



International Covenant on Civil and Political Rights

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Human Rights Committee

List of issues prior to submission of the second periodic report of Burkina Faso*

A. General information on the national human rights situation, including new measures and developments relating to the implementation of the Covenant

1. Please report on any significant developments in the legal and institutional framework within which human rights are promoted and protected that have taken place since the adoption of the Committee's previous concluding observations (CCPR/C/BFA/CO/1).

B. Specific information on the implementation of articles 1–27 of the Covenant, including with regard to the previous recommendations of the Committee

Constitutional and legal framework within which the Covenant is implemented (art. 2)

2. With reference to the Committee's previous concluding observations (paras. 5–6) and article 151 of the Constitution, please provide information on the measures taken to fully incorporate the provisions of the Covenant into the State party's legal system.¹ Please provide examples, where possible, of cases in which the domestic courts have applied the provisions of the Covenant or used them as an aid to interpret domestic law. Please describe the steps taken to disseminate information on the Covenant and the first Optional Protocol thereto to the public and to judges, prosecutors, lawyers and other law enforcement officers. Please provide information about the status of the bill to amend the Constitution. Please also provide information about the procedures in place for the implementation of the Committee's Views under the Optional Protocol to the Covenant and the measures taken to ensure full compliance with the Committee's Views in *Sankara et al. v. Burkina Faso* (CCPR/C/86/D/1159/2003), including the official recognition of Thomas Sankara's place of burial.

3. Bearing in mind the Committee's previous concluding observations (paras. 7–8), please indicate what measures have been taken to ensure that the National Human Rights Commission complies with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles). Please describe the Commission's activities in the area of civil and political rights and its achievements since

* Adopted by the Committee at its 129th session (29 June–24 July 2020).

¹ Unless otherwise indicated, paragraph numbers in parentheses refer to the previous concluding observations adopted by the Committee.



its establishment. Please provide statistics, including on the number and type of complaints received by the Commission and on the action taken, if any, on the complaints of violations of civil and political rights referred to it. Please indicate whether the Commission intends to request accreditation from the Global Alliance of National Human Rights Institutions.

Investigations into past human rights violations (arts. 2, 6, 7, 9, 14, 19, 21 and 26)

4. In the light of the Committee's previous concluding observations (paras. 9–10), please indicate what measures have been taken to guarantee the effective operation and independence of the High Council for Reconciliation and National Unity and the two commissions of inquiry established to get to the bottom of the crimes and serious human rights violations committed since 1960 and during the events of 2014 and 2015 and to ensure accountability for these crimes and violations. Please provide information on the progress made in the investigations into cases of human rights violations documented by these mechanisms, including those related to the murders of Thomas Sankara and Norbert Zongo. Please indicate what measures have been taken to ensure that all the alleged perpetrators, including military and civilian superiors, are prosecuted and, if found guilty, are given sentences commensurate with the seriousness of their acts, and that all victims are provided with adequate compensation, restitution and rehabilitation. Please also provide information about the measures taken to implement the decisions of the African Court on Human and Peoples' Rights (the judgment on merits and the ruling on reparations) in the case of *Beneficiaries of Late Norbert Zongo, Abdoulaye Nikiema alias Ablasse, Ernest Zongo and Blaise Ilboudo & Burkinabè Human and Peoples' Rights Movement v. Burkina Faso*.²

Combating corruption (arts. 2, 14, 25 and 26)

5. Please provide information on the concrete measures taken to combat corruption and illicit financial flows, including any investigations and prosecutions and their outcomes. Please provide information on the activities of the State Oversight and Anti-Corruption Authority. Please describe the efforts made to raise awareness among politicians, members of parliament and public servants of the economic and social costs of corruption and among judges, prosecutors and law enforcement officials of the need for strict application of the law.

State of emergency and counter-terrorism measures (arts. 2, 4, 6, 7, 9, 10, 12, 14 and 19)

6. In view of the public health emergency declared in March 2019 in the context of the coronavirus disease (COVID-19) pandemic, please specify any Covenant rights that were suspended during the emergency and the measures taken to ensure that such suspensions were in line with article 4 of the Covenant. Please state whether the State party intends to officially notify the Secretary-General of the United Nations of the derogations adopted and the grounds on which they are based. Please also indicate what measures have been taken to ensure that the regulations on the application of the state of emergency that is in effect in 14 of the country's provinces and the provisions of the counter-terrorism law are compatible with the State party's obligations under the Covenant and safeguard the human rights of suspects, detainees and their families. Specifically, please clarify whether derogations from non-derogable provisions of the Covenant are expressly prohibited during a state of emergency. Please comment on allegations that persons suspected or accused of terrorist activities have been subjected to extrajudicial executions, torture and ill-treatment, abductions and arbitrary arrests and detentions on the part of defence and security forces and vigilante groups. Please indicate what measures have been taken to make sure that all allegations are promptly, impartially and effectively investigated and that the perpetrators are prosecuted and, if found guilty, duly punished. Please also respond to allegations that the measures taken as part of the state of emergency have a disproportionate impact on

² African Court on Human and Peoples' Rights, *Beneficiaries of Late Norbert Zongo, Abdoulaye Nikiema alias Ablasse, Ernest Zongo and Blaise Ilboudo & Burkinabè Human and Peoples' Rights Movement v. Burkina Faso*, application No. 013/2011, judgment on merits of 28 March 2014 and ruling on reparations of 5 June 2015.

freedom of expression, freedom of movement and the right to privacy and confidentiality of communications and indicate whether these measures are subject to judicial oversight.

Non-discrimination (arts. 2, 7, 24, 25 and 26)

7. Please indicate whether the State party is planning to adopt comprehensive legislation that: (a) clearly defines and criminalizes direct and indirect discrimination in both public and private settings; (b) contains a list of the grounds of discrimination provided by article 2 of the Covenant, including sexual orientation, gender identity and disability; and (c) provides victims with effective remedies against all forms of discrimination, including multiple discrimination. In the light of the Committee's previous concluding observations (paras. 13–14), please provide information on the measures taken to prevent and combat acts of discrimination, stigmatization and violence against: (a) persons with disabilities; (b) persons with albinism; (c) persons living with HIV/AIDS; (d) children born out of wedlock; and (e) persons belonging to ethnic or religious minorities. Please also provide information on the efforts undertaken to combat discrimination and social stigmatization based on sexual orientation or gender identity and indicate whether the State party plans to amend its legislation to criminalize all forms of incitement to hatred and violence against the persons affected.

Equality between men and women (arts. 2, 3, 23, 25 and 26)

8. Bearing in mind the Committee's previous concluding observations (paras. 11–12 and 15–16), please indicate whether the State party intends to amend Act No. 003-2020/AN of 22 January 2020, by which quotas and requirements for the placement of men and women on lists of candidates for legislative and municipal elections in Burkina Faso have been established, with a view to increasing the representation of both sexes on electoral lists from 30 to 50 per cent, and to reject any list that does not fulfil the quotas. Please indicate any additional measure aimed at increasing the representation of women in public life, including in decision-making positions in the Government and the diplomatic service, and in the private sector, particularly in leadership positions. Please also describe the measures taken to ensure the effective application of the legal provisions guaranteeing gender equality in inheritance and access to land.

Violence against women and harmful practices (arts. 2, 3, 6, 7, 8 and 26)

9. In the light of the Committee's previous concluding observations (paras. 17–18), please provide information on the measures taken to amend 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, so as to make any act of marital rape a punishable offence and provide for penalties that are commensurate with the seriousness of the act. Please indicate what measures have been taken to combat the relative impunity enjoyed by the perpetrators of violence against women. Please also provide information about the measures taken to increase the number of shelters, especially in rural areas, and improve the support mechanisms for victims and for their children, where applicable. Please provide recent statistics on: (a) the number of complaints filed concerning the various forms of violence against women; (b) the investigations into and prosecutions of those complaints; (c) the sentences handed down; and (d) measures for the protection, compensation and rehabilitation of victims.

10. In view of the Committee's previous concluding observations (paras. 15–16), please indicate what measures have been taken to amend the Personal and Family Code in order to: (a) harmonize the minimum legal age of marriage at 18 years for both men and women, without exception, and make the Code applicable to all forms of marital union, including traditional or religious marriages; and (b) reduce polygamy with a view to its abolition. Please also specify the measures aimed at overcoming resistance to the introduction of such a bill, particularly among traditional and religious leaders. Please provide up-to-date information on the practice of female genital mutilation in the State party and on the measures taken to ensure that articles 380 to 382 of the Criminal Code, which prohibit the practice, are strictly enforced. Please indicate what measures have been taken to reinforce public awareness-raising efforts, including among religious and customary leaders, and to

develop new intervention strategies to eradicate the practice. Please describe the measures taken to combat social exclusion and violence against women accused of witchcraft.

Right to life (arts. 3, 6, 7 and 14)

11. With reference to the Committee's previous concluding observations (paras. 19–20), please specify whether the State party intends to eliminate the procedural barriers impeding access to legal abortion in cases of rape and incest. Please describe the measures taken to combat the stigmatization of women and girls who have an abortion. Please indicate the estimated number of backstreet abortions per year and the number of women convicted of having voluntarily ended their pregnancies and the sentences handed down. Please also provide information on the measures taken to guarantee the availability and accessibility of sexual and reproductive health information and services and affordable contraception, including emergency contraception, throughout the State party.

12. In view of the abolition of the death penalty under the new Criminal Code, please provide information on the number of persons remaining on death row and their detention conditions. Please indicate the number of persons sentenced to death who have had their sentences commuted. Please also specify whether the State party intends to ratify the Second Optional Protocol to the Covenant, aiming at the abolition of the death penalty.

13. Bearing in mind the Committee's previous concluding observations (paras. 23–24), please provide information on the steps taken to continue reinforcing the presence of defence and security forces throughout the country and avoid delegating the exclusive sovereign prerogatives of the State to vigilante groups, including the Koglwego, by encouraging them to perform law enforcement tasks. Please indicate what steps have been taken to continue conducting investigations into all allegations of human rights violations involving vigilante groups, prosecuting the alleged perpetrators and imposing appropriate penalties on those found guilty, while providing redress to the victims. Please provide statistics on the number of investigations conducted, prosecutions initiated and sentences given to members of vigilante groups responsible for human rights violations.

Prohibition of torture and cruel, inhuman or degrading treatment or punishment, excessive use of force by public officials, and treatment of persons deprived of their liberty (arts. 6, 7, 10 and 14)

14. In view of the Committee's previous concluding observations (paras. 27–28), please specify the steps taken to ensure in practice that confessions obtained under duress or torture are inadmissible as evidence before the courts. Please indicate whether appropriate measures have been taken to make the National Observatory for the Prevention of Torture and Related Practices operational. Please also indicate the number of complaints lodged for acts of torture or ill-treatment and provide information on the disciplinary proceedings and investigations conducted, prosecutions initiated and sentences and penalties imposed, and on the measures taken to provide compensation and rehabilitation to victims.

15. In the light of the Committee's previous concluding observations (paras. 25–26), please indicate what steps have been taken to finalize the investigations into human rights violations committed by law enforcement officials, members of the armed forces and prison guards during the social and political unrest of 2014 and 2015, in particular the excessive use of force that resulted in bodily injuries and deaths and restrictions on the right to peaceful assembly. Please indicate what measures have been taken to make sure that all allegations of abuses, torture, ill-treatment and the excessive use of force during counter-terrorism operations by both defence and security forces and vigilante groups result in thorough and effective investigations and that the alleged perpetrators are prosecuted and, if found guilty, given sentences commensurate with the seriousness of their acts. Please provide information about the legal standards governing the legitimate use of force, including lethal force, and of firearms by law enforcement officials.

16. Bearing in mind the Committee's previous concluding observations (paras. 33–34), please indicate what measures have been taken to improve detention conditions and the treatment of prisoners, in accordance with the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules). Please provide information about

the efforts made to reduce prison overcrowding, including the use of existing alternatives to detention, particularly to pretrial detention. Please indicate what measures have been taken to establish independent, effective, confidential and accessible complaints mechanisms in all places of detention. Please provide information on the number of deaths in custody, the investigations conducted, the prosecutions initiated and the sentences and penalties imposed on persons responsible for such deaths and the preventive measures adopted to prevent them from occurring. Please indicate what measures have been taken to speed up the process of establishing a national torture prevention mechanism.

Liberty and security of person, legality of detention and administration of justice (arts. 9, 10 and 14)

17. With reference to the Committee's previous concluding observations (paras. 29–30), please indicate whether the State party is considering including, in the new Code of Criminal Procedure, the right to have medical examinations without conditions and in complete confidence, carried out by qualified medical personnel promptly upon arrival at a police station, detention centre or prison, and to have access to an independent physician or a physician of one's choosing on request. Please provide information about the measures envisaged to reduce the maximum duration of police custody without judicial review to 48 hours, including in cases related to terrorism or organized crime, making sure that this period is renewed only in exceptional circumstances that have been duly demonstrated and respects the principles of necessity and proportionality. Please describe the measures taken to ensure that persons taken into custody are afforded in practice the fundamental legal safeguards provided by the law, regardless of the reason for the detention.

18. In view of the Committee's previous concluding observations (paras. 31–32), please provide information about the implementation of the National Pact for Justice Reform and of the national justice policy for the period 2010–2019 and the results achieved. Please describe the measures taken to build the capacity of the justice system, guarantee its independence, ensure that its decisions are enforced, combat political influence and corruption, guarantee access to justice for all, make up for the lack of resources, personnel and proper training and reduce the average time taken to process a case. Please describe the procedures and criteria in place for the selection, appointment and career development of judges and prosecutors and for bringing disciplinary action against them, such as suspension or dismissal. Please specify the nature of the offences for which civilians may be tried before military courts and describe the measures taken or envisaged to eliminate this practice.

Trafficking in persons and child labour (arts. 8 and 24)

19. In the light of the Committee's previous concluding observations (paras. 35–36), please provide statistical data disaggregated by sex, age group and country of origin of the victims on the extent of trafficking in persons in the State party, including for purposes of economic and sexual exploitation. Please indicate what measures are envisaged to develop and implement a national strategy to combat trafficking in persons that provides for capacity-building programmes for law enforcement officials on the early identification of victims and their referral to appropriate support and reintegration services. Please provide information on the efforts undertaken to ensure the effective enforcement of Act No. 029-2008/AN of 15 May 2008 on the Combating of Trafficking in Persons and Related Practices and the relevant provisions of the Criminal Code, including the investigations conducted, prosecutions initiated and the sentences and penalties imposed on perpetrators of trafficking in persons.

20. Please provide information on the steps taken to eliminate the worst forms of child labour, including the exploitation of children in street situations and talibé or garibou students for begging and the exploitation of children for forced labour, particularly as domestic workers or in dangerous work, including small-scale mining operations, farm work and selling drinks. Please provide information on the implementation of the National Strategy to Combat the Worst Forms of Child Labour for the period 2018–2025 and its outcomes. Please provide more detailed information on the steps envisaged to speed up the adoption of the draft child protection code and amend the provisions of Act No. 011-

2014/AN of 17 April 2014 on the Suppression of the Sale of Children, Child Prostitution and Child Pornography to ensure that penalties are commensurate with the seriousness of the offences perpetrated.

Treatment of refugees, asylum seekers, stateless persons and displaced persons (arts. 12, 13, 14, 24 and 26)

21. Please provide information on the protections afforded to refugees and asylum seekers under Act No. 042-2008/AN of 23 October 2008 on the Status of Refugees in Burkina Faso. Please indicate what measures have been taken to uphold the principle of non-refoulement in law and in practice. Please provide up-to-date data, disaggregated by nationality, on the number of asylum requests that have been registered and granted and the number of appeals and their outcomes. Please also indicate whether measures have been taken to amend the law on nationality and civil status in order to fill the gaps that may result in statelessness, to adopt a law on the status of stateless persons and to implement a statelessness determination procedure. Please provide information on the measures taken by the State party to step up its efforts in order to guarantee the timely registration of births and the free issuance of birth certificates throughout the country, in particular to children born in refugee camps and internally displaced children. Please provide information about the estimated number of persons displaced owing to the violence and insecurity prevailing in some regions of the country. Please describe the measures aimed at protecting these people, especially the women and children, and promoting and creating satisfactory conditions for durable solutions.

Freedom of expression and protection of journalists and human rights defenders (arts. 2, 7, 9, 14 and 19)

22. Please indicate whether the State party intends to amend the Criminal Code of 2019, in particular article 312, which sets excessive content-based restrictions on speech and criminalizes activities related to the exercise of freedom of expression, to bring it into conformity with article 19 of the Covenant. Please indicate what measures have been taken to guarantee the effective implementation of Act No. 039-2017/AN of 27 June 2017 on the Protection of Human Rights Defenders in Burkina Faso and respond to allegations that journalists and human rights defenders are subjected to threats, intimidation, harassment, arbitrary detention and physical assaults by law enforcement authorities. Please provide information on any investigations conducted, prosecutions initiated and sentences and penalties imposed on the perpetrators of such acts, as well as the reparations granted to victims. Please provide information on the legal framework governing freedom of expression in cyberspace.

Freedom of peaceful assembly and association (arts. 14, 21 and 22)

23. With reference to the Committee's previous concluding observations (paras. 37–38), please provide more information about the legal framework for peaceful assembly and comment on allegations that security forces sometimes impede peaceful assemblies. Please specify whether measures have been taken to amend Act No. 026-2008/AN of 8 May 2008 on the Punishment of Acts of Vandalism Committed during Street Protests, to guarantee the full enjoyment of the rights enshrined in article 21 of the Covenant, the presumption of innocence and individual criminal responsibility. Please indicate the number of independent associations officially registered by the authorities and the measures taken to ensure that human rights organizations do not face practical obstacles in obtaining such registration or in carrying out their activities. Please state the number of cases in which registration has been denied and specify the reasons why.

Participation in public affairs (art. 25)

24. In the light of the Committee's previous concluding observations (paras. 39–40), please indicate whether, in the new Electoral Code adopted in July 2018, the State party has repealed article 135, which rendered persons who had "supported an unconstitutional change that undermines the principle of the democratic changeover of political power" "ineligible". Please provide information on the measures envisaged to amend the new

Electoral Code to remove the obstacles to exercising their right to vote faced by nationals of Burkina Faso living abroad. Please indicate whether there are categories of persons who are subject to restrictions in the exercise of their civil rights, in particular the right to vote.

Rights of persons belonging to minorities (arts. 2, 6, 7, 9, 14, 26 and 27)

25. In view of the Committee's previous concluding observations (paras. 41–42), please describe the actions undertaken to ensure that the rights of minority groups, including the Tuaregs and Fulani, are respected and effectively combat the stigmatization and discrimination to which they are subjected. Please indicate what measures have been taken to promote intercommunal dialogue and reduce tensions between farmers and pastoralists. Please provide information on the measures taken to make sure that human rights violations committed in the context of intercommunal conflicts are promptly investigated, that the alleged perpetrators are prosecuted and, if found guilty, punished, and that the victims receive compensation. Please also comment on reports that the Fulani community is regularly targeted by the defence and security forces and vigilante groups during counter-terrorism operations.
