

United Nations Human Rights Council

Universal Periodic Review

UPR for Burkina Faso 4th Cycle November 2023

UPR BURKINA FASO WORKING GROUP in New York

Preamble

1. This report is a submission of civil society actors listed here, based at UNHQ in New York who represent members working in 120+ countries in direct service to local populations. The recommendations below follow on the National Report submitted by Burkina Faso in 2018 during the third cycle of the UPR process and their mid-term review. The organizations contributing to this report, together with their corporate logos, are listed below for reference purposes.



CONGREGATIONS OF ST. JOSEPH represents 31 congregations of women religious present and active in over 40 countries in Europe, Asia, Africa, South and North America. They are engaged in education, healthcare, social work and other activities, with a special focus on women and those most in need. Their mission is to create bonds of unity among all peoples and serve the “dear neighbor” without distinction in both rural and urban settings.

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DOMINICAN LEADERSHIP CONFERENCE represents 20,000 women religious present and active in 120 countries throughout the world. They are engaged in education, social work, promotion of justice and peace, in both urban and rural settings, working for the empowerment of women in rural areas and of widows who are social outcasts in their cultures. Their focus is on building relationships and contributing to a more just world order.

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METHODOLOGY

2. The information used in this report has been gathered from responses to questions sent to various members of our organizations in Burkina Faso and has been supplemented with research by the members of the writing group.

Discrimination and Violence against Women

1. In the 3rd UPR cycle, there were 35 recommendations relating directly to discrimination and violence against women, all of them supported by the Burkina Faso state. Many recommendations focused on violence against women be it due to FGM, trafficking, early or forced marriage or domestic violence.¹
2. Burkina Faso's mid-term report reflects the importance it puts on protecting women from exploitation and sexual violence both in the family and the society.²
3. The constitution of Burkina Faso states that men and women are equal and has, for the past 10 years, a Ministry of Women and Gender. It has ratified international treaties related to gender issues including CEDAW.
4. Having recognized that the growth and development of the country cannot be accomplished without the full participation of women, in 2020 Burkina Faso established a National Strategy on Gender.³ This strategy first offers a synthesis of the inequalities and disparities between women and men. It then sets out a national, multi-sectoral approach to development, with the goal of promoting equal rights and opportunities for women and men in the social, cultural, political and economic spheres.⁴
5. Barriers to gender equality are essentially cultural and socio-economic. Yet the major issue identified by CSOs is the persistent and growing violence against women and girls.⁵ This fact has been well-illustrated in a short film, "l'âme déchirée de Kandy", which appeared in March 2023 which depicts the violence women are subjected to in the society.⁶
6. More than one-third of Burkinabè women have suffered domestic violence. Although violence against women is against the law, conjugal violence is not considered a crime. One-third of the population holds that a man can beat his wife for any reason.⁷
7. GBV is common in many forms and the survivors need protection, healthcare services, and psychosocial support, a recommendation made during the 2018 UPR and supported by the government.⁸

¹ One example is the recommendation of Rwanda (125.109) to "strengthen the implementation of legislation and policies aimed at the ending of harmful practices, in particular child, early and forced marriages and female genital mutilation."

² Burkina Faso: Rapport à mi-parcours de la mise en oeuvre des recommandations de l'Examen Périodique Universel (EPU) et des organes de traits couvrants la période 2018-2020. November 2022

³ Stratégie nationale genre [2020-2024].

⁴ "Document de la Politique Nationale Genre du Burkina Faso", Ministère de la Promotion de la Femme, October 2019.

⁵ "Strategie Genre", Union européenne et ses Etats members au Burkino Faso 2021-2025.

⁶ This was reported in *Burkina 24*. See the article at: <https://burkina24.com/2023/03/22/violences-basees-sur-le-genre-clap-de-debut-de-tournage-pour-le-film-lame-dechiree-de-kandy/>

⁷ Social Institutions Gender Index, www.genderindex.org/burkina-faso-country-study

⁸ Chile recommended (125.96) "ensure sufficient financial resources so that victims can have access to justice and psychosocial services", and Gabon (125.98): "Establish a sufficient number of drop-in centres and shelters for women and girl victims of violence." Cf. A/HRC/39/4 – Para. 125

8. In its mid-term report, Burkina Faso noted that they have created centres for girls and women, victims of GBV, to receive psycho-social services with one functional in Ouagadougou and two others in the process of opening in Bobo Dioulasso and Tenkodogo.⁹ Alongside the centres established in important cities to offer needed services to girls and women, victims of GBV, the government needs to establish smaller centres or mobile units to offer this same service to those living in rural areas where GBV is most common.
9. The voice of women is often lacking in decision-making that directly affects them. This has been seen in reports¹⁰ and confirmed by local women who are members of various NGOs. More than one of our members in Burkina Faso has noted that while women's voices are ever more present in government and other similar settings, in spite of the important role that women play in the family and society, they have little or no voice in decisions in more rural settings.
10. While strides have been made regarding the situation of women in urban settings, forced and early marriages are on the rise as is abuse and sexual exploitation of women in more rural settings, especially in Center-north and the Sahel regions.¹¹ This is almost certainly due not only to tradition and local culture but also to the low level of education, more acute in regard to the girl child.
11. Since early marriage is considered an honor and a source of pride among some groups in certain regions and the girl must accept any decision made by her family, women in these settings tend to readily accept the custom. To combat such practice it is necessary to improve the level of education and enforce the laws which establish the age of 18 as that of marriage.
12. The practice of forced marriage is not uncommon, even though the law in Burkina Faso makes the conviction of this punishable by 6 months to 5 years in prison. Apart from the fact that some minor girls have been kidnapped on their way to school and forced into marriage,¹² child marriage is fairly common with more than half the women married before age 18¹³, which is the age of legal majority.
13. It has been reported to us that in some areas of Burkina Faso any woman who becomes pregnant outside of marriage is banned from her family and clan, while the man who impregnated her remains undisturbed and free. One instance that was reported to us is that of an 18-year old orphan who became pregnant and when she informed the father of her child, he took no responsibility and told her to get an abortion.
14. As reflected in the recommendations of the 3rd UPR cycle,¹⁴ the government needs to expand services for elderly women, most often widows, who are accused of witchcraft and excluded from the society. As one of our members told us: "The woman who loses her husband must

⁹ Burkina Faso: Rapport à mi-parcours de la mise en oeuvre des recommandations de l'Examen Périodique Universel (EPU) et des organes de traits couvrants la période 2018-2020. November 2022. No. 89

¹⁰ "Gender-Based Violence. Girls' and Women's Rights in the Center Sahel", Side Event to the Ministerial Roundtable on Central Sahel, 20th October 2020.

¹¹ "Lutte contre les violence faites aux femmes aux Burkina Faso" Abdoul Ouedraogo, *Les Editions Faso Actu*, December 23, 2019.

¹² www.state.gov/reports/2019-country-reports-on-human-rights-practices/burkina-faso/

¹³ UNICEF Country Office Annual Report 2021 – Burkina Faso

¹⁴ See Recommendations 125.126 from Gabon and 125.108 from Namibia.

expect to lose everything: privileges and especially family property confiscated by the in-laws. Some find themselves suddenly treated as witches and rejected by society.” While the government has begun to address this by opening a centre in Sakoula to give excluded women a place to live¹⁵ there needs to be a way that the justice system can protect these women, permitting them to remain in their community.

15. According to the study put in place by the Ministry of Women, the UNDP and UNFPA, the existing and deeply rooted inequalities between women and men have been exacerbated by the covid-19 pandemic. In response both government and civil society actors met in December 2021 to address the question of what strategies were needed to make the National Strategy on Gender 2020-2024 effective.¹⁶
16. Burkinabé members of our organization have reported that while the situation of urban women has improved, there is a notable lack of equality between women and men in rural settings and more traditional cultures. To bring about change in this area it is essential to raise the awareness of women’s rights and to ensure that they are respected.
17. Gender-based violence has increased greatly since Islamist extremists have gained ground in the country. Women, especially IDPs, face the threat of sexual assaults when they go to gather food or fetch firewood. Some women have been raped while occupied on their farms. This GBV is not limited to the jihadists but is also increasing in domestic situations or when women seek humanitarian aid.¹⁷ The government needs to address the terrorist violence which leads to many human rights abuses.

FGM

18. There were seven recommendations in the 2018 UPR of Burkina Faso which addressed the issue of Female Genital Mutilation, all of which were accepted by the country.¹⁸
19. FGM is still widely practiced in Burkina Faso, especially in rural villages and among IDPs where 68% of women between the ages of 15 and 49 and 42% of girls ages 15-19 have undergone FGM. This procedure is most often done (75% of the time) on girls under 6 years old.¹⁹

¹⁵ Burkina Faso: Rapport à mi-parcours de la mise en oeuvre des recommandations de l’Examen Périodique Universel (EPU) et des organes de traits couvrants la période 2018-2020. November 2022. Nos 121-122

¹⁶ <https://lefaso.net/spip.php?article109924>

¹⁷ www.columbian.com/news/2021/feb/14/women-fleeing-burkina-faso-violence-face-sexual-assault/

¹⁸ One example is Recommendation 125.111 made by Australia: “Ensure that people who continue to practice female genital mutilation are held accountable and prosecuted as a means to deter perpetrators.”

¹⁹ UNFPA-UNICEF Joint Programme on the Elimination of Female Genital Mutilation: Accelerating Change – 2021 Annual Report

²⁰ Article 380 of the Penal Code, amended in 2018 by Law No. 025-2018/AN

20. The country has addressed FGM with legislation criminalizing it²⁰ as well as through Community communication and dialogues in many villages. In 2016 Parliament adopted a National Strategic Plan to eliminate FGM which is a “blue print used in the implementation of anti-FGM efforts.”²¹
21. Article 380 of the penal code criminalizes FGM and punishes anyone who engages in the practice with time in prison and/or a fine. Those who have knowledge of the practice and fail to report it are also penalized while there is no punishment for those who procure, aid or abet the practice.²²
22. The government has made strides in educating the population so that the custom of FGM is less acceptable to all ethnic groups and thousands of villages have abandoned the practice.²³ In fact the vast majority of Burkina Faso, an estimated 85%, are against this practice, though it continues in certain areas.²⁴
23. The government needs to engage in campaigns to raise awareness of the fact that GM is both harmful to the woman undergoing it and illegal. This can be accomplished through media campaigns as well as conversations with the population, especially in rural settings, to bring together and harmonize traditional practices with the legal structure.
24. To effectively bring an end to FGM the government needs to amend the penal code to punish those procuring, aiding or abetting the procedure, uphold the sentencing of perpetrators of FGM, enforce the laws against FGM by assuring accountability of those in law enforcement, and accelerate the education campaigns in rural villages. It is also necessary to continue having open dialogues in villages with village leaders and religious leaders concerning FGM, explaining the custom, the dangers of excision, the medical implications and the law. In its Interim Report, Burkina Faso has indicated that such a process is underway.²⁵ This needs to continue and be strengthened.

Recommendations

- a. Amend the penal code to consider domestic violence a crime.
- b. Establish centres offering psycho-social services to women and girls, victims of GBV, in rural areas and also in mobile units.
- c. Enforce the laws that establish 18 years as the marriageable age.
- d. Address, through education and legal processes, the custom of excluding unmarried mothers and widows from the family, in those areas where it is common.
- e. Develop and make effective the National Strategy on Gender 2020-2024.

²⁰ Article 380 of the Penal Code, amended in 2018 by Law No. 025-2018/AN

²¹ www.equalitynow.org/fgm_in_burkina_faso/

²² See “Burkina Faso: the Law and FGM” by 28 Too Many. [burkina_faso_law_report_v1_\(september_2018\).pdf](#)

²³ “Journée Internationale de lute contre les Mutilations Génitales Féminines” SANOU, Aminata Catherine. *Burkina 24*, February 6, 2023.

²⁴ *Ibid.*

²⁵ Burkina Faso: Rapport à mi-parcours de la mise en oeuvre des recommandations de l’Examen Périodique Universel (EPU) et des organes de traits couvrants la période 2018-2020. November 2022. Nos. 308-310

- f. Raise awareness of women’s rights in rural settings and villages through media and education campaigns.
- g. Amend the penal code to criminalize the acts of procuring, aiding or abetting FGM.
- h. Enforce the existing laws which criminalize FGM.
- i. Accelerate education campaigns against FGM in rural villages, engaging local leaders in conversation about its medical implications and its illegality.

Education

25. Several recommendations given during the 3rd cycle UPR, and accepted by Burkina Faso, relate to education, both access to quality education up to and including secondary education, and gender equality in the sector of education.²⁶
26. Due to violence and the threat of violence from Islamist groups which are doing all in their power to bring an end to what they consider “western” or “French” education, 2,500 schools were closed between 2017 and 2020, before the Covid pandemic. Teachers have been tied up, beaten and had their belongings stolen. Numerous school buildings have been destroyed and other schools taken over for military use, which threatens the educational infrastructure.²⁷
27. In response to this situation it would be important for the government to pass legislation forbidding the military use of school buildings.
28. With the closure of schools and/or the fact that children are kept home to avoid violence, girl children are much more apt to face marriage before the age of 16, some as young as or younger than 12, even though the government has raised the age of marriage to 18. UNICEF has gathered data which indicates that 10% of girls were married before age 15 and almost half of women before age 18.
29. The law sets the minimum age for employment at 16 which is the age at which mandatory education ends and prohibits exploitative child labor such as working in mines, though children aged 13 are legally permitted to do some work in the domestic or agricultural fields up to 4 ½ hours a day. Studies have seen that children under the age of 16 are working in mines seven days a week. These and children who herd cattle or hawk items on the street may work up to 14 hours a day, six or seven days a week. Thus these children are deprived of their right to an education.²⁸ According to reports we received when parents are divorced and remarried children can be forced to leave school and take responsibility for domestic tasks.
30. In order to address the practice of child labour and the make known the rights of the child, a first step would be to see that laws in this regard are translated into local languages and disseminated.

²⁶ As examples we cite recommendation 125.85 from Indonesia: “Continue its efforts in enhancing access to education for all, particularly access to secondary and higher education, including in the rural areas” and recommendation 125.131 from Tunisia: “Continue efforts to ensure education for girls and gender equality in the education sector.”

²⁷ See the 102-page report prepared by Human Rights Watch in 2020: “Their War against Education: Armed Group Attacks against Teacher, Students, and Schools in Burkina Faso”

²⁸ www.state.gov/reports/2019-country-reports-on-human-rights-practices/burkina-faso/

Then it would be important to organize local campaigns to educate the people on these topics.

31. Education of girls is not a priority for many rural families which consider the role of a woman to be that of wife and mother, which supports the practice of early and/or forced marriage. Boys are given the advantage when a family suffers financial stress, though many are sent to work in mines or other places to help support the family.
32. One of our members who is Burkinabè reported that “in rural areas, the majority of women do not attend school or have had to stop their schooling very quickly, either because of a lack of financial resources (in this case, boys are favored) or because of marriage.”
33. Gender disparity is very obvious in the area of education where, according to UNICEF statistics, 65.7% of boys receive schooling but only 54.5% of girls. This inequality is exacerbated by the violence and terrorism throughout the country since girls are more than twice as likely as boys to be driven from schools due to a crisis situation.²⁹
34. Reports received by our members in Burkina Faso reflect the difficulty many girl children have in completing even primary education. One young girl told us that she was taken out of school by her parents to help one of her sisters who needed assistance after the birth of her child. When the girls returned to the school, the teacher would not let her re-enter the class because she had missed a few months of school.
35. It would be important for the ministry of education to find ways to respond to such situations, offering alternate education structures so all girls can complete their education, expanding existing strategies such as that focused on children ages 9-12 who are not in school. This strategy offers them the content of several education levels during a 9-month period with mainstreaming them at the end of that period.³⁰
36. The government has responded to the situation of children kept from schools due to terrorism by transmitting lessons over radio and television. While this is a temporary measure to keep children in an educational environment, the government needs to combat the terrorism which is depriving a generation of their right to an education and reopen the schools that have been closed and find other ways to close the education gap.

Recommendations

- a. Pass legislation forbidding military use of school buildings.
- b. Translate laws pertaining to child labor and required schooling into local languages, disseminate them widely especially in rural areas and develop campaigns on these issues.
- c. Develop strategies to offer alternative means of education to those who have been excluded because of family situations or other reasons.
- d. Take the necessary steps to assure the education of girls when custom tends to keep them from school.
- e. Improve the level of education of girls in rural settings by enforcing existing laws.

²⁹ <https://borgenproject.org/girls-education-in-burkina-faso/>

³⁰ Burkina Faso: Rapport à mi-parcours de la mise en oeuvre des recommandations de l'Examen Périodique Universel (EPU) et des organes de traits couvrants la période 2018-2020. November 2022. No. 259

