



**Convention on the Rights  
of Persons with Disabilities**

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**Committee on the Rights of Persons with Disabilities**

**Initial report submitted by Burkina Faso under  
article 35 of the Convention, due in 2011\***

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



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## Introduction

1. Burkina Faso ratified the Convention on the Rights of Persons with Disabilities on 23 July 2009. This act reflects our country's commitment to ensuring and promoting the full enjoyment of the human rights of persons with disabilities without discrimination on the basis of disability.

2. The present report is submitted in accordance with article 35 of the Convention, which requires each State Party to submit to the Committee on the Rights of Persons with Disabilities a report on measures taken to give effect to its obligations under the Convention.

3. The preparation of this report followed an inclusive and participatory process involving men, women and students with disabilities from organizations of persons with disabilities, representatives of ministerial departments, technical and financial partners and non-governmental organizations (NGOs) working in the field of disability. The preparation of this report included the following main steps:

- Development of indicators to monitor the implementation of the Convention data-collection tools
- Establishment of a technical committee to coordinate the activities for the preparation of the initial report
- Data collection and processing and preparation of the initial draft report
- Endorsement of the draft report at a national workshop
- Adoption of the draft report by the National Multisectoral Council for the Protection and Promotion of the Rights of Persons with Disabilities
- Consideration and adoption of the draft report by the Interministerial Committee on Human Rights and International Humanitarian Law
- Final adoption of the report by the Council of Ministers of Burkina Faso at its meeting on 28 March 2018

4. The initial report was prepared in accordance with the guidelines contained in CRPD/C/2/3 of the Committee of 18 November 2009 and consists of three parts. The first part is on general information; the second is related to the legal and institutional framework for the implementation of the Convention; and the third is on the measures taken to ensure the effectiveness of the various specific provisions of the Convention.

## I. Overview of the situation of persons with disabilities in Burkina Faso

5. Burkina Faso had a population of 14,017,262 according to the 2006 general population and housing census. There were 168,094 persons with disabilities in Burkina Faso, which represented 1.2 per cent of the country's population. Men accounted for 52.7 per cent and women 47.3 per cent of the total number of persons with disabilities. With regard to place of residence, 19.4 per cent of persons with disabilities lived in urban areas compared with 80.6 per cent in rural areas.

6. The 2006 census highlighted four types of disabilities: lower limb disability (26.44 per cent), visual disability (17.5 per cent), mental disability (14.88 per cent) and hearing disability (12.7 per cent). The table below shows the distribution of persons with disabilities by nature of disability and region.

Table 1  
**Percentage of people living with a disability by nature of disability by region**

Region of residence	Nature of disability						Total (%)
	Upper limb disability (%)	Lower limb disability (%)	Mental impairments (%)	Blindness (%)	Deafness (%)	Other (%)	
Boucle du Mouhoun	8.5	7.6	10.3	8.9	10.4	10.2	9.2
Cascades	4.2	3.2	2.4	3.0	3.1	3.2	3.1
Centre	13.7	14.9	11.8	6.7	8.9	9.3	11.0
Centre-Est	8.8	10.0	9.0	13.2	10.9	9.3	10.3
Centre-Nord	9.0	8.8	9.6	10.4	9.8	8.8	9.4
Centre-Ouest	7.9	9.3	11.2	9.8	10.1	14.6	10.8
Centre-Sud	4.5	6.5	6.6	7.6	5.9	6.5	6.5
Est	6.9	6.4	5.6	5.8	7.5	7.6	6.6
Hauts-Bassins	7.7	8.3	5.9	5.0	6.3	4.8	6.3
Nord	10.0	9.0	11.0	9.7	9.3	10.7	9.8
Plateau-Central	6.5	6.1	7.7	7.3	6.9	5.5	6.6
Sahel	7.1	4.2	4.3	5.0	5.3	4.1	4.7
Sud-Ouest	5.2	5.7	4.6	7.6	5.6	5.4	5.7
<b>Total</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>
<b>Numbers</b>	<b>13 893</b>	<b>44 447</b>	<b>25 014</b>	<b>29 414</b>	<b>20 447</b>	<b>34 879</b>	<b>168 094</b>

Source: 2006 general population and housing census.

7. Data from the 2013 general census of children with disabilities showed that there are 79,617 children with disabilities between 0 and 18 years old, 48,126 of whom are male and 31,491 of whom are female.<sup>1</sup> These children have one or more disabilities with varying degrees of severity. The most affected regions are Boucle du Mouhoun, with 8,799 children with disabilities, followed by Hauts-Bassins, with 8,651 children with disabilities. The Cascades region has a low number – 2,375 – of children with disabilities. The following table shows the distribution of children with disabilities by region.

<sup>1</sup> General census of children with disabilities conducted in 2013 by the Ministry of Social Action and National Solidarity in collaboration with its technical and financial partners.

Table 2  
Distribution of children by nature of disability

<i>Regions</i>	<i>Types of disability</i>														<i>Total</i>	
	<i>Visual</i>	<i>Hearing</i>	<i>Language</i>	<i>Hearing and language</i>	<i>Mobility</i>	<i>Intellectual and/or psychosocial</i>	<i>Mental illness</i>	<i>Albinism</i>	<i>Epilepsy</i>	<i>Stuttering</i>	<i>Noma</i>	<i>Cleft lip</i>	<i>Dwarfism</i>	<i>Multiple</i>		<i>Undetermined</i>
Boucle du Mouhoun	919	1 148	688	812	2 094	414	196	205	876	339	15	9	85	988	11	8 799
Cascades	258	346	143	235	465	97	29	92	251	242	1	9	21	185	1	2 375
Centre	1 206	773	683	637	1 355	404	129	146	264	644	32	13	32	774	21	7 113
Centre-Est	500	479	316	533	1 672	454	79	114	698	211	8	10	27	350	7	5 458
Centre-Nord	736	745	376	936	2 423	442	227	158	812	266	16	7	60	719	25	7 948
Centre-Ouest	523	483	352	585	1 646	260	105	66	985	247	11	3	47	569	19	5 901
Centre-Sud	188	190	239	298	788	168	101	43	321	164	3	5	7	157	6	2 678
Est	636	869	336	903	2 009	259	256	100	258	262	11	13	85	486	23	6 506
Hauts-Bassins	1 425	887	621	676	1 679	375	184	369	523	1 014	14	14	78	780	12	8 651
Nord	697	658	358	642	2 137	654	323	98	851	149	15	20	72	819	12	7 505
Plateau-Central	431	352	355	504	1 536	331	213	44	461	236	8	17	58	595	25	5 166
Sahel	742	985	238	634	1 706	345	372	124	465	313	23	22	25	443	7	6 444
Sud-Ouest	589	671	381	365	1 136	176	61	121	668	383	5	8	24	473	12	5 073
Burkina Faso	8 850	8 586	5 086	7 760	20 646	4 379	2 275	1 680	7 433	4 470	162	150	621	7 338	181	79 617

Source: 2013 general census of children with disabilities.

8. According to the results of the continuous multisectoral survey carried out in 2014 by the National Institute of Statistics and Demography, the unemployment rate in the first quarter of 2014 was 8.4 per cent in urban areas for the general population. For persons with disabilities, the unemployment rate was approximately 10.6 per cent and varied according to the type of disability. Unemployment affects fewer people with a motor disability (6.4 per cent) and is more common among those with a visual disability (22.5 per cent).

## **II. Legal and institutional framework for the protection and promotion of the rights of persons with disabilities in Burkina Faso**

### **A. Legal framework**

9. With a view to ensuring that persons with disabilities are able to effectively enjoy their rights, Burkina Faso has ratified legal instruments at the international level and has adopted laws and regulations at the national level.

10. Burkina Faso is a party to a number of instruments on the protection of the rights of persons with disabilities, including the following:

- Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1983 (No. 159), adopted on 20 June 1983 and ratified on 26 May 1989
- Convention on the Rights of the Child, adopted on 20 November 1989 and ratified on 23 July 1990
- African Charter on the Rights and Welfare of the Child, adopted on 11 July 1990 and ratified on 8 June 1992
- Convention on the Rights of Persons with Disabilities of 13 December 2006, ratified on 23 July 2009
- 1978 Revised International Charter of Physical Education, Physical Activity and Sport, ratified on 18 November 2015
- Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled, adopted on 27 June 2013 and ratified on 31 July 2017

11. In order to give effect to its international commitments, the country has adopted the following laws and regulations:

- Constitution of Burkina Faso of 11 June 1991
- Education Policy Act, No. 013-2007/AN of 30 July 2007
- Act No. 012-2010/AN of 1 April 2010 on the Protection and Promotion of the Rights of Persons with Disabilities
- General Policy Act on the Prevention and Management of Risks, Humanitarian Crises and Disasters, No. 012-2014/AN of 22 April 2014
- Universal Health Insurance System Act, No. 060-2015/CNT of 5 September 2015
- General Civil Service Regulations Act, No. 081-2015/CNT of 24 November 2015
- Act No. 024-2016/AN of 17 October 2016 on the Promotion and Protection of the Rights of Older Persons
- Act No. 039-2017/AN of 27 June 2017 on the Protection of Human Rights Defenders
- Decree No. 2009-5030/PRES/PM/MTSS/MASSN/MS of 17 July 2009 laying down the terms and conditions of employment and training of persons with disabilities
- Decree No. 2012-828/PRES/PM/MASSN/MEF/MS/MENA/MESS of 22 October 2012, whereby social measures for persons with disabilities in health and education were adopted

- Decree No. 2012-829/PRES/PM/MASSN/MEF/MJFPE/MTPEN of 22 October 2012, whereby social measures for persons with disabilities in employment, vocational training and transport were adopted
- Decree No. 2017-0818/PRES/PM/MENA/MINEFID of 19 September 2017, providing a definition of the scholarship system in post-primary and upper secondary education

## B. Institutional framework

12. At the institutional level, organizations responsible for the protection and promotion of the rights of persons with disabilities have been established. These include the State Secretariat for Social Affairs, Persons with Disabilities and Social Inclusion, the National Multisectoral Council for the Protection and Promotion of the Rights of Persons with Disabilities and its permanent secretariat, the Directorate for the Protection and Advancement of Persons with Disabilities and the Directorate for the Promotion of Inclusive Education, Girls' Education and Gender.

13. With reference to article 31 of Decree No. 2018-0272/PRES/PM/SGG-CM of 12 April 2018 on the responsibilities of members of the Government, the State Secretariat for Social Affairs, Persons with Disabilities and Social Inclusion is responsible for the following:

- Organization, monitoring and oversight of the management of public and private structures for the care of persons with disabilities and socially excluded persons
- Promotion and social protection of older persons, persons with disabilities and maladjusted, disadvantaged, excluded, marginalized and needy persons
- Information and public awareness-raising about the rights of older persons, persons with disabilities and socially excluded persons
- Promotion of socioeconomic activities for older persons, persons with disabilities and other vulnerable persons in cooperation with the relevant ministers

14. The National Multisectoral Council for the Protection and Promotion of the Rights of Persons with Disabilities was established in accordance with article 33 of the Convention and article 56 of Act No. 012-2010/AN of 1 April 2010 on the Protection and Promotion of the Rights of Persons with Disabilities.<sup>2</sup> It is the lead agency for the protection and promotion of the rights of persons with disabilities in Burkina Faso. The Council brings together all the actors in the field of disability, i.e. ministerial departments dealing with disability issues, local and decentralized administrative authorities, civil society organizations, including organizations of disabled persons, and technical and financial partners. Under article 5 of Decree No. 2012-406/PRES/PM/MASSN/MEF/MS of 15 May 2012 on the establishment, powers, composition and operation of the Council, the Council is responsible for:

- Monitoring and evaluating the implementation of the Convention on the Rights of Persons with Disabilities and Act No. 012-2010/AN of 1 April 2010 on the Protection and Promotion of the Rights of Persons with Disabilities in Burkina Faso
- Providing guidance on actions to protect and promote the rights of persons with disabilities
- Supporting the mobilization of the resources necessary for the implementation of projects and programmes for persons with disabilities
- Advocacy of the protection and promotion of the rights of persons with disabilities
- Considering and adopting the annual report on the situation of persons with disabilities in Burkina Faso

<sup>2</sup> The National Multisectoral Council for the Protection and Promotion of the Rights of Persons with Disabilities was established pursuant to Decree No. 2012-406/PRES/PM/MASSN/MEF/MS of 15 May 2012 on the establishment, powers, composition and operation of the Council.



15. The Directorate for the Protection and Advancement of Persons with Disabilities is responsible for:

- Developing strategies for the protection and advancement of persons with disabilities and ensuring their implementation
- Raising awareness about regulatory and legislative measures for persons with disabilities
- Developing cooperation with NGOs, associations and other actors working in the field of disability
- Monitoring and coordinating the interventions of actors working for the protection and advancement of persons with disabilities
- Providing advisory support to organizations of and for persons with disabilities

16. In accordance with article 2 of Order No. 2018-007/MENA/SG/DPEIEG of 10 January 2018 on the powers, organization and operation of the Directorate for the Promotion of Inclusive Education, Girls' Education and Gender, the Directorate is responsible for:

- Coordinating different actions to promote inclusive education, girls' education and gender
- Developing strategies to promote the access, retention and success of girls, children with disabilities and marginalized and vulnerable children in educational structures
- Developing a system to monitor inclusive education, the promotion of girls' education and gender
- Identifying and promoting any action likely to contribute to the analysis of the problem of school enrolment for girls, marginalized and vulnerable children and children with disabilities
- Collecting and disseminating information on girls' education and gender and the education of marginalized and vulnerable children and children with disabilities

### **III. Implementation of the general provisions of the Convention**

#### **Articles 1–4**

##### **Purpose, definitions, general principles and general obligations**

17. The Constitution of Burkina Faso ensures the equal enjoyment of all rights and freedoms without discrimination, including on the basis of disability. In addition, Act No. 012-2010/AN of 1 April 2010 on the Protection and Promotion of the Rights of Persons with Disabilities reaffirms the general principles set out in the Convention. The Act reproduces the definition of disability provided in the Convention. Thus, under article 2 of the Act: "Persons with disabilities include those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others."

18. In order to promote non-discrimination and respect for the inherent dignity of persons with disabilities, initiatives and measures are taken by the Government, organizations of persons with disabilities and NGOs. They include providing information, raising awareness and advocacy, and empowerment through the provision of specific equipment and mobility aids, resources for income-generating activities and the full and effective participation of persons with disabilities in social and political life.

19. In the 2006 general population and housing census, for the purposes of data collection, disability is defined as a "limitation or impairment of a person's physical or mental abilities. Such limitations or impairments may be congenital or acquired". The response options were: "upper limb disability", "lower limb disability", "mental impairment", "blind", "deaf" and "other disability". If a person being enumerated has more than one disability, the main disability is recorded. The question thus posed had a number

of response options, including “other disability”, which covers all the other options encountered and not listed.

20. For the general census of children with disabilities, children with disabilities were defined as persons “between 0 and 18 years old who have long-term physical, mental, intellectual or sensory impairments that, in interaction with various barriers, may hinder their full and effective participation in society on an equal basis with others”.

21. Burkina Faso has incorporated the Washington Group short set of questions on disability in the next general population and housing census to ensure that the census is inclusive.<sup>3</sup>

22. With regard to reasonable accommodation, article 4 of Act No. 012-2010/AN of 1 April 2010 provides that: “Upon presentation of the disability card, holders enjoy benefits related to health care, education, vocational training, employment, communication, social integration, transport, housing and living environment, sports and leisure, culture and the arts, and the promotion and protection of social action.” Similarly, article 21 of the Act provides that: “Any construction of public or private infrastructure to be used by the public must provide for accessibility for persons with disabilities. Buildings must be equipped with an access ramp with handrails and a slope of no more than 5 per cent.” In addition, reasonable accommodation has been taken into account in health care, education, vocational training, employment and transport through the adoption of implementing decrees.

23. Act No. 012-2010/AN of 1 April 2010 on the Protection and Promotion of the Rights of Persons with Disabilities requires compliance with the following rules:

- Inclusive education must be mainstreamed at all levels of education.
- Priority must be given to enrolling children with disabilities in the preschools, primary and secondary schools, universities and vocational schools closest to their homes.
- Students with disabilities must be provided with teaching aids and methods adapted to their educational needs.
- Teaching units are to be created for children and adolescents who are not able to attend school on a full-time basis.
- Specialization modules are to be provided in teacher-training programmes.
- All preschools, primary and secondary schools and universities must be physically accessible and equipped with adequate facilities.
- The legal age for enrolment in primary school and for participation in professional examinations and competitions is to be lowered by two years.
- Students with disabilities are to receive scholarships.
- Persons with disabilities are to be provided with extra time or special arrangements, or both, depending on the nature of the disability or the examination.

24. The above-mentioned Decree on social measures for persons with disabilities in employment, vocational training and transport, which provides for a quota of 10 per cent of vacancies in the civil service and in State institutions to be filled by persons with disabilities, has begun to be implemented. By way of illustration, in 2014, under the new measures, 97 persons with disabilities were recruited to posts in the Ministry of Education and Literacy. In addition to the regular civil service examinations in which persons with disabilities have taken part, a special recruitment process was organized in 2017 as shown in the table below.

<sup>3</sup> These are disability measurement tools that can be used in national censuses and surveys.

Table 3  
**Summary of posts filled by type of disability and gender**

Competition	Type of disability	Vacant posts	Registered Candidates			Vacant posts		
			F	M	Total	F	M	Total
Secretariat personnel	Hearing	3	2	5	7	0	1	1
	Physical	3	25	22	47	2	1	3
	Visual	4	8	20	28	2	2	4
Social workers	Hearing	3	3	3	6	1	2	3
	Physical	3	23	27	50	1	2	3
	Visual	4	5	14	19	1	3	4
Human resources personnel	Hearing	1	2	1	3	1	0	1
	Physical	1	9	24	33	0	1	1
	Visual	1	5	19	24	0	1	1
Archival assistants	Hearing	3	1	1	2	1	0	1
	Physical	2	8	19	27	0	2	2
Human rights officers	Hearing	2	3	6	9	2	0	2
	Physical	1	7	19	26	0	1	1
	Visual	2	6	12	18	0	2	2
Social educators	Hearing	1	1	4	5	0	1	1
	Physical	2	7	20	27	2	0	2
	Visual	2	6	11	17	0	1	1
Executive secretaries	Hearing	1	0	0	0	0	0	0
	Physical	1	0	0	0	0	0	0
	Visual	1	1	0	1	1	0	1
<b>Totals</b>		<b>41</b>	<b>122</b>	<b>227</b>	<b>349</b>	<b>14</b>	<b>20</b>	<b>34</b>

Source: National Multisectoral Council civil service competition statistics on persons with disabilities, 2017.

25. In the private sector, article 8 of the above-mentioned Decree on the terms and conditions of employment and vocational training for persons with disabilities provides that: “Any company with at least 50 employees must reserve at least 5 per cent of its posts for persons with disabilities who have a disability card in accordance with the regulations in force.”

26. The development of laws and programmes for the protection of the rights of persons with disabilities go through a participatory and inclusive process. In this regard, persons with disabilities have been involved in the following processes:

- The drafting and adoption of Act No. 012-2010/AN of 1 April 2010 on the Protection and Promotion of the Rights of Persons with Disabilities and its implementing decrees
- The development and implementation of the National Strategy for the Protection of the Rights of Persons with Disabilities
- The development of the National Programme for the Provision of Comprehensive Care to Children with Disabilities

27. In addition, persons with disabilities are represented in organizations responsible for the implementation, monitoring and evaluation of legislation and policies for the protection and promotion of the rights of persons with disabilities. These include the National Human Rights Commission, the National Solidarity Observatory and the National Multisectoral Council for the Protection and Promotion of the Rights of Persons with Disabilities.

28. In Burkina Faso, the rules governing international instruments are laid down in article 151 of the Constitution, which states that: “Duly ratified or adopted treaties and agreements, once promulgated, have primacy over laws.” Thus, the human rights treaties and agreements that Burkina Faso has ratified are part of the domestic legal system. After their publication in the Official Gazette, litigants are entitled to invoke them directly before the courts to argue their cases. In this regard, the Convention may be invoked by any citizen before the competent courts.

## **IV. Implementation of specific provisions of the Convention**

### **Article 5 Equality and non-discrimination**

29. The third paragraph of article 1 of the Constitution provides: “Discrimination of any kind, particularly that based on race, ethnicity, region, colour, sex, language, religion, caste, political opinion, wealth or birth, is prohibited.” Persons with disabilities, in common with all other citizens, enjoy equal protection before the law in accordance with the first paragraph of article 4 of the Constitution, which provides: “All citizens and residents of Burkina Faso enjoy equal protection under the law. All persons have the right to have their case heard by an independent and impartial court.”

30. In addition, article 4 of Act No. 028-2008/AN of 13 May 2008 on the Labour Code provides that:

“Any discrimination related to employment and occupation is prohibited. The term discrimination is understood to mean:

- Any distinction, exclusion or preference, particularly based on race, colour, sex, religion, political opinion, disability, pregnancy, national extraction or social origin, which has the effect of nullifying or impairing equality of opportunity or treatment in matters of employment or occupation
- Any other distinction, exclusion or preference which has the effect of nullifying or impairing equality of opportunity or treatment in matters of employment or occupation”

31. Act No. 012-2010/AN of 1 April 2010 is a specific instrument for the protection of persons with disabilities against discrimination. It is aimed at ensuring the equal enjoyment of all human rights and fundamental freedoms for persons with disabilities and guaranteeing respect for their inherent dignity.

32. In order to guarantee that persons with disabilities enjoy equal and effective legal protection against all forms of discrimination, the National Multisectoral Council for the Protection and Promotion of the Rights of Persons with Disabilities has been established as a framework for introducing debates and advocating for the better enjoyment of the rights of persons with disabilities on an equal footing with others.

33. A number of policies and programmes have been adopted to ensure de facto equality for persons with disabilities. The National Strategy for the Protection and Advancement of Persons with Disabilities for 2012–2021, adopted on 5 October 2012, is aimed at improving the enjoyment of human rights by persons with disabilities on an equal footing with others. The Government has also carried out a number of relevant affirmative action measures, as described in paragraph 11 of this report.

### **Article 8 Awareness-raising**

34. The National Strategy for the Protection and Advancement of Persons with Disabilities and its three-year rolling action plan give priority to the process of raising awareness of the rights of persons with disabilities. In order to promote respect for the rights of persons with disabilities, the Government, in collaboration with organizations of persons with disabilities, has conducted outreach activities aimed at changing people’s

behaviour. These activities include forum theatre productions, educational talks, regional and provincial conferences, screenings and debates, widely disseminated television and radio broadcasts and training sessions. By way of example, the following awareness-raising actions were carried out in 2015 and 2016:

- Training in inclusive education for 1,435 primary school teachers, 127 trainers at the national primary education teacher training colleges, 1,345 school counsellors, 106 post-primary and secondary school teachers, 14 head teachers and 74 journalists
- Measures to raise awareness of inclusive education among 519 student teachers and 766 members of customary and religious authorities, parent-teacher associations and school mother associations, school management committees and local authorities
- Advocacy efforts aimed at 600 non-State actors and members of local authorities to promote the effective inclusion of children with physical disabilities in school programmes
- An awareness-raising campaign conducted in the Sud-Ouest and Hauts Bassins regions that reached 13,556 people

35. Awareness-raising activities have also been carried out by the permanent secretariat of the National Multisectoral Council for the Protection and Promotion of the Rights of Persons with Disabilities, which is responsible for disseminating information on disability and the rights of persons with disabilities. The table below provides an overview of the number of beneficiaries of the permanent secretariat's awareness-raising campaign in the Boucle du Mouhoun, Centre-Nord and Centre regions in 2016.

Table 4  
**Awareness-raising activities conducted in 2016 by the permanent secretariat**

<i>Nature of activity</i>	<i>No. of activities</i>	<i>Target audience</i>	<i>No. of persons reached</i>
Advocacy campaigns	6	Political, customary and religious authorities, organizations of persons with disabilities, non-governmental organization (NGOs)	220
Talks/debates	9	Members of the community, persons with disabilities, parent-teacher associations	4 810
Forum theatre productions	9	Community members, persons with disabilities	1 310
Conferences	9	Political, administrative, religious and customary authorities, organizations of persons with disabilities, teachers	443
Training sessions	40	Teachers, school counsellors, journalists	2 960
Radio broadcasts	9	General public	344 875
<b>Total</b>			<b>354 618</b>

*Source:* Permanent secretariat of the National Multisectoral Council/community radio audience ratings.

36. The official celebration of the International Day of Persons with Disabilities every 3 December provides a forum for exchanging information and raising awareness of the rights of persons with disabilities. In order to enable persons with disabilities to take ownership of the Convention, this instrument was translated into Braille and has been made available to associations for the protection of the rights of persons with visual impairments since 2012.

## **Article 9**

### **Accessibility**

37. Burkina Faso has taken steps to eliminate inequalities of access affecting persons with disabilities. In the area of transport, article 16 of Act No. 012-2010/AN of 1 April 2010 on the Protection and Promotion of the Rights of Persons with Disabilities in Burkina Faso provides: “Any public road, rail or air transport company must take appropriate measures to make transport facilities and services accessible to persons with disabilities.” Article 18 stipulates that bus, railway and river stations and airports must be adjusted to facilitate access for persons with disabilities.

38. Furthermore, article 34 of Act No. 017-2006/AN, the Town Planning and Construction Code Act, provides: “The architectural layout of residential buildings, workplaces, public buildings, schools and health facilities must ensure that they are accessible to persons with disabilities.” Article 21 of Act No. 012-2010/AN of 1 April 2010 on the protection and promotion of the rights of persons with disabilities provides: “Any newly built public or private infrastructure that is open to the public must be made accessible to persons with disabilities. Buildings must be equipped with an access ramp with handrails and a slope of no more than 5 per cent.” Articles 22 and 25 of the Act strengthen this provision. Also, services such as cashier’s offices, customer windows and checkouts must be physically accessible to persons with disabilities. Violations of articles 21, 22, 24 and 25 of the Act are punishable by a fine of between 50,000 and 100,000 CFA francs (CFAF) and, if the offence is repeated, by a fine of between 100,000 and CFAF 200,000 without prejudice to damages.

39. In 2015, a study of access ramps in schools was carried out. The investigation covered a total of 6,685 schools comprising 14,762 buildings. According to the results of the study, 50.01 per cent of these buildings have ramps. Steps to bring schools into line with construction standards on access ramps have been taken, including the holding of regional workshops to present the report on the study and undertake advocacy work targeted at building and public works companies, school developers, local authorities and civil society organizations, including organizations of persons with disabilities.

40. The definition of universal services contained in Act No. 061-2008/AN of 27 November 2008 introducing general regulations on electronic communications networks and services in Burkina Faso takes into account the specific difficulties that certain categories of persons encounter in accessing electronic communications services, including difficulties related to income level and disability. In order to ensure access to information, sign language is used to enable persons with hearing impairments to follow television news broadcasts.

41. Article 39 of the Act on the Protection and Promotion of the Rights of Persons with Disabilities provides: “All persons with disabilities have the right to online, print and audiovisual public communication services.” Persons with disabilities are taken into account in Act No. 51-2015/CNT on the Right of Access to Public Information and Administrative Documents, article 8 of which provides that persons with disabilities are exempt from paying any fees when the information or document requested relates to their educational, professional and social integration. Article 12 of the Act provides: “Where the applicant is a person with a disability, specific measures are to be taken to ensure his or her access to the information or document.”

42. Article 15 of the Act provides that, if the Act is violated, the applicant may file a complaint for denial of access to information or documents against any person responsible for ensuring such access. Efforts are currently being made to raise awareness among public and private sector developers to ensure that they comply with accessibility standards.

## **Article 10**

### **Right to life**

43. Article 2 of the Constitution recognizes and guarantees the right to life without discrimination. This article provides: “The life, safety and physical integrity of individuals are guaranteed.”

44. This right is also protected by the Criminal Code, which provides for the imposition of penalties on anyone who violates another person's right to life. All violations of the right to life, including murder, assassination, infanticide, parricide, poisoning, voluntary termination of pregnancy, genocide and crimes against humanity are punishable under the Criminal Code.

45. Burkina Faso has ratified a number of international human rights instruments. These instruments include the African Charter on Human and Peoples' Rights, article 4 of which states: "Human beings are inviolable. Every human being shall be entitled to respect for his life and the integrity of his person. No one may be arbitrarily deprived of this right." Article 5 of the Charter states: "Every individual shall have the right to the respect of the dignity inherent in a human being and to the recognition of his legal status. All forms of exploitation and degradation of man, particularly slavery, slave trade, torture, cruel, inhuman or degrading punishment and treatment shall be prohibited."

46. In ratifying the Convention on the Rights of the Child, Burkina Faso committed itself to protecting the right to life and development of every child, including children with disabilities, in accordance with article 6 of the Convention.

47. The agencies responsible for protecting and promoting the rights of persons with disabilities have received no reports of any violation of the right to life of a person with disabilities or any arbitrary deprivation of such a person's life on the grounds of disability.

## Article 11 Situations of risk and humanitarian emergencies

48. Article 46 of the Act on the Protection and Promotion of the Rights of Persons with Disabilities provides: "The protection and safety of persons with disabilities in situations of risk, conflicts, humanitarian crises and natural disasters shall be ensured as a matter of priority on the same basis as that of women and children."

49. In crisis situations and humanitarian emergencies, priority is given to persons with disabilities in accordance with the above-mentioned Act and the General Policy Act on the Prevention and Management of Risks, Humanitarian Crises and Disasters.

50. The State has set up the National Council for Emergency Assistance and Rehabilitation, which has a permanent secretariat, in order to respond to situations of risk and humanitarian emergencies. Article 2 of Decree No. 2009-601/PRES/PM/MASSN/MEF/MATD on the establishment, composition, powers and functioning of the Council provides that its mission is to prevent disasters and manage emergency relief and rehabilitation. The common tools and instruments that the Council uses to prevent and manage risk, humanitarian crises and disasters make it possible to take specific account of persons with disabilities. The actions taken by the Council to support persons with disabilities who are victims of natural or artificial disasters are summarized in the table below.

Table 5  
Number of persons with disabilities assisted in emergencies and/or disasters

Type of disaster	Number of persons			Total
	2015	2016	2017	
Flooding	21	267	137	425
Fire	2	0	22	24
Strong winds	11	39	98	148
Conflict	0	2	15	17
<b>Total</b>	<b>34</b>	<b>308</b>	<b>272</b>	<b>614</b>

Source: Permanent secretariat of the National Council for Emergency Assistance and Rehabilitation.

## Article 12

### Equal recognition before the law

51. Under article 2 of the Personal and Family Code, legal personality begins upon the birth of a child and ends upon his or her death. Articles 1 and 5 of the Code stipulate that all persons enjoy civil rights without discrimination. In accordance with article 628, persons of either sex who have reached the age of majority have full legal capacity in all areas of civil life.

52. However, the Code provides that guardianship and wardship should be employed as forms of special protection for certain categories of persons, including “adults whose mental and physical faculties have been impaired by illness, disability or an age-related condition that prevents them from freely expressing their will”. These mechanisms, which make it possible to support persons with disabilities in the exercise of their legal capacity, are sufficiently regulated by law.

## Article 13

### Access to justice

53. The Constitution establishes the principle of equal access to justice without discrimination. All citizens and residents of Burkina Faso enjoy equal protection under the law. They are all entitled to have their case heard by an independent and impartial court. Article 2 of the Code of Civil Procedure provides: “All persons have the right to file a complaint to the competent national organs against any act that violates their fundamental rights, as recognized and guaranteed by the Constitution, international treaties and the laws and regulations in force.”

54. National justice policy places great emphasis on ensuring access to justice without discrimination. This policy is aimed at standardizing justice services with a view to improving physical accessibility. In 2008, for example, the ground floor services of the Ouagadougou *tribunal de grande instance* (court of major jurisdiction) were fitted with ramps, as were all courts built after 2008. The issues of gender and disability are taken into account in connection with the standardization of prison infrastructure.

55. In order to make justice services more affordable, a legal aid fund was established under Decree No. 2013-477/PRES/PM/MJ/MEF of 11 June 2013. This fund, which has been in operation since 2016, offers support to anyone who cannot afford to exercise his or her rights in court, either as a claimant or as a defendant. In this regard, indigent persons with disabilities are entitled to such support on an equal basis with others.

56. A directorate responsible for access to justice and assistance to litigants was set up at the Ministry of Justice in 2012. It is responsible for coordinating actions related to access to justice, dealing with complaints and applications submitted by claimants, giving opinions on cases in collaboration with any interested service or court, and monitoring and facilitating the enforcement of decisions in collaboration with any interested service or court. Persons with disabilities also benefit from the services provided by this directorate.

57. In order to ensure that the staff of the judiciary and the prison system receive effective training on the rights of persons with disabilities, such staff are given access to a compendium of legal instruments, created in 2009 and updated in 2016, that includes instruments related to persons with disabilities. In 2015, 80 justice officials employed at the courts of appeal of Ouagadougou and Bobo-Dioulasso took part in sessions aimed at promoting understanding of human rights treaties, including binding and non-binding legal instruments on the rights of persons with disabilities. Modules on the rights of persons with disabilities are taught in vocational training schools for social workers and persons working in the area of human rights.

58. The Constitution and the Code of Criminal Procedure guarantee, without distinction of any kind, the effective participation of persons with all types of disability in the justice system. In accordance with article 408 of the Code of Criminal Procedure, if a defendant with a hearing impairment does not know how to write, the presiding judge will appoint, as a matter of course, a person who is most accustomed to conversing with the defendant to serve as his or her interpreter. If the person concerned is able to write, the registrar will



write down the questions or comments addressed to him or her. The questions or comments will be passed to the accused person, who will provide his or her replies in writing. The registrar will read out all the replies to the court.

59. The legal representatives of child victims of rights violations participate in criminal proceedings on their behalf, which ensures the effective participation of children and adolescents with disabilities in such proceedings. Children in conflict with the law cannot be held criminally responsible until they reach the age of 13 years. In accordance with article 6 of Act No. 15-2014/AN of 13 May 2014 on the protection of children in conflict with the law or at risk, the primary consideration in all decisions concerning children, whether taken by the courts, the administrative authorities or public and private social welfare institutions, must be the best interests of the child. Juvenile court judges and juvenile courts and social services attached to the courts have also been established. All these measures make it possible to take into account children's emotional, moral and physical needs as well as their age, state of health, family environment and all other aspects of their situation.

## **Article 14**

### **Liberty and security of person**

60. Under the Constitution, all persons are guaranteed the right to liberty and security of person. Article 3 stipulates: "No one may be deprived of his or her liberty unless he or she has been charged with an offence punishable by law. No one may be arrested, held in custody, deported or exiled except as provided for by law."

61. In Burkina Faso, under article 23 of Act No. 010-2017/AN of 10 April 2017, the Prison System Act, all inmates are treated with the respect arising from the inherent dignity of the human person. Article 153 of the Act provides: "Vulnerable inmates, including persons with disabilities, shall be entitled to specific forms of support from the social services." As stated in paragraph 53 of the present report, all persons with disabilities involved in legal proceedings enjoy the same procedural guarantees as others on an equal basis.

## **Article 15**

### **Freedom from torture or cruel, inhuman or degrading treatment or punishment**

62. Burkina Faso ratified the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment on 4 January 1999 and the Optional Protocol thereto on 11 February 2010. It adopted Act No. 022-2014/AN on the Prevention and Punishment of Torture and Related Practices on 27 May 2014. The Act establishes disability as an aggravating circumstance in any act of torture or related practice committed against a person with disabilities. Article 6 of the Act provides for the imposition of a custodial sentence of between "5 and 10 years and a fine of between 300,000 and CFAF 1,500,000 on any person guilty of torture or related practices if the victim had a disability at the time of the events".

63. With regard to the protection of persons with disabilities in prisons, article 24 of Act No. 010-2017/AN of 10 April 2017 on the prison system stipulates: "No inmate may be subjected to torture or other cruel, inhuman or degrading treatment or punishment. All inmates shall be protected from such acts, for which no circumstances whatsoever may be invoked as a justification."

64. Article 20 of the Act provides for the establishment of the National Observatory for the Prevention of Torture and Related Practices. However, it has not been possible to launch this body owing to the lack of financial resources. The Act is due to be reviewed with a view to designating the National Human Rights Commission as the national body for the prevention of torture. As indicated in paragraph 27, the national mechanism for the prevention of torture will take the situation of persons with disabilities into consideration.

## **Article 16**

### **Freedom from exploitation, violence and abuse**

65. Article 2 of the Constitution establishes that slavery, slavery-like practices, inhuman, cruel, degrading and humiliating treatment, physical and psychological torture, abuse and all forms of degradation of persons are prohibited and punishable by law.

66. 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 protects women and girls without discrimination against all forms of violence, including physical, psychological, sexual, economic, inheritance-related and cultural violence.

67. Cases of exploitation, violence and abuse of persons with disabilities are investigated and, where appropriate, prosecuted in the courts. Article 43 of the Act provides for the establishment of a legal aid fund to support, in legal proceedings, women and girls with disabilities who are victims of violence.

## **Article 17**

### **Protecting the integrity of the person**

68. As stated in paragraph 65, the protection of the integrity of the human person is guaranteed without discrimination. In addition, Act No. 23/94/ADP of 19 May 1994, the Public Health Code Act, establishes measures to protect the physical and mental integrity of all persons, including persons with disabilities.

69. Article 130 of Decree No. 2014-048/PRES/PM/MS of 7 February 2014 on the Code of Ethics of Physicians in Burkina Faso provides that persons are required to give their free and informed consent to treatment and medical interventions.

70. Article 12 of Order No. 2007-240/MS/CAB of 24 July 2007 on the Health Service Users' Charter stipulates: "Any act, whether diagnostic, therapeutic or research-related, may be carried out only with the free and informed consent of the user, if his or her condition permits, or with that of a member of his or her family if it does not."

71. The protection of persons with disabilities against forced sterilization, and of girls and women with disabilities against abortion, is covered by various pieces of legislation, including the Public Health Code, article 86 of which provides that "induced abortion or voluntary interruption of pregnancy is prohibited in Burkina Faso".

72. Articles 380 and 381 of Act No. 043/96/ADP of 13 November 1996 on the Criminal Code make it a criminal offence to compromise the integrity of female genital organs by removal, excision, infibulation, desensitization or any other means.

73. The various associations of health professionals, including the associations of physicians, pharmacists, dentists, midwives and nurses, are independent bodies that help to protect the integrity of persons with disabilities.

74. Persons who violate or commit offences against the integrity of the person are prosecuted.

## **Article 18**

### **Liberty of movement and nationality**

75. Article 9 of the Constitution provides that the free movement of persons and goods, the freedom to choose one's residence and the right to asylum are guaranteed under the laws and regulations in force. Since discrimination on the grounds of disability is prohibited in Burkina Faso, all residents of the country enjoy the same rights and freedoms.

76. In Burkina Faso, nationality is granted to all persons, irrespective of whether or not they have a disability, under the conditions set out in articles 134 to 185 of the Personal and Family Code. Persons with disabilities therefore enjoy the same nationality rights as other persons.

## **Article 19**

### **Living independently and being included in the community**

77. In Burkina Faso, persons with disabilities have the right to live independently and participate in social life on the basis of equality of opportunity. In this regard, 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 provides for the recruitment of persons with disabilities into the civil service. To the extent permitted by the available resources, the State allocates funding for income-generating activities to persons with disabilities who apply for it. The benefits associated with this law are granted to persons with disabilities who have a disability card. These measures make it possible to reduce unemployment and poverty rates among persons with disabilities. Collaboration between the Government, NGOs and various associations opens the way for the development of community-based rehabilitation. Such an approach, which forms the basis of the strategy for the protection and promotion of persons with disabilities in Burkina Faso, makes it possible to prevent the incidence of disability, meet the needs of persons with disabilities and facilitate their social inclusion while improving their quality of life. The development of community-based rehabilitation has facilitated various initiatives for persons with disabilities. These include:

- Identifying persons with disabilities and informing them of the available services
- Raising awareness among persons with disabilities, their families and the community to bring about a positive change in behaviour towards persons with disabilities
- Strengthening the capacities of persons with disabilities, their families and community-based organizations
- Improving self-confidence to promote effective participation in civic life and the country's development
- Providing support and technical assistance to the teams responsible for the different projects and programmes aimed at promoting inclusion in their respective areas of action
- Promoting networking among development stakeholders to ensure the holistic care of persons with disabilities

78. A total of 7 public and 17 private organizations (shelters known as “solidarity courtyards” and “maternal hotels”) provide residential services.

79. As indicated in the information related to article 9 of the Convention, accommodations have been made to ensure the physical accessibility of community services and facilities for persons with disabilities.

## **Article 20**

### **Personal mobility**

80. Steps are being taken to facilitate the mobility of persons with disabilities in accordance with the provisions of the Act on the Protection and Promotion of the Rights of Persons with Disabilities. The State supports initiatives that promote the mobility of persons with disabilities. For example, it supported the organization of Adequate Mobility Week in 2015 and the production of wheelchairs and tricycles for persons with disabilities. In addition, the Government periodically provides regular and electric tricycles, wheelchairs, white canes and walking frames, free of charge, to persons with disabilities in need. Between 2013 and 2016, more than 3,000 pieces of mobility equipment appropriate to different kinds of disabilities were allocated to persons with disabilities.

Table 6  
**Mobility equipment provided to persons with disabilities, 2013–2016**

<i>No.</i>	<i>Type of support</i>	<i>Quantity</i>
1	Wheelchairs	300
2	Electric tricycles	250
3	Tricycles	1 254
4	Pairs of crutches	600
5	White canes	800
6	Walking frames	200
<b>Total</b>		<b>3 404</b>

*Source:* National Multisectoral Council for the Protection and Promotion of the Rights of Persons with Disabilities.

81. In addition to the equipment listed above, in 2016 the National Solidarity Fund provided the following specific equipment and mobility equipment to persons with disabilities in order to enhance their personal mobility.

Table 7  
**Procurement and provision of specific equipment and mobility equipment for persons with disabilities, 2016 and 2017**

<i>No.</i>	<i>Description</i>	<i>2016</i>		<i>2017</i>		
		<i>Quantity</i>	<i>Amount (CFAF)</i>	<i>Description</i>	<i>Quantity</i>	<i>Amount (CFAF)</i>
1	Lower back brace	1	36 370	Hearing aids	4	2 270 000
2	Adult corset brace	1	76 000	Femoral prostheses	6	2 449 725
3	Prosthesis	1	120 000	Ocular prosthesis	1	125 000
4	Prosthetic arm	1	650 000	Cerebral palsy chair	1	90 000
5	Femoral prostheses	11	4 460 025	Orthoses for walking	2	300 000
6	Hearing aids	14	12 106 000	Pedal-powered tricycle	1	225 000
7	Corrective lenses	2	180 000			
<b>Total</b>		<b>31</b>	<b>17 628 395</b>		<b>15</b>	<b>5 459 725</b>
<b>Overall total</b>						<b>23 088 120</b>

*Source:* National Solidarity Fund.

82. Blind or hard-of-hearing persons and their teachers are trained in mobility techniques, particularly in private specialized facilities for blind persons. The State, too, has taken steps to provide training in mobility techniques for persons with disabilities and specialized personnel. Ordinance No. 005/PRES of 18 January 1956 on the conditions for the establishment, issuance and validity of driving licences in Upper Volta provides for the category F, which covers vehicles in the categories A, A1 and B that are driven by persons with mobility impairments and are specially adapted to take account of their disability.

83. Article 5 of the Ordinance explicitly states: “Drivers of mopeds and lightweight motorcycles with or without sidecars, motor-driven tricycles and quadricycles must hold an A1 or any other category of driving licence. Persons with a disability that is clearly incompatible with driving a standard vehicle may obtain a driving licence only by virtue of a decision of the minister in charge of transport following a medical examination and subject to the opinion of a technician responsible for checking that the vehicle can be adapted to take account of the disability.”

84. The Act on the Protection and Promotion of the Rights of Persons with Disabilities provides for relief from tax or customs duties, or both, for the purchase of vehicles by persons with disabilities or the import or production of specific equipment intended for persons with disabilities in the areas of health, education, transport, communication, culture, sports, recreation and handicrafts.

## **Article 21**

### **Freedom of expression and opinion, and access to information**

85. The Constitution guarantees freedom of expression and opinion, freedom of the press and the right to information of all citizens. Indeed, article 8 provides that everyone has the right to express his or her opinions within the framework of the laws and regulations in force.

86. Act No. 061-2008/AN of 27 November 2008 introducing general regulations on electronic communications networks and services in Burkina Faso contains a definition of universal services that takes into account the difficulties that certain categories of persons face in having access to electronic communications services owing in particular to their income level or disability.

87. Moreover, article 8 of Act No. 051-2015/CNT of 30 August 2015 on the Right of Access to Public Information and Administrative Documents provides that: "Persons living with a disability shall be exempt from the payment of fees when the requested information or document is intended for their educational, occupational and social integration." The aim of these legislative measures is to facilitate access to information for persons with disabilities, without delay or additional cost.

88. To enable persons with disabilities to use their preferred means of communication in all their interactions, the legislature provided, in article 39 of Act No. 012-2010/AN of 1 April 2010, that: "All persons with disabilities are entitled to public communication services online and in the print and broadcast media." Furthermore, article 15 (3) of the aforementioned Act No. 051 stipulates that: "The person in charge of access to information or documents must take appropriate steps to provide access to documents when the requester is a person with a disability."

89. To enhance the accessibility of information for persons with disabilities, the permanent secretariat of the National Multisectoral Council for the Protection and Promotion of the Rights of Persons with Disabilities and disability rights advocates enlist the support of public and private media representatives. Some actors also undertake personal initiatives in which they strive to make information accessible to people with disabilities, particularly through sign language.

90. The level of media accessibility and the percentage of public websites that conform to the standards of the Web Accessibility Initiative is low. To address this shortcoming, the State has set up an inclusive cybercafé for the use of the National Union of Burkina Faso Associations for the Advancement of Blind and Visually Impaired Persons. With regard to the public media, the midday news of the national television broadcaster TNB is provided in sign language for hard-of-hearing persons.

91. The Ministry of Digital Economy and Postal Service Development has made efforts to bring public websites into line with the standards of the Web Accessibility Initiative, so that the Web is accessible for all.

92. Sign language is used in the school system and in the media to more effectively include hard-of-hearing persons in the country's development.

## **Article 22**

### **Respect for privacy**

93. Article 6 of the Constitution provides: "The home, domicile, private and family life and secrecy of correspondence of everyone are inviolable. They may only be subject to interference in the form and in cases provided for by law."

94. Article 55 of the Act on the Protection and Promotion of the Rights of Persons with Disabilities provides that: “Any person guilty of arbitrary or illegal interference in the private life of a person with a disability shall be punished by a fine of between CFAF 50,000 and CFAF 300,000 and, in the event of a repeat offence, by a fine of between CFAF 300,000 and CFAF 600,000 or 2 to 6 months’ imprisonment, or both, without prejudice to damages.” Burkina Faso also has personal data protection laws to prevent the invasion of privacy of all persons, without discrimination. The Data Protection Commission is responsible for ensuring the protection of the personal data of all persons living in Burkina Faso, without distinction of any kind.

95. Decree No. 2014-048/PRES/PM/MS on the Code of Ethics of Physicians of Burkina Faso and Decree No. 2014-049/PRES/PM/MS on the Code of Ethics of Nurses of Burkina Faso, both of 7 February 2014, contain provisions under articles 2 and 5 requiring physicians and nurses to respect the human person and his or her life, dignity and privacy and to ensure the protection of all confidential information concerning their patients.

96. Article 374 of the Criminal Code provides that physicians, surgeons, health workers, pharmacists and any other persons who by their position, profession or permanent or temporary functions have been entrusted with secrets and who disclose them, except where the law compels or authorizes such a disclosure, are liable to 6 months’ to 2 years’ imprisonment and a fine of CFAF 300,000 to CFAF 1,000,000.

97. The use of another person’s image without his or her consent is punishable under article 103 of Act No. 057-2015/CNT on the rules governing the print media in Burkina Faso, article 90 of Act No. 058-2015/CNT on the rules governing the digital media in Burkina Faso and article 124 of Act No. 087-2015/CNT amending Act No. 059-2015/CNT on the rules governing radio and television broadcasting in Burkina Faso. Furthermore, article 371 of the Criminal Code provides that the following persons are liable to a penalty of 2 months’ to 1 year’s imprisonment or a fine of CFAF 1,000,000 to CFAF 5,000,000, or both: anyone who deliberately invades the privacy of another person by means of publishing any information or details about him or her in the press; anyone who directly publishes or reproduces allegations that are prejudicial to the honour or reputation of the person or entity at which they are levelled; and anyone who knowingly disseminates, by audiovisual means, an edited image of a person without his or her consent, if the editing is not obvious or is not expressly mentioned.

98. Likewise, with respect to breach of privacy, article 375 of the Criminal Code stipulates that anyone – other than the persons referred to under article 168<sup>4</sup> – who in bad faith opens or destroys letters or correspondence addressed to third parties will be punished by 2 months’ to 1 year’s imprisonment or a fine of CFAF 100,000 to CFAF 300,000, or both.

99. Article 106 of the Personal and Family Code provides that all births occurring in Burkina Faso must be declared to the registrar at the place of birth. This provision is intended to prevent any concealment or attempted concealment of persons, regardless of their situation.

## **Article 23**

### **Respect for home and the family**

100. Articles 2 and 6 of the Constitution recognize the family as the basic unit of society and enshrine the inviolability of the home.

101. With regard to the home, article 360 of the Criminal Code stipulates that anyone who by fraud or by means of threats or of violence against a person or thing, gains entry or attempts to gain entry into another person’s home will be punished by 2 to 6 months’ imprisonment and a fine of CFAF 50,000 to CFAF 150,000.

<sup>4</sup> Under this article: “Any official or employee of the postal administration who carries out or facilitates the opening or destruction of a duly posted letter shall be punished by 6 months’ to 5 years’ imprisonment and a fine of CFAF 300,000 to CFAF 1,500,000. Offenders shall be barred from holding public employment or office for a period not exceeding five years.”

102. Concerning the family, article 231 of the Personal and Family Code provides that “the family, based on marriage, constitutes the basic unit of society”. Article 234, moreover, provides that marriage results from the free and conscious wish of a man and a woman to take each other as spouses. This provision applies to all citizens without discrimination on the basis of disability or other grounds.

103. Persons with disabilities can benefit from family planning, assisted reproduction and adoption or foster care programmes in the same way as other citizens of Burkina Faso, if they so wish. Accordingly, article 8 (2) and (3) of Act No. 49-2005/AN of 21 December 2005 on Reproductive Health provides: “The right to reproductive health is a fundamental right guaranteed to each human being during his or her entire life, in all situations and in all places. No individual may be deprived of this right, which he or she enjoys without discrimination as to age, sex, wealth, religion, ethnicity, marital status or any other consideration.”

104. Persons with disabilities may adopt or foster children under the conditions set forth in articles 470 to 507 of the Personal and Family Code on an equal basis with others.

105. Mindful of the role of parents in the education of children, the Government has developed training modules on family life education for social workers, so that they are able to help families strengthen their parent-child relationship skills. The State also provides financial and material support to parents with disabilities so that they can discharge their parental responsibilities to the best of their ability. Article 49 of Act No. 012-2010/AN states that: “In case of need, the State may provide any person with a disability, whether a father or a mother, with appropriate support for the exercise of their parental authority.”

106. The family is the ideal place for the full development of its members. Thus, children may not be separated from either or both of their parents unless their best interests require it, in accordance with articles 535 to 537 of the Personal and Family Code. In such cases, the approach adopted by Burkina Faso is for them to live with foster families, avoiding their placement in institutions.

107. Burkina Faso has taken preventive and punitive measures to combat the abandonment, concealment and neglect of children with disabilities. Accordingly, the Ministry of Women’s Affairs, National Solidarity and the Family, organizations of persons with disabilities and non-governmental organizations working in the field of disability carry out awareness campaigns and advocacy activities with families and communities to end discrimination against children with disabilities and publicize the rights and the potential of the persons with disabilities in general and children with disabilities in particular. Punitive measures are set out in the Criminal Code, article 391 of which provides that:

Anyone who endangers or exposes to danger or leaves behind or causes a child or person lacking legal capacity whose physical or mental state renders him or her unable to protect himself or herself to be left behind on his or her own with the intention of abandonment shall be punished by 1 to 3 years’ imprisonment. If such endangerment or abandonment results in an illness or permanent injury lasting 21 days or more, the penalty shall be 2 to 5 years’ imprisonment. If the child or person lacking legal capacity is left maimed or crippled or with a permanent disability, the penalty shall be 5 to 10 years’ imprisonment. If the endangerment or abandonment results in death, the penalty shall be 10 to 20 years’ imprisonment.

## **Article 24**

### **Education**

108. Article 18 of the Constitution recognizes education as a social right that should be promoted. Article 3 of the above-mentioned Education Policy Act provides that all persons living in Burkina Faso have the right to education, without discrimination of any kind.

109. Under article 16 of the Act, the national education system is organized into formal, non-formal, informal and special education. Article 4 makes basic education compulsory for all children from the ages of 6 to 16 years. This obligation is shared by the State, local and regional authorities, the private sector and other education partners. Article 6 makes State basic education free of charge, rules out the payment of enrolment fees and states that

no pupil may be excluded or have his or her school results withheld on the grounds of non-payment of any kind of contribution.

110. The Act on the Protection and Promotion of the Rights of Persons with Disabilities guarantees inclusive education in preschool, primary, post-primary, secondary and university institutions.

111. In that context, the following steps were taken between 2015 and 2017:

- Enrolment of over 10,000 children with disabilities in school between 2015 and 2016
- School fees and the cost of school supplies were covered for 5,637 children with disabilities
- Provision of financial support for organizations of persons with disabilities to carry out inclusive education activities
- Production and dissemination of 5,000 copies of legal compendiums on the rights of children with disabilities, 10,000 posters and 11,000 leaflets on inclusive education
- Provision by the Ministry of Education and Literacy of material and financial support and human resources to educational establishments responsible for children with disabilities and/or vulnerable children
- Progressive awareness-raising of education for all among communities
- Commencement of 32 inclusive education transition classes for children with sensory impairments in some State and private schools
- The lowering by two years of the legal age for school enrolment and the allocation of grants for students with disabilities in accordance with Decree No. 2012-828/PRES/PM/MASSN/MEF/MS/MENA/MESS of 22 October 2012 whereby social measures for persons with disabilities in health and education were adopted
- Extension of the stay of students with disabilities in university halls of residence by 2 years
- Awareness-raising among social partners (parent-teacher associations, management committees and school mother associations) regarding the adaptation of the infrastructure for all target groups
- Provision of teachers to private special education establishments
- Provision of financial support for private establishments responsible for children with special needs
- Teacher training in inclusive education
- Training for teachers of transition classes
- Educational follow-up with teachers of inclusive education transition classes
- Allocation of specific equipment and mobility equipment, including the following specific equipment for children with disabilities:

Table 8  
**Distribution of specific equipment, 2017**

<i>Order No.</i>	<i>Specific equipment</i>	<i>Quantity</i>
01	Picture cards for deaf pupils	368
02	Sign language dictionaries	3
03	Braille printer	1
04	Paper	9
05	Slates	30
06	Cubarithm slates	50
07	Styluses	100



<i>Order No.</i>	<i>Specific equipment</i>	<i>Quantity</i>
08	Dividers	10
09	Tracing wheels	10
10	30 cm plastic rulers	10
11	30 cm curved rulers	10
12	Small protractors	10
13	White canes	30

*Source:* Basic education districts.

112. At the preschool level, a pilot centre has been set up in Garango to take all sensitivities into account and enable the provision of quality inclusive education. In 2017 a total of 125 students, including 14 with disabilities, were enrolled in this establishment.

113. In 2015/16 the gender parity index at the preschool level was 1, revealing the absence of any disparity between girls' and boys' enrolment in preschool in the country. At the post-primary level, the index stood at 1.06 in 2017, indicating a disparity in favour of girls. The following tables show the number of students with disabilities enrolled at different levels of education.

Table 9

**Pupils with disabilities enrolled in primary education, 2015/16**

<i>Type of impairment</i>	<i>Boys</i>	<i>Girls</i>	<i>Total</i>
Hearing	3 225	2 544	5 769
Intellectual	2 774	1 980	4 754
Physical	3 204	2 473	5 677
Language	6 943	3 062	10 005
Visual	3 564	2 853	6 417
Others	807	780	1 587
<b>Total</b>	<b>20 517</b>	<b>13 692</b>	<b>34 209</b>

*Source:* National Multisectoral Council for the Protection and Promotion of the Rights of Persons with Disabilities.

Table 10

**Pupils with disabilities enrolled in post-primary and secondary education, 2015/16**

<i>Type of impairment</i>	<i>Post-primary</i>			<i>Secondary</i>		
	<i>Boys</i>	<i>Girls</i>	<i>Total</i>	<i>Boys</i>	<i>Girls</i>	<i>Total</i>
Hearing	476	508	984	61	67	128
Mental	49	51	100	13	9	22
Motor	841	676	1 517	232	109	341
Visual	859	1 104	1 963	243	208	451
<b>Total</b>	<b>2 225</b>	<b>2 339</b>	<b>4 564</b>	<b>549</b>	<b>393</b>	<b>942</b>

*Source:* Directorate General of Studies and Sectoral Statistics/Ministry of Education and Literacy.

114. With regard to reasonable accommodation for individuals and the support required to facilitate the effective education and full integration of persons with disabilities, article 13 of Act No. 012-2010/AN provides that: "Every preschool, primary, post-primary, secondary and university establishment must be physically accessible and adequately equipped to accommodate all categories of pupils and students with disabilities."

115. Pursuant to this provision, the State and its partners have provided for reasonable accommodation in some schools by adapting infrastructure and equipment for that purpose. Such accommodation consisted in the construction of accessible latrines and access ramps with handrails and the provision of adjustable desks, benches and boards for primary, post-primary and secondary schools. Building specifications for new school and university infrastructure require establishments to be provided with such accommodation.

Table 11

**Schools with facilities for children with disabilities, 2015/16**

<i>Education level</i>	<i>State</i>	<i>Private</i>	<i>Total</i>
Primary	311	110	421
Post-primary and secondary	397	384	781
<b>Total</b>	<b>708</b>	<b>494</b>	<b>1 202</b>

*Source:* Directorate General of Studies and Sectoral Statistics/Ministry of Education and Literacy.

## Article 25

### Health

116. The Constitution recognizes health as a fundamental right. It provides that all citizens of Burkina Faso and all persons living in Burkina Faso are equally entitled to the enjoyment of all guaranteed rights and freedoms, without discrimination. Articles 2 and 3 of Act No. 060-2015/CNT of 5 September 2015 on the Universal Health Insurance System provide that the universal health insurance system is open to all persons without distinction as to race or pre-existing health conditions and is grounded in the principles of equality and non-discrimination.

117. Several measures have been introduced to ensure that persons with disabilities have access to health-care services. Article 3 of Act No. 012-2010/AN of 1 April 2010 on the Protection and Promotion of the Rights of Persons with Disabilities provides: “A disability card for persons with disabilities is hereby established and will be issued by the social welfare ministry.”

118. Article 7 of the Act provides: “Every person with a disability who holds a disability card and who is recognized as indigent is entitled to free consultations, treatment, additional examinations, medicines and hospitalization in public health facilities.” Article 7 (2) provides: “Such persons are also entitled to free orthopaedic devices, wheelchairs, tricycles, prostheses, white canes and any other device necessary for prescribed treatment.”

119. Article 8 of Act No. 012-2010/AN provides: “Every person with a disability who holds a disability card and who is not recognized as indigent is entitled to a reduction in the cost of treatment in public health facilities in accordance with the degree of his or her disability. Such persons are also entitled to a reduction in the cost of orthopaedic devices, wheelchairs, tricycles, prostheses, white canes and any other device necessary for prescribed treatment.”

120. Access to health-care services for persons with disabilities is addressed in article 2 of Decree No. 2012-828/PRES/PM/MASSN/MEF/MS/MENA/MESS of 22 October 2012 on the adoption of social measures for persons with disabilities in health and education, which provides:

“Every person with a disability who is recognized as indigent is entitled, upon the presentation of his or her disability card, to:

- Free consultations, treatment, medical examinations and hospitalization in State and municipal health facilities
- Free orthopaedic devices, wheelchairs, basic tricycles, hearing and visual aids, white canes and Braille teaching aids”

121. Article 3 of the Decree provides:

Every person with a disability who is not recognized as indigent is entitled, upon the presentation of his or her disability card, to a reduction of:

- 50 per cent, for persons with a partial disability, or 80 per cent, for persons with a total disability, in the cost of consultations, treatment, medical examinations and hospitalization in State and municipal health facilities
- 50 per cent in the cost of orthopaedic devices, wheelchairs, basic tricycles, hearing and visual aids, white canes and Braille teaching materials

122. The Government also adopted Decree No. 2016-311/PRES/PM/MS/MATDSI/MINEFID of 29 April 2016 on the provision of free health care to pregnant women and children under the age of 5, which includes women and children with disabilities.

123. With regard to the identification and prevention of disabilities, article 103 of the Public Health Code (Act No. 23/94/ADP) provides that: “The prevention of disabilities is a right and an obligation for each citizen and for society as a whole and is an integral component of the obligations of the State in the area of public health and social services.” Several public health measures have been taken in this regard, including:

- Implementation of the National Programme to Combat Noma as of September 2012, under which 8,268 health workers and teachers have received training and 5,026 people have been reached through awareness-raising activities
- Conduct of a national survey on mental disorders among the general population in 2015, which revealed that 41.43 per cent of respondents had at least one of the mental disorders listed in the survey, a related strategic plan for the 2014–2018 period currently under way and the “Mental Health for All” project, which was implemented between 2013 and 2016 in five health districts throughout the country
- Adoption and implementation of the Strategic Plan on Visual Health 2016–2020, the Project for the Management of Morbidity and Disabilities relating to Trachoma and Lymphatic Filariasis, the Regional Project to Combat Trachoma 2012–2016 and the Project to Strengthen the Treatment of Trachomatous Trichiasis 2016–2020

Table 12  
Coverage registered during national poliomyelitis immunization campaigns  
First round of 2016

Region/district	Target population (< 5 years)		Coverage (%)
	0–59 months	Vaccinated	
Boucle du Mouhoun	635 101	638 383	100.5
Cascades	249 432	252 262	101.1
Centre	943 493	969 997	102.8
Centre-Est	609 361	614 659	100.9
Centre-Nord	658 843	668 434	101.5
Centre-Ouest	574 285	581 368	101.2
Centre-Sud	308 750	310 366	100.5
Est	772 726	779 896	100.9
Hauts-Bassins	713 126	715 238	100.3
Nord	554 893	559 772	100.9
Plateau-Central	291 283	292 031	100.3
Sahel	560 765	568 336	101.4
Sud-Ouest	264 874	267 861	101.1
<b>Nationwide</b>	<b>7 136 932</b>	<b>7 218 603</b>	<b>101.1</b>

Source: Ministry of Health, Statistical Yearbook 2016.

Table 13  
**Coverage registered during national poliomyelitis immunization campaigns  
 Second round of 2016**

<i>Region/district</i>	<i>Target population (&lt; 5 years)</i>		<i>Coverage (%)</i>
	<i>0–59 months</i>	<i>Vaccinated</i>	
Boucle du Mouhoun	638 383	640 071	100.3
Cascades	252 262	254 038	100.7
Centre	969 997	978 117	100.8
Centre-Est	614 659	617 124	100.4
Centre-Nord	668 434	674 256	100.9
Centre-Ouest	581 368	584 535	100.5
Centre-Sud	310 366	311 270	100.3
Est	779 896	785 544	100.7
Hauts-Bassins	715 238	714 185	99.9
Nord	559 772	564 190	100.8
Plateau-Central	292 031	292 417	100.1
Sahel	568 336	572 035	100.7
Sud-Ouest	267 861	270 200	100.9
<b>Nationwide</b>	<b>7 218 603</b>	<b>7 257 982</b>	<b>100.5</b>

*Source:* Ministry of Health, Statistical Yearbook 2016.

124. With regard to the physical accessibility of health facilities, article 34 of the Town Planning and Construction Code provides that: “The architectural layout of residential buildings, workplaces, public buildings, schools and health facilities must ensure that they are accessible to persons with disabilities.”

125. Articles 3 to 8 of Act No. 030-2008/AN on Combating HIV/AIDS and Protecting the Rights of Persons living with HIV/AIDS provide that ministerial departments, local authorities, associations and the media have an obligation to raise awareness of and disseminate information regarding HIV/AIDS prevention among the general public.

## **Article 26**

### **Habilitation and rehabilitation**

126. Due account was taken of the World Health Organization guidelines on community-based rehabilitation during the preparation of the National Strategy for the Protection and Advancement of Persons with Disabilities. Community-based rehabilitation pilot projects are being implemented in 5 of the country’s 13 regions, namely Centre-Est, Centre-Sud, Sud-Ouest, Boucle du Mouhoun and Centre-Nord.

127. With regard to habilitation and rehabilitation services, there are 43 rehabilitation centres, including 1 national benchmark centre, the National Orthopaedic Fitting Centre, most of which offer physiotherapy or assistive devices, or both. Most of these centres have the necessary materials and equipment to carry out medical rehabilitation.

128. With regard to initial training, a project to establish a training course for physiotherapists is under way. Currently, physiotherapists and prosthetists and orthotists are trained abroad. As part of the Health Professional Training Project, a training programme for 20 physiotherapists, 5 doctors specializing in physical medicine and rehabilitation and 5 orthotists is currently under way. Modules on physiotherapy are taught as part of the training programme for medical and paramedical staff. In-service training sessions are organized for rehabilitation specialists in Burkina Faso and abroad through the Physical Medicine and Rehabilitation Capacity-building Support Programme.

129. The State carries out prevention activities in collaboration with organizations of persons with disabilities using informational, educational and communicational materials on habilitation and rehabilitation. These activities have led to an increase in public awareness of the availability of rehabilitation services.

## Article 27 Work and employment

130. Article 19 of the Constitution provides that: “The right to work is hereby recognized as an equal right for all.” Discrimination in access to employment on the basis of disability is thus prohibited.

131. Article 30 of Act No. 012-2010/AN of 1 April 2010 on the Protection and Promotion of the Rights of Persons with Disabilities provides: “Every person with a disability has the right to hold a post in the public or private sector, if he or she has the necessary skills for job. If this condition is met, disability may not constitute a ground for discrimination or the rejection of an application.” According to article 4 of the Labour Code: “Any discrimination in relation to employment or occupation is prohibited.” Article 16 of the General Civil Service Regulations provides: “Access to the civil service is open, on equal terms and without distinction, to all citizens of Burkina Faso who meet the requirements for the post to which they choose to apply.”

132. With regard to vocational training, Decree No. 2010-808/PRES/PM/MTSS/MJE of 31 December 2010 on the conditions applicable to vocational training guarantees equal treatment in respect of access to initial and continuing vocational training. Article 11 of the Decree provides that every person of working age is entitled to undertake skills training in a training centre or in the workshop of a public or private company, while article 13 provides that equality is one of the key principles of vocational training.

133. In its efforts to promote vocational training and entrepreneurship to encourage the establishment of cooperatives and new businesses, Burkina Faso has taken measures that take due account of persons with disabilities and their organizations. These measures include:

- At the technical level, the establishment of the National Employment Agency, the Ouagadougou Vocational Training Centre, the Ziniaré Model Professional Training Centre, the Ouagadougou Vocational Training and Assessment Centre/Business Incubator Centre, the Bobo-Dioulasso Industrial Vocational Training Centre, and the public-private partnership National Volunteer Work Programme.
- At the financial level, there are various funds and programmes, including the Informal Sector Support Fund, the Employment Promotion Support Fund, the Support Fund for Youth Initiatives, the Vocational Training and Apprenticeship Support Fund, and the Fund to Support Income-generating Activities for Women. Persons with disabilities benefit from specific measures under these funds, including a reduced lending interest rate, which varies between 0 and 4 per cent<sup>5</sup> depending on the institution. By way of example, the Informal Sector Support Fund provided support to 57 persons with disabilities between 2015 and 2017, as shown in the table below.

Table 14

### Financial support provided to persons with disabilities by the Informal Sector Support Fund

No.	Year	Number of beneficiaries			Amount in CFAF	No. of jobs supported
		Men	Women	Total		
1	2015	9	7	16	8 350 000	32
2	2016	13	7	20	11 100 000	46

<sup>5</sup> Interest on loans usually charged by banks and funds varies between 7 to 11 per cent.

No.	Year	Number of beneficiaries			Amount in CFAF	No. of jobs
3	2017	13	8	21	13 850 000	44
<b>Total</b>		<b>35</b>	<b>22</b>	<b>57</b>	<b>33 300 000</b>	<b>122</b>

*Source:* Permanent secretariat of the National Multisectoral Council for the Protection and Promotion of the Rights of Persons with Disabilities.

134. The programmes established include the Special Job Creation Programme for Young People and Women and the Youth Employment and Capacity Development Programme. The table below contains details of the financial support provided by the various national funds.

Table 14

**Financial support provided to persons with disabilities by national funds**

Fund	Amount in CFAF
Support Fund for Youth Initiatives	12 000 000 (2009–2016)
Informal Sector Support Fund	19 450 000 (2015–2016)
National Solidarity Fund	59 775 405 (2015–2017)

*Source:* Permanent secretariat of the National Multisectoral Council for the Protection and Promotion of the Rights of Persons with Disabilities.

135. The National Support Fund for Retired and Redundant Workers was set up by the State pursuant to Decree No. 2008-049/PRES/PM/MEF/MTSS of 6 February 2008. This fund is non-discriminatory and is intended to facilitate the return to work of its beneficiaries.

136. Furthermore, the National Economic and Social Development Plan 2016–2020, whose vision is to make Burkina Faso a more democratic and united nation by transforming the structure of the economy and ensuring strong and inclusive growth through sustainable consumption and production, takes due account of the need to protect and promote the interests of persons with disabilities. By way of illustration, the employment rate of persons with disabilities, which stood at 2.2 per cent in 2015, is expected to rise to 50 per cent by 2020. The key steps taken towards achieving this objective are the introduction of a special recruitment scheme within the civil service and the provision of support for the economic empowerment of persons with disabilities.

137. Psychological harassment is prohibited in Burkina Faso. This prohibition applies in respect of all persons, including persons with disabilities. The relevant provisions are set forth in articles 37 and 38 of the Labour Code.

138. In addition to the Labour Code, further positive and effective measures have been taken to prevent the harassment of persons with disabilities in the workplace, including the adoption of:

- Codes of ethics and professional conduct
- Internal regulations
- Staff regulations

139. Article 21 of the Constitution protects freedom of association. Article 34 of Act No. 060/AN of 20 October 2015 on Freedom of Association provides that trade unions may be formed freely and without prior authorization. Persons with disabilities are thus free to organize or join a trade union to defend their interests. According to a multisectoral survey, there were more than 350 associations for the rights of persons with disabilities in 2008.

140. Article 27 of the Interprofessional Collective Agreement of 1974 provides that in the event of an occupational accident, if the victim is not fit to return to his or her original post, the employer must reassign him or her to another post, in consultation with staff representatives. This reassignment must not have a negative impact on the professional situation of the person concerned.

141. With regard to social protection, any person who works in the formal or informal sector may enrol in the National Social Security Fund and make periodic contributions towards a retirement pension, a family allowance or an occupational hazard allowance. Article 40 of the Labour Code provides: “Persons with disabilities who cannot be employed under usual working conditions are entitled to suitable employment or, where appropriate, employment in sheltered workshops. The conditions under which employers are required to reserve certain posts for person with disabilities will be set forth by decree of the Council of Ministers in consultation with the Labour Advisory Commission.”

142. Legal safeguards are set out in article 36 of Act No. 012-2010/AN of 1 April 2010 on the Protection and Promotion of the Rights of Persons with Disabilities, which provides that persons with disabilities may not be dismissed from public or private employment on the ground of their disability. In addition, article 71 of the Labour Code classifies any dismissal based on discrimination, including discrimination on the basis of disability, as unfair.

143. The measures taken to ensure that persons with disabilities who have technical and vocational skills are empowered with the support needed for their entry into the labour market include:

- Financing and lower interest rates for persons with disabilities; the applicable interest rate is 4 per cent for credit provided under the Informal Sector Support Fund and 2 per cent for credit provided under the Support Fund for Youth Initiatives
- Extra time and interpretation during examinations
- Provision of starter kits to young professionals
- Granting of credit to support job creation and the continued training of beneficiaries

144. These measures are provided for under Act No. 012-2010/AN of 1 April 2010. Article 31 provides that persons with disabilities who are called upon to sit tests or direct competitive examinations must be given extra time and special equipment, in accordance with the nature of their disability and the examination. Article 34 provides that public and private enterprises must reserve a percentage of posts for persons with disabilities, in accordance with the legislation currently in force. In this regard, article 10 of Decree No. 829 on the adoption of special measures in the area of vocational training, employment and transport for persons with disabilities provides: “A quota of 10 per cent of posts in the civil service and in public State entities must be reserved for persons with disabilities who are appropriately qualified, in accordance with the relevant labour legislation.” Article 8 of Decree No. 2009-5030/PRES/PM/MTSS/MASSN/MS of 17 July 2009 laying down the terms and conditions of employment and training of persons with disabilities provides: “Any enterprise that has at least 50 employees on salary must reserve at least 5 per cent of its posts for persons with disabilities who hold a disability card issued according to the regulations in force.”

## **Article 28**

### **Adequate standard of living and social protection**

145. The Constitution recognizes the right to an adequate standard of living and social protection for everyone living in Burkina Faso without distinction.

146. Several instruments have been adopted to give effect to these rights. The National Water Policy, for example, in accordance with the principles of equity and subsidiarity, promotes equitable access to water for all persons in Burkina Faso, including persons with disabilities, at appropriate geographical scales. The implementation of this policy has increased the coverage of access to drinking water, which rose from 58.5 per cent in 2011 to 65 per cent in 2015 in rural areas and from 80 per cent in 2011 to 89.9 per cent in 2015 in urban areas.

147. Disability cards are issued to ensure that persons with disabilities enjoy social protection in the areas of health, education, employment, vocational training and transport. Article 44 of the Act on the Protection and Promotion of the Rights of Persons with Disabilities provides: “Every person with a disability who holds a disability card is entitled to enjoy priority access to support and assistance from the social services.”

148. Article 7 of the Act provides: “Every person with a disability who holds a disability card and who is recognized as indigent is entitled to free treatment, additional examinations, medicines and hospitalization in public health facilities. Such persons are also entitled to free orthopaedic devices, wheelchairs, tricycles, prostheses, white canes and any other device necessary for prescribed treatment.” Under article 8, persons with disabilities who have not been recognized as indigent are entitled to a reduction in the cost of treatment and assistive devices. In 2013, 18,450 persons with disabilities received health care within the framework of social measures.

149. To facilitate the importation of special equipment for persons with disabilities, article 51 of the above-mentioned Act provides: “All imports of special equipment for persons with disabilities for use in the areas of health, education, transport, communication, culture, sports, leisure and crafts are exempt from tax or customs duties, or both.”

150. The National Social Protection Policy was adopted in September 2012 to bring about a qualitative change in the living conditions of all persons at all levels of society. Achieving this objective requires the development of adequate and sustainable mechanisms for the prevention and coverage of major risks, the management of shocks and the extension of social insurance to all categories of workers, as well as a broadening of the range of benefits available with a view to covering all forms of social risk.

151. The National Social Protection Policy was put into effect through the Project to Strengthen Social Protection, phase one of which was implemented in 2013. Phase two of this project was implemented in 2014. The continued need to improve the living conditions of persons with disabilities led to the continuation of the project in 2016 and 2017.

152. Access to housing for persons with disabilities is governed by article 23 of Act No. 012-2010/AN of 1 April 2010, which provides: “Social housing programmes must take due account of persons with disabilities. All housing estate programmes must give priority to eligible persons with disabilities.”

153. Retirement benefits are regulated through a system set up by the State that comprises the National Social Security Fund and the Autonomous Pension Fund for Civil Servants. Retirement benefits are available to persons with disabilities through the National Social Security Fund if they work in the private sector or through the Autonomous Pension Fund for Civil Servants if they work in the public sector.

## **Article 29**

### **Participation in political and public life**

154. Article 12 of the Constitution provides: “All citizens of Burkina Faso, without distinction of any kind, have the right to participate in the conduct of public and social affairs. They are thus entitled to vote and to be elected in accordance with the conditions prescribed by law.”

155. Building on the provisions of the Constitution, article 40 of Act No. 012-2010/AN of 1 April 2010 provides: “All persons with disabilities enjoy the same civil and political rights as others and may exercise them on an equal basis in accordance with the legislation in force relating to legal capacity.”

156. Act No. 014-2001/AN of 3 July 2001 on the Electoral Code and subsequent amending provisions sets forth procedures for assisting persons with disabilities in the exercise of their right to vote.

157. In order to provide a legal basis for the assistance of persons with disabilities by third persons, the legislature of Burkina Faso has established in article 91 of the Electoral Code that: “Any voter with an illness or a physical disability that prevents him or her from expressing his or her choice or from casting his or her ballot into the ballot box is entitled to be assisted by a voter of his or her choosing or by an official of the polling station.”

158. Legislative measures have been taken to ensure the full accessibility of voting procedures, facilities and materials. Article 41 of Act No. 012-2010/AN of 1 April 2010 provides that: “Electoral procedures, equipment and material must be appropriate and accessible to persons with disabilities.”



159. In addition, indicators and data collection tools that track the participation of persons with disabilities in political and public life have been developed. They include the following indicators:

- Number of persons with disabilities who are registered on the electoral roll
- Number of persons with disabilities who are candidates in elections
- Number of persons with disabilities who hold elective positions
- Number of polling stations that are accessible to persons with disabilities

160. Act No. 064-2015/CNT of 20 October 2015 on Freedom of Association provides for the establishment of human rights organizations. In this context, organizations for the protection and promotion of the rights of persons with disabilities have been set up. The Government of Burkina Faso, through the ministry responsible for disability-related affairs, provides grants and technical assistance to organizations of persons with disabilities. In 2017, financial resources were granted to support the income-generating activities and functioning of organizations of persons with disabilities. The following table gives details of the financial support provided by the National Solidarity Fund.

Table 16  
**Financial resources granted by the National Solidarity Fund to organizations of persons with disabilities**

<i>Type of support</i>	<i>No. of beneficiaries</i>	<i>Amount in CFAF</i>
Income-generating activities in support of persons with disabilities	7	809 000
Grants awarded to associations of persons with disabilities	20	8 407 220
Grants awarded to charities and entities that care for and support persons with disabilities	18	6 026 000
<b>Total</b>		<b>15 242 220</b>

*Source:* National Solidarity Fund.

161. Through social measures taken as part of the Project to Strengthen Social Protection in 2013 and 2014, 100 associations that together provide comprehensive care to 1,200 children with disabilities received grants totalling approximately CFAF 720,000,000.

### **Article 30** **Participation in cultural life, recreation, leisure and sport**

162. The participation of persons with disabilities in cultural life, recreation, leisure and sport is addressed in article 37 of Act No. 012-2010/AN of 1 April 2010, which provides that: “Persons with disabilities must be taken into account in all policies on sports, leisure, arts and culture.”

163. To ensure that cultural, recreational, tourist and sports facilities are accessible to persons with disabilities, article 38 of Act No. 012-2010/AN of 1 April provides that: “Sports grounds and recreational and cultural facilities must be accessible to and/or adapted to the needs of persons with disabilities. Persons with disabilities who hold a disability card pay discounted entry fees.”

164. To facilitate access to cultural products for persons with disabilities, Burkina Faso ratified the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled administered by the World Intellectual Property Organization. The main goal of this treaty is to establish a set of mandatory limitations and exceptions for the benefit of persons who are blind, visually impaired or otherwise print disabled.

165. To promote access to cultural activities for persons who are hard of hearing, the Government of Burkina Faso has emphasized inclusive education in its schools policy. This

policy has led to an increase in knowledge of sign language and in the number of sign-language users, all of which helps to reduce communication barriers and facilitate access to cultural and artistic events. Furthermore, persons who are hard of hearing participate in national culture week, which is celebrated every two years. The Young Deaf Students Performance Troupe of the Faso Institute for Deaf Children regularly takes part in the festivities and even won the National Assembly Prize and third prize in the youth category of the performing arts competition in 2014.

166. Article 37 of Act No. 012-2010/AN provides for measures to support the participation of persons in sports activities. The Government, through the ministry responsible for sports, participates in and encourages the practice of sporting activities at the national and international levels. At the national level, grants have been allocated to the Fédération de sports pour personnes handicapées (Federation of Sports for Persons with Disabilities). At the international level, athletes with disabilities receive support in obtaining administrative travel documents and in participating in competitions such as global summer games, global winter games, the Games of La Francophonie and the Paralympic Games.

## **V. Special situation of children and women with disabilities**

### **Article 6**

#### **Women with disabilities**

167. Women with disabilities enjoy and exercise the fundamental rights enshrined in the Constitution on an equal footing with other citizens. The human rights of women with disabilities are addressed in a number of legal texts, including Act No. 012-2010/AN of 1 April 2010. The legal provisions relating to women with disabilities were reinforced through the adoption of the National Gender Policy, whose main purpose is to address gender-based inequalities.

168. The various development plans, policies, programmes and legislative texts concerning women and girls take due account of women and girls with disabilities. They enjoy the same rights as women without disabilities. Several measures that support women with disabilities have been taken, including:

- Adoption of Act No. 061-2015/CNT of 6 September 2015 on the Prevention and Punishment of Violence against Women and Girls and on Reparations and Support for Victims
- Adoption of the National Strategy for the Protection and Promotion of the Rights of Young Girls 2017–2020
- Adoption of the National Strategy for the Acceleration of Girls' Education 2015–2021
- Launch by the Government of the Integrated Programme for Women's Empowerment through the Directorate-General for Women's Economic Empowerment
- Granting of interest-free loans to women with disabilities
- Participation of the National Union of Associations of Women with Disabilities in the National Multisectoral Council for the Protection and Promotion of the Rights of Persons with Disabilities

### **Article 7**

#### **Children with disabilities**

169. In Burkina Faso, children with disabilities enjoy their rights on an equal footing with other children. Having ratified the Convention on the Rights of the Child, Burkina Faso adheres to the principles of non-discrimination, the best interests of the child, equality, participation, inclusion and fairness. The laws of Burkina Faso reaffirm the principles of non-discrimination and equality. For example, the Personal and Family Code provides for

equality between children in Burkina Faso. Article 236 of the Code provides that: “Children enjoy equal rights without exception, distinction or discrimination on the basis of their filiation.”

170. With regard to freedom of expression, children with disabilities are entitled to express their opinions freely on all matters concerning them to the extent of their mental capabilities. The right to freedom of expression is enshrined in the legislative and regulatory instruments of Burkina Faso, which provide that children have the right to express their opinions freely and that those opinions must be taken into account as far as possible in any proceedings affecting them.

171. A children’s parliament with representation at the provincial and regional levels was established in 1997 on the occasion of the Day of the African Child. The parliament provides a framework within which the children of Burkina Faso, including children with disabilities, can express their opinions. The Day of the African Child and the International Day of Persons with Disabilities, which are celebrated on 16 June and 3 December every year, are special occasions on which children with disabilities are encouraged to exercise their rights.

## **VI. Specific obligations**

### **Article 31 Statistics and data collection**

172. The Government has taken a number of measures to compile disaggregated information on persons with disabilities. Information on disabilities was gathered in the 2006 general population and housing census, the 2013 general census of children with disabilities, the 2008 multisectoral survey and the 2014 continuous multisectoral survey, and a database on persons with disabilities was set up in 2016.

173. In December 2015, an advocacy workshop was held on the need to cover an adequate number of types of disability in censuses. In July 2017, as part of its efforts to conduct an inclusive census that includes the Washington Group short set of questions on disability, the permanent secretariat of the National Multisectoral Council for the Protection and Promotion of the Rights of Persons with Disabilities organized a training workshop for 30 key stakeholders from the National Institute of Statistics and Demography with technical and financial support from its partners.

174. The results of censuses and thematic surveys on disability are published, providing access to information on the situation of persons with disabilities. The statistical yearbooks of ministerial departments and the various information, education and communication campaigns organized by stakeholders working in the area of disabilities are also a source of information regarding persons with disabilities.

175. The data-collection and research process is participatory and inclusive. Organizations of persons with disabilities took part in the collection, analysis and processing of data for the general census of children with disabilities.

### **Article 32 International cooperation**

176. In order to ensure that people with disabilities are taken into account in the field of international cooperation, frameworks for dialogue between public actors, development partners and organizations of persons with disabilities have been set up. Within the framework of multilateral cooperation, agencies of the United Nations system support the State in the implementation of policies and programmes for persons with disabilities. At the bilateral level, countries friendly to Burkina Faso are developing inclusive policies and services to promote equality and the rights of persons with disabilities. The investments made by member organizations of the informal framework for dialogue between international non-governmental organizations working with and for persons with disabilities, CCI/Handicap, in 2016 are set out in the table below.

Table 17  
Investments made by member organizations of CCI/Handicap

Organization	Humanity and Inclusion	International Service	Organisation Dupont pour le Développement Social	Light for the World	Christoffel-Blindenmission	Sensorial Handicap Cooperation
Amount in CFAF	1 379 166 000	281 477 000	398 875 000	1 346 660 000	1 103 000	125 000 000

*Source:* Permanent secretariat of the National Multisectoral Council for the Protection and Promotion of the Rights of Persons with Disabilities.

177. Details of the financial support provided for the protection of the rights of persons with disabilities by the office of the United Nations Children’s Fund in Burkina Faso are given in the table below.

Table 18  
Support for persons with disabilities provided by the United Nations Children’s Fund

No.	Action	Year	Amount in CFAF
1	Support for the general census of children with disabilities	2013, 2014	205 000 000
2	Support for the provision of comprehensive care to children with disabilities	2016	34 800 361
3	Support for the protection and advancement of persons with disabilities	2017	77 853 050
<b>Total</b>			<b>317 653 411</b>

*Source:* Directorate of Administration and Finance/Ministry of Women’s Affairs, National Solidarity and the Family.

178. To ensure the sound management of funds provided by donors, the State has opened an account called the “Partner Fund” for the department responsible for disability-related affairs. This fund is regularly audited by donors and internal oversight bodies.

179. The following projects and programmes for persons with disabilities are currently under way:

- Project for the Strengthening of Inclusive Education
- Community-based rehabilitation pilot project
- “Bridging the Gap” project, II
- Disability and Social Inclusion Project
- Disability and HIV/AIDS Project
- Physical Medicine and Rehabilitation Capacity-building Programme.

180. The National Economic and Social Development Plan, which is the framework for development in Burkina Faso, is fully aligned with Sustainable Development Goals 4 and 8, precisely “ensure inclusive and equitable quality education and promote lifelong learning opportunities for all” and “promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all”. In the light of these goals, the second main objective of this plan is to improve the indicators relating to the inclusion of persons with disabilities by 2020.

181. With regard to capacity-building, Burkina Faso has established a pool of trainers specializing in disability-related affairs and inclusive development through a partnership with the non-governmental organization Light for the World, as part of a framework agreement with the Austrian Development Agency.

### **Article 33**

#### **National implementation and monitoring**

182. The National Multisectoral Council for the Protection and Promotion of the Rights of Persons with Disabilities was established pursuant to Decree No. 2012-406/PRES/PM/MASSN/MEF/MS of 15 May 2012 to handle matters relating to the implementation of the Convention and coordinate relevant measures in different sectors, at different levels and for different types of disability. It is the national body responsible for monitoring the implementation of the Convention on the Rights of Persons with Disabilities. To this end, it has a permanent secretariat.

183. Each of the thirteen regions of the country is represented in the National Multisectoral Council by three members, namely the Governor of the region, the regional director responsible for disability-related affairs and a representative of the regional coordinating body of organizations of persons with disabilities. These members are the focal points for the National Multisectoral Council at the regional level.

184. A participatory and inclusive approach was taken in the preparation of the initial report of Burkina Faso on the implementation of the Convention on the Rights of Persons with Disabilities. From the outset of the process, persons with disabilities and representatives of their coordinating bodies took part in the development and validation of indicators and tools for collecting data on disabilities. During the preparation phase of the report, an information exchange meeting was held with the coordinating bodies of organizations of persons with disabilities. Persons with disabilities were thus involved in the collection of data from ministerial departments and other State institutions. Gender sensitivity was respected in the selection of the persons with disabilities involved in the preparation of the report. In addition to their participation in the above-mentioned activities, representatives of coordinating bodies of persons with disabilities sat on the technical coordination board for the preparation of the present initial report.

185. During the validation process of the initial report, persons with disabilities, organizations of persons with disabilities, civil society organizations, non-governmental organizations working in the area of disabilities and technical and financial partners contributed at different levels.

186. Disability-related issues are addressed in the action plans of both the department responsible for disability-related affairs and the department for education. Other ministerial departments are also aware of the importance of such issues. The Government drew up the National Strategy for the Protection and Advancement of Persons with Disabilities in 2012 with a view to further integrating disability-related issues into the action plans of its various departments.

187. The activities and programmes of ministerial departments and institutions take due account of persons with disabilities. Such activities and programmes are intended to address the concerns of persons with disabilities through various forms of direct support and the development of a legislative and administrative framework that protects and promotes their rights. The permanent secretariat of the National Multisectoral Council for the Protection and Promotion of the Rights of Persons with Disabilities undertakes advocacy work in respect of certain ministerial departments to ensure that disability-related issues and persons with disabilities are taken into account in their sectoral policies. For example, it has organized thematic advocacy workshops on inclusive education, employment and vocational training, the participation of persons with disabilities in elections and the inclusion of Washington Group tools in the general population and housing census.

188. Every year the Government allocates budgetary funds to the various departments responsible for disability-related affairs for activities related to the implementation and monitoring of the Convention. For example, in 2013 and 2014, the ministry responsible for national solidarity was allocated CFAF 1,883,250,000 and CFAF 747,982,500, respectively, to carry out the Project to Strengthen Social Protection. In 2015, 2016 and 2017, the permanent secretariat of the National Multisectoral Council for the Protection and Promotion of the Rights of Persons with Disabilities received CFAF 25,000,000, CFAF 20,000,000 and CFAF 27,000,000, respectively, for activities related to monitoring the implementation of the Convention.

## Conclusion

189. Since ratifying the Convention, Burkina Faso has been resolutely committed to protecting and promoting the rights of persons with disabilities. The national legal and institutional framework has been strengthened through the adoption of Act No. 012-2010/AN of 1 April 2010 on the Protection and Promotion of the Rights of Persons with Disabilities and the establishment of new institutions, including the National Multisectoral Council for the Protection and Promotion of the Rights of Persons with Disabilities. However, much remains to be done to reinforce the effective implementation of the rights of persons with disabilities.

190. Effectively including the specific needs of persons with disabilities in development projects and programmes and building the capacities and skills of persons with disabilities, their organizations, and ministerial departments are some of the challenges that must be met in order to better protect and promote the rights of persons with disabilities. The political will to rise to these challenges is already evident in the clear definition of relevant indicators in the National Economic and Social Development Plan.

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