



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

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Committee against Torture

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

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* The present document is being issued without formal editing.



1. The present communication concerns the implementation of the priority recommendations made by the Committee against Torture to Burkina Faso following the latter's presentation of its second periodic report under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment on 12 and 13 November 2019. The recommendations are those contained in paragraphs 18 (a), 22 (a) and 26 of the concluding observations adopted by the Committee on 6 December 2019. These recommendations relate to non-State armed groups, detention conditions and the national mechanism for the prevention of torture.

2. With a view to giving effect to these recommendations, the Government of Burkina Faso communicated the concluding observations resulting from the presentation of its second periodic report to those responsible for implementation at the national and regional levels. These include representatives of ministerial departments and institutions, the National Assembly, the judiciary, local authorities and civil society organizations. This communication allowed the priority recommendations to be distributed widely and relevant proposals for their implementation to be collected.

3. The Government has taken steps to implement the priority recommendations. The status of implementation of these recommendations is as follows.

Follow-up information relating to paragraph 18 (a) of the concluding observations (CAT/C/BFA/CO/2)

4. In implementing the National Economic and Social Development Plan – particularly strategic area No. 1, “Reforming institutions and modernizing the administration”, and strategic objective 1.1, “Promoting good administrative and political governance” – the Government has taken a number of measures which, in the short, medium or long term, will enable the defence and security forces to do their job of maintaining security throughout the country. These include:

- Ongoing recruitment to the Internal Security Forces for the purpose of increasing their coverage of the national territory and improving the security officer-to-population ratio
- Appropriate ongoing training for new personnel and those present on the ground in order to better respond to new forms of security threats while upholding human rights
- Building new security infrastructure which meets human rights standards
- Providing the Internal Security Forces with sufficient equipment on a permanent basis to enable them to be operational at all levels
- Ensuring appropriate deployment and a permanent presence of the Internal Security Forces throughout the national territory, especially in high-crime areas, to allow the Government to fully assume its role

5. In total, 9,300 internal security officers were recruited and trained between 2016 and 2020, increasing the security officer-to-population ratio from 1:900 in 2016 to 1:668 in 2020. From 2016 to 2020, 12,350 military personnel were recruited to the national armed forces. In addition, 796 prison guards were trained and assigned to penal institutions.

6. Regarding security infrastructure, 18 police stations and 7 gendarmeries were built between 2018 and 2020. That led to an increase in security service coverage from 65.81 per cent of the territory in 2018 to 69.23 per cent in 2020. For 2021, it is planned to build three more district police stations in Ouagadougou and another in Bobo-Dioulasso.

7. Moreover, a new national security policy is being developed and will help reinforce the sovereign role of the State in securing the territory.

Follow-up information relating to paragraph 22 of the concluding observations

8. On the morning of 15 July 2019, the chief prosecutor at the Ouagadougou *tribunal de grande instance* (court of major jurisdiction) was informed of the deaths of 11 persons suspected of having committed drug-related offences who were being held in custody in a cell at the anti-drug unit of the National Police. On the prosecutor's instructions, an

investigation was immediately opened to determine the causes and circumstances of the deaths.

9. As part of this investigation, submissions were requested from the competent sources. The investigation report produced by the Criminal Investigation Division, the findings and technical examination report of the Forensic Police and the autopsy reports drawn up by forensic physicians have now been submitted to the chief prosecutor's office. Upon reception of these various reports and in accordance with article 85 of Act No. 027/2018/AN on the Status of Officers of the National Police, the chief prosecutor instructed his office to conduct an inquiry.

10. An analysis of the information gathered from the various investigation reports and the chief prosecutor's inquiry allowed the prosecutor to identify sufficient evidence to prosecute nine officers of the police unit on charges of endangering the life of another person, failing to render assistance and manslaughter.

11. Under articles 253-1 and 253-2 of the Code of Criminal Procedure, which provide for a special procedure for the prosecution of offences committed by criminal investigation police in the course of their duties, the chief prosecutor requested the criminal division of the Court of Cassation to designate a court to investigate and try the case.

Follow-up information relating to paragraph 22 (a) of the concluding observations

12. Reducing prison overcrowding was included as one of the objectives of the sectoral policy on justice and human rights, with the aim of providing persons deprived of their liberty in Burkina Faso with adequate material conditions of detention. Several mechanisms have been used to reduce prison overcrowding. These include sentence adjustment measures (semi-custodial treatment, non-custodial placements, sentence enforcement in instalments, suspended sentences, day release, release on parole, presidential pardons), increased numbers of justice personnel to speed up the handling of cases, the use of alternatives to imprisonment, strengthened judicial oversight of pretrial detention and the transfer of prisoners by administrative or judicial decision.

13. By way of example, the number of prisoners in the largest prison in the country, Ouagadougou remand and short-stay prison, has fallen considerably thanks to the application of the law on prisons and the Code of Criminal Procedure, which sets time limits for judges, among many other things. The number of prisoners in this prison fell from 2,364 on 31 December 2018 to 1,929 on 31 December 2019 – a reduction of 435 inmates, or 18.4 per cent of the total number.

14. As part of its measures to prevent and combat coronavirus disease (COVID-19), by decree No. 2020-0252/PRES/PM/MJ of 6 April 2020 on the exceptional remission of sentences, the Government granted total remission of custodial sentences to 1,207 convicted prisoners, of whom 339 were detained in Ouagadougou remand and short-stay prison.

15. Regarding the separation of different categories of prisoners, juveniles are separated from adults and women from men. Measures have been taken to improve detention conditions in accordance with the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules).

16. In addition, health and safety measures in remand and short-stay prisons have been reinforced. Since 2018, health and hygiene committees have been set up in every penal institution. These committees are headed by the prison director and run by specialist staff, namely the health worker, social workers, the prison guard responsible for health and hygiene, a representative of the prison staff and a representative of the prisoners.

17. The role of the health and hygiene committees is to identify situations that pose a risk to hygiene, sanitation and prisoners' health, and to propose solutions. Their members are responsible for holding training and awareness-raising sessions for prisoners on good health and hygiene practices, including clothing and bodily hygiene, food hygiene and healthy living. The aim of these sessions is to help the prisoners protect their own health and that of other prisoners. For this purpose, they have been provided with hygiene equipment and products, such as large bins, wheelbarrows, buckets, mops and bleach.

18. In Burkina Faso, all penal institutions have a supply of drinking water provided by the National Water and Sanitation Bureau. Renovation work on the drinking water installations has been carried out in 10 remand and short-stay prisons. This has helped improve prisoners' access to drinking water.

19. Generally speaking, efforts are being made to improve the material conditions of detention, access to adequate food and health care and decent sanitary conditions. The prison service has a budget allocated to food for the prisoners. This budget is decentralized in the form of funds assigned to each institution. For example, for Ouagadougou remand and short-stay prison, the budget allocated to food increased from 78 million CFA francs (CFAF) in 2018 to CFAF 85 million in 2019, an increase of 8.87 per cent.

20. An order on the upkeep of prisoners has been drafted with a view to improving their food. This text sets out in detail a quantitative and qualitative guide to the meals to be served to prisoners. Special attention is given to vulnerable persons, including women, especially pregnant women. The order also specifies the hygiene items, cooking utensils and bed linen that prisoners must receive on a regular basis.

21. In addition, vulnerable prisoners (those with illnesses or disabilities and older persons) and convalescent prisoners have a diet adapted to their needs.

22. Regarding prisoners' health, the Government has improved the availability of tracer molecules (64.97 per cent) by providing funds for their acquisition in order to respond effectively to prisoners' needs and ensure better treatment for the diseases affecting each institution. The Government also increased the number of health-care staff at four prisons with at least three health workers in 2019. The infirmaries are currently being brought up to standard in order to improve health care in the prison setting with the construction of three new infirmaries in 2019, ensuring the availability of infirmaries with at least four rooms. All these efforts enabled a prisoner health coverage rate of 32.77 per cent to be reached in 2019.

23. Moreover, in 2019 and 2020, the Ministry of Security upgraded the detention facilities in four district police stations of Ouagadougou, taking into account the criteria and standards set out in the Nelson Mandela rules.

24. New district police stations compliant with international rules and standards are currently being built in Ouagadougou. These police stations will have well-ventilated cells with sanitation facilities, including inside toilets and access to drinking water. There will also be a storage space for the personal belongings of the persons being held in custody, a procedure for their registration and deposit, adequate lighting and cells where men and women and adults and juveniles can be held separately.

25. Lastly, a strategic development plan for the prison service and a related action plan were drawn up and then approved on 11 May 2021. One of the objectives of the action plan is to make penal institutions more humane, especially with respect to detention conditions, health, hygiene and food. To achieve this, a "humanization" budget line has been put in place and allocated to the institutions.

Follow-up information relating to paragraph 26 of the concluding observations

26. The Government has met its commitment to operationalize the national mechanism for the prevention of torture. To achieve this, Act No. 002-2021/AN, amending Act No. 001-2016/AN establishing the National Human Rights Commission, was adopted on 30 March 2021. Under article 6 bis of the Act, the National Human Rights Commission acts as the national mechanism for the prevention of torture and related practices. Its responsibilities are to:

- Prevent torture and related practices, taking into account the standards in force at the national, regional, subregional and international levels
- Inspect, with unrestricted access, places of deprivation of liberty and their equipment and facilities
- Regularly examine the treatment of persons deprived of their liberty in places of detention, with a view to affording them, if necessary, greater protection from torture and related practices

- Make recommendations to the relevant authorities, with a view to improving the treatment and situation of persons deprived of their liberty
- Submit proposals to the competent authority concerning existing or draft legislation

27. To this end, the Commission drafts and publishes an annual report on the national mechanism for the prevention of torture and related practices. The Government wishes to assure the Committee against Torture that the process of transferring the mandate of the national preventive mechanism to the Commission was participatory and inclusive and carried out in accordance with the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles).

28. The Commission, which is involved in this process, is planning to review the decree on its organization and operation so that it can put in place a standing subcommission that will assume the mandate of national preventive mechanism. In so doing, the Commission will be guided by the good practices of other national human rights institutions with the mandate of national preventive mechanism.

29. As a reminder, the National Human Rights Commission is an independent public authority with legal personality. It has administrative and financial autonomy and independence of action with respect to the other institutions with which it cooperates. Article 49 of Act No. 001-2016/AN provides that the National Human Rights Commission may seek and receive gifts, bequests and grants from individuals or legal entities, while ensuring its independence is upheld. In this regard, the Commission receives a grant under a partnership agreement. Of course, as the national preventive mechanism, the Commission enjoys guaranteed financial and operational independence.

30. In addition, since 2019, the State has provided the Commission with overall annual funding that it may allocate according to its annual workplan. The Commission received CFAF 62 million in 2019 and 162 million CFA francs in 2020. It participates in the process of setting its budget, both at the executive level (Ministry of Finance) and in the National Assembly. Its involvement in this exercise helped it achieve an increase from CFAF 212 million in the initial budget forecast to CFAF 592 million in the budget law. Following the adoption of this law by the National Assembly on 19 October 2020, the budget allocated to the Commission for 2021 is therefore CFAF 592 million. This steady increase in the Commission's budget will allow it to allocate the financial resources needed to ensure the proper functioning of the national preventive mechanism.

31. Efforts have also been made to provide the Commission with qualified staff. It has nine commissioners and 24 administrative staff members with various profiles (including human rights advisers and officers, secretaries, financial service administrators and security guards). In total, as at 31 December 2021, the Commission had 33 staff members.
