

## Introduction

1. Burkina Faso has for several years been faced with a dire security, humanitarian and political crisis which has culminated in a decline of human rights in the country. Nearly 2 million Burkinabè, the majority of whom are women and children, find themselves without housing and food, after fleeing their communities and localities, and are now relying on humanitarian organisations for support. In 2021, there was an estimated 1.6 million internally displaced persons<sup>1</sup>. Several thousand deaths have been recorded among the Defense and Security Forces and the civilian population. 2023 marks the eighth year of this increasingly complex security crisis which has also seen military coups.
2. Human rights organisations have denounced the indiscriminate killings as well as the summary and extrajudicial executions perpetrated by the defence and security forces and the *Volunteers for the Defense of the Homeland* (VDP).
3. The security crisis has also exacerbated social tensions, and increased the number of cases of human rights violations. The impact of the crisis has led to arbitrary detentions and violations of freedom of expression.<sup>2</sup>
4. The impact of this security crisis led the military to overthrow the democratically elected civilian regime of Roch Marc Christian Kaboré <sup>3</sup>. On January 24, 2022, a coup led by Lieutenant-Colonel Paul-Henri Sandaogo Damiba, the then Commander of the 3rd military Region and an important link in the fight against terrorism ousted Roch Marc Christian Kaboré from power and proclaimed himself head of state, supported by the Patriotic Movement for Safeguarding and Restoration (MPSR).
5. Eight months after coming into power, the Lieutenant-Colonel was ousted in turn, following the various setbacks suffered by the Army, the most decisive of which was the attack on the escort of a military convoy in Gaskindé on September 26, 2022. This convoy was on its way to supply the town of Djibo in the Sahel, one of the epicentres of the insurgency<sup>4</sup>. Lieutenant-Colonel Paul-Henri Sandaogo Damiba was thus overthrown, on September 30, 2022, by Captain Ibrahim Traoré, Commander of the 10th Support and Support Command Regiment based in Kaya.

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<sup>1</sup> US State Dept <https://www.state.gov/reports/country-reports-on-terrorism-2021/burkina-faso/>

<sup>2</sup> Amnesty International, 2022- Burkina Faso, see; <https://www.amnesty.org/en/location/africa/west-and-central-africa/burkina-faso/report-burkina-faso/#:~:text=Burkina%20Faso%202022,right%20to%20freedom%20of%20expression>.

<sup>3</sup> Roch Marc Christian Kaboré was elected President of Faso under the banner of the People's Movement for Progress (MPP) for the first time in November 2016, then re-elected in November 2020.

<sup>4</sup> On September 26, 2022, the attack on the convoy in Gaskindé caused 37 deaths, including 27 soldiers and 10 civilians.

## Updates Since the Previous Review

6. During Burkina Faso's third UPR cycle on May 11, 2018, 204 recommendations were made, but none was related to freedom of expression or digital rights. The only reference to freedom of expression was highlighted in the Report of the Working Group on the Universal Periodic Review<sup>5</sup>, stating that in regards to free press, Burkina Faso had been the top-ranked country in francophone Africa since 2015, according to the World Press Freedom Index compiled by Reporters Without Borders.
7. During Burkina Faso's review, Ireland also expressed concern by the reports of threats, harassment and intimidation of human rights defenders, which would include freedom of expression defenders.<sup>6</sup>
8. In the 2022 Reporters Without Borders press index, Burkina Faso is ranked 41st out of 180 countries surveyed,<sup>7</sup> dropping four places from its 37th position in 2021.<sup>8</sup>
9. In recent years, due to insecurity, the overall human rights situation deteriorated considerably in Burkina Faso. The authorities, under the pretext of the fight against terrorism, have taken several measures, leading to shrinking human rights and freedoms. Intimidation, arrests, deprivation of liberty, blocking access to sources of information, internet shutdowns, invasion of privacy, closure of media are some of the hindrances to digital rights. These abuses have worsened with institutional changes, including the military coups that occurred in 2022.
10. During the reign of Lieutenant-Colonel Paul-Henri Sandaogo Damiba in early 2022, he made an assurance "about the country's firm commitment to respect its international human rights obligations<sup>9</sup> including freedom of expression. However, on March 15, 2022, in a press release, Minister of Security Colonel Omer Bationo, stated that "*There will be no impunity for authors of publications and other acts of a subversive nature, public disturbance, social cohesion and troop morale. No tolerance will be made for those who want to increase the suffering of those already marginalised.*"<sup>10</sup>.
11. Between 2015 and 2022, during the regime of the former President, Roch Marc Christian Kaboré, freedom of expression and digital rights in general were under threat. In June 2019, under the pretext of limiting the dissemination of false news, Parliament amended the Penal Code by introducing heavy fines and prison sentences for users of social media networks. The law also granted prosecutors or "any person having interest" the powers to petition a judge to have such information removed from any website or publication.

<sup>5</sup> A/HRC/39/4, paragraph 16; see, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G18/208/22/PDF/G1820822.pdf?OpenElement>

<sup>6</sup> Id, paragraph 57

<sup>7</sup> Reporters Without Borders Index, 2022; <https://rsf.org/en/index>

<sup>8</sup> Id, <https://rsf.org/en/index?year=2021>

<sup>9</sup> <https://www.youtube.com/watch?v=DBv8WUq-in0>

<sup>10</sup> Insecurity: Omer Bationo warns against false information on social networks, <https://faso7.com/2022/03/15/insecurite-omer-bationo-met-en-garde-contre-les-fausses-informations- on-social-networks/>

12. Online publications insulting the memory of the dead were also criminalised. Further, using any means of communication to disseminate information about terrorist attacks and security forces that could undermine public order or the conduct of security operations was criminalised and attracted up to 10 years in prison or a fine of up to \$17,000 (10 million Central African Francs).<sup>11</sup>
13. The state of emergency law also grants wide powers of control to the military, political powers and judicial authorities in relation to freedoms. During President Roch's era, the internet and Facebook were curtailed. Between the end of 2021 and beginning of 2022, mobile internet was shut down.
14. During the current transition regime of Captain Ibrahim Traoré, he stated in a local press interview that: *"There are many people on social networks and the press who have stateless behaviour, behaviour tending to dislike the homeland. Why do we see what is bad and never what is good? There are those who see the darkness and never see the light, why? Do they really love our people?"*<sup>12</sup> This statement sternly warned the media regarding its publications that are viewed by the state as not favourable. As we can see, the different regimes have used the fight against terrorism as a pretext to restrict freedom of expression.
15. As Burkina Faso prepares for its 4th UPR, it is important to highlight that no recommendations on digital rights were made in the previous review. Continuous violations to freedom of expression online and off occurred throughout the period under review.

### **Freedom of Expression and Opinion**

16. On 4 January 1999, Burkina Faso became a state party to the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights.<sup>13</sup> It is also a state party to the African Charter on Human and People's Rights,<sup>14</sup> both providing a normative framework to freedom of expression under Articles 19 and 9 respectively.
17. Freedom of expression is guaranteed under the country's Constitution of June 02, 1991. Article 8 guarantees the freedoms of opinion, of the press and the right to information. It further states that every person has the right to express and to disseminate his opinions

<sup>11</sup> Committee to Protect Journalists, Burkina Faso Parliament passes legal revisions criminalising false news reporting on terrorism; see-

<https://cpj.org/2019/07/burkina-faso-parliament-passes-legal-revisions-cri/>

<sup>12</sup> Captain Ibrahim Traoré, President of the Transition: "armed terrorist groups are desperate",

<https://www.sidwaya.info/blog/capitaine-ibrahim-traore-president-de-la-transition-les-groupes-armes-terrorists-are-hard-pressed/>

<sup>13</sup> OHCHR, UN Treaty Body Database,

[https://tbinternet.ohchr.org/\\_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=171&Lang=EN](https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=171&Lang=EN).

<sup>14</sup> See, <https://achpr.au.int/en/states>

within the order of the laws and regulations in force.<sup>15</sup>

18. The period under review (2018-2023) is marked with several restrictions in relation to the protection and promotion of freedom of expression. The adoption on June 21, 2019, of *Law 044-2019/AN* amending *Law 025-2018/AN of May 31, 2018* on the Penal Code. This law modifies four articles (312-11, 312-13, 361-29, 524-6) and creates seven new articles (312-14, 312-15, 312-16, 312-17, 312-18, 312- 19 and 312-24). According to the Professional Media Organizations of Burkina Faso, *"this law is characterised by vague notions, the generalisation of offences and the desire to prohibit and repress any communication relating to a terrorist act. In addition, it imposes on the journalist the obligation to have an authorization whose contours are undetermined before carrying out his work in the context of the fight against terrorism"*<sup>16</sup>.
19. On May 14, 2019, the National Assembly adopted *Law No. 023-2019/AN* regulating the state of emergency in Burkina Faso.<sup>17</sup> Article 9 of this law, in particular, paragraphs 8 (prohibition of publications, audiovisual broadcasts which it deems likely to incite, create or maintain disorder;) and 11 (monitoring of electronic communications and taking any tending to restore public peace) is particularly detrimental to freedom of expression.
20. Article 14 of *Law No. 023-2019/AN* further stipulates that: *"The minister in charge of territorial administration or the minister in charge of security may take any measure to ensure the blocking of all means of communication inciting the commission of 'acts of terrorism or glorifying them or disclosing information or military strategies likely to expose the Defense and Security Forces or compromise their mission' .*
21. On June 8, 2021, the Superior Council of Communication (CSC) suspended the broadcasting of the programs of the Oméga Médias group for 120 hours, including digital platforms, from June 9, 2021 after the broadcast of information following the terrorist attack in Solhan on June 5, 2021.<sup>18</sup>
22. On June 6, 2022, the Transitional Legislative Assembly adopted *Law No. 001-2022/ALT* empowering the government to issue ordinances within the framework of constraints related to national defence requirements.<sup>19</sup> For the Professional Media Organizations of Burkina Faso, *"There is a risk that this will become a catch-all and an opportunity to confiscate freedoms."*<sup>20</sup> .

<sup>15</sup> Burkina Faso's Constitution of 1991 with Amendments through 2015, Article 8. See [https://www.constituteproject.org/constitution/Burkina\\_Faso\\_2015.pdf?lang=en](https://www.constituteproject.org/constitution/Burkina_Faso_2015.pdf?lang=en)

<sup>16</sup> Penal Code: Media Organizations Reject "Spirit" of Draft Revision", <https://www.wakatsera.com/code-penal-des-organisations-de-medias-rejectent-lesprit-du-projet-de-revision/>

<sup>17</sup> [https://www.assembleenationale.bf/IMG/pdf/loi\\_023\\_portant\\_etat\\_de\\_siege.pdf](https://www.assembleenationale.bf/IMG/pdf/loi_023_portant_etat_de_siege.pdf)

<sup>18</sup> <https://burkina24.com/2021/10/20/journee-nationale-de-la-liberte-de-la-presse-le-message-du-centre-national-de-presse-norbert-zongo/>

<sup>19</sup> Fight against terrorism in Burkina: The ALT adopts a law to allow (...), [https://lefaso.net/spip.php?page=web-tv-video&id\\_article=113822&rubrique459](https://lefaso.net/spip.php?page=web-tv-video&id_article=113822&rubrique459)

<sup>20</sup> <https://www.ajb.bf/position-des-opm-sur-la-loi-portant-habilitation-du-gouvernement-a-prendre-des-mesures-dans-le-cadre-des-sujetions-liees-to-the-requirements-of-national-defence%E2%82%AC%81%E2%82%AC/>

## Online and offline harassment and attacks on media practitioners and civil society

23. On June 14, 2018, online activist Naim Touré was arrested and then transferred to the Ouagadougou Remand and Correctional Center (MACO). He was charged with: *"participating in an operation to demoralise the defence and security forces, proposing to the defence and security forces to form a conspiracy against state security and incitement to disturb public order.*<sup>21</sup>"
24. On November 12, 2019, Naim Touré was again arrested and detained at the Ouagadougou Regional Judicial Police Service, accused of *"attempts to demoralise the Defense and Security Forces*<sup>22</sup>" in one of his publications.
25. On March 4, 2022, the former minister in charge of mines, Bachir Ismaël Ouédraogo, filed a complaint against the online activist Aminata Rachow for *"defamation and slanderous denunciation"*. The activist had made publications on social networks, evoking "a link between the minister and "bags of money" found.<sup>23</sup> The same activist was sentenced in another trial for defamation to 12 months in prison and Five hundred thousand FCFA (Approx \$830) in suspended fines. She was convicted along with four other online activists. Aminata Rachow had published on her Facebook page in June 2021 information accusing the Minister in charge of trade, Harouna Kaboré of having embezzled the sum of 1,624,000,000 FCFA (Appx. \$2,695,435) to build a bakery chain in Côte d'Ivoire<sup>24</sup>.
26. On September 05, 2022, civil society activist Ollo Mathias Kambou was arrested in the parking lot as he was leaving a radio and television program that focused on President Paul-Henri Sandaogo Damiba's speech on September 04, 2022. The day before, the activist, also a member of the civil society movement *Le Balai Citoyen* made a post on Facebook in which he expressed his indignation at the President's speech. He was taken to and interrogated at the Central Brigade Cybercrime division. After a month of preventive detention, he was given a six-month suspended prison sentence and a fine of 300,000 FCFA (Appx \$500) for contempt of a public authority<sup>25</sup>.
27. During their hearing before the Budget and Finance Committee of the Transitional Legislative Assembly, officials from the Ministry of Territorial Administration, Decentralization and Security identified as a difficulty in the fight against terrorism, *" the impact of social media networks on the conduct of security operations ."*<sup>26</sup> In the absence of a law protecting whistleblowers, the fight against fake news constitutes a threat to freedom of expression.

<sup>21</sup>Naim Touré case: The activist was referred to MACO, <https://lefaso.net/spip.php?article84067>

<sup>22</sup>Naim Touré is accused of attempts to demoralize the defense and security forces, <https://lefaso.net/spip.php?article93140>

<sup>23</sup>Burkina Faso: Former Minister Bachir Ouédraogo files a complaint against Aminata Rachow for [defamation -aminata-rachow-for-defamation/](#)

<sup>24</sup>Case "bakeries in Ivory Coast": The ex-minister Kaboré blanded, Aminata Rachow and 4 other [convicted blanded-aminata-rachow-and-4-other-convicts/](#)

<sup>25</sup>Trial for contempt of the President of Faso: Ollo Mathias Kambou emerges free because sentenced with suspension, <https://www.aib.media/2022/10/04/proces-pour-outrage-au-president-du-faso-ollo-mathias-kambou-ressort-libre-because-sentenced-with-suspended-sentence/>

<sup>26</sup>Burkina: Social networks are a difficulty in the conduct of security operations, <https://lefaso.net/spip.php?article118384>

28. Independent media websites and social media pages have also been targeted. On December 3, 2022, the Burkinabè government suspended, *"until further notice the broadcasting of Radio France Internationale programs throughout the national territory."*<sup>27</sup> The authorities accused the media platform of having relayed *"a message of intimidation of the population attributed to a terrorist leader,"* following the broadcast of a report. Since then, RFI's airwaves and website are no longer accessible in Burkina Faso, as is the RFI mobile application.
29. On 19 May 2022, Luc Pagbelguem, a journalist working for the television channel BF1, was assaulted by a security detail of the transitional prime minister, Albert Ouédraogo, while reporting on an event. On 26 May 2022, the professional media organisations released a statement denouncing the assault against the journalist and intimidation against several other journalists in Burkina Faso.<sup>28</sup>
30. The former president of the National Assembly, Alassane Bala Sakandé, was also arrested, detained and interrogated, in March 2022, by the state and later released without charge. Prior to his arrest and detention, he had issued a press statement calling for an end to the illegal detention of the deposed president, Roch Marc Kaboré.<sup>29</sup>

### Freedom of Information and censorship

31. In 2015, the government adopted *Law N°051-2015/CNT*, of August 30, 2015, on the right of access to public information and administrative documents. However, eight years later, this law is still not in effect because the government has failed to issue a decree to implement it.
32. The access to information law provides for the creation of a National Authority for Access to Public Information (ANAIP), mandated with the implementation. The ANAIP is empowered to *"promote the right of access to public information, ensure respect for freedom to access public information and administrative documents, undertake any audit, investigation or control procedure on the mechanisms of access to information in a given public service administration"*<sup>30</sup>. In essence, *"the non-effectiveness of the National Authority for Access to Public Information"*<sup>31</sup> has been perceived as a major hindrance to the effectiveness and implementation of this law.

<sup>27</sup><https://burkina24.com/2022/12/03/le-gouvernement-a-decide-de-la-suspension-immediate-upto-nouvel-ordre-de-la-diffusion-des-programmes-de-rfi-over-the-entire-extent-of-the-national-territory/>

<sup>28</sup> Amnesty International, 2022 Report, Burkina Faso, see; <https://www.amnesty.org/en/location/africa/west-and-central-africa/burkina-faso/report-burkina-faso/#:~:text=Burkina%20Faso%202022,right%20to%20freedom%20of%20expression.>

<sup>29</sup> Id,

<sup>30</sup> Article 52 of Law No. 051-2015/CNT, of August 30, 2015, on the right of access to public information and administrative documents

<sup>31</sup> Access to public information: Law 051 seeks operationalization for the benefit of the citizen, <https://lefaso.net/spip.php?article99453>

33. The government has often used the fight against terrorism as a pretext to hinder citizens' access to information. On the grounds of fighting fake news, it has granted itself broad powers through law 044-2019/AN amending law 025-2018/AN of May 31, 2018 on the Penal Code. Thus, article 312-17 stipulates that: "*under articles 312-13, 312-14, 312-15 and 312-16, a judge may, at the request of the public prosecutor or of any person having an interest in taking action, and without prejudice to compensation for the damage suffered, prescribe all measures for the purpose of putting an end to dissemination, such as the blocking of a site disseminating false information or the withdrawal of content disseminating false information . He can also order the prohibition of access to the electronic addresses of online communication services disseminating false information to the public*" .
34. In its Annual Report on the State of Press Freedom, the Norbert Zongo National Press Center developed an indicator to measure access to information. Over the last 5 years, this indicator has only dropped. It went from 2.39/4 in 2018 to 1.80/4 in 2021. This is attributed to "*the non-application of law 051-2015/CNT on the right of access to public information and the difficulty in accessing security information caused by the modification of the Penal Code in 2019*"<sup>32</sup>. The report also highlights the media's difficulty in accessing local and international sources of information. The related indicator fell from 3.06/4 in 2018 to 2.63/4 in 2021 <sup>33</sup>.
35. The violation of the right of access to information in Burkina Faso reached its peak at the end of 2021 and in 2022.

*"Burkina Faso has unfortunately entered the list of countries that violate digital rights as a means of prohibiting legitimate protests", as highlighted by several civil society organisations (OSC) <sup>34</sup> on January 20, 2022. " In view of the situation and the lack of precise information on the reasons for the restrictions in force, we have objective reasons to believe that these restrictions on the right of access to the Internet passed and those in force are abusive and constitute a violation of the rights of the populations which the government must put an end to" , called the CSOs.*

## Internet shutdowns

36. As earlier noted, internet freedom was curtailed in Burkina Faso during the review period. In a press release dated November 22, 2021, the Minister of Communication and Relations with Parliament, Ousséni Tamboura, acknowledged having "*suspended mobile Internet for a period of 96 hours from Saturday November 20, 2021 from 8 p.m. throughout the national territory*"<sup>35</sup>. This measure was extended for 96 hours from Wednesday November 24, 2021.<sup>36</sup>

<sup>32</sup> CNP-NZ, Report on the state of press freedom in Burkina Faso in 2021, 119p; p57

<sup>33</sup> CNP-NZ, Report on the state of press freedom in Burkina Faso in 2021, 119p; p57

<sup>34</sup> Same <sup>11</sup>

<sup>35</sup> <https://lefaso.net/spip.php?article109253>

<sup>36</sup> Burkina/Cutout d'Internet mobile: the suspension extended by the government for 96 hours, <https://ouaganews.net/burkina-coupure-dinternet-mobile-la-suspension-prolongee-de-96-heures-par-le-gouvernement/>

37. On January 10, 2022, mobile Internet was interrupted again without any explanation from the government. It was reinstated the next day, January 11, but only partially with access to Facebook remaining blocked for almost two weeks (January 10 to 24, 2022)<sup>37</sup>, forcing citizens to resort to VPNs to access the mobile connection and social networks.
38. The Internet shutdowns and restrictions have had a negative impact on the lives of citizens and the work of journalists and media practitioners. *"This cut affects the work of online media that rely on the internet,"* said Marcus Kouaman, Publication Director of online media [www.latribunedufaso.net](http://www.latribunedufaso.net).<sup>38</sup> Citizens found themselves unable to obtain information and carry out their usual work online.<sup>39</sup>
39. These cuts and restrictions of the Internet are carried out, often without explanation from the government, telephone operators, nor from the Regulatory Authority for Electronic Communications and Posts (ARCEP). And when explanations are subsequently given by the government – after the fact – they relate to *"the quality and security of networks and services and compliance with national defence and public security obligations"*<sup>40</sup>. These restrictions do not meet international standards and Burkina's Faso legal obligations for limiting freedom of expression.
40. Access Now, a global body advocating for digital rights has stated that: *"The government of Burkina Faso must put an end to all attempts to control expression, communication and access to information by arbitrary internet shutdowns"*<sup>41</sup>

### **Online Privacy and Surveillance**

41. In the context of the fight against terrorism that Burkina Faso has been experiencing since 2015, the government has adopted laws that strengthen its powers in terms of surveillance. The state of emergency law particularly addresses this. Paragraph 11 of article 9 of this law stipulates that the military authority may: *"monitor electronic communications and take any measure tending to restore public peace"*<sup>42</sup>.
42. Article 8 of Law No. 026-2018/AN on the general regulation of intelligence in Burkina Faso notes that: *" For the search for intelligence, specialised intelligence structures may use specific methods and exceptional methods of collecting data by human and/or technical means in relation to events, objects, persons or groups of persons, natural or legal, which may represent a threat to the safety and security of the State . According to Article 11 of the same law, " Exceptional research methods consist of using undercover natural or legal persons, intrusion into*

<sup>37</sup>CNP-NZ, State of press freedom in Burkina Faso in 2021, 192 p; p16

<sup>38</sup><https://www.mfwa.org/fr/country-highlights/les-journalistes-burkinabes-denoncent-lrupture-retrogressive-de-linternet-mobile/>

<sup>39</sup><https://digitalmagazine.bf/2022/01/26/burkina-faso-levee-de-la-restriction-facebook-et-de-la-suspension-dinternet-mobile-les-acteurs-du-e-commerce-grateful-to-the-new-authorities/>

<sup>40</sup> <https://lefaso.net/spip.php?article109253>

<sup>41</sup> <https://www.accessnow.org/burkina-faso-coupure-internet/>

<sup>42</sup>Article 9 of Law No. 023-2019/AN regulating the state of siege and the state of emergency in Burkina Faso.

*a computer system, infiltration, listening to communications and the collection of any data necessary for the safety and security of the State* ". The law exempts the intelligence coordination body called the National Intelligence Agency <sup>43</sup>, (ANR) from scrutiny. The surveillance legal framework above poses enormous threats to privacy rights.

43. *Law No. 001-2022/ALT* empowering the government to take measures to ensure national security reinforces the already excessive powers of the government in terms of dealing with espionage. This law gives wide discretionary powers to the government to violate the rights of citizens on grounds of national security.
44. In this regard, in July 2021, Burkina Faso launched, the video surveillance system called Smart Burkina <sup>44</sup>. Proposed by China, this system is operated by three cameras on 220 sites in the Burkinabè capital and in Bobo-Dioulasso. 150 kilometres of fibre optic network will be built to interconnect the various sites.
45. In September 2021, in a press release, the Commission for Computing and Freedoms (CIL) noted that "*public and private sector structures use video surveillance devices outside of any legal formalities.*"<sup>45</sup> This blatant abuse of process is a clear indication of the magnitude of the surveillance and violation of the law. Article 7 of *Law No. 001-2021/AN* on the protection of individuals with regard to the processing of personal data <sup>46</sup>stipulates that: "*The collection, recording, processing, storage and transmission of personal data of a personal nature must be carried out in a lawful, fair and non-fraudulent manner.*"
46. In the 2020 Annual Activity Report,<sup>47</sup> the Commission for Computing and Freedoms claims to have received 855 complaints, including 106 cases of webcam blackmail. The CIL's 2021 Annual Activity Report mentions 56 cases of installation of video surveillance for espionage purposes and 96 cases of webcam blackmail <sup>48</sup>.
47. The CIL reports point to several other cases of breaches of privacy. The 2021 report also shows 205 cases of disclosure of personal data on social networks and instant messaging, 88 cases of account hacking, 87 cases of identity theft, 125 cases of telephone espionage and computer equipment through software. Some infringements are directly caused by public authorities, such as the communication of private data to third parties. This attack (33 cases in 2021) is attributable to public structures and certain private companies such as mobile telephone companies.
48. There is an urgent need to engage the authorities on the need to respect and protect digital rights as stipulated under the Constitution and encompassed in international instruments

<sup>43</sup>Article 40: "The National Intelligence Agency is not subject to control by State control bodies. »

<sup>44</sup>Burkina Faso: 900 Chinese CCTV cameras to strengthen city security, [https://www.francetvinfo.fr/monde/afrique/societe-africaine/burkina-faso-900-cameras-de-videosurveillance-chinoises-pour-renforcer-the-security-of-cities\\_4695793.html](https://www.francetvinfo.fr/monde/afrique/societe-africaine/burkina-faso-900-cameras-de-videosurveillance-chinoises-pour-renforcer-the-security-of-cities_4695793.html)

<sup>45</sup><https://www.cil.bf/index.php/la-cil/communiquer/168-communique-utilisation-de-la-video-surveillance>

<sup>46</sup><file:///D:/DONNEES/Downloads/LOI%20N001-2021-AN-2.pdf>

<sup>47</sup><file:///D:/CNP->

[NZ/2023/Droits%20num%C3%A9riques/Urbain/Minist%C3%A8re%20CN/CIL/RAPPORT%20PUBLIC%202020%20CIL.pdf](file:///D:/CNP-2023/Droits%20num%C3%A9riques/Urbain/Minist%C3%A8re%20CN/CIL/RAPPORT%20PUBLIC%202020%20CIL.pdf), p31

<sup>48</sup><file:///D:/CNP-NZ/2023/Droits%20num%C3%A9riques/Urbain/Minist%C3%A8re%20CN/CIL/Rapport%20public%202021.pdf>, p 50

Burkina Faso subscribes to.

49. The fight against insecurity should not be used as an excuse for indiscriminate repression of digital rights. Given the setbacks noted in recent years in Burkina Faso in terms of freedom of opinion and expression, freedom of information and content censorship, and the right to data protection and privacy on the Internet, we make the following recommendations:

### **Recommendations**

In light of Burkina Faso's record on freedom of expression, freedom of the press, the right to privacy and digital rights, the submitting organisations call on States to propose the following recommendations to Burkina Faso:

1. Create and restore an environment conducive for the exercise of digital rights and freedoms and guarantee access to the Internet and ICTs by:
  - a) Halting and desisting from any current or future Internet shutdowns and other arbitrary measures limiting Internet access and use, and restore all digital networks, including social media, broadcast platforms and ensure that any limitation complies with established regional and international standards;
  - b) End the intimidation, harassment, arbitrary arrests and prosecutions of journalists, critics, activists and campaigners who exercise their right to freedom of expression online and offline in accordance with the law;
2. Ensuring the Right to Data Protection and Privacy on the Internet through complying with government's commitments to personal data protection and ending all arbitrary surveillance.
3. Repeal provisions of the Penal Code, under *Law No. 044-2019/AN* and others that arbitrarily interfere with the exercise of free expression, both online and offline. In particular by decriminalising provisions relating to false news and adopting a whistleblowers protection law
4. Operationalise the access to information law by immediately implementing law *N°051-2015/CNT, of August 30, 2015, on access to public information and administrative documents and creating the National Authority for Access to Public Information (ANAIP)*. Journalists should also be exempt from terrorism charges while conducting their work, especially during information gathering.

