



Convention on the Rights of Persons with Disabilities

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Committee on the Rights of Persons with Disabilities

List of issues in relation to the initial report of Burkina Faso*

A. Purpose and general obligations (arts. 1–4)

1. Please provide information on:

(a) The activities undertaken or planned and the resources allocated to implement the national strategy for the protection and advancement of persons with disabilities for the period 2012–2021 (CRPD/C/BFA/1, para. 33),¹ the national strategy for the protection and promotion of persons with disabilities for the period 2020–2024, and the three-year action plan adopted on 27 February 2020;

(b) Any steps taken to review and harmonize laws and policies to adhere to the Convention, including a concept of disability consistent with the Convention, and to remove stigmatizing language such as the terms *invalidité*² or *infirmes*³;

(c) The consultation with persons with disabilities through their representative organizations on the design and monitoring of legislation, policies, programmes, regulations and other relevant measures, beyond those that focus on the rights of persons with disabilities, including measures taken in the context of the coronavirus disease (COVID-19) pandemic.

B. Specific rights (arts. 5–30)

Equality and non-discrimination (art. 5)

2. Please provide information on:

(a) Measures taken to ensure that anti-discrimination laws adhere to the Convention, taking account of the Committee's general comment No. 6 (2018) on equality and non-discrimination;

(b) Legal remedies available to persons with disabilities for the elimination of discrimination and measures taken to ensure effective, accessible and affordable access to those remedies for all persons with disabilities;

* Adopted by the pre-sessional working group at its fourteenth session (7–18 September 2020).

¹ Unless otherwise indicated, paragraph numbers refer to the initial report of the State party.

² See, e.g., Act No. 012-2010/AN of 1 April 2010, on the protection and promotion of the rights of persons with disabilities.

³ See, e.g., Act No. 23-94/ADP of 19 May 1994, on the Public Health Code (art. 102); Act No. 025-2018/AN of 31 May 2018, on the Criminal Code (art. 511-8); Act No. 005-2018/AN of 19 April 2018, on the regulations concerning the establishment, delivery and validity of driving licences (art. 5).



(c) The number and percentage of claims of disability-based discrimination, disaggregated by sex, age, type of court, geographical location, sector in which the discrimination occurred and sanctions imposed;

(d) Measures taken to prevent, investigate and sanction all forms of discrimination against persons with disabilities, including children with disabilities.

Women with disabilities (art. 6)

3. Please provide information on:

(a) Measures taken to increase access to justice, political and public life, education, income-generating activities and health care, including sexual and reproductive health-care services, and to change negative attitudes towards women and girls with disabilities, including women with albinism, ensuring that strict penalties are imposed on perpetrators of violations against them (CEDAW/C/BFA/CO/7, paras. 49 (a) and (b));

(b) The number and percentage of lawsuits based on Act No. 061-2015/CNT of 6 September 2015 that were introduced by or on behalf of women and girls with disabilities, disaggregated by type of impairment, age, geographical location, type of crime and the sanctions imposed.

Children with disabilities (art. 7)

4. Please provide information on the measures taken to account for the specific situation of children with disabilities in the implementation of Act No. 15-2014/AN of 13 May 2014, on the protection of children in conflict with or at risk of conflict with the law.

Awareness-raising (art. 8)

5. Please describe the measures taken, the time frames and the allocated budgets to combat stereotypes, prejudice and harmful practices relating to persons with disabilities, including persons with albinism.

Accessibility (art. 9)

6. Please explain the measures in place and resources allocated to ensure accessibility with respect to the physical environment, transportation, information and communication, and other facilities and services open or provided to the public, in particular, the mechanisms to enforce compliance with accessibility standards – including sections III, IV and VII and article 39 of Act No. 012-2010/AN of 1 April 2010, and article 34 of Act No. 017-2006/AN of 18 May 2006, the Town Planning and Construction Code Act – by both public and private institutions, and the remedies available to persons with disabilities.

Right to life (art. 10)

7. Please provide information on the mechanisms in place to prevent, record, investigate and prosecute attacks on the life of persons with disabilities, including persons with albinism.

Situations of risk and humanitarian emergencies (art. 11)

8. Please provide information on measures taken to:

(a) Protect persons with disabilities in the context of localized communal violence, transnational crime, internal displacement and risk from explosive ordnance; to ensure their access to humanitarian assistance and basic services, including health care, nutrition and education; and to address the specific requirements of persons with disabilities, particularly of women, children and internally displaced persons with disabilities, and of Malian refugees with disabilities residing in the State party;

(b) Establish a targeted, sustainable humanitarian emergency framework to ensure the protection of the rights of persons with disabilities on an equal basis with others, and specifically in the context of the public health emergency resulting from the COVID-19 pandemic. In particular, please inform the Committee about measures to provide persons with disabilities with accessible information concerning the scope of the pandemic and the

prevention of the spread of the virus; to ensure continuous access to support and mainstream community services, including in-home care and personal assistance; to provide equal access to health care, including life-saving measures; and to ensure that disability benefits are guaranteed at all times.

Equal recognition before the law (art. 12)

9. Please provide information on:

(a) The steps taken to review legislation on legal capacity, particularly articles 243, 552 (2), 628, 629, 641 and 663 of the Personal and Family Code, with a view to abolishing the status of “incapable”;

(b) The number of persons with disabilities under guardianship and wardship based on article 552, paragraph 2, of the Personal and Family Code, disaggregated by type of impairment, sex, age and geographical location.

Access to justice (art. 13)

10. Please provide information on:

(a) Procedural and gender- and age-appropriate accommodation to persons with disabilities in legal proceedings, particularly judicial and administrative processes;

(b) The measures taken by the directorate responsible for access to justice and assistance to litigants, and on the budget allocated (para. 56);

(c) The number of persons with disabilities who have received free legal aid under Decree No. 2013-477/PRES/PM/MJ/MEF of 11 June 2013 and under article 43 of Act No. 061-2015/CNT of 6 September 2015, disaggregated by type of impairment, sex, age and geographical location.

Liberty and security of the person (art. 14)

11. Please provide information on:

(a) The type of support provided to persons with disabilities in prison, based on article 153 of Act No. 010-2017/AN of 10 April 2017, the Prison System Act, and other measures taken to implement the rights of persons with disabilities, including persons with intellectual or psychosocial disabilities, in penal institutions, including by providing a primary multidisciplinary assessment, accessible infrastructure and services, rehabilitation services, access to health services, and confidential complaint mechanisms;

(b) The current laws and practices regarding the deprivation of liberty of persons based on their actual or perceived impairment, particularly persons with intellectual or psychosocial disabilities, and children with disabilities, including disaggregated data from the past five years on the deprivation of liberty of persons with disabilities, in particular based on articles 108 and 109 of Act No. 23-94/ADP of 19 May 1994 on the Public Health Code;

(c) The use of restraints and involuntary medication in institutions depriving persons with disabilities of their liberty, as well as in families, and the measures taken to end such practices.

Freedom from torture or cruel, inhuman or degrading treatment or punishment (art. 15)

12. Please provide information on steps taken to:

(a) End all forms of forced medical procedures and treatment, chemical and mechanical restraints, seclusion and isolation, and other forms of ill-treatment in all settings;

(b) Establish a national mechanism for the prevention of torture under article 20 of Act No. 022-2014/AN of 27 May 2014, on the prevention and punishment of torture and related practices.

13. Please submit disaggregated statistics for the past five years about the number of errant persons (*personnes errantes*) with disabilities as well as the measures taken by the State party to locate them, protect their rights and provide them with the support they require.

Freedom from exploitation, violence and abuse (art. 16)

14. Please provide information on:

(a) Measures taken to prevent, prohibit and prosecute all forms of corporal punishment, exploitation, violence and abuse, including domestic violence, sexual violence, violence in schools, and neglect against persons with disabilities, in particular against women and girls with disabilities and persons with disabilities living in street situations, errant persons with disabilities, and persons with disabilities consulting traditional healers, and to ensure the availability of accessible reporting mechanisms, and access to health care and psychological support, rehabilitation, justice, compensation and social reintegration services;

(b) Existing mechanisms for the supervision of psychiatric institutions;

(c) Statistical data on cases of exploitation, violence and abuse, including sexual abuse, against persons with disabilities, disaggregated by gender, age, sexual orientation and geographical location.

Protecting the integrity of the person (art. 17)

15. Please provide information on:

(a) Any cases brought by persons with disabilities under the legislation referenced in the State party report (paras. 68–72);

(b) Tasks, competences and budget allocations of the independent bodies that help to protect the integrity of persons with disabilities (para. 73).

Liberty of movement and nationality (art. 18)

16. Please provide information on measures taken to ensure that persons with disabilities, in particular children with disabilities living in remote areas, have access to birth registration and certificates on an equal basis with others.

Living independently and being included in the community (art. 19)

17. Please provide information on the steps taken to:

(a) Establish accessible and affordable housing in the community and provide community-based support to enable persons with disabilities to choose where and with whom they live on an equal basis with others;

(b) Ensure a respectful, rights-based deinstitutionalization process of persons with disabilities.

Personal mobility (art. 20)

18. Please provide information on:

(a) The number of applications for cost reduction or import tax exemptions based on article 3 of Decree No. 2012-829/PRES/PM/MASSN/MEF/MJFPE/MTPEN of 22 October 2012 on the adoption of social measures for persons with disabilities in the areas of vocational training, employment and transport, and on article 19 of Act No. 012-2010/AN of 1 April 2010, respectively, and the number of granted reductions and exemptions in the past five years, disaggregated by type of mobility device, age, sex and impairment;

(b) Measures taken to ensure that construction and other infrastructure planning in both urban and rural areas guarantee personal mobility of persons with disabilities.

Freedom of expression and opinion, and access to information (art. 21)

19. Please provide information on the policies and programmes in place and the budget allocated to facilitate the use of sign language and other appropriate modes, means and

formats of communication, such as Braille, audio or tactile information, augmentative and alternative communication, Easy Read and pictograms, in formal and informal interactions.

Respect for home and the family (art. 23)

20. Please provide information on the practice of the authorities and the courts in their application of articles 243, 264 and 265 of the Personal and Family Code concerning restrictions of the right to marry of persons with disabilities under guardianship, as well as of article 518 of the Code concerning the restriction of parental rights. Please also provide disaggregated data on the number of persons with disabilities over the past five years whose rights regarding family life have been restricted. Please describe the legal and other measures in place to prohibit separation of children from their parents on the basis of the children's disability, or their parents' disability, and to provide support to children with disabilities and their families, and to parents with disabilities in carrying out their parental responsibilities.

Education (art. 24)

21. Please provide information on:

(a) The measures taken, the time frame and the budget allocation to implement the national strategy on the development of inclusive education (2018) at all levels of education and in humanitarian and conflict-affected contexts, and the steps taken to provide reasonable accommodation;

(b) The number of children enrolled in inclusive education (Act No. 012-2010/AN of 1 April 2010, arts. 9 and 10) and in "specialized" education (Act No. 012-2010/AN, art. 12; and Education Policy Act, No. 013-2007/AN of 30 July 2007, art. 4, para. 4), disaggregated by type of impairment, sex, age and geographical location. Please explain the differences between these two educational settings.

Health (art. 25)

22. Please explain the measures taken to ensure that:

(a) Persons with disabilities, including persons with intellectual or psychosocial disabilities, have access to health-care services free of charge or at reduced cost in all parts of the State party, as provided for by Act No. 012-2010/AN of 1 April 2010 and Decree No. 2012-828/PRES/PM/MASSN/MEF/MS/MENA/MESS of 22 October 2012;

(b) The right to free and informed consent of persons with disabilities, including persons with intellectual or psychosocial disabilities, is respected with regard to medical treatment or interventions;

(c) Children with disabilities, including children with disabilities living in insecurity-affected areas, can benefit from regular health-care services, monitoring and treatment, including polio vaccines.

Habilitation and rehabilitation (art. 26)

23. Please provide information on the measures taken to:

(a) Provide access to comprehensive and community-based habilitation and rehabilitation programmes, including for errant persons with intellectual or psychosocial disabilities;

(b) Monitor private and public rehabilitation centres for violations of the rights of persons with disabilities.

Work and employment (art. 27)

24. Please provide information on:

(a) The practice of the authorities and the courts with respect to the provisions in legislation on the protection of persons with disabilities from discrimination in work and employment, in particular articles 30 and 36 of Act No. 012-2010/AN of 1 April 2010, and

articles 4, 40 and 71 of Act No. 028-2008/AN of 13 May 2008 on the Labour Code, including the reporting mechanisms in place;

(b) The enforcement and monitoring of the minimum employment quotas enshrined in articles 8 and 10 of Decree No. 2009-5030/PRES/PM/MTSS/MASSN/MS of 17 July 2009;

(c) The number of persons with disabilities working in sheltered workshops (art. 40 of the Labour Code), disaggregated by impairment, age, sex, field of activity and geographical location as a proportion of all persons with disabilities in employment;

(d) The measures taken, resources allocated and the support provided to promote employment and vocational training (paras. 133 and 134), including the impact of the “special recruitment scheme” and of other activities under the national economic and social development plan for the period 2016–2020, and whether the intended increase of the employment rate has been achieved;

(e) The needs assessment criteria used by the employment agency and the vocational training centres, and under the development plan.

Adequate standard of living and social protection (art. 28)

25. Please provide information on:

(a) The number of persons with disabilities in possession of the disability card based on article 3 of Act No. 012-2010/AN of 1 April 2010, the criteria for obtaining the card and the services provided under articles 4 and 44 of the Act;

(b) The implementation of the national social protection policy and the related project to strengthen social protection, including the findings in relation to persons with disabilities, which led to the continuation of the project in the period 2016–2017, and whether the project has since been extended;

(c) The impact of the national water policy on access of persons with disabilities to drinking water;

(d) Measures taken to recognize the requirements of persons with disabilities in social housing programmes and to ensure access by persons with disabilities to public housing programmes, as required by article 23 of Act No. 012-2010/AN of 1 April 2010.

Participation in political and public life (art. 29)

26. Please provide information on:

(a) The number of persons with disabilities considered “incapable” under articles 44 and 135 of Act No. 014-2001/AN of 3 July 2001 on the Electoral Code and therefore excluded from the right to be elected and to vote, disaggregated by type of impairment, gender and age;

(b) The measures taken to guarantee the accessibility of elections and referendums;

(c) The results of the statistical surveys conducted on the basis of the indicators mentioned in paragraph 159 of the initial State party report, disaggregated by type of impairment, gender and age.

Participation in cultural life, recreation, leisure and sport (art. 30)

27. Please provide information on:

(a) The implementation of articles 11 and 13 of Act No. 03/96/ADP of 11 April 1996 on the organization and development and physical education and sports in Burkina Faso and articles 3, 37 and 38 of Act No. 012-2010/AN of 1 April 2010;

(b) Measures taken to implement the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled.

C. Specific obligations (arts. 31–33)

Statistics and data collection (art. 31)

28. Please provide information on:

(a) The disability-related questions included in censuses and surveys undertaken by the State party (paras. 172), planned follow-up censuses and surveys, and the use of the Washington Group short set of questions on disability therein;

(b) The mechanisms in place to increase systematic data collection, coordination among all public bodies and State agencies, and to ensure that the statistical data collected contributes to evidence-based policy design and implementation and is published in a clearly structured manner (para. 174);

(c) The content of the database on persons with disabilities set up in 2016 and on the thematic studies about disability (para. 172).

International cooperation (art. 32)

29. Please provide information on the measures taken to involve organizations of persons with disabilities in foreign policy decisions, and to facilitate their access to international cooperation funds.

National implementation and monitoring (art. 33)

30. Please provide information on:

(a) The activities of and resources allocated to the national multisectoral council for the protection and promotion of the rights of persons with disabilities (para. 183) and the role and capacity of the regional representatives (para. 184) as focal points at the regional level;

(b) The existence and independence of the mechanism or mechanisms that currently carry out the task of promoting, protecting and monitoring the implementation of the Convention on the basis of its article 33, paragraph 2, in conformity with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles).
