodic review and by the treaty bodies, as the Government is obliged to devote a greater proportion of its human, financial and material resources to security matters and humanitarian assistance. Certain areas of the country are inaccessible owing to the lack of security, making it impossible to implement planned activities in these areas. Schools and health centres are also closed.

#### **Social unrest and institutional instability**

255. Over the past few years, Burkina Faso has been experiencing social unrest. This has taken the form of demonstrations fuelled by a variety of social demands. This situation is hampering the implementation of the Committee's recommendations.

256. A number of ministerial departments and institutions are involved in the execution of the action plan to implement the recommendations. The institutional instability affecting these agencies hinders the realization of certain activities.

#### **Health crisis**

257. Burkina Faso, in common with other countries, has had to deal with the COVID-19 pandemic since 9 March 2020. Faced with the spread of the disease, the Government issued 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 the Public Health Code. The declaration of a public health emergency was intended to curb the spread of the pandemic and build lasting resilience in order to save lives.

258. The protective measures and border closures implemented to manage the pandemic have hampered the execution of certain activities intended to implement the Committee's recommendations, which have been either postponed or cancelled due to budget cuts by the Government. The measures taken to manage and mitigate the pandemic have an adverse effect on budgetary allocations for activities provided for in the action plan. This situation is likely to lead to a drop in the rate of implementation of the recommendations made during the universal periodic review and by the treaty bodies.

### **Conclusion**

259. The drafting of this report has given Burkina Faso the opportunity to review the implementation of the Covenant and the recommendations made following the presentation of its initial report to the Committee in 2016. The review indicates that progress has been made.

260. Despite the difficulties encountered, the Government of Burkina Faso wishes to reaffirm to the Committee its willingness to work to implement the Covenant effectively.