



**Convention against Torture
and Other Cruel, Inhuman
or Degrading Treatment
or Punishment**

Distr.: General
6 November 2018
English
Original: French
English, French and Spanish only

Committee against Torture

**Second periodic report submitted by Burkina Faso
under article 19 of the Convention, due in 2017^{*}, ^{**}**

[Date received: 8 February 2018]

* The Committee considered the initial report of Burkina Faso (CAT/C/BFA/1) at its 1184th to 1187th meetings, held on 6 and 7 November 2013 (see CAT/C/SR.1184 and CAT/C/SR.1187). Following its consideration of the report, it adopted concluding observations (CAT/C/BFA/CO/1).

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



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Introduction

1. Burkina Faso, in accordance with the Constitution of 11 June 1991, is firmly committed to building a nation that respects human rights. That commitment is reflected in its ratification of several international human rights instruments, including, on 4 January 1999 and 11 February 2010, respectively, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Optional Protocol thereto.
2. The present report, which covers the period 2013–2017, was prepared in accordance with article 19 of the Convention, under which each State party is required to submit to the Committee against Torture reports on the measures it has taken to give effect to its undertakings under the Convention.
3. The report was produced as part of an inclusive and participatory process that involved input from ministerial departments, public institutions and civil society organizations working in the field of human rights. Initial approval of the draft report was the responsibility of a working group that included all those governmental and non-governmental stakeholders. The draft report was then submitted to the Interministerial Committee on Human Rights and International Humanitarian Law before its final adoption by the Council of Ministers.
4. The report presents the measures that have been taken to give effect to the provisions of the Convention and the recommendations made in the wake of the submission of the country's initial report to the Committee in November 2013. The report, prepared in accordance with the specific guidelines contained in document HRI/GEN/2/Rev.6 (pp. 75–86), has three parts. Part one provides information on changes to the legal and institutional framework. Part two covers the application of articles 1 to 16 of the Convention. Part three provides information on the implementation of the Committee's recommendations. Background information on Burkina Faso and the general framework for the promotion and protection of human rights can be found in the common core document. This information facilitates a better understanding of the backdrop against which the Convention is implemented in Burkina Faso.

Part one: Changes to the legal and institutional framework since the submission of the initial report

I. Changes to the legal framework

5. The prohibition on torture is laid down in article 2 of the Constitution, which states: "The right to life, safety and physical integrity is guaranteed. Slavery, slavery-like practices, inhuman, cruel, degrading and humiliating treatment, physical and psychological torture, abuse and ill-treatment of children and all forms of degradation of persons are prohibited and punishable by law."
6. Since November 2013, Burkina Faso, with a view to enhancing the enjoyment of human rights, has adopted a number of important laws and regulations. Some of these laws and regulations are closely linked to the prevention and punishment of torture and related practices. Act No. 022-2014/AN of 27 May 2014 on the Prevention and Punishment of Torture and Related Practices is one such law. The Act makes torture and related practices offences in their own right and provides for the establishment of the National Observatory for the Prevention of Torture, which is the national mechanism for the prevention of torture.
7. Other significant laws include:
 - Act No. 006-2017/AN of 19 January 2017 on the Establishment, Organization and Operation of a Specialized Judicial Hub for the Suppression of Terrorist Acts, which strengthens the legal framework for combating terrorism

- Act No. 010-2017/AN of 10 April 2017 on the Prison System in Burkina Faso, which ensures greater protection of the rights of persons deprived of their liberty in Burkina Faso
- Act No. 039-2017/AN of 27 June 2017 on the Protection of Human Rights Defenders
- Act No. 001-2016/AN of 23 March 2016 on the Establishment of the National Human Rights Commission, which broadens the Commission's remit in respect of the protection of the rights of persons deprived of their liberty
- Act No. 004-2015/CNT of 3 March 2015 on the Prevention and Punishment of Corruption in Burkina Faso, which reinforces the right to a fair trial and the protection of victims
- Act No. 019-2015/CNT of 5 June 2015 on the General Regulations for Personnel of the Armed Forces of Burkina Faso
- Act No. 036-2015/CNT of 26 June 2015 on the Mining Code of Burkina Faso, under which the presence or employment of minor children at mining sites is made punishable
- Act No. 050-2015/CNT of 25 August 2015 on the Regulations for Judicial Authorities, which strengthens the regulations applicable to judges, whose performance and career development are now monitored
- Act No. 061-2015/CNT of 6 September 2015 on the Prevention and Punishment of Violence against Women and Girls and Redress and Support for Victims, which states that any victim of violence may bring an action before the competent authorities, in particular the judicial or administrative authorities, by lodging a complaint or by any other means
- Constitutional Act No. 072-2015/CNT of 5 November 2015 amending the Constitution and allowing citizens to apply to the Constitutional Council, under which any citizen may ask the Constitutional Council to rule on the constitutionality of laws either directly or by filing a constitutional complaint in a court case to which he or she is a party
- Act No. 081-2015/CNT of 24 November 2015 on the General Civil Service Regulations, which allows public officials to disobey an order from a superior when the order is unrelated to an official mission or manifestly unlawful or when executing the order would constitute a criminal offence
- Act No. 074-2015/CNT of 6 November 2015 on the Establishment, Powers, Composition, Organization and Operation of the High Council for Reconciliation and National Unity, which empowers the Council to look into and determine responsibility for crimes and any other serious human rights violations of a political nature that have not yet been elucidated
- Act No. 015-2014/AN of 13 May 2014 on the Protection of Children in Conflict with the Law or at Risk, which provides minors deprived of their liberty with fundamental legal safeguards by, for example, prohibiting the imposition of the death penalty on them
- Act No. 016-2014/AN of 15 May 2014 on the Regulations for Prison Officers, which places limits on the use of force or weapons by prison officers
- Act No. 011-2014/AN of 17 April 2014 on Combating the Sale of Children, Child Prostitution and Child Pornography, which strengthens the legal framework for the protection of minors, in particular from economic or sexual exploitation

II. Changes to the institutional framework

8. During the reporting period, several public institutions and other bodies were established to help prevent or punish acts of torture and related practices. The main ones include:

- The National Human Rights Commission, established pursuant to Act No. 001-2016/AN of 23 March 2016. Under this new Act, the Commission has, among other powers, the power to receive individual or collective complaints concerning all alleged human rights violations, investigate such violations, provide guidance to complainants and victims, offer legal assistance to those who request it, contribute to respect for human rights in places of deprivation of liberty by making regular visits, announced or not, and make recommendations to the competent authorities.
- The National Reconciliation and Reform Commission, established pursuant to Organic Act No. 003-2015/CNT of 23 January 2015. The 21-member High Council for Reconciliation and National Unity was set up to help give effect to the Commission's recommendations and promote the social cohesion indispensable to respect for individual and collective rights. The Council is responsible for acting on the recommendations made by the National Reconciliation and Reform Commission. To that end, it contributes to the creation of conditions conducive to reconciliation, national unity and social cohesion, which are guarantors of the peace and stability required for sustainable development. It is therefore responsible for looking into and determining responsibility for crimes and any other serious human rights violations of a political nature that were committed between 1960 and 2015 and have not yet been elucidated and for proposing follow-up action that may help to heal or alleviate the trauma suffered by victims or their dependants.
- The commissions of inquiry into the failed coup d'état of 16 September 2015 and the popular uprisings of 30 and 31 October 2014. These commissions, established by the transitional Government, were responsible for conducting all investigations into the causes of the deaths and injuries that occurred during the popular uprising of 2014 and the failed coup d'état of 2015.

9. In addition to these bodies, ministries such as those responsible for justice and human rights, the Ministry of Defence, the Ministry of Security, the Ministry responsible for the advancement of women and the Ministry of Foreign Affairs are working on the implementation of the Convention.

Part two: Application of the provisions of the Convention (arts. 1–16)

10. In Burkina Faso, duly ratified international treaties and agreements have primacy over national laws (Constitution, art. 151). The Convention against Torture, having been thus ratified, may be invoked by any citizen before the competent courts. In addition, laws and regulations facilitate the effective implementation of the Convention.

Article 1: Definition of torture

11. The Act on the Prevention and Punishment of Torture and Related Practices defines torture as it is defined in article 1 of the Convention. Thus, under article 2 of the Act torture is defined as any act or omission by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or her or from a third person information or a confession, punishing him or her for an act he or she or a third person has committed or is suspected of having committed, or intimidating or coercing him or her or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a State official or other person acting in an official capacity. It does not

include pain or suffering arising only from, inherent in or incidental to lawful sanctions. The Act also makes torture an offence in its own right.

Article 2: Legislative, administrative, judicial or other measures to prevent acts of torture

12. The legislative measures that have been taken include the adoption of the Act on the Prevention and Punishment of Torture and Related Practices. The Act provides for the establishment of the National Observatory for the Prevention of Torture. In addition, article 3 of the Act states that no exceptional circumstances whatsoever, whether a state of war or threats of war, internal political instability or any other public emergency, may be invoked as a justification of torture or related practices. The second paragraph of article 3, for its part, states that an order from a superior officer or a public authority cannot be invoked as a justification, either.

13. The administrative measures that should be mentioned include circular No. 2013-5018/MATS/DGPN/DPJ of 5 December 2013 of the Director General of the National Police, which encouraged all police officers to respect human rights in their work. Similarly, with a view to ensuring that detainees can exercise their rights, the Ministry of Justice issued a circular on the application of Regulation No. 05/CM/UEMOA on the harmonization of the rules governing the legal profession in the West African Economic and Monetary Union. Article 5 of the Regulation states that lawyers may assist their clients from the time they are first interrogated, during preliminary investigations, at police or gendarmerie facilities and before the prosecutor. The risks of torture during interrogation, police or gendarmerie custody and imprisonment are thus reduced.

Article 3: Prohibition of the expulsion, refoulement or extradition of a person to a State where he or she would be in danger of being tortured

14. The laws of Burkina Faso expressly prohibit the expulsion, refoulement or extradition of a person to another State if that person is in danger of being subjected to acts of torture. Article 12 of the Act on the Prevention and Punishment of Torture and Related Practices, for example, states that without prejudice to the principles and regulations governing extradition proceedings, no one may be extradited, expelled or removed by the authorities of Burkina Faso to a State where he or she runs the risk of being subjected to torture. In such cases, the courts of Burkina Faso have jurisdiction to try the person for the acts that prompted the extradition request if they are punishable under the legislation in force in Burkina Faso or if they constitute an international crime.

15. In addition, article 18 of the Act states that the authorities of Burkina Faso responsible for expelling, removing or extraditing a person are to refrain from doing so if there are substantial grounds to believe that he or she would be in danger of being subjected to torture or related practices in the receiving State. To determine whether there are such grounds, the competent authorities must take into account all relevant considerations, including, where applicable, the existence in the State concerned of a consistent pattern of gross, flagrant or mass violations of human rights.

Article 4: Classification of torture as a criminal offence under national law

16. Under the Act on the Prevention and Punishment of Torture and Related Practices, torture is considered a criminal offence in Burkina Faso. The Act provides for penalties ranging from imprisonment for 3 years to life depending on the gravity of the offence and fines ranging from 300,000 to 1.5 million CFA francs for persons who are found guilty of acts of torture or ill-treatment (arts. 5–7). All persons complicit in torture or related practices incur the same penalties as the main perpetrator. Similarly, under article 9 of the Act, any attempted commission of torture or related acts that is aborted or fails to achieve

its effect only for reasons beyond the control of the perpetrator is punishable by the same penalties as the offence itself.

Articles 5 and 6: Jurisdiction of the national courts over cases of torture

17. The country's courts have jurisdiction to try and punish anyone who commits an act of torture. Under article 11 of the Act on the Prevention and Punishment of Torture and Related Practices, they exercise their jurisdiction when:

- The act is committed in the territory of Burkina Faso
- The act is committed aboard a vessel that is registered, licensed or provided with an identification number under the law of Burkina Faso
- The act is committed aboard an aircraft that is either registered in Burkina Faso or leased without crew and operated by a person who is qualified to own an aircraft in Burkina Faso
- The alleged perpetrator is a national of Burkina Faso
- The complainant or victim is a national of Burkina Faso
- The alleged perpetrator is in Burkina Faso after the commission of the acts

Article 7: Obligation to initiate prosecutions for acts of torture

18. Under positive law in Burkina Faso, the country's courts are required to conduct prosecutions in the event of acts of torture. Article 13 of the Act on the Prevention and Punishment of Torture and Related Practices, for instance, states that when the alleged perpetrator of an offence covered by the Act is apprehended in Burkina Faso, he or she will be tried according to the rules applicable in Burkina Faso unless he or she is extradited to his or her country of origin or a third country pursuant to article 12.

Article 8: Recognition of torture as an extraditable offence

19. In Burkina Faso, no legal provision expressly requires the existence of a treaty for an extradition to proceed. In practice, however, an extradition treaty is necessary. In the absence of an extradition treaty, or if the offences concerned are not specified in the treaty, the offender may be extradited only if an agreement is reached between the Governments concerned. The Act of 10 March 1927 on the Extradition of Foreign Nationals, applicable in Burkina Faso, does not specifically consider torture and related acts as offences that can lead to extradition. Article 4 of the Act states only that the acts concerned must be punishable under criminal law. Pursuant to article 8 of the Convention, however, Burkina Faso no longer requires an extradition treaty with States parties in order to extradite a person who has committed the offence of torture in its territory.

Article 9: Mutual judicial assistance in connection with proceedings brought in respect of torture or related crimes

20. In addition to the treaties providing for mutual judicial assistance and extradition, article 14 of the Act on the Prevention and Punishment of Torture and Related Practices states that Burkina Faso is to afford the greatest measure of assistance in all criminal proceedings brought in respect of the offences covered under the Act, including by providing all the evidence it has that is necessary for the proceedings.

Article 10: Education and information regarding the prohibition against torture

21. Steps have been taken to raise awareness as part of efforts to give effect to article 10 of the Convention. More detailed information on the education and information provided to law enforcement and medical personnel can be found in paragraphs 41, 62 and 63 of this report.

Article 11: Review of interrogation rules, instructions, methods and practices as well as conditions of detention and treatment of persons who have been arrested, detained or imprisoned

22. With a view to improving the conditions of detention and the treatment of persons deprived of their liberty, visits to places of detention are organized regularly by the National Human Rights Commission, police inspectorates, the Public Prosecutor's Office, the Ministry responsible for the promotion of human rights, civil society organizations and other such entities. The aim of the visits is to help humanize those places.

23. The launch of the National Observatory for the Prevention of Torture and Related Practices should help enhance these monitoring efforts, as the Observatory's responsibilities are to:

- Prevent torture and related practices, in accordance with the laws in force at the national, regional, subregional and international levels
- Inspect, with unrestricted access, places of deprivation of liberty and their equipment and facilities
- Regularly examine the situation of persons deprived of their liberty in the places of detention referred to in article 2 of the Act on the Prevention and Punishment of Torture and Related Practices, with a view to affording them greater protection, if necessary, from torture and related practices

Article 12: Prompt and impartial investigation of acts of torture

24. To combat impunity for torture, national law requires the prompt and impartial investigation of all allegations of torture. Article 16 of the Act on the Prevention and Punishment of Torture and Related Practices states that, when there are sufficient grounds to believe that an act of torture has been committed, the competent authorities must conduct an immediate and impartial investigation, even in the absence of a complaint.

25. In addition, under article 5 of the Act governing the National Human Rights Commission, the Commission is authorized to receive individual or collective complaints concerning all alleged human rights violations and to conduct investigations into cases of such violations.

Article 13: Right to complain about unlawful treatment

26. Pursuant to article 15 of the Act on the Prevention and Punishment of Torture and Related Practices, anyone who alleges that he or she has been subjected to torture or related practices in Burkina Faso has the right to complain to the competent authorities, who must consider the complainant's allegations promptly and impartially. The competent authorities should take measures to protect the complainant and witnesses from any ill-treatment or intimidation.

27. In connection with the protection and defence of human rights, the National Human Rights Commission also has the duty to offer legal assistance to those who request it.

28. In addition, article 17 of the Act on the Prevention and Punishment of Violence against Women and Girls and Redress and Support for Victims provides that all victims of

violence may bring a complaint or any other action before the competent authorities, including the judicial and administrative authorities. Similarly, violence should be reported by any natural or legal person with knowledge of it, in accordance with articles 16 and 18. In any event, under the third paragraph of article 17, the authorities receiving the reports are required to act on them. During the proceedings, criminal investigation officers must ensure that the victim and any minor children she may have are protected from the moment that a report is received and help victims whose lives are in danger find shelter, in accordance with article 22 of the Act.

29. Article 3 of Order No. 2009-0091/SECU/CAB of 1 July 2009 establishing regional child protection brigades in the Centre and Hauts-Bassins regions states that the regional child protection brigades of Ouagadougou and Bobo-Dioulasso have the authority to deal with all violations against vulnerable persons, including women and minors. Victims may thus take their cases to these brigades with a view to having them heard. The 2015 report of these brigades states that 239 victims of violence under the age of 18 were assisted in 2013, compared to 183 in 2014. Female victims of violence given assistance numbered 163 in 2013 and 113 in 2014.

Article 14: Right to redress for victims of torture

30. The right to redress for victims of torture is guaranteed in article 17 of the Act on the Prevention and Punishment of Torture and Related Practices, which states that the victim has the right to redress and fair and adequate compensation, including the means for the fullest rehabilitation possible. If the victim dies as a result of torture or related acts, his or her dependants will be entitled to compensation. Notwithstanding any criminal proceedings, the State has an obligation to provide redress to victims.

31. In addition, the High Council for Reconciliation and National Unity is also responsible for proposing action that may help to heal or alleviate the trauma suffered by the victims of crimes and any other serious human rights violations of a political nature or by their dependants, in particular by ensuring that claims are processed and making decisions on how to provide redress and compensation.

32. In addition, as part of efforts to assist victims and people affected by the popular uprising of 2014 and the failed coup d'état of 2015, the department for national solidarity has set up a system for providing psychological and social support to victims. This support cost the State and donors 632,236,499 CFA francs over the period from 2014 to 2016. It was provided to the families of 45 deceased persons, 22 widows and 2 widowers, 43 orphans, 897 people who were injured and 428 people who lost their jobs.

Article 15: Inadmissibility of evidence obtained as a result of torture

33. In Burkina Faso, evidence obtained under torture is not admissible in proceedings. In that regard, article 10 of the Act on the Prevention and Punishment of Torture and Related Practices provides that any statement obtained as a result of torture or related practices may not be used as evidence in any proceedings, except to establish the liability of the perpetrator of the offence.

Article 16: Prevention of other cruel, inhuman or degrading treatment or punishment

34. The Act on the Prevention and Punishment of Torture and Related Practices prohibits and punishes both torture and practices related to torture. Article 2 of the Act defines those related practices as all acts or omissions, including arbitrary arrest and detention, constituting cruel, inhuman or degrading treatment or punishment that, though not tantamount to torture within the meaning of the law, are committed by or at the instigation of or with the consent or acquiescence of an agent of the State or any other person acting in an official capacity.

Part three: Information on the implementation of the Committee's recommendations

I. Progress made in implementing the Committee's recommendations

35. Following the presentation of the initial report to the Committee, the Government of Burkina Faso, through the Ministry responsible for the promotion of human rights, circulated the concluding observations among governmental and non-governmental stakeholders, both in the capital and in the regions. The observations, made in the form of recommendations, were circulated widely with a view to collecting the proposals needed for their effective implementation.

36. In addition, Burkina Faso adopted the National Action Plan 2014–2017 in a bid to give effect both to the recommendations made as part of the second cycle of the universal periodic review and to those made by the treaty bodies, including the Committee. The overall objective of the Plan is to improve the human rights situation in Burkina Faso. The progress made in implementing the Committee's recommendations is as described hereafter.

Step up efforts to revise the Criminal Code so as to make torture a separate offence, ensuring, at the same time, that the definition of torture is consistent with the one set out in article 1 of the Convention. Enact legislation against torture so as to establish an absolute prohibition on torture, stating that no exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification of torture. Establish that there shall be no statute of limitations for the offence of torture.

37. The Committee's recommendation that torture should be made a separate offence was implemented through the adoption of the Act on the Prevention and Punishment of Torture and Related Practices. The Act defines torture as it is defined in article 1 of the Convention. In addition, the Act does not provide for any exception, whether in time of war or peace, that would justify torture.

38. Article 317 of the Criminal Code provides that the prosecution and punishment of torture, when it is a component of genocide or of a crime against humanity, may not be time-barred.

Take immediate and effective action to prevent acts of torture and ill-treatment and put an end to the impunity enjoyed by several of the alleged perpetrators of such acts. In this connection, promptly conduct thorough, independent and impartial investigations into all allegations of torture and ill-treatment and prosecute the perpetrators of the aforementioned acts.

39. Burkina Faso has taken a large number of steps to prevent torture, the most significant of which are:

- Regular visits to places of detention by investigating judges and inspections by prosecutors
- Regular inspections by the Judicial Services Inspectorate
- Changes of venue for cases involving criminal investigation officers and judges in accordance with article 302 of the Code of Criminal Procedure, which states that, when a criminal investigation officer is may be charged with an offence allegedly committed, whether in his or her official capacity or not, in the district in which he or she exercises authority, the State prosecutor responsible for the case must submit the request to the criminal division of the Court of Cassation, which rules as in procedures for resolving conflicts of jurisdiction and names the court that is to investigate and try the case

40. With regard to combating impunity for torture, several cases are pending before the country's courts. In 2015, for example, allegations that two gendarmes from the Soaw

gendarmerie station in Boulkiemde Province had physically abused two alleged livestock rustlers were made. The suspects, against whom judicial proceedings were duly brought, were referred to the Koudougou Public Prosecutor's Office for prosecution. To ensure the impartiality of the proceedings, the investigating judge of Yako was appointed to handle the case. The station chief and the two gendarmes involved were thus charged. The suspects were suspended.

Make police and gendarmerie officers aware of the absolute prohibition on torture and of the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.

41. The Ministry of Defence and the Ministry of Security have taken a number of measures to raise awareness among criminal investigation officers of the prohibition on torture and of the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials. The main such measures include:

- The organization of awareness-raising sessions on the prohibition on torture for criminal investigation officers. The Ministry of Security, for example, has developed a specific course on the prevention and punishment of torture for the security forces. In the first quarter of 2017, 300 police officers and gendarmes from the Est, Nord and Sahel regions took this course. The training should be rolled out to all police and gendarmerie personnel, as well as to prison guards, in 2018;
- The provision of instruction in international humanitarian law at all military academies;
- The introduction in 2000 of courses on human rights in the curricula for cadets at police academies;
- The organization of periodic in-service training on the protection of human rights for criminal investigation officers. In 2016, six training workshops for human rights trainers were organized for a total of 90 participants. The workshops were organized in collaboration with Amnesty International Burkina Faso;
- The organization, since 2015 for personnel of the criminal investigation service, of capacity-building sessions on civic policing by the Office of the Director General of the National Police and the Hanns Seidel Foundation. In 2016, 16 civic policing workshops, each of which had 50 participants, were organized. The workshops focused chiefly on respect for human rights in law-and-order and criminal investigation operations;
- Periodic in-service training on human rights for the defence and security forces.

Ensure that a provision is included in the legislative amendments currently being introduced so that statements made as a result of coercion or torture may not be invoked as evidence in any court proceedings. Make sure that judges are instructed and aware that it is unconstitutional to obtain statements through the use of torture, that such statements are inadmissible and that they have an obligation to initiate an investigation when they receive allegations of acts of torture.

42. The principle of the inadmissibility of statements and confessions obtained under torture or coercion is established in the Act on the Prevention and Punishment of Torture and Related Practices, which states (art. 10) that no statement obtained as a result of torture or related practices may be used as evidence in any proceedings, except to establish the liability of the perpetrator of the offence. Initial and in-service training ensures that judges are made aware of the inadmissibility of confessions obtained under torture.

Take all necessary measures to ensure, in law and in practice, that all persons who are deprived of their liberty are afforded fundamental legal safeguards from the outset of police custody, in the light of the Committee's general comment No. 2 (2008) on the implementation of article 2 by States parties.

43. The rights of persons deprived of their liberty are guaranteed by national law. The Act on the Prison System in Burkina Faso was adopted to strengthen the protection of their rights.

44. A person's right to be informed of the reasons for his or her arrest in a language that he or she understands is guaranteed in Burkina Faso. In that connection, articles 407 and 408 of the Code of Criminal Procedure state that the services of an interpreter must be used when the suspect does not speak the official language sufficiently well or when he or she is deaf and mute.

45. It has been possible to exercise the right of access to a lawyer upon arrest since 1 January 2015, the date of the entry into force of Regulation No. 05/CM/UEMOA on the harmonization of the rules governing the legal profession in the West African Economic and Monetary Union. Article 5 of the Regulation states that lawyers may assist their clients from the time they are first interrogated, during preliminary investigations, at police or gendarmerie facilities and before the prosecutor.

46. Circulars on the application of the Regulation have been drafted by senior police officials and public prosecutors for distribution among criminal investigation officers. To promote adherence to the Regulation, the Bar organized the first session of its "judicial university", in which criminal investigation officers took part. The session dealt with the role of lawyers in preliminary investigations and was held on 21 October 2016 in Ouagadougou. In practice, criminal investigation officers automatically inform persons taken into custody that they have the right, from the outset of the preliminary investigation, to the assistance of counsel.

47. Minors, for their part, must be informed as soon as they are taken into custody of their right to the assistance of counsel. When a minor has not requested such assistance, it may also be requested by his or her legal representatives, who are read this right upon being informed, in accordance with article 34 of the Act on the Protection of Children in Conflict with the Law or at Risk, of the minor's placement in custody.

48. Article 63 of the Code of Criminal Procedure states that, if the public prosecutor deems access to a physician necessary, even at the request of a family member of the person in police or gendarmerie custody, he or she may appoint a doctor who will examine the person at any time while he or she is in custody. After 72 hours, the person in custody will be entitled to a medical examination. Whenever a minor is taken into police or gendarmerie custody, criminal investigation officers must inform the parents, guardian or other person or institution with custody of the minor.

49. In ordinary law, under articles 62 and 75 of the Code of Criminal Procedure, a person may be held by the police or gendarmerie for up to 72 hours. That period may be extended by a further 48 hours with the authorization of the State prosecutor or the investigating judge. The periods are shorter for minors, however, as indicated in articles 31 and 32 of the Act on the Protection of Children in Conflict with the Law or at Risk, which states that:

- A minor under 10 years of age may not be detained or kept in police or gendarmerie custody.
- A minor between the ages of 10 and 13 may not be held in police or gendarmerie custody, but he or she may be held for questioning for a period not to exceed 48 hours.
- A minor over 13 years of age may be held in police or gendarmerie custody for no more than 48 hours and only for an offence punishable by imprisonment. That 48-hour period may be renewed. Renewal of that period for a minor under 16, however, requires that the minor be brought before a prosecutor or a juvenile judge.

50. Criminal investigation officers are sufficiently familiar with and respectful of the rights of persons deprived of their liberty for the purpose of criminal investigations. The Public Prosecutor's Office or senior law enforcement officials often carry out unannounced checks to ensure compliance with these provisions. Similarly, in 2015, the Ministry responsible for the promotion of human rights conducted professional visits to places of detention in the country's 13 regions. The report on these visits was adopted by the Council of Ministers, which then gave instructions to the relevant ministerial departments on giving effect to the report's recommendations.

Expedite the revision of the Code of Criminal Procedure to bring it into line with international human rights standards and provide additional financial and human resources to the judiciary, including for the Legal Assistance Fund.

51. The review of the Code of Criminal Procedure is contingent on the completion of the new Criminal Code. The review of the Criminal Code began in 2013 and is ongoing. Experts have been hired with a view to undertaking the review of the Code of Criminal Procedure.

52. The Government of Burkina Faso, in the interest of strengthening the operational capacity of the judiciary, has always worked to increase the financial and human resources allocated to it.

53. The first allocations to the Legal Assistance Fund were made in 2014. The growth of the Fund (in millions of CFA francs) is shown in table 1.

Table 1
Growth of the Legal Assistance Fund in millions of CFA francs

<i>Year</i>	<i>Amount (millions of CFA francs)</i>
2014	39.0
2015	55.0
2016	111.0

Source: Legal Assistance Fund of the Ministry of Justice, Human Rights and the Promotion of Civic Values.

Revise Act No. 017-2009/AN of 5 May 2009 on Organized Crime with a view to significantly reducing the length of time that suspects are held in police custody and thus prevent any infringement of the fundamental legal safeguards that are accorded to all persons who are deprived of their liberty.

54. In view of the domestic situation, which is characterized by major challenges with regard to combating insecurity and organized crime, no plans have been made to amend the Act. It should be noted, in addition, that the Act has provisions that contribute to the protection of human rights. Article 10 of the Act, for instance, streamlines the procedure applicable in cases of organized crime by stating that the criminal court is the court having jurisdiction to try offences under the Act. When a case involving such an offence is referred to the State prosecutor, he or she proceeds as in a case of flagrante delicto, thus making it possible to expedite the proceedings.

Take appropriate measures to ensure that thorough, independent and impartial investigations are conducted into all reports of alleged torture and ill-treatment by an independent and impartial body, that the perpetrators are prosecuted and, if convicted, given sentences that are proportionate to the gravity of the offence and that the victims or their families receive appropriate compensation and redress.

55. Article 4 of the Constitution states that all citizens and residents of Burkina Faso enjoy equal protection under the law. They are entitled to have their case heard by an independent and impartial tribunal. All accused persons are presumed innocent until proved guilty. The right to a defence, including the right to choose one's own lawyer, is guaranteed in all the courts. In addition, under article 15 of the Act on the Prevention and Punishment of Torture and Related Practices, anyone who alleges that he or she has been subjected to torture or related practices in Burkina Faso has the right to complain to the competent authorities, who must consider his or her case promptly and impartially.

56. As part of efforts to protect and defend human rights, moreover, the National Human Rights Commission has the duty to offer legal assistance to those who request it. Any citizen may also refer any allegation of torture involving a police officer to the internal oversight unit of the Office of the Director General of the National Police.

57. Finally, as noted in paragraph 40, several cases relating to the fight against impunity and allegations of torture are before the country's courts.

Investigate the individual cases, including the deaths of Moumouni Zongo, Romuald Tuina, Halidou Diandé and Ouédraogo Ignace, mentioned by the Committee, and inform it of the outcome of the investigations and the criminal or disciplinary proceedings undertaken.

58. Investigations have been launched into the individual cases mentioned by the Committee. An investigation, which was followed by an autopsy performed by a forensic physician, was opened into the death of Moumouni Zongo. The autopsy results showed no evidence of a gunshot wound, torture or ill-treatment. Romuald Tuina's death by gunfire has prompted an investigation by the chief State prosecutor at the Ouagadougou Court of Appeal. The purpose of the investigation is to clarify the circumstances of his death, identify the persons responsible and, if appropriate, prosecute them. Investigations have been opened into the deaths of Halidou Diandé and Ouédraogo Ignace, and expert opinions requested in an attempt to determine the exact causes.

Take steps to prevent hazing of any kind in the army and ensure that all complaints about hazing or deaths of recruits in non-combat situations lead to prompt and impartial investigations, prosecution of the perpetrators and compensation of the victims.

59. The hazing once practised in military academies has become less common. Above all, it is no longer intensive, violent or degrading. Similarly, there is no question of hazing or ill-treatment during military training in police academies.

In the absence of an extradition request, prosecute all persons responsible for acts of torture or other international crimes who are present in the State party's territory, including the former Head of State, Moussa Dadis Camara, in keeping with its obligations under the Convention and other international instruments it has ratified. Cooperate with Guinea within the framework of the international request for judicial assistance that it has issued so as to allow judges in Burkina Faso to question Mr. Camara about the massacre in which he was allegedly involved.

60. Further to the request for assistance from the Guinean judiciary, Moussa Dadis Camara was heard by judges in Burkina Faso in 2014 as part of the investigation into the massacre of 28 September 2009 in Conakry. Later, on Wednesday, 8 July 2015, he was questioned by two Guinean judges and a prosecutor at the Ouagadougou courthouse, and charged with complicity in murder, kidnapping, rape and assault. Burkina Faso, following the principle that no one should be tried twice for the same offence, can no longer bring proceedings against him for the acts that led to his being questioned by his country's prosecution and investigation authorities.

61. In addition, Guinea has not requested his extradition. On Wednesday, 26 August 2015, for the rest, Mr. Camara, who had stated that he intended to make himself available to the Guinean courts, decided to return to Guinea to, as he put it, appear before the courts, prove his innocence and submit his candidacy for the presidential elections. However, his plane, which was supposed to stop over in a neighbouring country, was unable to land. As a result, he had to return to Burkina Faso.

Continue to provide training on the Convention that is targeted in particular at judges, magistrates, prosecutors and lawyers and designed to familiarize them with the provisions of the Convention, which they will be able to invoke directly in court. Compile and provide information about specific cases where the Convention has been directly invoked or applied.

62. Judicial officials have been familiarized with the possibility of invoking the provisions of the Convention, including those relating to the punishment of torture, at workshops on understanding international human rights treaties organized since 2014 by the Ministry responsible for the promotion of human rights. In addition, information on the Act on the Prevention and Punishment of Torture and Related Practices has been disseminated in every region of the country during the workshops held to promote greater

understanding of laws and regulations among law enforcement officials and civil society organizations.

63. Table 2 (below) provides information on the target audience for and the number of participants in workshops held to raise awareness of the Convention.

Table 2

Workshops to raise awareness of the Convention: target audience and number of participants

Target group	Year			Total
	2014	2015	2016	
Judges	65	65	31	161
Lawyers	15	15	7	37
Prison guards			16	16
Gendarmes			5	5
Court clerks			16	16
Police officers			5	5
Total	80	80	80	240

Source: Table based on activity reports from the Office of the Director for Follow-up to International Agreements.

Establish as a matter of urgency a separate budget for the National Human Rights Commission to allow it to function properly and to guarantee its independence. Ensure that the Commission has sufficient financial and human resources to carry out its mandate, in conformity with the Paris Principles (General Assembly resolution 48/134 of 20 December 1993, annex). Request accreditation for the Commission from the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights.

64. The Act on the Establishment of the National Human Rights Commission, which regulates the Commission, provides for the Commission's independence. The new Commission has been in activation mode since the adoption on 9 March 2017 of the Decree on its establishment and operation. The appointment of the new members is ongoing. Accreditation will be requested from the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights, and the new Commission will be made independent once it is operational.

65. In addition, the Commission has the material and financial backing of the political governance strengthening project for its programme of activities.

Expedite the establishment of a national preventive mechanism and allocate the necessary financial and human resources to enable it to carry out its functions effectively and independently, in line with the relevant provisions of the Optional Protocol to the Convention and with the guidelines on national preventive mechanisms of the Subcommittee on Prevention of Torture.

66. In accordance with article 17 of the Optional Protocol, which requires States parties to establish, at the latest one year after ratification of the Protocol, one or several independent national preventive mechanisms for the prevention of torture at the domestic level, an independent body, the National Observatory for the Prevention of Torture, was established to monitor places of detention pursuant to the Act on the Prevention and Punishment of Torture and Related Practices. The adoption of the Act is a token of the country's firm commitment to eliminating torture and related practices from its territory and preventing the infliction of bodily harm on detained persons.

67. The Observatory is a public authority with legal personality and administrative autonomy. It is governed, in accordance with article 21 of the Act, by the principles of

independence, impartiality, synergy and cooperation. Article 23 of the Act states that the responsibilities of the Observatory are to:

- Prevent torture and related practices, taking into account the laws in force at the national, regional, subregional and international levels
- Inspect, with unrestricted access, places of deprivation of liberty and their equipment and facilities
- Regularly examine the treatment of persons deprived of their liberty in the places of detention referred to in article 2 of the Act, with a view to affording them, if necessary, protection from torture and related practices
- Make recommendations for transmission to the relevant authorities, so that the treatment and situation of persons deprived of their liberty improve
- Submit proposals and observations concerning relevant laws or bills

68. Two draft implementing decrees have been drawn up to enable the launch of the operations of the Observatory provided for in chapter 4 of the Act. One of the decrees regulates the Observatory's composition, operation and organizational structure, whereas the other defines its members' remuneration. The first draft decree was discussed at a workshop held in January 2015 to ensure that the comments and contributions made by the ministerial departments and institutions directly concerned by issues related to torture and related practices were taken into account in the final version of the decree. A draft decree on the remuneration of the Observatory's members was drawn up after the workshop. The adoption of the two draft decrees will make it possible for the Observatory to begin its work.

Take appropriate measures to guarantee and protect the judiciary's independence and ensure that the judiciary, including the Higher Council of the Judiciary, is able to carry out its functions free from any pressure or interference on the part of the executive, in line with the Basic Principles on the Independence of the Judiciary.

69. Constitutional Act No. 072-2015/CNT of 5 November 2015 amending the Constitution has strengthened the independence of the judiciary. The President of Burkina Faso no longer chairs the Higher Council of the Judiciary, which is now chaired by the first President of the Court of Cassation. The first President of the Council of State serves as vice-chair.

70. In addition, judges' careers are managed by the Higher Council of the Judiciary, which, in accordance with article 10 of the Act on the Regulations for Judicial Authorities, makes appointment and assignment decisions.

Provide the judiciary with the human and financial resources it needs to guarantee its independence by ending any political influence on the judicial system and combating corruption more assiduously.

71. In view of the many shortcomings of the judicial system, the Government of Burkina Faso organized a national conference on justice from 24 to 28 March 2015. Following the conference, the various actors present adopted the National Pact for Justice Reform. The Pact sets out a series of commitments to be fulfilled in order to ensure the independence of the judiciary, improve the functioning of the judicial system, raise the level of integrity within the system and enhance access to justice, among other goals. To that end, it is recommended in the Pact that at least 2 per cent of the national budget should be allocated to the Ministry of Justice to enable the basic operational needs of the judicial system to be met.

72. The Act on the Regulations for Judicial Authorities strengthened the regulations applicable to judges, whose performance and career development are no longer subject to the influence of the executive. Pursuant to the decrees on the Act's implementation, judges' salaries have been raised, which should help both to guarantee their independence, by ending any political influence on the judicial system, and to ensure that efforts to combat corruption are more assiduous.

73. To combat corruption within the judicial system, the following actions have been taken:

- All citizens have been given the right to bring a complaint before the judges' disciplinary board.
- Information panels have been installed in front of the courts of major jurisdiction (*tribunal de grande instance*).
- A reception point has been established in each court of major jurisdiction.
- An anti-corruption unit is being set up in each such court.
- Two awareness-raising workshops on corruption have been held for judges, in 2016.
- A commission of inquiry was established by the Higher Council of the Judiciary, on 28 July 2016, to investigate various alleged breaches of professional ethics by judges and cases involving judges that were reported but not followed up on. The commission submitted its report to the Council at the latter's session held from 6 to 8 July 2017. The results of the commission's work will enable criminal and/or disciplinary proceedings to be brought, where appropriate, against persons suspected of corruption or extortion.
- A judicial ethics code was adopted to guide the various actors.

74. The Government is seeking to increase the human and financial resources of the Ministry of Justice. Details are contained in tables 3 and 4 (below).

Table 3

Financial resources allocated to the justice department from 2013 to 2016

<i>Year</i>	<i>Amount (millions of CFA francs)</i>
2013	15 306.9
2014	13 621.7
2015	17 085.7
2016	19 136

Source: Judicial statistical yearbook 2016.

Table 4

Staff of the Ministry of Justice by sex and by professional group from 2013 to 2016

<i>Professional group</i>	<i>Sex</i>	<i>Year</i>			
		<i>2013</i>	<i>2014</i>	<i>2015</i>	<i>2016</i>
Judges	M	355	378	396	425
	F	95	99	109	113
Subtotal		450	477	505	538
Court clerks	M	304	315	335	358
	F	109	110	114	124
Subtotal		413	425	449	482
Prison guards	M	1 493	1 591	1 730	1 733
	F	237	255	300	299
Subtotal		1 730	1 846	2 030	2 032
Total		2 593	2 748	2 984	3 052

Source: Statistical yearbook of the Ministry of Justice 2016.

Take appropriate measures to ensure that victims of acts of torture and ill-treatment receive full and fair redress and the fullest possible rehabilitation. Provide detailed information on the follow-up given to such cases involving compensation for victims of torture or ill-treatment. The Committee draws the State party's attention to general comment No. 3 (2012), concerning the implementation of article 14 by States parties, in which the Committee explains and clarifies the content and scope of the obligation of States parties to ensure and provide full redress to victims of torture or ill-treatment.

75. Under article 15 of the Act on the Prevention and Punishment of Torture and Related Practices, anyone who alleges that he or she has been subjected to torture or related practices in Burkina Faso has the right to complain to the competent authorities, who must consider his or her case promptly and impartially. This complaint may give rise to an entitlement to adequate redress and rehabilitation. Indeed, article 17 of the Act states that victims of torture have the right to redress and fair and adequate compensation, including the means for the fullest rehabilitation possible. If a victim dies as a result of torture or related acts, his or her dependants will be entitled to compensation. Notwithstanding any criminal proceedings, the State has an obligation to provide redress to victims.

76. As part of efforts to assist victims and people affected by the popular uprising of 2014 and the failed coup d'état of 2015, the department for national solidarity set up a system for providing psychological and social support to victims. This support, which cost the State and donors 632,236,499 CFA francs over the period from 2014 to 2016, was provided to the families of 45 deceased persons, 22 widows and 2 widowers, 43 orphans, 897 people who were injured and 428 people who lost their jobs.

Significantly reduce prison overcrowding, in particular in the prisons of Bobo-Dioulasso, Fada Ngourma, Ouagadougou and Tenkodogo, by making greater use of non-custodial measures, in the light of the United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules).

77. With support from its technical and financial partners, the State, has set about building new prisons. For example, a new short-stay prison and correctional facility has been brought into use in Koupéla, easing overcrowding at a similar establishment in Tenkodogo, while a high security prison has been built and a new short-stay prison and correctional facility is under construction in Pô. In addition, work is under way on a new two-storey wing at the Bobo-Dioulasso short-stay prison and correctional facility. It must be recognized, however, that despite the efforts made, some prisons are filled in excess of capacity. The following table contains information on the number of admissions to all prisons from 2013 to 2015, as at 31 December.

Table 5

Number of admissions to prisons as at 31 December, from 2013 to 2016

<i>Year</i>	<i>Capacity</i>	<i>Number of inmates</i>	<i>Prison occupancy rate (percentage)</i>
2013	3 500	5 976	170.7
2014	4 000	6 827	170.7
2015	4 000	7 544	188.6
2016	4 120	7 670	186.2

Source: Statistical yearbook of the Ministry of Justice 2016.

78. To reduce overcrowding in short-stay prisons and correctional facilities, the following measures have been taken:

- The development of alternatives to imprisonment, such as community service, suspended sentences and fines
- The organization of workshops to educate judges about such alternatives
- The conduct of awareness-raising among civil society actors regarding the importance of alternative sentences

- The transfer of a large number of convicted prisoners to less crowded facilities
- The development of tailored sentences, such as semi-detention, non-custodial placement, release on parole and general pardons
- The construction of covered areas where inmates may have access to fresh air and spend their rest hours: in 2016, a second exercise yard was built at the Ouagadougou short-stay prison and correctional facility along with a shed at the Yako facility
- The implementation of a programme to bring prison infrastructure up to standard, which is being done in close collaboration with prison staff, particularly with regard to the design of the plans and the carrying out of the work

79. In addition, conscious of the shortcomings of its prisons, the Government embarked on a review of Decree (Kiti) No. AN VI-103/FP/MIJ of 1 December 1988 on the organization, rules and regulations of detention facilities in Burkina Faso. The new Act on the Prison System in Burkina Faso was adopted on 10 April 2017. It is aimed at bringing the organization and operation of prisons in Burkina Faso into line with the United Nations Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules).

80. Sentences may also be adjusted. This allows some prisoners to finish serving their sentences outside prison and to be able to support their families and contribute to society, as well as helping to reduce prison overcrowding. The Baporo agricultural detention facility is a model facility in this regard. It houses prisoners whose sentences have been adjusted and gives them the opportunity to undertake apprenticeships and engage in social and vocational activities to foster their integration into society. Lastly, certain partners are supporting the Government's efforts to reduce prison overcrowding and realize inmates' human rights. One example is the European Union, through projects to make places of detention more humane.

Ensure that prisoners have access to health care, a proper and varied diet and hygienic conditions.

81. To ensure that inmates have access to health care, every short-stay prison and correctional facility has a medical service staffed by nurses. In addition, a doctor from the health district in which facilities are located visits weekly in order to assess the health situation. Likewise, five police doctors have been recruited to monitor the health of persons held in police or gendarmerie custody in Ouagadougou and Bobo-Dioulasso. Other measures taken include:

- The direct supply of pharmaceutical products to short-stay prisons and correctional facilities as from 2017
- The partial or total exemption of inmates from the payment of fees for medical examinations
- The introduction of voluntary testing for various common diseases (tuberculosis, HIV and hepatitis, among others)
- The provision of an ambulance to the short-stay prison and correctional facility at Ouagadougou
- The use of the fire service to transfer urgent cases to medical centres

82. In accordance with the Act on the Prison System in Burkina Faso, when inmates who are sick cannot be provided with the care they need in situ, they are transferred to a hospital; this enables them to have access to appropriate treatment, doctors, specialists and medicines. However, access to health care for all inmates remains a major concern for the Government.

83. Regarding diet, thanks to the efforts made, inmates receive at least two meals per day. In addition, the quantity and quality of food have been significantly improved. However, there remain problems in this area owing to a lack of funding. Other measures taken include:

- The enhancement of the quantity and quality of the food provided to inmates in prisons
- The construction of suitable premises to store foodstuffs for inmates at the Ouagadougou short-stay prison and correctional facility
- The introduction of market gardening (kitchen gardens) at short-stay prisons and correctional facilities to improve inmates' diet
- The development of agricultural activities (arable and livestock farming) for the same purpose

84. With regard to sanitation and hygiene, a programme to improve hygiene in prisons is being implemented at the Ouagadougou short-stay prison and correctional facility. The programme, which will be rolled out to other facilities, was implemented in 2015 at the high security prison and the short-stay prisons and correctional facilities in Kaya and Djibo. The following measures may also be noted:

- The establishment of hygiene services in short-stay prisons and correctional facilities and the training of inmates to take responsibility for matters related to hygiene and sanitation
- The supply of bedding (mats and blankets) to inmates every 12 months
- The regular supply of hygiene and personal care items to every inmate
- The organization of disinfection sessions at places of detention with the help of the hygiene services
- The acquisition of a sewage disposal vehicle for short-stay prisons and correctional facilities

85. Concerning access to clean drinking water, efforts have been made to increase the supply of running water at the short-stay prisons and correctional facilities in Djibo and Kongoussi given the difficulties experienced in that regard in certain parts of those establishments; shortages remain, however, in some facilities. As for future works, renovation of the boreholes at the short-stay prisons and correctional facilities in Ziniaré, Yako, Djibo and Kongoussi is scheduled to be carried out in 2017.

Ensure that young prisoners are kept separate from adults, untried prisoners from convicts and women from men.

86. Minors are separated from adults and women from men at short-stay prisons and correctional facilities in Burkina Faso. To that end:

- The women's quarters are entirely separate from the men's and are guarded by female staff.
- Prisoners under 18 years of age are held separately from adults. However, convicts are not yet held separately from untried prisoners because of a lack of infrastructure.

Establish an effective, independent and confidential mechanism for lodging complaints about conditions of detention, including any ill-treatment, and ensure that thorough, impartial and independent investigations are conducted into any and all complaints.

87. In Burkina Faso, every prisoner has the right to lodge a complaint of ill-treatment. This complaint may be lodged with the Prosecutor's Office. There are mechanisms through which prisoners may obtain a hearing with a prosecutor or an investigating judge. Under article 29 of the Act on the Prison System in Burkina Faso, every person who is being detained may request a hearing with a judge or official responsible for inspecting prisons during visits by those persons, without any member of the prison staff being present.

Strengthen judicial supervision of prison conditions.

88. In accordance with articles 202 et seq. of the Act on the Prison System in Burkina Faso, investigating judges visit short-stay prisons and correctional facilities every month. Checks are carried out by prosecutors every three months. Similarly, the first President of

the Court of Appeal is required to conduct checks at least once each year. Judicial supervision is being strengthened by increasing the resources made available to the judicial authorities for that purpose. In addition, checks and inspections are carried out by the Directorate General of Prisons and the competent Inspectorate General; this makes it possible to ensure that prisoners are well treated. Lastly, visits are conducted by the Directorate General for Criminal Policy and Justice and the Directorate for Protection from Human Rights Violations; these visits are helping to make places of detention more humane.

Guarantee that the National Human Rights Commission, non-governmental organizations and the future mechanism for the prevention of torture have unhindered access to all places of detention through, in particular, unannounced visits and the ability to speak with prisoners in private.

89. With regard to the role of the National Human Rights Commission in preventing torture, article 6 of the Act on the Commission's establishment provides that the functions of the Commission include furthering respect for human rights in places of deprivation of liberty through the conduct of regular visits, either announced or unannounced, and the formulation of recommendations to the competent authorities. To that end, it undertook visits to short-stay prisons and correctional facilities and to gendarmerie and police stations in 2016.

90. Civil society organizations, for their part, have access to places of detention with prior authorization from the head of the criminal investigation unit concerned, in the case of police or gendarmerie stations, or from the Ministry of Justice, in the case of other detention facilities.

Guarantee for all law enforcement officers the right, both in law and in practice, as subordinates to refuse to execute an order from their superior officers that would result in a contravention of the Convention. Develop a mechanism to protect from reprisals subordinates who refuse to obey orders from a superior officer if they would result in a contravention of the Convention.

91. National legislation provides for law enforcement officers to refuse to execute orders from their superior officers that are manifestly unlawful or contrary to the provisions of the conventions ratified by Burkina Faso. Thus, under article 41 of the Act on the General Civil Service Regulations, public officials must carry out orders from their superiors in accordance with the laws that are in force in respect of public service delivery. However, there are limits to the obligation to obey orders, for example, when an order is unrelated to an official mission, when executing the order would constitute a criminal offence or when the order is manifestly unlawful and would seriously jeopardize the public interest.

92. Similarly, article 19 of Decree No. 2012-119/PRES/PM/MATDS/MEF/MFPTSS of 21 February 2012 on the Code of Ethics of the National Police provides that a subordinate is required to comply with the instructions of his or her superior officer, except when an order is manifestly unlawful and would seriously jeopardize the public interest. In that case, the subordinate has the duty to make his or her objections known to the issuing authority, indicating expressly why he or she believes the order to be illegal. If the order is upheld and if, despite the explanation or interpretation provided, the subordinate still refuses to comply, he or she must refer the matter to the first higher authority that may be contacted. Note must be taken of the refusal.

93. In addition, the General Disciplinary Rules of the National Police authorize officers, specifically junior officers, to refuse to carry out an order from a superior when it is manifestly unlawful.

94. For the rest, article 3 of the Act on the Prevention and Punishment of Torture and Related Practices provides that an order from a superior officer or a public authority may not be invoked as a justification of torture. Where an order is unlawful, it is recommended that officers make their views known to their superior while respecting the bounds of proper conduct and the rules of administrative discipline.

95. Guarantees exist to protect subordinates who refuse to carry out manifestly unlawful orders. They include legal guarantees such as those contained in the General Disciplinary

Rules of the National Police and the codes of conduct of the various entities, and general administrative and judicial remedies.

Intensify efforts to combat customary practices that are harmful to women, including female genital mutilation and forced marriage, inter alia by stepping up campaigns to alert the public to the harmful effects of certain customs that are detrimental to women. Continue efforts to provide care for elderly women who are accused of witchcraft and ensure that all possible measures are taken to help such women reintegrate into society. Prosecute perpetrators of violence against women and compensate the victims.

96. The Act on the Prevention and Punishment of Violence against Women and Girls and Redress and Support for Victims was adopted in Burkina Faso as part of efforts to combat customary practices that are harmful to women and with a view to ensuring equality between men and women. This law enables any person who turns out, dismisses, rejects or ill-treats a girl or woman accused or suspected of witchcraft to be prosecuted and punished.

97. Since 2013, the Ministries responsible for women and social affairs have led several awareness-raising sessions on discrimination, inequality and gender-based violence for traditional and religious leaders, civil society organizations, criminal investigation officers (137) and journalists (60). These initiatives are carried out in collaboration with civil society organizations working to promote and protect women's rights. The awareness-raising sessions have revealed changes in behaviour and attitudes within society in Burkina Faso.

98. The Ministry for Women, National Solidarity and the Family has led initiatives to encourage the abandonment of child marriage, which is considered to be a form of violence against girls; these initiatives have involved training and awareness-raising activities, for example:

- Ten panels on child marriage were organized for 2,000 adolescents in 10 schools in the Sahel, Est and Boucle du Mouhoun regions in 2015.
- Training on child marriage was arranged for youth leaders from 2013 to 2015.
- Ten training sessions on child marriage were organized for 309 traditional, religious and women leaders in the Boucle du Mouhoun, Est and Sahel regions in 2016.
- An advocacy initiative targeting traditional leaders from the Sahel region was organized in Dori to tie in with the launch of the African Union campaign against child marriage; the initiative reached 200 leaders in 2016.
- Conferences on the issue of child marriage were held for adolescents, both boys and girls, in Tougan, Banfora, Sindou and Nouna as part of the events marking World Population Day in 2016.

99. In addition to awareness-raising and training activities, measures taken with a view to stepping up efforts to combat the social exclusion of women accused of witchcraft include the following:

- The provision of comprehensive care to 1,500 older persons in 2014; this support, from governmental and non-governmental organizations, enabled the fundamental and varying needs of those persons to be met
- The payment of grants to 200 destitute dependent older persons in 2016
- The provision of financial support for income-generating activities to 500 older persons in 2016

100. In addition, the legal framework has been strengthened through:

- The adoption and implementation of the National Plan of Action 2012–2016 to combat the social exclusion of persons accused of witchcraft, which mobilized a whole range of actors around the issue
- The adoption, on 6 September 2015, of the Act on the Prevention and Punishment of Violence against Women and Girls and Redress and Support for Victims, which

strengthens the protection of women from accusations of sorcery by enabling them to bring a complaint against their accuser and appear in court

- The adoption, on 17 October 2016, of Act No. 024-2016/AN on the Protection of the Rights of Older Persons, articles 43 to 46 of which provide for penalties for anyone who is guilty of the abandonment and social exclusion of an older person, and abandonment or ill-treatment of all kinds, in particular ill-treatment in the wake of accusations of witchcraft

101. Measures have been taken to promote the social reintegration of excluded women, for example:

- Financial support was provided to 13 reception centres, reception sites and refuges (*cours de solidarité*) to enable them to house and care for 600 persons in 2014 and 888 in 2016.
- In the period from 2012 to 17 December 2016, more than 204 persons were returned to their families thanks to the joint efforts of social workers, who carried out home visits for the purposes of mediation, and of other actors in this area, notably private and religious organizations and the Ministry responsible for human rights.
- A road map for 2015–2019 for the rehabilitation and social reintegration of persons who have been shunned on the basis of accusations of witchcraft was developed at the initiative of the Ministry of Justice, Human Rights and the Promotion of Civic Values in collaboration with partner ministries and civil society organizations. With the implementation of the road map, most victims have received medical treatment and psychological and social support. It has helped to resolve conflicts between victims and their families or communities. As part of the efforts to implement the road map, 30 women excluded from society because of accusations of witchcraft have been identified with a view to their reintegration into their families.

102. Efforts to stamp out female genital mutilation have been strengthened. Thus, from 2008 to 2015, 1,276 sensitization and deterrence patrols were carried out by the defence and security forces in collaboration with the local services of the Ministry responsible for social affairs. During the same period, a total of 429 persons were convicted or sentenced in 102 cases of female genital mutilation by mobile courts organized for the purpose. Despite the existence of a law prohibiting female genital mutilation, there remain obstacles to its eradication. The fight against the practice has therefore been stepped up through the establishment of a hotline (80 00 11 12) staffed by the standing secretariat of the National Council to Combat Female Circumcision; this allows cases of female genital mutilation to be reported easily and anonymously.

Prosecute any persons who force children to beg and apply to them the penalties that are set out in the Criminal Code, establish a monitoring, complaints and assistance mechanism for such children, and organize campaigns to raise awareness among parents and those who run Koranic schools of the harmful effects of begging on children.

103. The Constitution provides in article 2 that slavery-like practices, inhuman, cruel and degrading treatment, physical and psychological torture, abuse and ill-treatment of children and all forms of degradation of persons are prohibited and punishable by law. Likewise, under articles 7 et seq. of Act No. 029-2008/AN on Combating Trafficking in Persons and Related Practices, anyone who organizes or exploits begging by another person, entices or leads away a person for the purpose of begging, exercises pressure on a person to beg or to continue begging or has one or more young children accompany him or her with a view to obtaining, directly or indirectly, a financial, material or other advantage is understood to have exploited the begging of others. This is an ordinary offence in accordance with articles 7 and 8 of the Act.

104. Article 7 of the Act on the Protection of Children in Conflict with the Law or at Risk states that children must be protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions or beliefs of the child's parents, legal guardians or family members.

105. Special judicial authorities have been established pursuant to the Act, namely, juvenile judges and juvenile courts. In accordance with article 18, juvenile judges are competent to order any appropriate measure when a child is at risk. Article 24 provides that the civil and criminal divisions of the juvenile courts are competent to hear appeals against decisions handed down by juvenile judges in respect of children who are at risk and in cases involving ordinary or minor offences.

106. Progress has been made in providing support to children with the opening of the Ouagadougou emergency reception centre in 2013 by the Ministry responsible for social affairs and the implementation by the social services from 2013 of a project to strengthen social protection in Burkina Faso. Under this project, a subproject entitled “Social and economic integration of children and young people in street situations” has been implemented since the end of 2013. The project has allowed various actions to be taken with regard to family reunification, school enrolment, placement of street children in training or apprenticeships and provision of support to families in difficulty, with a view to facilitating the reintegration of children into families.

Put an end to the economic exploitation of children in gold mines and in private homes by taking all necessary measures to combat and eliminate these practices.

107. Burkina Faso has taken steps to tackle the worst forms of child labour. In the legal sphere, it has ratified a number of international and regional conventions protecting children. Similarly, in 2008 it adopted the Labour Code, which sets the minimum age for admission to any type of employment at 16 years and prohibits the worst forms of child labour. It also adopted the Act on Combating Trafficking in Persons and Related Practices, which provides for penalties for the use of children in the worst forms of child labour. In addition, under article 195 of the Act on the Mining Code of Burkina Faso, anyone who holds a mining licence or mining permit and who tolerates or feigns ignorance of the presence or employment of minor children or children enrolled in education or who is aware of such a situation but fails to notify the competent administrative authorities thereof or to take measures to put a stop to it is liable to a fine of between 5 million and 25 million CFA francs and/or imprisonment for a term of from 2 to 5 years. Decree No. 2016-504/PRES/PM/MFPTPS/MSS/MFSNF of 9 June 2016 on the establishment of the list of dangerous occupations that are prohibited to children in Burkina Faso states that employment at gold-panning sites and artisanal quarries is considered to be a dangerous occupation.

108. A national programme for the period 2015–2019 and a road map for efforts to combat the use of child labour at gold-panning sites and artisanal quarries were adopted on 2 September 2015 and 21 July 2015, respectively. These policy documents address the protection of children from violence. They have enabled families to be supported through the process of family and social reintegration and facilitated the rehabilitation of children living and/or working at gold-panning sites. In all, 6,926 children have been removed from gold-panning sites, and the process of reintegrating them into society and their families has been monitored. In addition, the Government, together with its partners, has organized awareness-raising sessions on efforts to combat this practice.

Conduct campaigns to raise awareness of the harmful effects of corporal punishment on children.

109. In an effort to reduce the incidence of corporal punishment of children, awareness-raising sessions on the harmful effects of such punishment on the enjoyment of human rights by children have been conducted for traditional and religious leaders, civil society organizations and criminal investigation officers. In addition, the State has introduced a hotline (116) that people can use to report cases of child abuse.

Revise legislation to include a prohibition on corporal punishment in the home.

110. The legislation of Burkina Faso prohibits all violence against minors. For example, article 2 of the Constitution, article 332 of the Criminal Code and article 6 of the Act on the Prevention and Punishment of Torture and Related Practices make torture a criminal offence and provide for imprisonment for terms of from 5 to 10 years when the victim is

aged under 18 years. Furthermore, with the adoption of the Act on the Prevention and Punishment of Violence against Women and Girls and Redress and Support for Victims, the legal framework for the prevention of violence against minors has been significantly strengthened.

Step up efforts to ensure the proper functioning of the juvenile justice system through the allocation of adequate human and financial resources and the training of qualified staff.

111. In recent years, efforts have been made to ensure respect for the principle of the protection of children who are in conflict with the law, for example:

- Juvenile judges have been appointed at six courts of major jurisdiction, in Ouagadougou, Ouahigouya, Koudougou, Kaya, Tenkodogo and Banfora. These judges only hear cases involving minors in conflict with the law or at risk.
- The separation of minors held in police custody from adults has been progressively rolled out at five police stations, in Sig-Noghin, Bogodogo, Boulmiougou, Nongr-Massom and Baskuy.

112. As part of capacity-building efforts in this area, 11 sessions have been held to educate persons working in the criminal justice system about the laws on the protection of children. These sessions have targeted judges, senior law enforcement officials, criminal investigation officers and prison guards, among others. These actors are now familiar with the laws and regulations adopted in order to implement the recommendations made under the universal periodic review. These texts include:

- The Act on Combating the Sale of Children, Child Prostitution and Child Pornography
- The Act on the Protection of Children in Conflict with the Law or at Risk
- The Act on the Prevention and Punishment of Torture and Related Practices
- The Act on the Prevention and Punishment of Violence against Women and Girls and Redress and Support for Victims
- The road map 2015–2019 for the prevention of the use of child labour at gold-panning sites and artisanal quarries and for the rehabilitation and reintegration of such children

113. In addition, the regional child protection brigades in the Centre and Hauts-Bassins regions, referred to in paragraph 29 of this report, are helping to protect minors from violence.

Ensure that minors are detained only as a last resort and for the shortest possible period and use non-custodial measures for minors who are in conflict with the law.

114. The Act on the Protection of Children in Conflict with the Law or at Risk provides for measures to benefit such children. Thus, a criminal mediation procedure has been established allowing for an out-of-court settlement to be reached between a child who has committed an ordinary or minor offence, the child's parents, legal guardians or counsel and the victim, in accordance with article 40 of the Act. If the procedure is successful, the criminal proceedings against the child are suspended.

115. The detention of a child pending trial is ordered only by way of an exception, when, owing to the circumstances, the juvenile judge cannot have recourse to alternative measures. Article 56 of the Act provides that a child accused of committing an ordinary offence may be held in pretrial detention for no more than three months. The pretrial detention period for a serious offence may not exceed six months. If continued detention appears necessary at the end of that period, the juvenile judge may extend it by a special substantiated court order, based on reasoned arguments by the State prosecutor. Each extension may be for no more than three months.

116. The juvenile judge who has ordered a child's pretrial detention may authorize the child's release on certain weekends and on public holidays and the eve of such holidays or

to attend activities that may be beneficial for the child's education or reintegration or for any other reason deemed appropriate by the judge.

117. Furthermore, the Act allows for non-custodial sentences to be handed down, in accordance with articles 77 and 78, namely:

- Admonition
- Reprimand
- Community service
- Release to the custody of the child's parents, extended family, legal guardians or other trustworthy person
- Placement of the child in an institution or a public or private educational or vocational training establishment
- Placement of the child in an institution or a public or private establishment specializing in the reintegration of children in conflict with the law through education or vocational training
- Placement of the child in a medical or medical and educational establishment, where necessary
- Probation
- Fine

118. When a child is found guilty of committing a serious offence and a custodial penalty is handed down, the sentence may not be more than half that inflictable on an adult for the same offence. It may not at any event exceed 10 years. Lastly, the existence of reintegration centres such as that in Laye and the centres for the reintegration of children in conflict with the law in Koumi and Fada Ngourma should be noted. These centres are open establishments intended for children of both sexes who are in conflict with the law, in accordance with national legislation and the international conventions ratified by Burkina Faso. They seek to provide support to children in conflict with the law and to promote their education and social reintegration.

Ensure, furthermore, that minors who are deprived of their liberty are afforded full legal safeguards and, if convicted, are held separately from adults in all prisons throughout the country, in the light of the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules) and the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines).

119. Under the Act on the Protection of Children in Conflict with the Law or at Risk, minors who are deprived of their liberty are accorded fundamental legal safeguards. The measures introduced to benefit such minors include:

- The reduction of the period of police or gendarmerie custody from 72 to 48 hours
- The establishment of the right to legal assistance
- The provision of a doctor to perform a medical examination at the outset of custody
- The invalidation of proceedings in the event that one of the guarantees applicable to custody is not respected
- The reclassification of serious offences committed by minors as ordinary offences, provided that they have not resulted in death
- The separation of proceedings in cases involving a minor and one or more adults
- The abolition of direct committal

120. In addition, the Act guarantees children the right to participate in decisions concerning them. Children have the opportunity to express their views and to be heard in all judicial and administrative proceedings relating to their situation. Under article 69 of the Act, in order to protect their interests, minors may be dispensed from the requirement to

appear at a trial if they have already appeared before a juvenile judge during the investigation. In that case, they are represented by their counsel or by the person assisting them.

121. Minors are held separately from adults at short-stay prisons and correctional facilities in Burkina Faso. Indeed, prisoners under 18 years of age are kept entirely separate from adult inmates.

Consider the possibility of abolishing the death penalty and ratifying the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, and continue to make the public aware of this issue.

122. Burkina Faso has been moving towards the abolition of the death penalty for a number of years. Indeed, the death penalty has not been applied in the country for ordinary crimes since 1978 or for military crimes since 1988. Efforts have been made with a view to abolition, including:

- The consideration and adoption by the Council of Ministers, on 15 October 2014, of a bill on the abolition of the death penalty; the bill could not, however, be transmitted to the National Assembly owing to the popular uprising of 30 and 31 October 2014
- The adoption of the Act on the Protection of Children in Conflict with the Law or at Risk, which, in article 78, prohibits the imposition of the death penalty on a child convicted of a serious offence
- The proposal by the National Transitional Council of a bill on the abolition of the death penalty, which was debated on 11 June 2015 but did not obtain the consensus necessary for its adoption

123. In addition, seven regional awareness-raising workshops on the abolition of death penalty were organized in 2015 by the Ministry of Justice, Human Rights and the Promotion of Civic Values. The following table shows the number of participants by target group.

Table 5
Number of participants by target group

Location	Number of training participants by entity									
	Prison guards	Police	Gendarmerie	Judges	Civil society organizations	Media	Religious authorities	Customary authorities	Other	Total
Ouahigouya	6	11	9	6	21	5	4	1	16	79
Bobo-Dioulasso	6	9	8	3	15	6	6	3	11	67
Koudougou	4	14	7	3	10	8	4	2	28	80
Gaoua	4	8	6	4	7	5	3	3	10	50
Fada Ngourma	8	8	6	2	14	4	6	1	11	60
Ziniaré	6	9	8	3	16	4	6	3	5	60
Tenkodogo	7	10	9	2	7	5	2	2	20	64
Total	41	69	53	23	90	37	31	15	101	460

Source: Table compiled from reports on awareness-raising sessions conducted by the Directorate for Protection from Human Rights Violations in 2015.

Expedite efforts to allow the Appeals Committee to operate effectively in order to enable asylum seekers to exercise their rights and thus to avoid any possible abuses. Where an asylum seeker is in conflict with the law, initiate the necessary investigation and prosecution procedures while at the same time considering the applicant's request for international protection in accordance with the Convention relating to the Status of Refugees. Ensure that the 2008 Act on the Rights of Refugees, including the right to work, is enforced and continue to raise public awareness in this regard.

124. The Appeals Committee of the National Commission for Refugees has been operational since 2013, when its five members were appointed. The members of the Committee have received several sessions of training on determining refugee status and on the rights of refugees. The first meeting of the Committee was held on 29 March 2016. The second meeting took place on 29 December 2016.

125. Concerning asylum seekers in conflict with the law, Act No. 042-2008/AN of 23 October 2008 on Refugee Status in Burkina Faso provides, in the second paragraph of article 9, that an asylum seeker may not be expelled or removed before the National Commission for Refugees has reached a decision on his or her case.

126. Regarding refugees' access to the labour market, more than a dozen refugees are employed in various private services or have created their own businesses. In addition, the National Commission regularly issues upon request letters of recommendation enabling refugees to apply for jobs.

127. The National Employment Agency has been invited to give presentations to refugees on employment opportunities in Burkina Faso. These presentations take place at meetings organized by the National Commission to discuss with refugees their concerns and the measures to be taken to facilitate their integration.

128. Furthermore, outreach is conducted among private employers to encourage them to include in vacancy announcements criteria such as to prompt refugees with the requisite skills to take part in recruitment tests and interviews.

129. Lastly, the National Commission, with support from the Office of the United Nations High Commissioner for Refugees, organizes regular capacity-building sessions for members of the Eligibility Committee and the Appeals Committee.

Take appropriate measures to put a stop to mob attacks and lynching, by conducting information and education campaigns on the need to eliminate such practices and by prosecuting and punishing any perpetrators. Take steps to guarantee the credibility of the judicial system and to develop a community-based justice system.

130. In order to combat mob attacks and lynching, campaigns are being conducted to educate the public and opinion leaders in particular about human rights and about the harmful effects of taking the law into one's own hands. In addition, awareness-raising panels are organized regularly by the Ministry responsible for security, in cooperation with civil society organizations, on opportunities for members of the public to work with the police. Also, campaigns are being conducted to raise public awareness of the security services' hotlines. There are also police hotlines (116, 1010, 17,16) and a gendarmerie hotline (80-00-11-45).

131. Any person who carries out a lynching may be prosecuted under the laws and regulations in force in Burkina Faso. To improve the judicial system, the Government has created new courts, namely, courts of major jurisdiction in Koupéla and Pô, a second court of major jurisdiction in Ouagadougou and a court of appeal in Fada Ngourma. The effective operation of these courts is facilitating access to justice.

Reinforce the training programmes on the Convention offered to civilian and military law enforcement officers and extend them to judges, prosecutors, lawyers and medical and prison staff.

132. Judicial officials received training on the Convention at sessions held to familiarize them with the international human rights instruments in 2014, 2015 and 2016. More detailed information on this training is provided in table 2, in paragraph 63 of this report.

Include the Istanbul Protocol in these training programmes so that the trainees, particularly medical staff, will be better equipped to detect and document signs of torture and ill-treatment.

133. Persons working in the criminal justice system and medical staff have received training on the Convention and the Optional Protocol thereto. Medical staff in particular have been made aware of their role in the prevention and punishment of torture. The relevant session took place in 2012 in Bobo-Dioulasso. A further three training sessions for persons working in the criminal justice system will be held in 2017, in Dédougou, Kaya and Tenkodogo.

Assess the effectiveness of the training courses and their impact on compliance with and the implementation of the Convention, and carry out public awareness campaigns on the prevention and prohibition of torture.

134. To measure the effectiveness of the training sessions on the prevention and punishment of torture and related practices, follow-up and evaluation workshops were held in January and February 2014. The evaluation conducted in January related to the workshop on the Convention and the Optional Protocol thereto organized on 27 and 28 July 2012 in Bobo-Dioulasso for medical staff, while the February evaluation covered the training sessions on the Convention held in Koudougou and Kaya in October 2013 for members of the defence and security forces. At the conclusion of these follow-up and evaluation workshops, all the participants recognized that torture was not permitted under any circumstances and undertook to stop the practice of torture, which was antithetical to human rights.

135. In November 2015, the Ministry of Justice, Human Rights and the Promotion of Civic Values organized missions to assess the training sessions held in Ouagadougou on 4 and 5 December 2014 and in Bobo-Dioulasso on 9 and 10 December 2014 to familiarize 80 judicial officers with the international human rights instruments; the purpose of the assessments was to measure the impact of those sessions on judicial proceedings, specifically whether the human rights instruments were invoked during such proceedings and in judicial decisions. Following the assessment missions, it was established that, overall, 97 per cent of judges who had taken part in the familiarization sessions had invoked at least one human rights convention as a basis for a judicial decision. The results obtained demonstrated that the participants had a good knowledge of the Convention and the Optional Protocol thereto.

Compile data that would allow for an effective assessment of the implementation of the Convention at the national level and help with the identification of targeted measures to prevent and effectively combat torture, ill-treatment and all forms of violence against women and children. Provide statistics on redress, including compensation, and on rehabilitation mechanisms for victims.

136. In 2016, the Government, through the Ministry of Justice, Human Rights and the Promotion of Civic Values, developed the first statistical yearbook on human rights and the promotion of civic values with a view to having reliable disaggregated data at its disposal. While the yearbook does not, for the moment, include indicators on efforts to combat torture, it does contain information on violations of the integrity of the person and the right to life.

II. Difficulties encountered in implementing the Committee's recommendations

A. Social and political unrest

1. Popular uprising of 30 and 31 October 2014

137. The popular uprising delayed the adoption of the Action Plan 2014–2017 for follow-up to the recommendations made under the universal periodic review and by the treaty

bodies until 7 January 2015. While the implementation of the recommendations had begun prior to the adoption of the Plan, the demonstrations that took place in the country during the last three months of 2014 prevented the activities initially scheduled from being carried out. Moreover, the new challenges to which the unrest gave rise forced the transitional Government to make adjustments to the budget, leading to the cancellation of some of the planned measures.

2. Attempted coup d'état of September 2015

138. The attempted coup d'état occurred in the midst of a period of intense activity in government, thus slowing the process of implementing the recommendations, with some activities having to be postponed to subsequent years. In addition, budgetary adjustments had to be made to deal with the impact of the attempted coup d'état, to the detriment of some of the activities initially planned.

B. Lack of institutional stability

139. The Ministry responsible for human rights, which is coordinating efforts to implement the recommendations addressed to Burkina Faso, was merged with the Ministry responsible for justice on 23 November 2014. This affected the efficient coordination of follow-up to the recommendations, which requires the durability and continuity of the structures charged with carrying out that task. Other ministries involved in implementing the recommendations experienced similar changes.

C. Other constraints

140. Notwithstanding the significant progress achieved in the prevention and punishment of torture, today Burkina Faso is facing new challenges, namely, in the area of security, owing to terrorism and the appearance of self-defence groups in certain parts of the country.

141. Burkina Faso has been the target of several terrorist attacks, on police and gendarmerie stations, educational establishments and mayor's offices in the Nord and Sahel regions and on hotels, cafes and restaurants in the capital, among others. These attacks have resulted in numerous civilian and military casualties and caused significant damage to property.

142. New institutions have been established – the National Intelligence Agency, the National Defence and Security Council and the Burkina Faso Intelligence Community – with a view to responding effectively to terrorism and to new threats to internal security in general. These institutions are in the process of becoming operational. It should be underlined that all the measures taken in the area of security are respectful of human rights. Burkina Faso has also strengthened its subregional and international cooperation in the fight against terrorism. It takes an active part in the Group of Five for the Sahel, established in February 2014 by five States of the Sahel region, namely, Burkina Faso, Chad, Mauritania, Mali and the Niger. The Group provides an institutional framework for coordination and monitoring of regional cooperation regarding development and security policy. Cooperation with neighbouring countries has likewise been strengthened with a view to combining forces in the fight against terrorism.

143. The atmosphere of insecurity, exacerbated by the lack of State resources to address it, has fostered the development of self-defence groups in some parts of the country. These groups seek to play a role in the fight against organized crime. While their actions have been welcomed by local populations, who see them as an effective means of combating insecurity, there have, however, been serious violations of fundamental rights and freedoms and of the principles of the rule of law.

144. To tackle this challenge, the Government has taken steps to put a stop to the excesses that have occurred. Thus, awareness-raising activities have been organized for these groups in order to encourage them to work with the defence and security forces and to end human rights violations. Moreover, legal proceedings have been initiated against

persons suspected of acts of cruel, inhuman or degrading treatment. Furthermore, the Government, in a communiqué of 10 June 2016, clearly stated its determination to ensure that the groups respect the laws in force relating to the protection of life and the physical integrity of persons. The Council of Ministers adopted Decree No. 2016-1052/PRES/PM/MATDSI/MJDHPC/MINEFID/MEEVCC of 14 November 2016 setting out arrangements for the population's participation in the implementation of community policing. Pursuant to article 2 of this Decree, the population may participate in the implementation of community policing through local community security and coordination structures. The role of these structures consists mainly in conducting patrols, providing information and carrying out arrests of persons caught in the act of committing an offence.

Conclusion

145. The drafting of this report has given Burkina Faso the opportunity to review the implementation of the Convention and the recommendations made following the presentation of its initial report to the Committee against Torture in 2013. The results of this review show that progress has been achieved, in particular with the adoption of the Act on the Prevention and Punishment of Torture and Related Practices. Through all the actions taken, the country has been able to respond to the Committee's various concerns.

146. Of course, some challenges remain, but the Government of Burkina Faso wishes to reaffirm to the Committee its readiness to endeavour to achieve the effective implementation of the Convention. To that end, it undertakes to give effect to the various recommendations to be made following the dialogue on the present report.
