



# International Covenant on Civil and Political Rights

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## Human Rights Committee

### Concluding observations on the second periodic report of Burkina Faso\*

1. The Committee considered the second periodic report of Burkina Faso<sup>1</sup> at its 4189th and 4190th meetings,<sup>2</sup> held on 5 and 6 March 2025. At its 4211th meeting, held on 20 March 2025, it adopted the present concluding observations.

#### A. Introduction

2. The Committee is grateful to the State Party for having accepted the simplified reporting procedure and for submitting its second periodic report in response to the list of issues prior to reporting prepared under that procedure.<sup>3</sup> It appreciates the opportunity to renew its dialogue with the State Party's high-level delegation on the measures taken during the reporting period to implement the Covenant. The Committee thanks the State Party for the oral responses provided by the delegation and for the supplementary information provided to it in writing.

#### B. Positive aspects

3. The Committee welcomes the adoption by the State Party of the following legislative measures and action plans:

(a) Act No. 002-2021/AN of 30 March 2021 amending Act No. 001-2016/AN of 24 March 2016 on the establishment of a national human rights commission, which designates the commission as the national mechanism for the prevention of torture;

(b) Act No. 040-2019/AN of 29 May 2019 containing the Code of Criminal Procedure;

(c) 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 in Burkina Faso;

(d) Act No. 025-2018/AN of 31 May 2018 containing the Criminal Code, which abolishes the death penalty;

(e) Act No. 039-2017/AN of 27 June 2017 on the protection of human rights defenders in Burkina Faso;

(f) Act No. 010-2017/AN of 10 April 2017 on the prison system in Burkina Faso;

\* Adopted by the Committee at its 143rd session (3–28 March 2025).

<sup>1</sup> [CCPR/C/BFA/2](#).

<sup>2</sup> See [CCPR/C/SR.4189](#) and [CCPR/C/SR.4190](#).

<sup>3</sup> [CCPR/C/BFA/QPR/2](#).



- (g) National Action Plan to Combat Trafficking in Persons in Burkina Faso 2023–2025, which serves as a guide for combating trafficking in persons;
- (h) National Action Plan to Combat Gender-based Violence 2022–2024;
- (i) Action Plan on Human Rights Education 2020–2024, adopted by the Government to ensure the effectiveness of human rights education at the various levels of education, in schools and in vocational training centres, for stakeholders who require human rights education and for particular socio-professional groups;
- (j) National Strategy for the Prevention and Elimination of Child Marriage 2016–2025.

## C. Principal subjects of concern and recommendations

### Constitutional and legal framework within which the Covenant is implemented

4. The Committee takes note of article 151 of the Constitution, which gives the Covenant primacy in domestic law and supra-legislative authority, and of the efforts made by the State Party to disseminate its provisions to facilitate the invocation of the Covenant before national courts. However, the Committee regrets the late implementation of its Views, in particular those relating to the case of *Sankara et al. v. Burkina Faso*<sup>4</sup> (art. 2).

**5. The State Party should ensure that all existing legislation and any new legislative measures are in full conformity with the Covenant. Furthermore, the State Party should take further measures to raise awareness of the Covenant and the first Optional Protocol thereto among judges, prosecutors, lawyers, law enforcement officials and the general public, in order to ensure that the provisions of these instruments are invoked, taken into account and applied by the national courts. In addition, it should implement the Committee's Views within a reasonable time frame.**

### National human rights institution

6. The Committee notes that the National Human Rights Commission has taken steps before the Sub-Committee on Accreditation of the Global Alliance of National Human Rights Institutions with a view to being accredited with category A status, which it lost in 2012. The Committee welcomes the establishment of the National Mechanism for the Prevention of Torture and Related Practices and takes note of its activities. However, it remains concerned about reports that the mechanism lacks sufficient human, financial and logistical resources to carry out its mandate effectively. The Committee also welcomes the establishment of the National Mechanism for the Protection of Human Rights Defenders following the National Forum for Human Rights Defenders organized by the National Human Rights Commission in 2020 (art. 2).

**7. The State Party should take the steps necessary to review the decree on the organization and functioning of the National Human Rights Commission in order to give it greater autonomy in carrying out its mandate. It should also:**

- (a) Help the National Human Rights Commission to expedite its efforts to regain accreditation by the Sub-Committee on Accreditation of the Global Alliance of National Human Rights Institutions;**
- (b) Ensure that the Commission complies fully with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) and is able to carry out its mandate effectively and independently throughout the country, in full conformity with these principles;**
- (c) Continue efforts to increase the budgetary and human resources of the Commission and the National Mechanism for the Prevention of Torture and Related Practices, and ensure their organizational autonomy;**

<sup>4</sup> CCPR/C/86/D/1159/2003.

(d) **Ensure that the National Mechanism for the Protection of Human Rights Defenders is fully operational and provide it with the financial, technical and human resources it needs to carry out its mandate effectively and independently.**

#### **Fight against impunity and past human rights violations**

8. The Committee regrets that the High Council for Reconciliation and National Unity was dissolved without having established the truth about all serious human rights violations committed between 1960 and 2015 that have gone unresolved, or having identified the perpetrators of those violations and attributed responsibility for them. The Committee notes that the case files have been transferred to the Ministry of Humanitarian Action and National Solidarity but regrets that the delegation did not provide any information on the follow-up given to the work of the High Council. Furthermore, the Committee notes with concern a clear resurgence of serious human rights violations in 2019 and again in 2022. Although investigations have been opened in that regard, these violations remain unpunished and the victims have been deprived of effective remedies and reparation. In this regard, the Committee is concerned about article 10 of the Regulations on the Status of Special Forces Personnel,<sup>5</sup> which provides that special forces personnel cannot be prosecuted for acts carried out in the performance of their duties, potentially granting them immunity for serious human rights violations (arts. 6, 7, 9, 14 and 26).

9. **The State Party should step up its efforts to:**

(a) **Investigate all allegations of serious human rights violations, past and present, prosecute the alleged perpetrators and, if they are found guilty, sentence them to penalties commensurate with the seriousness of the offences committed, provide appropriate remedies and reparation to the victims and take measures to ensure that such violations do not recur;**

(b) **Repeal all provisions, including article 10 of the Regulations on the Status of Special Forces Personnel, which could grant the forces of law and order impunity for human rights violations and ensure that all those responsible are held accountable before the competent courts;**

(c) **Ensure that all members of the defence and security forces are systematically trained in the standards of international human rights law and international humanitarian law;**

(d) **Promote a balanced model of transitional justice that reconciles justice, access to the truth and full reparation, preservation of memory and guarantees of non-repetition.**

#### **Fight against corruption**

10. The Committee takes note of the measures the State Party has taken to combat corruption but remains concerned about the persistence of that scourge and reports of difficulties in the implementation of Organic Act No. 082-2015/CNT of 24 November 2015 on the powers, composition, organization and functioning of the State Oversight and Anti-Corruption Authority (arts. 14 and 25).

11. **The State Party should:**

(a) **Redouble its efforts to prevent and eradicate corruption and illicit flows, guarantee the effective application of legislation, including Organic Act No. 082-2015/CNT, apply preventive measures aimed at combating acts of corruption, ensure that all cases are brought to trial without delay and that the perpetrators of such acts are sentenced to penalties commensurate with the seriousness of those acts and ensure the protection of whistle-blowers and their access to information held by public bodies;**

(b) **Organize training and awareness-raising campaigns for public servants, politicians, members of parliament and the general public on the economic and social**

<sup>5</sup> See decree No. 2021-0481/PRES/PM/MDNA.

**costs of corruption, and for judges, prosecutors and law enforcement officials on the need for strict application of the law.**

**State of emergency, combating terrorism and protecting civilians**

12. The Committee takes note of the declaration of a state of emergency and the derogations from the Covenant, as described in the letter of 14 February 2019 addressed to the Secretary-General of the United Nations in accordance with article 4 of the Covenant. It regrets, however, that no notification in accordance with article 4 was given regarding the various subsequent extensions or the state of emergency declared in 2023. The Committee also notes with concern the potential conflicts between the domestic legal framework and the provisions and principles of article 4 of the Covenant and the Committee's general comment No. 29 (2001) on derogations from the Covenant during a state of emergency, including the principles of necessity, proportionality, temporality and non-discrimination and the non-derogability of certain rights, such as judicial guarantees and the right to personal liberty. It is also concerned about allegations of serious human rights violations committed against civilians and terrorism suspects in the context of security operations, such as extrajudicial executions, enforced disappearances, acts of torture, arbitrary arrests and incommunicado detention. In this regard, the Committee is particularly concerned about the delegation's position that security concerns take precedence over the State's international human rights obligations. It further notes with concern reports that decrees and emergency measures are being used to reduce civic space and to repress and silence journalists, human rights defenders, lawyers and judges who are or are perceived to be critical of the authorities and to restrict or limit the enjoyment of various human rights (arts. 4–7, 9, 10, 14 and 19).

**13. In the light of the Committee's general comment No. 29 (2001), the State Party's legislative and institutional framework should strictly respect all the rights enshrined in the Covenant and systematically comply with all the conditions set forth in article 4 of the Covenant, irrespective of the security context. The State Party should, in particular:**

(a) **Immediately inform the other States Parties to the Covenant, through the intermediary of the Secretary-General of the United Nations, of the declaration of a state of emergency, the provisions derogated from, the reasons for the derogation and the date on which the derogation is to be terminated, in accordance with article 4 (3) of the Covenant;**

(b) **Ensure that any derogation from the Covenant is made only to the extent strictly required by the exigencies of the situation, only in times of public emergency that threaten the life of the nation and with due respect for the non-derogability of the provisions enumerated in article 4 (2) of the Covenant and the Committee's general comment No. 29 (2001);**

(c) **Guarantee that any measures that restrict human rights are exceptional, strictly temporary, non-discriminatory, proportionate and strictly necessary and are subject to independent judicial review;**

(d) **Prevent human rights violations and ensure that any violations committed during the state of emergency and in the context of security operations are promptly and systematically investigated independently, impartially and thoroughly, that perpetrators are duly brought to justice and, if found guilty, punished, and that victims receive full reparation;**

(e) **Review its counter-terrorism legislation to ensure that it fully complies with the Covenant and the principles of legality, legal certainty, predictability and proportionality;**

(f) **Provide effective safeguards, including appropriate judicial oversight, for any limitations on human rights imposed for the purposes of national security and ensure that such limitations serve legitimate aims and are necessary and proportionate;**

(g) **Ensure that persons suspected of or charged with terrorist acts are provided, in law and in practice, with all legal safeguards, in accordance with articles 9 and 14 of the Covenant and the Committee's general comments No. 32 (2007) on the**

**right to equality before courts and tribunals and to a fair trial and No. 35 (2014) on liberty and security of person;**

**(h) Ensure that the state of emergency and counter-terrorism laws are not used to unjustifiably limit any rights enshrined in the Covenant, including for judges, journalists and human rights defenders.**

14. The Committee is concerned about reports of serious human rights violations committed by the defence and security forces. It also notes with concern the attribution to the civilian population of defence and protection functions, such as in the case of the volunteer defence force acting as auxiliaries to the defence and security forces (arts. 6, 7 and 9).

**15. Recalling the Committee's previous concluding observations,<sup>6</sup> the State Party should:**

**(a) Investigate all allegations of serious human rights violations involving the defence and security forces, including the volunteer defence force, prosecute the alleged perpetrators and, if they are found guilty, impose appropriate penalties, and provide the victims with full reparation and means of protection;**

**(b) Strengthen the presence of defence and security forces throughout the country in order to ensure the security of the population throughout its territory and avoid assigning the civilian population the task of maintaining law and order.**

#### **Non-discrimination**

16. The Committee welcomes the adoption of a normative framework aimed at combating discrimination but remains concerned about the lack of explicit legal or effective protection of certain groups in vulnerable situations, such as women, people with disabilities, minority religious communities, persons with HIV, children born out of wedlock and lesbian, gay, bisexual and transgender people. It also notes with concern the discrimination and stigma faced by religious minorities, people with albinism and persons who are targeted because of their sexual orientation or gender identity. It is concerned about the persistence of hate speech and violence and the lack of effective remedies for victims. The Committee notes with concern the adoption of a bill to establish a personal and family code that would criminalize homosexuality and same-sex relationships, in particular its potential to heighten the risk of persecution faced by lesbian, gay, bisexual and transgender persons (arts. 2 and 24–26).

**17. The State Party should take appropriate measures to eliminate all forms of discrimination. In particular, it should:**

**(a) Adopt and ensure the effective enforcement of a comprehensive legislative framework that explicitly defines and punishes all discrimination, both direct and indirect, in the public and private spheres, including by revising its legislation to explicitly include sexual orientation, gender identity and disability as prohibited grounds for discrimination;**

**(b) Ensure that all acts of discrimination and hate speech are promptly and effectively investigated, that perpetrators are prosecuted, brought to justice and, if found guilty, sanctioned with appropriate penalties, and that victims have access to effective and appropriate remedies and to adequate legal, financial and psychological assistance;**

**(c) Adopt concrete measures, including training, education and awareness-raising programmes focusing on combating stereotypes, prejudice and negative attitudes, with a view to integrating the principle of non-discrimination into public programmes and policies, and ensure that these measures target both public officials responsible for enforcing the rule of law and the general public, in order to effectively prevent acts of discrimination, hate speech and other discrimination-related violence;**

<sup>6</sup> CCPR/C/BFA/CO/1.

**(d) Ensure that the draft personal and family code is fully in line with the Covenant.**

18. The Committee notes with concern reports that certain communities, including the Fulani, continue to be stigmatized and targeted by hate speech, violence and other discriminatory behaviour and are also subjected to inhuman treatment, enforced disappearance and extrajudicial execution in the context of security operations (arts. 6, 7, 9, 14, 26 and 27).

**19. The State Party should redouble its efforts to ensure the protection of communities, particularly the Fulani, and uphold all their rights. It should also investigate all cases of discrimination, intimidation and violence against these groups and ensure that the alleged perpetrators are prosecuted and, if convicted, punished with penalties commensurate with the gravity of the acts committed, and that the victims receive full reparation and effective protection.**

**Gender equality**

20. The Committee notes the measures taken to improve the representation of women in public life and decision-making spheres. However, it notes with concern that women's participation in public and political life remains very limited and that there is a lack of effective measures to increase the quota of women on electoral lists. While the Committee welcomes the measures taken to improve and guarantee women's access to land, it regrets the persistence of customary practices that discriminate against women in matters of inheritance and land (arts. 3, 23, 25 and 26).

**21. The State Party should step up its efforts to ensure effective equality between men and women in all spheres. In particular, it should:**

**(a) Adopt additional measures to increase the representation of women in political and public life and in the public and private sectors, particularly in management and positions of responsibility, including by reforming electoral law to effectively guarantee parity between men and women;**

**(b) Step up its efforts to counter discriminatory customary practices affecting women and girls, including with respect to inheritance and access to land, ensuring that inheritance matters are handled fairly, to give full effect to the principle of equality between men and women;**

**(c) Strengthen public awareness-raising activities to eliminate gender stereotypes and biases about the roles and responsibilities of men and women in the family and society;**

**(d) Revise land and inheritance laws to favour formal legislation over custom and carry out targeted awareness-raising campaigns in rural communities.**

**Violence against women**

22. The Committee remains concerned about the prevalence of violence against women, including internally displaced women, notably sexual violence such as rape, domestic violence, obstetric violence and sexual slavery. It notes with concern that this violence has increased in the context of the security crisis. The Committee notes that marital rape is criminalized but is concerned about the fact that the penalty is a mere fine and that the offence must be committed repeatedly in order to be punished. The Committee regrets the lack of specific information on this offence. It also regrets that, of the 13 comprehensive care centres for victims of gender-based violence provided for under Act No. 061-2015/CNT of 6 September 2015, only 3 have been opened, that these centres are facing operational difficulties owing to a lack of resources and that the legal assistance fund for women and girl victims is still not operational (arts. 2, 3, 6, 7, 8 and 26).

**23. The State Party should continue its efforts to prevent, combat and eliminate all forms of gender-based violence against women, including domestic violence. In particular, it should:**

- (a) **Ensure that all cases of violence against women, including internally displaced women, are thoroughly investigated, that the perpetrators are prosecuted and, if convicted, punished with commensurate penalties, and that victims have access to remedies and receive full reparation;**
- (b) **Bring the penalty for marital rape into line with that for rape in general and ensure its effective application;**
- (c) **Strengthen existing mechanisms to encourage women victims of violence to lodge complaints;**
- (d) **Increase financial and human resources to enhance the capacity to prevent and combat violence against women and to provide adequate protection and assistance, in particular by expanding the network of comprehensive care centres, including in rural and remote areas;**
- (e) **Ensure that public officials, including judges, lawyers, prosecutors, law enforcement officers and health and social care providers are effectively trained to deal with cases of violence against women;**
- (f) **Step up awareness-raising campaigns aimed at all sections of society, to combat the sociocultural biases and stereotypes that contribute to the acceptance of gender-based violence and make people aware that such violence is a crime.**

#### **Harmful practices**

24. The Committee remains concerned about the prevalence of female genital mutilation despite its criminalization in 1996 and the State Party's efforts to make it less commonplace. It is also concerned about child marriage, the stigmatization, social exclusion and violence experienced by women accused of witchcraft and the persistence of polygamy (arts. 2, 3, 7, 23, 24 and 26).

25. **The State Party should:**

- (a) **Redouble its efforts to prevent and eradicate harmful practices, including all forms of female genital mutilation, in particular by adopting and carrying out community-based programmes and public education measures that address the root causes of these practices and involve community and traditional leaders;**
- (b) **Ensure that all incidents of harmful practices are investigated, that perpetrators are prosecuted and, if found guilty, sentenced to penalties commensurate with their crimes and that victims of female genital mutilation have access to redress and reparation, healthcare, psychosocial support and legal assistance;**
- (c) **Take effective measures to prevent and combat child marriage, in particular by amending legal provisions that provide for exceptions and through awareness-raising campaigns involving families, communities and religious and public opinion leaders;**
- (d) **Adopt measures, including legal measures and outreach and awareness-raising activities, aimed at ending polygamy;**
- (e) **Prevent and combat all forms of discrimination, stigmatization and violence experienced by women accused of witchcraft and take effective measures to protect them.**

#### **Voluntary termination of pregnancy**

26. The Committee notes the recent amendments to the Criminal Code, which have simplified the abortion procedure. Despite these changes, it remains concerned about the fact that procedural requirements, such as the need for the prosecutor to establish a genuine state of distress, continue to complicate and delay access to safe, legal abortion, endangering women's health and perpetuating recourse to clandestine abortions. The Committee notes with concern that persistent sociocultural attitudes in the State Party stigmatize women who choose legal abortion, thereby pushing them towards unsafe practices. The Committee welcomes the free family planning services and subsidized contraceptives provided by the

State Party but regrets that significant obstacles to their use remain, particularly in rural areas, such as the lack of trained providers and medical supplies and sociocultural constraints that limit women's decision-making with regard to family planning (arts. 3, 6 and 7).

**27. Bearing in mind paragraph 8 of the Committee's general comment No. 36 (2018) on the right to life, the State Party should:**

(a) **Remove judicial or administrative obstacles to voluntary interruption of pregnancy and ensure access to safe, legal abortion;**

(b) **Ensure that women, men, girls and boys, including those with a disability or living in isolated communities, have access to high-quality sexual and reproductive health information and education and to a wide range of affordable contraceptive methods;**

(c) **Ensure the availability and effective accessibility of high-quality prenatal and post-abortion healthcare, in all circumstances and on a confidential basis.**

#### **Death penalty**

28. The Committee notes with concern reports that the State Party is considering reinstating the death penalty for acts of terrorism, national security offences and high treason, despite its abolition for all ordinary crimes in the Criminal Code. In this respect, it regrets that the State Party has not taken substantive steps towards acceding to the Second Optional Protocol to the Covenant, aiming at the abolition of the death penalty (art. 6).

**29. The State Party should abandon its plans to reintroduce the death penalty. Furthermore, in line with the Committee's previous concluding observations, it should consider acceding to the Second Optional Protocol to the Covenant, aiming at the abolition of the death penalty.**

#### **Prohibition of torture and cruel, inhuman or degrading treatment and of the excessive use of force by agents of the State**

30. The Committee continues to be concerned about allegations of torture, ill-treatment, and excessive use of force by defence and security forces, including the volunteer defence force. These alleged acts, including those committed in the context of the unrest of 2014 and 2015, reportedly remain unpunished. It notes with concern reports that despite the fact that legislation prohibits the use of confessions made under torture, the police have allegedly coerced defendants into making confessions that have subsequently been used in legal proceedings (arts. 6, 7, 10 and 14).

**31. The State Party should redouble its efforts to effectively prevent and combat torture, cruel, inhuman or degrading treatment and the excessive and disproportionate use of force by agents of the State, including the defence and security forces and the volunteer defence force. In particular, it should:**

(a) **Investigate all allegations of torture, ill-treatment and the excessive use of force, prosecute the perpetrators and, if they are found guilty, punish them with penalties commensurate with the gravity of their acts, and provide victims with full reparation;**

(b) **Step up the training of all members of the security and defence forces on the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials and the United Nations Human Rights Guidance on Less-Lethal Weapons in Law Enforcement.**

(c) **Ensure the effective application by the courts of legislation prohibiting the use of evidence obtained through torture in judicial proceedings and ensure respect for the Principles on Effective Interviewing for Investigations and Information-Gathering (the Méndez Principles).**



### **Treatment of persons deprived of liberty**

32. The Committee welcomes the efforts made by the State Party to improve conditions of detention in places of deprivation of liberty. However, it remains concerned about issues including overcrowding in prisons, the lack of access to adequate and sufficient medical care and the absence of facilities adapted to prisoners with disabilities. The Committee notes with concern allegations of abuse in prisons that have not been investigated (arts. 7 and 10).

**33. The State Party should step up its efforts to ensure that conditions of detention fully comply with international human rights standards, including the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) and the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules). In particular, it should:**

(a) **Reduce prison overcrowding and improve conditions of detention, in particular by ensuring effective access to adequate and sufficient healthcare and building facilities adapted to the needs of prisoners with disabilities;**

(b) **Facilitate victims' access to complaint mechanisms, including for ill-treatment suffered in detention, investigate all allegations in this regard, and ensure that alleged perpetrators are brought to justice and that victims receive reparation and protection against reprisals in detention;**

(c) **Ensure that the National Mechanism for the Prevention of Torture and Related Practices is able to visit all places of deprivation of liberty on a regular basis, without hindrance, prior notice or supervision, and ensure that its recommendations are acted upon.**

### **Liberty and security of person, legality of detention and administration of justice**

34. The Committee regrets that, under the Code of Criminal Procedure, access to a medical examination for persons deprived of their liberty is possible either with the authorization of the public prosecutor at any time, or at the request of the accused, but only after the latter has spent 72 hours in police custody, and that if police custody is extended, the public prosecutor appoints the doctor. In this regard, the Committee notes with concern that the duration of police custody is 72 hours, extendable for 48 hours, and is 15 days for alleged perpetrators of acts of terrorism or organized crime, with the possibility of a 10-day extension. Furthermore, while the Code of Criminal Procedure provides for guarantees such as the right to be informed of the reasons for detention and access to a lawyer, the Committee regrets not having received information on the effective implementation and monitoring of these guarantees (arts. 9, 10 and 14).

**35. The State Party should redouble its efforts to ensure that all detained persons enjoy, in practice and from the outset of their detention, all fundamental legal safeguards, in accordance with the Committee's general comment No. 35 (2014). In particular, it should:**

(a) **Ensure that all persons detained have prompt and regular access to medical personnel and lawyers;**

(b) **Ensure that detained persons, including those suspected of terrorism and organized crime, are promptly brought before competent judicial authorities, which must conduct a thorough and impartial review of pretrial detention without delay, and ensure access to independent mechanisms to report and address any violations.**

### **Independence of the judiciary**

36. The Committee notes with concern the negative impact on judicial independence of legislative reforms affecting the Act on the Supreme Council of the Judiciary and the Organic Act on the Judiciary. It also notes with concern reports that, in practice, the Minister of Justice and Human Rights oversees the appointment, assignment and sanctioning of judges, that prosecutors answer to the Minister of Justice and Human Rights as well as to their hierarchical superiors and that half of the members of the Supreme Council of the Judiciary are not in fact judges. It is concerned about reports of a large backlog of court cases and a

high number of unenforced court decisions. In addition, it is concerned about allegations that certain judges who have issued unfavourable decisions concerning the volunteer defence force or the executive have been forcibly conscripted (art. 14).

**37. The State Party should take steps to prevent any form of undue interference by the executive in the administration of justice and to ensure, in law and in practice, the independence and impartiality of judges and effective access to the courts, in accordance with article 14 of the Covenant and the Committee's general comment No. 32 (2007). In particular, it should:**

(a) **Ensure that the rules and procedures for the selection, appointment, promotion, transfer, suspension, removal and disciplining of judges and prosecutors are transparent, impartial and in compliance with the Covenant and relevant international standards, including the Basic Principles on the Independence of the Judiciary and the Guidelines on the Role of Prosecutors, and that the appointment of judges and prosecutors is based on merit alone;**

(b) **Ensure that the Supreme Council of the Judiciary is independent and impartial and that judges and prosecutors have a majority say in decisions relating to their professional career;**

(c) **Ensure that judges are able to work independently and safely and carry out their activities without fear of reprisals, including forced conscription;**

(d) **Reduce the backlog of court cases, in particular by mobilizing more resources and increasing the number of judges, prosecutors and public defenders throughout the country, and ensure the effective implementation of court decisions.**

#### **Trafficking in persons and child labour**

38. The Committee welcomes the adoption of various initiatives to combat trafficking in persons, including the National Action Plan to Combat Trafficking in Persons in Burkina Faso 2023–2025, although obstacles to its effective implementation remain. It notes with concern the challenges in applying Act No. 029-2008/AN of 15 May 2008 on combating trafficking in persons and related practices, in particular the full or partial suspension of a significant proportion of sentences handed down to traffickers. The Committee welcomes efforts to combat the worst forms of child labour, including the establishment of regional child protection brigades, but remains concerned about reports that a significant number of children are engaged in hazardous work, particularly in artisanal gold mining and agricultural work. The Committee is also concerned about persistent shortcomings in the protection and assistance available to victims, such as the insufficient number of reception centres and the lack of access to adequate legal and psychosocial assistance and reintegration programmes, particularly in rural and remote areas (arts. 8 and 24).

**39. The State Party should step up its efforts to prevent, combat and punish trafficking in persons and child labour. In particular, it should:**

(a) **Ensure that cases of trafficking in persons and child labour are effectively investigated, that the perpetrators are prosecuted and, if convicted, punished with penalties commensurate with the gravity of their offences and that victims are provided with full reparation;**

(b) **Increase the financial and human resources allocated to ensure adequate protection, assistance and reintegration services for victims of trafficking and child labour throughout the country, including a sufficient number of shelters and adequate legal and psychosocial assistance and reintegration services;**

(c) **Strengthen training and specialization activities for judicial personnel, law enforcement agencies and institutions, labour inspectors and agencies involved in the fight against child trafficking and child labour and facilitate their coordination and cooperation.**

### **Treatment of refugees, asylum-seekers, stateless persons and displaced persons**

40. The Committee is aware of the challenge faced by the State Party with regard to the large number of displaced persons and refugees on its territory and takes note of the efforts made to improve their situation. However, it notes with concern reports of a lack of resources for the effective implementation of Act No. 042-2008/AN of 23 October 2008 on the status of refugees in Burkina Faso and the absence of a clear procedure for determining the condition of statelessness, in particular with regard to children born in refugee camps or in situations of internal displacement, despite the State Party's efforts to improve birth registration and the issuance of identity documents. While the Committee recognizes the State Party's efforts to assist displaced persons, it is concerned about their safety, particularly with regard to gender-based violence, including sexual violence against women and girls, child exploitation and the lack of durable solutions (arts. 12–14, 24 and 26).

**41. The State Party should strengthen its efforts to protect and assist refugees and displaced persons. In particular, it should:**

(a) **Ensure the effective implementation of Act No. 042-2008/AN on the status of refugees, including by facilitating access to asylum procedures and respecting the principle of non-refoulement, and provide the necessary resources to that end;**

(b) **Prevent and reduce statelessness, including by amending the law on nationality and civil status in order to fill gaps that may result in statelessness and establish a clear procedure for determining the condition of statelessness, and ensure that all births on its territory are registered and receive an official birth certificate;**

(c) **Ensure the protection of refugees and displaced persons, particularly from gender-based violence against women and girls and child exploitation, and ensure they have adequate access to sustainable livelihood services.**

### **Freedom of expression and protection of journalists and human rights defenders**

42. The Committee notes with concern that the State Party does not plan to amend article 312-11 of the Criminal Code, which restricts freedom of expression and criminalizes speech that would demoralize the armed forces, so as to bring it into line with article 19 of the Covenant. The Committee is concerned about the risk that Act No. 061-2008/AN of 27 November 2008 containing general regulations on electronic communications networks and services in Burkina Faso may be used to repress dissent, while the incomplete implementation of Act No. 051-2015/CNT of 30 August 2015 on the right of access to public information and administrative documents risks exacerbating such repression. The Committee notes with concern reports of the increasing repression of journalists and human rights defenders, including the suspension of broadcasting, threats, intimidation, arbitrary arrests, physical assaults, enforced disappearances and forced conscription to the volunteer defence force (art. 19).

**43. The State Party should guarantee the full enjoyment by everyone of the right to freedom of expression, in accordance with article 19 of the Covenant and the Committee's general comment No. 34 (2011) on the freedoms of opinion and expression, and ensure that any restrictions comply with the strict conditions set out in article 19 (3) of the Covenant. In particular, it should:**

(a) **Review and amend legislation that unduly limits freedom of expression, including article 312-11 of the Criminal Code and restrictions on access to online communication, and ensure that any restrictions are in conformity with the Covenant and are not applied to repress the expression of critical or dissenting opinions;**

(b) **Prevent and combat any online or offline human rights violations against journalists, media professionals, human rights defenders and persons critical of the State Party's policies, and ensure that they can freely express their opinions and carry out their work without fear of harassment, violence or reprisals;**

(c) **Ensure that all allegations of threats, intimidation, arbitrary arrests, physical assaults, enforced disappearances and enforced conscription against journalists and human rights defenders are promptly, thoroughly, independently and**

**impartially investigated, that perpetrators are prosecuted and, if convicted, punished with sanctions commensurate with the gravity of their acts, and that victims are provided with effective remedies and reparations;**

**(d) Expedite the full and effective implementation of Act No. 051-2015/CNT on the right of access to public information and administrative documents.**

#### **Freedom of peaceful assembly and association**

44. The Committee welcomes the repeal, pursuant to the Criminal Code, of the controversial provisions of Act No. 026-2008/AN of 8 May 2008 on the repression of acts of vandalism committed during demonstrations on the public highway. However, it is concerned about restrictions in practice on freedom of peaceful assembly, including allegations of the obstruction of demonstrations by security forces and the arbitrary punishment of demonstrators, as well as the impact that criteria for restricting demonstrations may have on the effective enjoyment of freedom of peaceful assembly. The Committee notes with concern allegations of the rejection on the basis of vague criteria of registration applications submitted by some associations (arts. 14, 21 and 22).

**45. Bearing in mind article 21 of the Covenant and the Committee's general comment No. 37 (2020) on the right of peaceful assembly, the State Party should take the steps necessary to foster an environment conducive to the exercise of the right of peaceful assembly and ensure that any restrictions in that regard are in full conformity with the Covenant and the principles of proportionality and necessity, and that any decision to prohibit a peaceful assembly on the basis of criminal legislation is subject to judicial oversight. In accordance with article 22 of the Covenant, the State Party should adopt the measures necessary to guarantee, in law and in practice, the effective exercise of the right to freedom of association, including by amending the legal framework to ensure that the criteria for the registration of associations are compatible with the Covenant.**

#### **Participation in public affairs**

46. The Committee takes note of the amendment of the Electoral Code pursuant to Act No. 035-2018/AN of 30 July 2018, which repealed the provision on the ineligibility to stand for office of persons who allegedly supported an unconstitutional change in violation of the principle of the democratic rotation of power. It also notes the recognition of the right of Burkina Faso nationals abroad to participate in elections since 2020. However, the Committee is concerned about restrictions on the exercise of the right to vote for other groups of people, including "incapacitated adults", and the blanket and automatic restriction for all "individuals convicted of a crime" (art. 25).

**47. The State Party should take the measures necessary to ensure that its electoral legislation and practices are in full conformity with the Covenant, in particular article 25, and the Committee's general comment No. 25 (1996) on participation in public affairs and the right to vote, to ensure the effective implementation of the right to participate in public affairs. It should also guarantee inclusive and fair electoral processes, including by ensuring that displaced people and women can fully exercise their political rights.**

### **D. Dissemination and follow-up**

**48. The State Party should widely disseminate the Covenant and the first Optional Protocol thereto, the State Party's second periodic report and the present concluding observations, with a view to raising awareness of the rights enshrined in the Covenant among the judicial, legislative and administrative authorities, civil society and non-governmental organizations operating in the country and the general public. The State Party should ensure that the report and the present concluding observations are translated into the official languages of the State Party.**

49. In accordance with rule 75 (1), of the Committee's rules of procedure, the State Party is requested to provide, by 28 March 2028, information on the implementation of the recommendations made by the Committee in paragraphs 7 (national human rights institution), 23 (violence against women) and 29 (the death penalty) above.

50. In line with the Committee's predictable review cycle, the State Party will receive in 2031 the Committee's list of issues prior to the submission of the report and will be expected to submit within one year its replies to the list of issues, which will constitute its third periodic report. The Committee requests the State Party, in preparing the report, to broadly consult civil society and non-governmental organizations operating in the country. In accordance with General Assembly resolution 68/268, the word limit for the report is 21,200 words. The next constructive dialogue with the State Party will take place in Geneva in 2033.

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