



**Convention on the Elimination
of All Forms of Discrimination
against Women**

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**Committee on the Elimination of Discrimination
against Women**

**Information received from Burkina Faso on follow-up to the
concluding observations on its seventh periodic report***

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* The present document is being issued without formal editing.



Introduction

1. At the sixty-eighth session of the Committee on the Elimination of Discrimination against Women, held in Geneva from 23 October to 17 November 2017, Burkina Faso submitted its seventh periodic report (CEDAW/C/BFA/7) on the implementation of the Convention on the Elimination of All Forms of Discrimination against Women for the period from 2007 to 2013. At the session, Burkina Faso was asked to focus on the implementation of the recommendations made to it, and to report on actions taken and results achieved in its next periodic report, due in 2021.
2. In addition, the country was to provide information in 2019 on the status of implementation of the recommendations contained in paragraphs 23 (b) and (f), 25 (d) and 43 (c) of the Committee's concluding observations (CEDAW/C/BFA/CO/7).
3. The present report has three parts: (a) a description of the report preparation process; (b) changes to the regulatory and institutional framework; and (c) the status of implementation of the recommendations.

Report preparation process

4. A participatory and inclusive process was followed in the drafting of the present report. It involved the following steps:
 - Establishment of a multi-stakeholder technical team
 - Consultations among various stakeholders to design the process
 - Collection of data from relevant stakeholders
 - Composition of a preliminary draft report
 - Technical validation of the report by the National Commission to Follow up on the Commitments of Burkina Faso regarding the Advancement of Women

Changes to the regulatory and institutional framework

Regulatory framework

5. Since 2017, Burkina Faso has adopted additional laws and regulations to protect women's rights and punish human rights violations, including the following:
 - Act No. 025-2018/AN of 31 May 2018, containing the Criminal Code, which now provides for penalties for certain types of violence that were previously not punished, or that were insufficiently criminalized or punished
 - Act No. 10-2017/AN of 10 April 2017, on the prison system in Burkina Faso, under which gender is given a high priority, for example in article 153, which provides that groups including minors, women and mothers in prisons shall receive specific support from the prison's social service
 - Decree No. 2019-40/PRES/PM/MS/MFSNF/MFTPS/MATD/MINEFID, on free family planning care and services in Burkina Faso
 - The Personal and Family Code, which is currently being revised to establish that the minimum age for marriage for both boys and girls shall be 18
 - Act No. 003-2020/AN of 22 January 2020, in which quotas and processes are established for the positioning of women and men candidates in legislative and municipal electoral lists in Burkina Faso

Institutional framework

6. The changes made to the institutional framework in Burkina Faso have involved the creation of new entities and the strengthening of existing ones. The following may be noted:

- The National Human Rights Commission, which was established pursuant to Act No. 001-2016/AN of 24 March 2016, currently has nine members, of whom four are women, following an election in 2017.
- The mandate of the Ministry of Women, National Solidarity and the Family was strengthened in 2019 through the incorporation of humanitarian dimensions, thus enhancing the Ministry's work to help vulnerable groups, which are composed mainly of women and children.
- In 2018, the technical supervision of the Support Fund for Women's Gainful Activities was incorporated into the duties of the Ministry, with a view to improving the Ministry's effectiveness in empowering women economically.

State policies

7. Burkina Faso adopted a new development framework, the National Economic and Social Development Plan 2016–2020, and strategies and programmes to uphold fundamental rights in line with its international commitments.

8. Examples of such strategies and programmes include the following:

- A national drinking water supply programme for the period 2016–2030, one of the specific objectives of which is to ensure universal access to drinking water in line with a human rights-based approach, especially since supplying households with water is one of the burdens most often borne by women
- A national strategy for the promotion and protection of girls for the period 2017–2026 and a related operational action plan for the period 2017–2019; the purpose of the strategy is to contribute to girls' personal growth and their full participation in the country's development
- A national strategy for the promotion of women's entrepreneurship for the period 2016–2025 and a related operational action plan for the period 2016–2018, which are aimed at contributing to women's economic empowerment
- A national strategy for the prevention and elimination of child marriage for the period 2016–2025, aimed at accelerating the elimination of child marriage
- A national strategic plan to promote the elimination of female genital mutilation in Burkina Faso for the period 2016–2020, with a view, ultimately, to reducing the rate of excision by 20 per cent, particularly in the 0–14 age group
- A second operational action plan for the period 2017–2019 under the national gender policy, in order to consolidate the achievements under the first operational action plan and generate appropriate specific actions that can bring about lasting qualitative reductions in inequalities between men and women
- The Integrated Programme for Women's Empowerment in Burkina Faso 2016–2020, aimed at enabling women to contribute effectively to national wealth generation
- The Sahel Women's Empowerment and Demographic Dividend project 2016–2019, which is implemented through subprojects related to *sukaabe-rewlee* (combating child marriage), women's entrepreneurship, schools for husbands and future husbands, and *demoussou kalan yiriwa* (promotion of girls' education),

and whose aims are to contribute to the acceleration of economic growth and create the conditions for the social and economic well-being of women and girls in Burkina Faso

- An economic empowerment programme for youth and women, which was established in 2017 to address the issue of employment in Burkina Faso

Status of implementation of the recommendations

9. To ensure the effective implementation of the recommendations arising from the submission of the seventh periodic report, the Government organized discussion and awareness-raising meetings with various stakeholders, such as the gender caucus of the National Assembly and the members of the National Commission to Follow up on the Commitments of Burkina Faso regarding the Advancement of Women.

10. The recommendations were also taken into account in a national action plan for the implementation of the recommendations of the universal periodic review and the treaty bodies.

11. **The Committee recommends that the State party expedite the revision of article 14 (2) of Act No. 061-2015/CNT in order to criminalize marital rape** (recommendation contained in para. 23 (b)).

Recommendation partially implemented

12. The adoption of Act No. 061-2015/CNT reflected the firm determination of Burkina Faso to break the taboo surrounding the most pernicious forms of violence, which women had previously suffered without the possibility of obtaining justice and reparation.

13. However, in light of practical experience of implementing the Act, the Government is in agreement with all stakeholders that it has shortcomings that must be addressed.

14. To this end, certain provisions of Act No. 061 were incorporated into Act No. 025-2018/AN of 31 May 2018, containing the Criminal Code.

15. Article 533-10 of the Criminal Code defines and criminalizes rape as follows: “Any act of sexual penetration, whatever its nature, committed against another person using violence, coercion, threat or surprise, constitutes rape. Rape is punishable by imprisonment of between 7 and 10 years, and a fine of between 600,000 and 2 million CFA francs.” Any woman, regardless of her marital status, may invoke this article before a judge.

16. The following punishment for rape committed against an intimate and habitual partner is set out in article 533-12:

Where rape is committed repeatedly against an intimate and habitual partner with whom the perpetrator maintains stable and continuous sexual relations, or where the said partner has any kind of physical impairment limiting their ability to take part in sexual relations, the penalty shall be a fine of between 250,000 and 600,000 CFA francs.

17. Firstly, the fine has been increased, from between 100,000 and 500,000 CFA francs (article 14 of Act No. 061) to between 250,000 and 600,000 CFA francs (article 533-12 of the new Criminal Code).

18. Secondly, with regard to the cultural context, the inclusion of a provision that obliges prosecutors to prosecute the perpetrator of the rape of an intimate and habitual

partner without the victim having to fear that their partner might be imprisoned is a step forward that could encourage women to seek justice more often.

19. The Committee recommends that the State party increase the number and coverage of shelters, especially in rural areas, and provide medical treatment, psychosocial rehabilitation and reintegration programmes and legal assistance to victims of gender-based violence (recommendation contained in para. 23 (f)).

Recommendation partially implemented

20. Burkina Faso has initiated actions to provide care for victims of violence against women and girls, including the gradual establishment of care centres.

21. A comprehensive care centre for victims of gender-based violence was established in Baskuy, Ouagadougou. In 2017, the centre received 123 victims. Between the start of 2018 and 30 June 2019, 124 victims, including 2 men, were received.

22. Two more comprehensive care centres for victims of gender-based violence are currently becoming operational in Bobo-Dioulasso and Tenkodogo.

23. In addition to the centres, solidarity courses are offered in Paspanga and Gounghin, Ouagadougou, to provide care for women who are victims of social exclusion owing to allegations of witchcraft. As at 31 December 2017, the courses had 62 and 166 in-patient participants respectively.

24. The maternity care centres in Ouagadougou and Orodara offer psychosocial, health-related and legal support to children and child mothers in distress. The centre in Ouagadougou has the capacity for 50 residents. As at 14 October 2019, it housed 59 residents.

25. Civil society organizations assist the State in providing care for victims of violence. Facilities established by civil society organizations include the following:

- The legal clinic of the Association of Women Lawyers of Burkina Faso provides legal and judicial support. From 2017 through the first half of 2019, the clinic assisted 1,161 people, of whom 1,067 were women and 94 were men.
- The Delwendé reception and care centre in Sakoula provides psychosocial and health care for women who are victims of social exclusion owing to allegations of witchcraft. The centre has the capacity for 350 residents. In October 2019, it housed 201 people.
- The counselling and care centre of the Pugsada Association for Support and Enlightenment assists girls in difficult situations. The centre has the capacity for 30 residents. The care includes accommodation and support for schooling and vocational training.
- The Rama Foundation reception and care centre for women victims of obstetric fistula, which has the capacity for 80 residents, supports victims in the areas of health, mental well-being, diet, clothing and social reintegration. In October 2019, the centre had 23 residents.

26. Further actions to ensure the effective handling of cases involving victims of violence include the following:

- In December 2018, 55 judicial actors and members of gender units received training on gender-based violence, the guidelines for providing care for survivors of gender-based violence and the application of the law in relation to female genital mutilation and child marriage.
- In 2018, a 2019–2021 action plan was developed for the comprehensive care of victims of gender-based violence.

- In 2018, protocols were developed for the comprehensive care of victims of gender-based violence, intended for social, legal and health-care workers. The protocols are designed to help these professionals to provide victims with standardized, high-quality services.
- In 2018, a guide on collecting information on victims and alleged perpetrators of gender-based violence was prepared, for use by facilities that offer health care, or legal or psychosocial support.

27. The Legal Aid Fund, established in 2009 to improve access to justice for the destitute and overhauled in 2016, made it possible to assist 705 persons, including 245 women, between the start of 2017 and 17 October 2019.

28. **The Committee recommends that the State party broaden the definition of forced marriage in article 376 of the Criminal Code to cover forced conjugal unions celebrated in traditional or religious practices** (recommendation contained in para. 25 (d)).

Recommendation fully implemented

29. In the new Act No. 025-2018/AN containing the Criminal Code, the definition of marriage is broadened to cover, in addition to civil unions, all conjugal unions celebrated in accordance with traditional or religious practices.

30. Under the Code, “marriage means any form of union between a man and a woman, whether celebrated by a civil registrar or in accordance with traditional or religious rules” (article 531-1).

31. Article 531-4 provides that the punishment for anyone who forces another person into marriage is between six months’ and two years’ imprisonment.

32. That punishment is increased to between one and three years’ imprisonment if the victim is a minor. The maximum penalty is imposed if the victim is under 13.

33. Anyone who arranges or promotes such a marriage shall be considered an accomplice.

34. **The Committee recommends that the State party facilitate the acquisition and retention of land and natural resources by women, including by increasing their awareness of how to claim land reserved for them, reinforcing the capacity of the commissions mandated to monitor the application of the 30 per cent quota for land earmarked for women and assisting women to file complaints about violations concerning discrimination with regard to access to land** (recommendation contained in para. 43 (c)).

Recommendation partially implemented

35. In Burkina Faso, equality for all and the right of every citizen to own land are enshrined in the Constitution.

36. To promote women’s access to land, therefore, policies, programmes and strategies, including the following, have been implemented and have resulted in significant progress:

- In 2017, 191 women and 191 men were trained in procedures for the acquisition of land titles.
- In 2018, 1,458 village land commissions and 1,458 village land conciliation commissions were established as part of component 2 of the national land management programme, with the obligation for representatives of women’s

associations or socioprofessional groups to be included in the decision-making body.

- The mobile application for land security, an innovative technology that reduces both the time and the cost of issuing rural property certificates, and that was implemented from September 2016 to April 2017 in the rural commune of Boudry, is being scaled up in partnership with such projects and programmes as Neer-Tamba, Resilience and Economic Growth in the Sahel – Enhanced Resilience, and phase 3 of the second national land management programme.
- Training activities related to gender and land tenure were held for adolescent girls, young women and other key stakeholders in land management.
- Advocacy activities involving landowners and traditional and religious leaders were held to facilitate women's access to land and land ownership.

37. In terms of access to land developed by the State, more rights are now recognized for rural women, with the following results:

- From 2015 to 2018, 46 per cent of newly developed land was allocated to women.
- A total of 44 per cent of women had access to small-scale irrigation in the first quarter of 2017, compared to a target of 20 per cent in 2018.

38. From 2017 to 2019, of a total of 1,191.0118 hectares of land granted for livestock activities near towns, 126.7014 hectares were allocated to women.

39. In order to promote women's participation and leadership in the management and governance of natural resources, several steps, including the following, were taken from 2014 to 2018 as part of the implementation of the national strategy for the promotion of non-wood forest products:

- Training in techniques for processing such products was provided to 2,658 women and 623 men.
- In 2016 and 2017, 17,644 direct stakeholders, of whom 80 per cent were women, were trained in techniques for collecting, processing and packaging such products.
- A total of 15 facilities were built to store, process and market such products for the benefit of related professional organizations.
- Support was provided for the certification of a stand of baobab trees in the village of Kampala for the benefit of a women's cooperative; the certification helped to secure the area.
- Assisted natural regeneration kits were acquired for 25 women's organizations.

40. In addition, by circular No. 2017-002/PM/SG/DGEP of 13 January 2017 on measures for the consumption of local products by public bodies, the Government undertook to encourage the consumption of local dishes and beverages based on non-wood forest products at ceremonies organized by ministerial departments. The above-mentioned measures have enabled women to further develop their know-how in the processing of local products.

41. In terms of women's access to energy, the Barefoot College project has been established to train illiterate women to equip their villages with solar energy. The results of the programme have been as follows:

- The training centre for the women (known as "solar grandmothers") is being constructed.
- Recycling sessions have been organized for 270 such women.

Conclusion

42. The present overview of the implementation of the recommendations contained in paragraphs 23 (b) and (f), 25 (d) and 43 (c) of the Committee's concluding observations shows that some progress has been made.

43. With regard to paragraph 23 (b), significant progress has been made, including the incorporation of certain provisions of Act No. 061 into the new Act containing the Criminal Code.

44. With regard to paragraph 23 (f), our country, in collaboration with civil society organizations, has taken various steps to provide care for victims of gender-based violence.

45. With regard to paragraph 25 (d), Burkina Faso welcomes the progress made through the implementation of a number of actions to punish forced marriages, including child marriages.

46. Lastly, with regard to paragraph 43 (c), several measures have been taken through laws, policies, strategies, projects and programmes.

47. Burkina Faso has made progress in implementing the recommendations made in the concluding observations. To meet the remaining challenges, however, all actors must remain committed to the further implementation of the recommendations.
