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Overview

The delegation of Burkina Faso was led by Ms Salamata Sawadogo, Minister for the Promotion of Human Rights. It was composed of several representatives from relevant ministries. The delegation was very well-prepared for the process; Ms Sawadogo gave a detailed and informative presentation and responded well to questions submitted beforehand, something which many States welcomed during the dialogue. A large number of States participated in the exchange, demonstrating a genuine interest in and admiration of the work Burkina Faso is doing to improve the human rights situation in the country. Their comments were very positive recognising that the significant efforts made despite Burkina Faso's economic weakness. At the same time States pointed out that much work still remains to be done to combat the obstacles to the respect for human rights. Many valuable recommendations were made by States, which the delegation promised to take into consideration, though some were very general and not time-bound. The delegation recognised many shortcomings in the State's fulfilment of its human rights obligations but demonstrated a strong commitment to continue to improve the human rights situation.

General information on Burkina Faso

- Burkina Faso is a member of the Human Rights Council (2008 – 2011)
- The members of the troika for the examination of Burkina Faso were Switzerland, Qatar and Madagascar.¹
- Burkina Faso held meetings with representatives of government departments, institutions such as the National Human Rights Commission as well as civil society organisations working in the area of human rights.

Information submitted to the Working Group

The **national report** of Burkina Faso² provides a comprehensive outline of the efforts which have been made to establish a climate in which human rights are protected and promoted. A government office, the Ministry for the Promotion of Human Rights, a National Human Rights Commission as well as an independent office of the Ombudsman have been set up to comply with this objective. The report is often self-critical but it also identifies specific measures aimed at improving the human rights situation. The main areas of concern are poverty and the persistence of social customs and practices which prevent the *de facto* equality of women. The report suggests there is a lack of resources to implement what is recognised as the Government's human

¹ Burkina Faso requested that a member of its regional group be among its Troika. There were no objections by Burkina Faso or by the members of the troika to the selection. For a full summary of the selection of troikas, see ISHR's *Daily Update* of 8 September 2008, available at www.ishr.ch.

² A/HRC/WG.6/3/BFA/1, available at <http://www.ohchr.org/EN/HRBodies/UPR/PAGES/BFSession3.aspx>

rights obligations. Support is requested from the international community in order to ensure these obligations can be met in the future.

The **compilation of UN information** by the Office of the High Commissioner for Human Rights (OHCHR) focuses on: deep-rooted stereotypes, customs and traditions which prevent the de facto gender equality; the widespread problem of violence against women and girls; the high number of trafficked children; the alarming rate of early childhood diseases, infectious diseases and malnutrition amongst children; and the vulnerability of migrants in Burkina Faso.³

Five individual non-governmental organisations (NGOs)⁴ and two coalitions of NGOs,⁵ submitted information for the OHCHR **summary of stakeholders' information**.⁶ The lack of respect for women's rights was a primary concern for SRI and HAI who highlighted the inequality in education, inheritance rights, the practice of forced marriages and the widespread belief that women are the property of men. Accusations of witchcraft also reportedly lead to the social exclusion of many older women. Regarding children, several concerns were raised⁷ including: high instances of trafficking and child labour; low literacy, high school dropout rates and a lack of children in secondary or further education. Problems associated with the judicial system were also noted, including the lack of independence of the judiciary,⁸ poor conditions in detention centres;⁹ the continued application of the death penalty;¹⁰ and the criminalisation of homosexuality.¹¹ Other areas of concern included: the alarmingly high poverty rate;¹² the National Human Rights Commission's lack of financial autonomy;¹³ access to healthcare;¹⁴ violation of the constitutional right to meet and strike;¹⁵ and exploitation of the country's natural resources without ensuring a share of the profits for local communities.¹⁶

Interactive dialogue¹⁷

Presentation by the State

The head of delegation made a 30 minute opening presentation. She outlined the recent progress that Burkina Faso has made in the field of human rights as well as the challenges faced. Much of the information was also included in the national report but Ms Sawadogo expanded upon some key issues. The main areas highlighted were: the institutional framework for the protection of human rights; efforts to improve the judicial system; the importance attached to gender equality; and the work done to protect and promote the rights of the child.

³ A/HRC/WG.6/3/BFA/2, available at <http://www.ohchr.org/EN/HRBodies/UPR/PAGES/BFSession3.aspx>

⁴ Franciscans International (FI), Global Initiative to End All Corporal Punishment of Children (GIEACPC), HelpAge International (HAI), Mouvement Burkinabè des droits de l'Homme et des Peuples (MDBHP), and Reporters sans Frontières (RSF).

⁵ The International Federation of Action by Christians for the Abolition of Torture (FIACAT) made a joint submission with the local branch of ACAT in Burkina Faso; the Sexual Rights Initiative (SRI) made a joint submission with Action Canada for Population and Development, Mulabi-Espacio Latinoamericano de Sexualidades y Derechos, Creating Resources for Empowerment and Action, Réseau Sida Afrique, SOS Jeunesse et Défis and others.

⁶ A/HRC/WG.6/3/BFA/3, available at <http://www.ohchr.org/EN/HRBodies/UPR/PAGES/BFSession3.aspx>

⁷ FI and SRI.

⁸ MDBHP.

⁹ MDBHP, FIACAT, ACAT.

¹⁰ MBDHP, FIACAT, ACAT.

¹¹ SRI.

¹² FI.

¹³ MDBHP.

¹⁴ FI.

¹⁵ MDBHP.

¹⁶ MDBHP.

¹⁷ Most statements made at the UPR Working Group can be found at <http://portal.ohchr.org/portal/page/portal/UPR>. Fill in the form at www.ohchr.org/english/bodies/hrcouncil/form.htm to receive username and password. Audiovisual archives of the meetings of the Working Group 'webcast' are available at www.un.org/webcast/unhrc/index.asp.

Both the head of delegation and a representative from the Ministry of Justice answered questions submitted beforehand via the troika. States commented that the information provided was informative and well-presented, demonstrating the Government's genuine commitment to improving human rights.

Themes and issues

The most frequently raised cause of concern was over **discrimination against women**,¹⁸ despite the constitutional guarantees of gender equality. States commented on the need to combat practices such as female genital mutilation (FGM), forced marriages, and polygamy, as well as widespread violence, and gender stereotypes which are mainly an issue in rural areas. Several States noted the positive progress made, especially regarding FGM,¹⁹ but the need to continue and intensify protection and prevention measures for women was widely agreed upon. The delegation assured the Working Group of the existence of a national plan to protect and promote women's rights. Targeted campaigns to combat stereotypes and FGM are reportedly underway and the delegation expressed hope that the draft bill to combat forced marriage will soon become a concrete policy.

Many States raised the issue of **children's rights**: lack of specialised detention facilities²⁰ and the high prevalence of trafficking and child labour²¹ were the principal concerns. The delegation assured the existence of a national strategy to combat child labour, a law to counter trafficking in children, as well as efforts to develop specialised juvenile courts and detention facilities. Many States noted the efforts made but urged Burkina Faso to develop more comprehensive strategies and to ensure perpetrators are brought to justice.

The **importance of education** as a key component to ensuring the full enjoyment of human rights was commented upon by many States.²² Though efforts to provide universal education to all children until the age of 16 and the allocation of 25% of the State budget to education were commended, States suggested high illiteracy rates and low attendance at secondary schools means there is still much to be done and that efforts need to be strengthened, particularly for girls and in rural areas.

Frequent recommendations were made for Burkina Faso to formalise its moratorium on the **death penalty**²³ by introducing legislation to officially outlaw this punishment. In the opening statement, Ms Sawadogo confirmed that the issue is currently being discussed in the national assembly and that ratification of the second optional protocol to the ICCPR will be considered.

The delegation recognised combating **poverty** as a major priority, and that greater steps need to be taken. States recommended that efforts need to be stepped up since poverty is a primary cause of human rights problems.²⁴ Help from the international community was deemed imperative; many statements were made in support of Burkina Faso's appeal for aid from the international community.²⁵

Poor conditions in detention facilities was an issue raised by several States,²⁶ principally concerning overcrowding and the lack of specialist juvenile institutions. The delegation spoke of efforts to improve the educational and medical facilities as well as increased sentences of community service to combat

¹⁸ France, Turkey, Argentina, Chile, Germany, Netherlands, Mexico, Luxembourg, Albania, Algeria, United Kingdom (UK), Sweden, Azerbaijan, Belgium, Malaysia, Zambia, Angola, Nigeria, Brazil, Republic of Korea, Gabon, Republic of the Congo, Australia.

¹⁹ UK, Netherlands, Luxembourg, Albania, Algeria, Nigeria, Brazil, Republic of Korea, Republic of the Congo, Australia.

²⁰ Argentina, Zambia, Germany.

²¹ Chile, Italy, Mexico, Luxembourg, UK, Malaysia, Brazil, Slovenia, Cote d'Ivoire, Cameroon, Canada, Republic of the Congo

²² Turkey, Mauritius, Angola, Nigeria, Slovenia, Bangladesh, Ghana, Burundi, South Africa, Germany.

²³ France, Chile, Italy, Mexico, Albania, UK, Brazil, Gabon.

²⁴ Japan, Brazil, Albania, China, Bangladesh, Vietnam.

²⁵ Chile, Mexico, Pakistan, Algeria, Cuba, China, Mauritius, Angola, Malaysia, Zambia, Nigeria, Gabon, Burundi, Senegal, Mali, South Africa.

²⁶ Italy, Argentina, Germany, Denmark, Mexico, Azerbaijan, Canada.

overcrowding. States called for investigation into torture and cruel treatment in detention facilities and many recommended the ratification of the optional protocol to the *Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*.²⁷

States also engaged Burkina Faso in a discussion on the following themes: the independence of the judiciary²⁸ and the National Human Rights Commission;²⁹ the issue of a standing invitation to all special procedures of the Human Rights Council;³⁰ the climate of impunity in Burkina Faso;³¹ the need to keep up-to-date on treaty body reports;³² efforts to improve access to justice;³³ and freedom of the press.³⁴

Adoption of the report [date/time]

The adoption report took place on 11 December 2008.³⁵ The troika appreciated the efforts of Burkina Faso and its constructive participation in the review. The delegation of Burkina Faso thanked the President and the troika members for their support and assistance and other States for their comments, criticism and exchange of experience during this process. Burkina Faso agreed with 27 recommendations. A total number of 18 recommendations did not get the support of Burkina Faso. These recommendation concerned specific legislation on violence against women,³⁶ elimination of polygamy,³⁷ corruption,³⁸ protection of journalist,³⁹ abolition of the death penalty,⁴⁰ including ratifying of the second optional protocol to ICCPR,⁴¹ extending a standing invitation to all special procedures,⁴² ensure the independence of the judiciary,⁴³ lifting restriction on freedom of expression and assembly,⁴⁴ invite the Special Rapporteur on torture to visit the country.⁴⁵

Burkina Faso expressed the view that the concerns about freedom of the press, freedom of expression and freedom of assembly (Recommendations 38(b) and 74(a)); violence against women (Recommendations 35(b) and 68(a)) were unfounded. It noted that it had sufficiently replied to questions about the independence of the judiciary. It noted that it would respond to the recommendations to abolish the death penalty before the adoption of the report by the Council in March 2009.

The draft report of the Working Group was adopted with no objection.

²⁷ Denmark, Netherlands, Mexico, Benin, Luxembourg.

²⁸ France, Netherlands, Sweden, Azerbaijan.

²⁹ Netherlands, Luxembourg, UK, Belgium.

³⁰ Mexico, Brazil, Latvia.

³¹ Slovenia, Sweden.

³² UK, Cameroon.

³³ Netherlands.

³⁴ France, Chile, Zambia, Pakistan.

³⁵ A/HRC/WG.6/3/L.12.

³⁶ Recommendation 35 (b), Recommendation 68(a).

³⁷ Recommendation 38(a).

³⁸ Recommendation 58(b).

³⁹ Recommendation 38(b).

⁴⁰ Recommendation 38(c), Recommendation 44(d), Recommendation 72 (c), Recommendation 87(a).

⁴¹ Recommendation 38(d), Recommendation 49(c), Recommendation 78(c).

⁴² Recommendation 44(b), Recommendation 72 (b), Recommendation 80.

⁴³ Recommendation 58(a).

⁴⁴ Recommendation 74(a).

⁴⁵ Recommendation 82(b).

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