



Convention on the Rights of Persons with Disabilities

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Committee on the Rights of Persons with Disabilities

Concluding observations on the initial report of Burkina Faso*

I. Introduction

1. The Committee considered the initial periodic report of Burkina Faso¹ at its 720th and 721st meetings,² held on 12 and 13 August 2024. It adopted the present concluding observations at its 744th meeting, held on 28 August 2024.
2. The Committee welcomes the initial periodic report of Burkina Faso, which was prepared in accordance with the Committee's reporting guidelines, and thanks the State party for its written replies³ to the list of issues prepared by the Committee,⁴ and for the additional information provided by the State party.
3. The Committee appreciates the fruitful and constructive dialogue held with the large, high-level delegation, which included representatives of the relevant government ministries.

II. Positive aspects

4. The Committee notes with appreciation the measures taken by the State party to implement the Convention since its ratification thereof in 2009. It also notes with appreciation the ratification, also in 2009, of the Optional Protocol to the Convention, and the adoption of disability-related legislation and public policies, in particular the following:
 - (a) Act No. 012-2010/AN of 1 April 2010 on the protection and promotion of the rights of persons with disabilities and Decree No. 2012-828/PRES/PM/MASSN/MEF/MS/MENA/MESS of 22 October 2012 on access to healthcare free of charge or at reduced cost;
 - (b) Decree No. 2012-406/PRES/PM/MASSN/MEF/MS of 15 May 2021 on the establishment, powers, composition and operation of the National Multisectoral Council for the Protection and Promotion of the Rights of Persons with Disabilities;
 - (c) The national framework for disability assessment, adopted in March 2021, and the Charter on Inclusion of Persons with Disabilities in Humanitarian Action, signed in August 2023;
 - (d) The National Strategy for the Protection and Advancement of Persons with Disabilities for the period 2021–2025 and the accompanying three-year operational action plan (2021–2023), adopted in September 2021;

* Adopted by the Committee at its thirty-first session (12 August–5 September 2024).

¹ CRPD/C/BFA/1.

² See CRPD/C/SR.720 and CRPD/C/SR.721.

³ CRPD/C/BFA/RQ/1.

⁴ CRPD/C/BFA/Q/1.



(e) The National Strategy on the Development of Inclusive Education for the period 2018–2022.

5. The Committee welcomes the ratification of international instruments, including:

(a) The Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired and Otherwise Print Disabled, in 2017;

(b) The Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, in 2010.

III. Principal areas of concern and recommendations

A. General principles and obligations (arts. 1–4)

6. The Committee notes with concern:

(a) The lack of harmonization of all national legislation and policy frameworks with the Convention, including moving from the medical model of disability and a paternalistic approach to the human rights model of disability;

(b) The use in laws and policies – such as Act No. 23-94/ADP of 19 May 1994 on the Public Health Code, Act No. 005-2018/AN of 19 April 2018 on the regulations concerning the establishment, delivery and validity of driving licences, Act No. 025 2018/AN of 31 May 2018 on the Criminal Code and Act No. 012-2010/AN of 1 April 2010 – of derogatory concepts and terminology concerning persons with disabilities, which focus on the impairments of individuals, reflect a paternalistic approach to disability and reinforce the stigmatization of persons with disabilities;

(c) That the disability card, which allows access for persons with disabilities to specific social protection benefits, is issued on the basis of assessment criteria that are not in accordance with the human rights model of disability enshrined in the Convention;

(d) The lack of implementation of the National Strategy for the Protection and Advancement of Persons with Disabilities for the period 2012–2021, as it was not accompanied by an operational action plan and owing to insufficient resources, and the limited implementation of the three-year operational action plan (2021–2023) of the National Strategy for the Protection and Advancement of Persons with Disabilities for the period 2021–2025;

(e) The limited awareness among policymakers, judges, prosecutors, teachers and medical, health and other professionals working with people with disabilities about the rights enshrined in the Convention.

7. The Committee recommends that the State party:

(a) **Revise all laws, policies and plans to harmonize them with the human rights model of disability enshrined in the Convention;**

(b) **Amend and repeal all articles of legislation, policies and regulations containing derogatory language and move away from the prevalence of the medical model of disability to ensure that they are consistent with the human rights model of disability, including the Public Health Code, Act No. 005-2018/AN of 19 April 2018, the Criminal Code and Act No. 012-2010/AN of 1 April 2010;**

(c) **Reorient its disability assessment systems by replacing elements of the medical model of disability with principles of the human rights model of disability and by establishing systems aimed at the assessment of legal and environmental barriers for persons with disabilities and the provision of the support and assistance necessary to promote independent living and the full social inclusion of persons with disabilities;**

(d) **Put the National Strategy for the Protection and Advancement of Persons with Disabilities into operation with a clear plan of action, time-bound targets and measurable outcomes, and with sufficient and available resources;**

(e) **In close consultation with and with the active involvement of persons with disabilities, through their representative organizations, design and provide training and capacity-building programmes for public policymakers, judges, prosecutors, teachers and medical, health and other professionals working with persons with disabilities on the rights of persons with disabilities and the State party's obligations under the Convention.**

8. The Committee is concerned about the lack of effective participation of persons with disabilities, in particular women and girls with disabilities, children with disabilities, persons with intellectual and/or psychosocial disabilities, neurodivergent persons and persons with disabilities living in rural areas, through their representative organizations, in the development and implementation of disability-related laws, policies and programmes, such as the recent review of the Personal and Family Code (1989), and about interference by local authorities in the functioning of organizations of persons with disabilities as a result of Order No. 2019-0086, issued in application of Act No. 064-2015/CNT of 20 October 2015 on freedom of association, thus restricting the freedom of organizations of persons with disabilities.

9. **Recalling its general comment No. 7 (2018), the Committee recommends that the State party strengthen and implement mechanisms for close consultation with and the active involvement of persons with disabilities, through their representative organizations, in public decision-making processes, and that it ensure that meaningful consultations are held with the various groups of persons with disabilities, in particular women and girls with disabilities, children with disabilities, persons with intellectual and/or psychosocial disabilities, neurodivergent persons and persons with disabilities living in rural areas, through their representative organizations.**

B. Specific rights (arts. 5–30)

Equality and non-discrimination (art. 5)

10. The Committee notes with concern:

(a) The insufficient measures taken to ensure that anti-discrimination laws recognize discrimination on the basis of disability, notably the Constitution;

(b) De facto discrimination against persons with disabilities living in rural areas, mainly owing to insufficient access to services in the community, and intersecting discrimination against, among others, internally displaced persons with disabilities and Fulani persons with disabilities;

(c) That denial of reasonable accommodation is not recognized as a form of discrimination against persons with disabilities.

11. **Recalling its general comment No. 6 (2018) and targets 10.2 and 10.3 of the Sustainable Development Goals, the Committee recommends that the State party:**

(a) **Review anti-discrimination legislation to recognize multiple and intersecting forms of discrimination on the basis of disability and any other grounds, such as age, sex, race, ethnic origin and gender identity, and take appropriate measures to end these forms of discrimination and to ensure that persons with disabilities who are subjected to discrimination obtain redress and compensation;**

(b) **Take legislative and policy measures at the national and municipal levels aimed at addressing the situation of persons with disabilities living in rural areas, including time-bound targets and indicators of progress;**

(c) **Ensure that the concept of reasonable accommodation is defined in legislation and enforced in accordance with article 2 of the Convention, in particular that denial of reasonable accommodation is expressly considered in domestic law as a form of discrimination on the basis of disability, and ensure that allegations of discrimination on the basis of disability are properly investigated;**

(d) In close consultation with and with the active involvement of persons with disabilities, through their representative organizations, provide capacity-building programmes on anti-discrimination and the concept of reasonable accommodation to legal professionals, in particular members of the judiciary, and to persons with disabilities themselves.

Women with disabilities (art. 6)

12. The Committee is concerned about:

(a) The insufficient protection of women with disabilities in policies concerning gender-based violence, access to justice, education, health and access to basic social services, including policies relating to persons with disabilities that fail to explicitly address intersecting discrimination against women and girls with disabilities;

(b) The insufficient participation of women with disabilities, through their representative organizations, in decision-making processes in public and political life;

(c) The insufficient collection of disaggregated information and data on multiple and intersecting discrimination faced by women and girls with disabilities, in order to design adequate policy responses.

13. Recalling its general comment No. 3 (2016) and targets 5.1, 5.2 and 5.5 of the Sustainable Development Goals, the Committee recommends that the State party:

(a) Undertake an intersectional analysis of the implementation of the Convention with regard to women and girls with disabilities in all policy areas, including education, employment, health and justice, and mainstream the rights of women and girls with disabilities into all legislation and strategies;

(b) Engage with women and girls with disabilities, through their representative organizations, and ensure close consultation with them on and their active involvement in all public decision-making processes and the development of all policies concerning gender equality and gender-based violence against women and girls, including domestic violence, forced marriage and trafficking in persons;

(c) Ensure systematic data collection and periodic studies on the situation of women and girls with disabilities and adopt benchmarks and indicators on progress towards inclusive equality for women and girls with disabilities in all spheres of life.

Children with disabilities (art. 7)

14. The Committee is concerned about:

(a) The fact that children with disabilities are subjected to deprivation and marginalization and are highly vulnerable to poverty, malnutrition and neglect; in particular, rates of school attendance at all levels of education and rates of support and assistance are lower among children with disabilities;

(b) The insufficient participation of children with disabilities in the Children's Parliament and the resulting failure to systematically involve them in decisions that affect their lives, especially in rural areas.

15. Recalling its joint statement with the Committee on the Rights of the Child on the rights of children with disabilities⁵ and targets 16.2 and 16.7 of the Sustainable Development Goals, the Committee recommends that the State party:

(a) Adopt and implement a comprehensive strategy for the inclusion of children with disabilities, developed in close consultation with and with the active involvement of persons with disabilities, including children with disabilities, through their representative organizations; prioritize community-based inclusive strategies and programmes at the national and local levels; and take measures to address child poverty and deprivation, prevent abandonment and ensure the accessibility of information and

⁵ See www.ohchr.org/en/treaty-bodies/crpd/statements-declarations-and-observations.

communications, transportation and community settings, such as schools, healthcare facilities, libraries and sports centres;

(b) Strengthen the implementation of processes that facilitate the effective participation of all children with disabilities and ensure that they are able to express their views freely on all matters affecting them, including through affirmative action to increase their participation in the Children's Parliament.

Awareness-raising (art. 8)

16. The Committee is concerned about:

(a) The persistence of discriminatory attitudes, negative stereotypes and prejudice against persons with disabilities, including children with disabilities, and in particular women and girls with disabilities, persons with albinism, persons with intellectual and/or psychosocial disabilities and neurodivergent persons, in all aspects of life;

(b) The inadequacy of resources allocated to awareness-raising programmes and the fact that, in general, awareness-raising activities are concentrated in urban centres, thus disregarding rural areas where the majority of persons with disabilities reside.

17. **The Committee recommends that the State party, in close consultation with and with the active involvement of persons with disabilities, including children with disabilities and women and girls with disabilities, through their representative organizations:**

(a) **Take measures to combat the stigmatization of children with disabilities and ensure that they are protected from multiple and intersecting forms of discrimination and have access to quality social and health services and an inclusive education system on an equal basis with other children;**

(b) **Increase budgetary allocations for conducting awareness-raising programmes, including for policymakers, judges, law enforcement officials, the media, politicians, educators, professionals working in contact with or serving persons with disabilities, and the general public, and widen the geographic coverage of such programmes to include rural areas, in all accessible formats and with the active involvement of persons with disabilities, in order to promote respect for the dignity, abilities and contributions of all persons with disabilities and combat stereotypes, prejudice and prejudicial practices, with particular focus on women and girls with disabilities, persons with albinism, persons with intellectual and/or psychosocial disabilities and neurodivergent persons.**

Accessibility (art. 9)

18. The Committee is concerned about:

(a) The barriers faced by persons with disabilities to their environment, public and private buildings, clean water and sanitation, public transport and other facilities and services open or provided to the public, particularly in rural areas, owing to the limited scope and implementation of accessibility laws;

(b) The inadequacy of the resources allocated to the implementation of the three-year operational action plan (2021–2023) of the National Strategy for the Protection and Advancement of Persons with Disabilities for the period 2021–2025, particularly with regard to accessibility;

(c) The barriers faced by persons with disabilities to the digital work environment, which restrict their access to information and communications technology, including on government websites and in relation to software;

(d) The insufficient promotion of awareness among and training of architects, designers and engineers concerning accessibility standards and universal design under the Convention.

19. **The Committee recalls its general comment No. 2 (2014) and targets 11.2 and 11.7 of the Sustainable Development Goals. It also recalls Sustainable Development**

Goal 9, noting that investment in infrastructure, including transport, irrigation, energy and information and communications technology, is crucial to achieving sustainable development and empowering communities in many countries. The Committee recommends that the State party, in close consultation with and with the active involvement of persons with disabilities, through their representative organizations:

- (a) **Conduct regular national accessibility studies and surveys to assess the current state of accessibility, identify gaps and provide actionable recommendations;**
- (b) **Ensure rigorous evaluation and enforcement of accessibility laws, such as Act No. 012-2010/AN of 1 April 2010 and Act No. 017-2006/AN of 18 May 2006 on the Town Planning and Construction Code, and review public procurement for transport facilities to ensure compliance with accessibility criteria, imposing sanctions for any violations;**
- (c) **Review Act No. 051-2015/CNT of 30 August 2015 on the right of access to public information and administrative documents, establish accessibility standards for the media, information and communications technology and websites, in accordance with international standards, and include digital accessibility in the various action plans on accessibility and digital transformation;**
- (d) **Strengthen the promotion of awareness among and training of professionals in the construction sectors on accessibility barriers faced by persons with disabilities and on adequate measures to remove them.**

Right to life (art. 10)

20. The Committee is concerned about reports of attacks on the life and physical integrity of persons with disabilities, notably persons with hearing impairments in Ziniaré, and the lack of specific mechanisms to prevent, record, investigate and prosecute attacks against persons with disabilities.

21. **The Committee recommends that the State party:**

- (a) **Establish specific mechanisms to prevent attacks on the life and physical integrity of persons with disabilities;**
- (b) **Record, investigate and prosecute attacks against persons with disabilities, including persons with albinism.**

Situations of risk and humanitarian emergencies (art. 11)

22. The Committee is concerned that:

- (a) Persons with disabilities, including women and children with disabilities, internally displaced persons with disabilities and persons with disabilities in refugee-like situations, have been disproportionately affected by the current military operations and the resulting security crisis and internal displacement;
- (b) Act No. 012-2014/AN of 22 April 2014 on the prevention and management of risks, humanitarian crises and disasters is not sufficiently disability-inclusive;
- (c) Persons with disabilities, in particular persons with intellectual and/or psychosocial disabilities and neurodivergent persons, do not receive effective communication during situations of risk and emergencies.

23. **Recalling the Sendai Framework for Disaster Risk Reduction 2015–2030, the Inter-Agency Standing Committee Guidelines on the Inclusion of Persons with Disabilities in Humanitarian Action and its guidelines on deinstitutionalization, including in emergencies,⁶ the Committee recommends that the State party, in close consultation with and with the active involvement of persons with disabilities, through their representative organizations:**

⁶ CRPD/C/5.

(a) Ensure the safety and security of persons with disabilities in situations of risk, including those currently affected by armed conflict, including age-and gender-responsive protection for women and children with disabilities, internally displaced persons with disabilities, persons with disabilities in refugee-like situations and Fulani persons with disabilities, ensuring humanitarian access to them and the delivery of humanitarian assistance, including access to food, water and medical assistance;

(b) Revise Act No. 012-2014/AN of 22 April 2014 to provide for specific measures for the protection and support of persons with disabilities in the context of situations of risk, humanitarian crises and disasters, in accordance with international guidelines;

(c) Ensure that all persons with disabilities, in particular persons with intellectual and/or psychosocial disabilities and neurodivergent persons, in situations of risk and humanitarian emergencies, including public health emergencies, have access to accessible means and modes of communication and information, including Easy Read, Braille and sign language.

Equal recognition before the law (art. 12)

24. The Committee is concerned about:

(a) Provisions of the Personal and Family Code that restrict the legal capacity of persons with disabilities through a system of guardianship and curatorship, and the fact that the Code was revised without the involvement of persons with disabilities;

(b) The absence of supported decision-making mechanisms for persons with disabilities to exercise their legal capacity on an equal basis with others;

(c) The absence of information on the number of persons placed under restricted capacity regimes, including guardianship and curatorship, and the limited review of court decisions for the purposes of restoring legal capacity in such cases.

25. **Recalling its general comment No. 1 (2014), the Committee recommends that the State party, in close consultation with and with the active involvement of persons with disabilities, through their representative organizations:**

(a) **Amend the Personal and Family Code with a view to withdrawing guardianship and introducing supported decision-making for all persons with disabilities, regardless of impairment, and ensure the effective, independent participation of persons with disabilities, through their representative organizations, in the reform process and in the training of the relevant personnel on recognition of the legal capacity of persons with disabilities and supported decision-making;**

(b) **Develop awareness-raising campaigns and capacity-building programmes for all stakeholders, including the families of persons with disabilities, members of the community, health professionals, public officials, the media, the judiciary and members of parliament, on recognition of the legal capacity of persons with disabilities and supported decision-making;**

(c) **Collect disaggregated data on the number of persons who are subject to restricted capacity regimes and regularly review court decisions for the purposes of restoring legal capacity.**

Access to justice (art. 13)

26. The Committee is concerned about the existence of a number of barriers to access to justice for persons with disabilities, including:

(a) The high costs of legal aid and court fees, the lack of qualified sign language interpreters in administrative and judicial proceedings for persons with hearing impairments and the lack of documents and information in accessible formats for persons with disabilities;

(b) Insufficient training of personnel to guide persons with disabilities through complex administrative and judicial proceedings, including criminal proceedings, and the lack of information in such training about the requirements of persons with disabilities;

(c) The fact that the judicial remedies provided for in certain cases of discrimination on the basis of disability, in particular under Act No. 012-2010/AN of 1 April 2010 and Act No. 028-2008/AN of 13 May 2008 on the Labour Code, remain inaccessible to most persons with disabilities, owing to the lack of procedural facilities and the physical inaccessibility of the courts, including the lack of sign language interpretation;

(d) Barriers in access to justice for persons with disabilities who are subject to guardianship and other substituted decision-making regimes.

27. Recalling the International Principles and Guidelines on Access to Justice for Persons with Disabilities, prepared in 2020 by the Special Rapporteur on the rights of persons with disabilities and the Special Envoy of the Secretary-General on Disability and Accessibility and endorsed by the Committee, and target 16.3 of the Sustainable Development Goals, the Committee recommends that the State party:

(a) Adopt, in accordance with the Convention, an action plan on access to justice for persons with disabilities, and take the legal, administrative and judicial measures necessary to eliminate all restrictions on the effective participation of persons with disabilities in all stages of the judicial process, including making procedural adjustments and providing individualized assistance to ensure that persons with disabilities can participate effectively in the various aspects of legal proceedings, and developing alternative and augmentative means of information and communication, such as Braille, sign language, Easy Read and audio and video transcription, for use throughout legal proceedings;

(b) Intensify efforts to provide training on the Convention to judicial and law enforcement officials;

(c) Take appropriate measures to ensure that persons with disabilities who are subjected to discrimination obtain redress and compensation, and that perpetrators of discrimination are punished;

(d) Guarantee access to justice for persons with disabilities who are subject to substituted decision-making regimes, still in institutions or undergoing any form of psychiatric treatment, by repealing legislation that restricts the legal capacity of persons with disabilities, recognizing their full capacity to participate in judicial proceedings in different roles, including as witnesses or defendants, and taking measures to eliminate cultural constructs and discriminatory attitudes among the judiciary.

Liberty and security of person (art. 14)

28. The Committee is concerned about article 109 of the Public Health Code, in particular the conditions of forced hospitalization of persons with intellectual and/or psychosocial disabilities in psychiatric institutions, on the basis of administrative decisions or doctors' decisions.

29. Recalling its guidelines on the right to liberty and security of persons with disabilities⁷ and its guidelines on deinstitutionalization, including in emergencies, the Committee recommends that the State party review the legal provisions, in particular article 109 of the Public Health Code, to withdraw those authorizing institutionalization on the basis of impairment, and develop a system of mental health support in the community for children and adults with disabilities, including children and adults with persons with intellectual and/or psychosocial disabilities and neurodivergent persons.

⁷ A/72/55, annex.

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

30. The Committee is concerned about:

- (a) The conditions of detention in prisons and other places of detention, which are characterized by overcrowding, hunger, multifaceted violence between prisoners, ill-treatment, physical violence, sexual abuse, inadequate social assistance and healthcare and lack of reasonable accommodation for detainees with disabilities, in particular for persons with intellectual and/or psychosocial disabilities;
- (b) The use of physical and chemical restraints and the administration of treatment in establishments in which persons with disabilities deprived of their liberty are placed;
- (c) The lack of implementation of the National Observatory for the Prevention of Torture and Related Practices, established pursuant to article 20 of Act No. 022-2014/AN of 27 May 2014 on the prevention and punishment of torture and related practices;
- (d) The failure to revise Act No. 022-2014/AN of 27 May 2014 as planned, in order to designate the National Human Rights Commission the national mechanism for the prevention of torture, with account taken of persons with disabilities.

31. **Recalling its guidelines on deinstitutionalization, including in emergencies, the Committee recommends that the State party, in close consultation with and with the active involvement of persons with disabilities, through their representative organizations:**

- (a) **Review Act No. 010-2017/AN of 10 April 2017 on the Prison System Act and practice, guided by the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), to take account of the situation of persons with disabilities in the context of detention, in particular by guaranteeing reasonable accommodation for detainees with disabilities;**
- (b) **Designate the National Human Rights Commission the national mechanism for the prevention of torture and allocate to it the funds necessary to carry out its monitoring mandate, taking account of persons with disabilities.**

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

32. The Committee is concerned about:

- (a) Reported cases of exploitation, violence and abuse targeting children with disabilities, including corporal punishment at home, at school and in institutions, and exploitation through forced begging;
- (b) The identification of 42 children with disabilities, including 9 girls, as victims of violence and abuse in eight provinces (including Kossi, Comoé, Bam and Kadiogo);
- (c) The ill-treatment of persons with disabilities at home, in particular isolation, confinement and shackling;
- (d) Information indicating violations of the rights of persons with disabilities in private and public rehabilitation centres.

33. **Recalling its statement of 25 November 2021 on the elimination of gender-based violence against women and girls with disabilities,⁸ and targets 5.1, 5.2 and 5.5 of the Sustainable Development Goals, the Committee recommends that the State party:**

- (a) **Adopt effective legislation and take measures to ensure that children with disabilities are adequately protected from violence, abuse and exploitation, including forced begging, and that perpetrators are punished; promote positive, non-violent and participatory forms of child-rearing through awareness-raising campaigns and training programmes in accessible formats; and enforce the Criminal Code, which prohibits and**

⁸ See https://www.un.org/development/desa/disabilities/wp-content/uploads/sites/15/2021/12/CRPD-Statement-25_11_2021-End-violence-against-Women-1.pdf.

punishes all forms of corporal punishment, exploitation, violence and abuse, including domestic violence, sexual violence, violence in schools and neglect, against persons with disabilities, in particular women and girls with disabilities and persons with disabilities living in or wandering the streets;

(b) **Adopt effective legislation to criminalize unlawful restraint and confinement of persons with disabilities, in particular women with disabilities and persons with intellectual and/or psychosocial disabilities;**

(c) **Ensure that all facilities, residential care homes, psychiatric institutions and public and private rehabilitation centres are subjected to independent monitoring, in accordance with article 16 (3) of the Convention, through the involvement of civil society organizations, including disability rights-based organizations, in order to prevent exploitation, abuse and violence targeting persons with disabilities still living therein.**

Liberty of movement and nationality (art. 18)

34. The Committee is concerned that civil registration is not systematic, which deprives persons with disabilities of the enjoyment of education, health and other aspects of social and political life.

35. **The Committee recommends that the State party:**

(a) **Strengthen its efforts to establish a national system of free and mandatory birth registration, which should be available and sustainable, including in the most remote areas, through the provision of decentralized registration offices with the necessary human, material and financial resources;**

(b) **Strengthen its awareness-raising activities about birth registration;**

(c) **Ensure that children with disabilities in refugee-like situations are provided with a birth certificate and that unregistered children with disabilities are not deprived of access to social services, and provide specific support to families and persons with disabilities in the issuance of identification documents.**

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

36. The Committee is concerned about the many obstacles for persons with disabilities to exercise their rights to autonomy, freedom of choice and full and effective participation in society, including:

(a) The lack of a comprehensive, national, multisectoral strategy on deinstitutionalization for persons with disabilities;

(b) The lack of financial resources, accessible physical infrastructure and adequate support services to enable choice as to where and with whom they live.

37. **Recalling its general comment No. 5 (2017), its guidelines on deinstitutionalization, including in emergencies, and the report of the Special Rapporteur on the rights of persons with disabilities on the transformation of services for persons with disabilities,⁹ the Committee recommends that the State party, in close consultation with and with the active involvement of persons with disabilities, through their representative organizations:**

(a) **Enshrine in legislation the rights of persons with disabilities to live independently and be included in the community and adopt mechanisms to guarantee freedom of choice concerning place of residence and where and with whom they live, including by removing guardianship and enabling housing in the community;**

(b) **Ensure sufficient budgetary allocations to the operational action plan for the acquisition of personal assistance and assistive devices, in order to ensure that community support services are available, accessible and affordable, including in**

⁹ A/HRC/52/32.

remote and rural areas, so that all persons with disabilities can exercise their right to live independently and be included in the community.

Personal mobility (art. 20)

38. The Committee is concerned that the benefits of legislation concerning personal mobility have been limited, in particular that:

- (a) Requests for exemption from import duties and value added tax on vehicles for use by persons with disabilities are not systematically granted, and the reductions in the cost of acquiring such vehicles provided for in legislation for the benefit of persons with disabilities not recognized as indigent remains unavailable;
- (b) Mobility equipment remains unaffordable for many persons with disabilities, and State allocation of mobility equipment is ad hoc and derisory;
- (c) Persons with disabilities and staff working with persons with disabilities are not trained in mobility skills.

39. **The Committee recommends that the State party:**

- (a) **Take the measures necessary for the effective application of Act No. 012-2010/AN of 1 April 2010 with regard to exemption from import duties on motorized and non-motorized vehicles for use by persons with disabilities, in particular by adopting the necessary implementing regulations, and extend these exemptions to all types of mobility aids, assistive devices and assistive technologies;**
- (b) **Eliminate all barriers to persons with disabilities acquiring affordable and high-quality mobility aids, assistive devices and assistive technologies and services, including accessible transportation and infrastructure, so as to aid their personal mobility, and provide the necessary information and training on their usage and maintenance; and create an enabling environment in which persons with disabilities are able to procure such devices, by developing the means of manufacturing and repairing them at affordable cost;**
- (c) **Provide training to persons with disabilities, including children with disabilities, and specialist staff on mobility skills and raise awareness among persons with disabilities, through their representative organizations, on the legal measures and services available for the provision of mobility aids, assistive devices and other assistive technologies and forms of assistance.**

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

40. The Committee is concerned about:

- (a) The insufficient provision of information in accessible formats and the lack of access to information and communications technology for persons with disabilities;
- (b) The fact that the provision of sign language interpretation in audiovisual media and broadcast coverage of major events is not mandatory.

41. **The Committee recommends that the State party, in close consultation with and with the active involvement of persons with disabilities, through their representative organizations:**

- (a) **Take all measures necessary, including legislative and policy measures, to ensure the accessibility of all public information, including television and media services and administrative information, for all persons with disabilities, in accessible communication formats, such as Braille, deafblind interpretation, sign language, Easy Read, plain language, audio description, captioning and subtitles, by allocating adequate funding for its development, promotion and use and ensuring access to information and communications technology that is appropriate for the diversity of persons with disabilities, in rural and remote areas, including in emergency situations;**

(b) Make it compulsory for all public and private television channels to provide sign language interpretation, in particular for news programmes and broadcasts of national events.

Respect for home and the family (art. 23)

42. The Committee noted with concern:

(a) Articles 243, 264 and 265 of the Personal and Family Code, under which the right of persons with disabilities under guardianship to marry is restricted, and article 518 of the Code, under which parental rights are restricted;

(b) The lack of sufficient support provided to children with disabilities and their families, and to parents with disabilities to carry out their parental responsibilities, as such support is restricted to children with intense support needs.

43. **The Committee recommends that the State party:**

(a) Closely consult with and actively involve persons with disabilities, through their representative organizations, in the revision of the Personal and Family Code, and amend articles 243, 264 and 265, under which the right of persons with disabilities under guardianship to marry is restricted, and article 518, under which parental rights are restricted, to allow respect for the free will and preferences of individuals and introduce supported decision-making in place of restrictions;

(b) Provide support services for children with disabilities to live with their families and provide parents with disabilities the support that they require to exercise their parental responsibilities.

Education (art. 24)

44. The Committee is concerned about:

(a) The fact that the national policy on inclusive education does not cover all persons with disabilities and that segregated education for children with disabilities continues to be provided alongside inclusive education, in the absence of a time frame for full transition in accordance with articles 9, 10 and 12 of Act No. 012-2010/AN of 1 April 2010;

(b) The lack of implementation of the National Strategy on the Development of Inclusive Education for the period 2018–2022 owing to a security crisis that included the closure of schools;

(c) The absence of standards for establishing inclusive schools and the lack of criteria and guidance to harmonize existing methodologies and implementation of inclusive education;

(d) Plans for a revised legal framework under which an assistant may be present with children with disabilities in inclusive schools but the cost is to be borne by the families in the majority of cases.

45. **Recalling its general comment No. 4 (2016) and targets 4.5 and 4.a of the Sustainable Development Goals, the Committee recommends that the State party, in close consultation with and with the active involvement of persons with disabilities, including students with disabilities and their families, through their representative organizations:**

(a) Review the laws on education for children and adults with disabilities to align them with the Convention and to allow transition from segregated education to quality inclusive education;

(b) Introduce a renewed national strategy on the development of inclusive education with adequate resources, measurable indicators of progress and time-bound targets, to ensure physical accessibility for children with disabilities to educational facilities, including necessary facilities such as toilets, libraries and laboratories;

(c) Adopt national standards and norms for inclusive schools and guidelines for education providers to harmonize their actions in the field of quality inclusive education;

(d) Scale up efforts to implement the policy on inclusive education, including by modifying the infrastructure in all learning institutions, ensuring that new buildings meet the required standards of universal design to make them accessible to persons with disabilities and that reasonable accommodation is provided as required, and allocating adequate financial resources, to enable persons with disabilities to enjoy their right to education.

Health (art. 25)

46. The Committee is concerned:

(a) That the provision of health services free of charge or at reduced cost to persons with disabilities is conditional upon holding the disability card, as provided under Act No. 012-2010/AN of 1 April 2010 and Decree No. 2012-828/PRES/PM/MASSN/MEF/MS/MENA/MESS of 22 October 2012, yet obtaining a disability card remains challenging, as demonstrated by the limited number of card holders in comparison to the total number of persons with disabilities;

(b) About the lack of training of medical professionals on the rights of persons with disabilities, and attitudinal barriers, stigmatization and lack of awareness among health service providers, including with regard to protocols for the issuance of the disability card and on sexual and reproductive health;

(c) About the delay in the training of 300 health workers in home care for persons with high support requirements and in the early detection of disabilities, planned in the National Strategy for the Protection and Advancement of Persons with Disabilities for the period 2021–2025 and the three-year operational action plan (2021–2023).

47. Recalling targets 3.7 and 3.8 of the Sustainable Development Goals, the Committee recommends that the State party, in close consultation with and with the active involvement of persons with disabilities, through their representative organizations:

(a) Simplify the conditions under which the disability card is issued, including by lowering the threshold to qualify for the card and making the process accessible, and take appropriate measures to ensure that all persons with disabilities receive healthcare free of charge or at reduced cost, as provided for in Act No. 012-2010/AN of 1 April 2010 and Decree No. 2012-828/PRES/PM/MASSN/MEF/MS/MENA/MESS of 22 October 2012;

(b) Provide training for healthcare professionals on the rights of persons with disabilities, on the early identification of disabilities, on the relevant skills, on support measures and on means and methods of information and communication in accessible formats, including Braille, sign language and Easy Read, for persons with disabilities, in particular for persons with intellectual and/or psychosocial disabilities, neurodivergent persons and women and girls with disabilities, and on ensuring the physical accessibility of health facilities and equipment;

(c) Implement the training of health workers in home care for persons with high support requirements as planned in the National Strategy for the Protection and Advancement of Persons with Disabilities for the period 2021–2025 and the three-year operational action plan (2021–2023).

Habilitation and rehabilitation (art. 26)

48. The Committee is concerned about the lack of effective and properly government-funded community-based habilitation and rehabilitation services, in particular for persons with intellectual and/or psychosocial disabilities, other than those run by non-governmental organizations.

49. Recalling the link between article 26 of the Convention and target 3.7 of the Sustainable Development Goals, the Committee recommends that the State party take measures to secure access for persons with disabilities to comprehensive and cross-sectoral habilitation and rehabilitation services, programmes and technology, within their community, and in all districts and regions of the State party. It further recommends that the State party strengthen and provide adequate funding for comprehensive habilitation and rehabilitation services for all persons with disabilities, including persons with intellectual and/or psychosocial disabilities, in both rural and urban areas.

Work and employment (art. 27)

50. The Committee notes with concern:

(a) The ongoing segregation of workers with disabilities in sheltered workshops and the lack of concrete plans to gradually move them from such workshops to the open labour market;

(b) That avenues to submit complaints in cases of discrimination in employment are mostly unknown to persons with disabilities, mainly because of the lack of awareness of procedural accommodation;

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

(d) That persons with disabilities were not involved in the process of organizing and monitoring the “special recruitment scheme” under the National Economic and Social Development Plan for the period 2016–2020, referred to by the State party in its report;¹⁰

(e) That support for vocational training, employment and entrepreneurship for persons with disabilities remains a challenge and that their employment continues to be hampered by lack of market-oriented skills.

51. Recalling its general comment No. 8 (2022) and target 8.5 of the Sustainable Development Goals, the Committee recommends that the State party, in close consultation with and with the active involvement of persons with disabilities, through their representative organizations:

(a) Raise awareness among persons with disabilities and employers on laws against discrimination in employment and provide easy and accessible mechanisms for seeking redress in cases of discrimination;

(b) Repeal article 40 of the Labour Code and take measures to enable persons with disabilities to transition from sheltered employment into open, inclusive and accessible employment;

(c) Take the measures necessary to ensure the effective enforcement and monitoring of the quotas, provided for in the relevant regulations, for the employment of persons with disabilities in both the public and private sectors;

(d) Closely consult and actively involve persons with disabilities, through their representative organizations, in the process of organizing and monitoring employment programmes such as the “special recruitment scheme”;

(e) Strengthen measures to support vocational training, employment and entrepreneurship for trainees with disabilities in order to enable their access to decent employment opportunities, including social protection.

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

52. The Committee is concerned that:

(a) Only a limited number of persons with disabilities are holders of the disability card which, under articles 4 and 44 of Act No. 012-2010/AN of 1 April 2010, is required for

¹⁰ CRPD/C/BFA/1, para. 136

access to social services provided by the Government, including support in the areas of health, education, vocational training, employment, communication, social integration, transport, housing, the living environment, sport, leisure, culture, the arts and the promotion and protection of social action;

(b) The national social protection programme does not cover disability-related expenses.

53. Recalling the link between article 28 of the Convention and target 10.2 of the Sustainable Development Goals, on empowering and promoting the economic inclusion of all, irrespective of disability, the Committee recommends that the State party:

(a) Make the process of obtaining the disability card easy and accessible to all persons with disabilities to enable them to benefit from the services provided for in articles 4 and 44 of Act No. 012-2010/AN of 1 April 2010, including by addressing the barriers faced by persons with disabilities in the assessment of eligibility and easing the burden of proof to make the card available to a greater number of persons with disabilities;

(b) Take the measures necessary to ensure the effective provision of basic social services to persons with disabilities through the national social protection programme, including access to drinking water, housing and poverty reduction, and, in particular, to take account of specific requirements and recognize disability-related expenses.

Participation in political and public life (art. 29)

54. The Committee notes with concern:

(a) That there are still persons with disabilities considered “incapable” under Act No. 014-2001/AN of 3 July 2001 on the Electoral Code and therefore excluded from the right to vote and to stand as candidates in elections;

(b) The lack of enforcement of article 41 of Act No. 012-2010/AN of 1 April 2010, which provides that electoral procedures, equipment and material must be appropriate and accessible to persons with disabilities;

(c) The lack of information available to persons with disabilities, through their representative organizations, about statistical studies carried out in connection with electoral processes.¹¹

55. **The Committee recommends that the State party:**

(a) Take the effective measures necessary to promote the participation of persons with disabilities in public and political life on an equal basis with other citizens, including amending the Electoral Code – in particular articles 44 and 135, which restrict the electoral rights of persons with disabilities – to bring it into line with the Convention;

(b) Make electoral procedures, equipment and material appropriate and accessible to persons with disabilities, as required under article 41 of Act No. 012-2010/AN of 1 April 2010;

(c) Ensure close consultation with and the active involvement of persons with disabilities, including women with disabilities, through their representative organizations, in programmes and studies carried out in connection with electoral processes and other aspects of public life.

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

56. The Committee is concerned:

(a) That whereas the Burkina Faso Copyright Office and non-governmental organizations working in the field of disability are providing technical support to

¹¹ Ibid., para. 159.

organizations of persons with disabilities authorized by the World Intellectual Property Organization (WIPO) to translate works, the State party has not yet recognized such organizations of persons with disabilities as entities authorized to reproduce published works in accessible formats;

(b) About the absence of mechanisms and budget allocation to promote the inclusion of persons with disabilities in mainstream sports.

57. The Committee recommends that the State party, in close consultation with and with the active involvement of persons with disabilities, through their representative organizations:

(a) **Recognize and support organizations of persons with disabilities authorized by WIPO as entities permitted to reproduce published works in accessible formats;**

(b) **Take measures to provide adequate support to sports and cultural associations of persons with disabilities, to enable persons with disabilities to participate on an equal basis with others in cultural and recreational life, leisure and mainstream sports.**

C. Specific obligations (arts. 31–33)

Statistics and data collection (art. 31)

58. The Committee notes with concern the gaps in the collection of disaggregated data and statistics on persons with disabilities in all areas covered by the Convention, and:

(a) The lack of systematic and comprehensive research on the living conditions of persons with disabilities and the obstacles that they face in the exercise of their rights;

(b) The lack of a system for collecting disaggregated data and of unified indicators across the State party concerning the human rights of persons with disabilities and barriers to their exercise;

(c) The lack of participation of persons with disabilities in designing data-collection systems in the area of disability;

(d) The insufficient information on the extent to which disability-related indicators are effectively applied in the implementation of the Sustainable Development Goals.

59. The Committee recommends that the State party use the Washington Group short set of questions on functioning and the policy marker on the inclusion and empowerment of persons with disabilities of the Development Assistance Committee of the Organisation for Economic Co-operation and Development, and promote inclusivity and improve disability data-collection systems, with disaggregated data. The Committee also recommends that the State party:

(a) **Strengthen its system for collecting data on persons with disabilities, disaggregated by age, sex, sexual orientation, gender, race, ethnicity, income, migration status, level of education, employment status and place of residence, in all areas of life, ensuring the confidentiality and privacy of persons with disabilities;**

(b) **Allocate funds to undertake periodic research on the rights of persons with disabilities with the aim of identifying obstacles to the enjoyment of their rights;**

(c) **Support independent research, both quantitative and qualitative, in close consultation with and with the active involvement of persons with disabilities, through their representative organizations, to enhance disability-related policies, and ensure participatory planning and implementation of data collection;**

(d) **Ensure the involvement of persons with disabilities, through their representative organizations, in designing, planning and implementing data collection and research and analysing and disseminating data related to persons with disabilities.**

International cooperation (art. 32)

60. The Committee notes with concern that persons with disabilities, in particular women with disabilities, through their representative organizations, are not sufficiently consulted and included as partners in development cooperation in the design and implementation of international cooperation agreements, strategies and programmes.

61. **The Committee recommends that the State party:**

(a) **Take concrete measures to ensure close consultation with and the active involvement of persons with disabilities, particularly women with disabilities, through their representative organizations, in international cooperation agreements and programmes, specifically with respect to the implementation of the 2030 Agenda for Sustainable Development and monitoring of achievement of the Sustainable Development Goals at all levels;**

(b) **Ratify the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Persons with Disabilities in Africa.**

National implementation and monitoring (art. 33)

62. The Committee notes with concern:

(a) That the National Multisectoral Council for the Protection and Promotion of the Rights of Persons with Disabilities, which was set up pursuant to Decree No. 2012-406/PRES/PM/MASSN/MEF/MS of 15 May 2012 to monitor the implementation of the Convention, does not comply with the principles relating to the status Of national institutions for the promotion and protection of human rights (the Paris Principles) in that it falls short with regard to independence, a clear budget and functions;

(b) The absence of mechanisms for the participation of persons with disabilities, through their representative organizations, in independent monitoring of the rights enshrined in the Convention.

63. **Recalling its guidelines on independent monitoring frameworks and their participation in the work of the Committee,¹² the Committee recommends that the State party:**

(a) **Take steps to align the National Multisectoral Council for the Protection and Promotion of the Rights of Persons with Disabilities with the Paris Principles;**

(b) **Strengthen the National Human Rights Commission to efficiently and independently discharge its mandate in full compliance with the Paris Principles, encourage it to apply for accreditation with the Global Alliance of National Human Rights Institutions and seek the technical advice of the Office of the United Nations High Commissioner for Human Rights on the process of establishing and accrediting of its national human rights institution;**

(c) **Establish formal mechanisms for the participation of persons with disabilities, including women and girls with disabilities, older persons with disabilities, persons with psychosocial and/or intellectual disabilities and persons with disabilities in rural areas, through their representative organizations, in monitoring the Convention.**

D. Cooperation and technical assistance (art. 37)

64. Under article 37 of the Convention, the Committee can provide technical guidance to the State party on any queries addressed to Committee members through the secretariat. The State party can also seek technical assistance from United Nations specialized agencies with offices in the country or the region.

¹² CRPD/C/1/Rev.1, annex.

IV. Follow-up

Dissemination of information

65. The Committee emphasizes the importance of all the recommendations contained in the present concluding observations. With regard to urgent measures that must be taken, the Committee would like to draw the State party's attention to the recommendations contained in paragraphs 13, on women with disabilities, and 45, on education.

66. The Committee requests the State party to implement the recommendations contained in the present concluding observations. It recommends that the State party transmit the concluding observations for consideration and action to members of the Government and parliament, officials in relevant ministries, the judiciary, local authorities and members of relevant professional groups, such as education, medical and legal professionals, as well as to the media, using modern social communication strategies.

67. The Committee strongly encourages the State party to involve civil society organizations, in particular organizations of persons with disabilities, in the preparation of its periodic report.

68. The Committee requests the State party to disseminate the present concluding observations widely, including to non-governmental organizations and organizations of persons with disabilities, and to persons with disabilities themselves and members of their families, in national and minority languages, including sign language, and in accessible formats, including Easy Read, and to make them available on the government website on human rights.

Next periodic report

69. Under the simplified reporting procedure, the Committee will transmit to the State party a list of issues prior to reporting at least one year prior to 23 August 2031, the date by which the State party's combined second to sixth periodic reports are due. The replies of the State party to that list of issues will constitute its combined second to sixth periodic reports. The State party may opt out of the simplified reporting procedure within one year of the Committee's adoption of the present concluding observations.
