



International Covenant on Civil and Political Rights

Distr.: General
29 August 2019

Original: English

Human Rights Committee

Report on follow-up to the concluding observations of the Human Rights Committee*

Addendum

Evaluation of the information on follow-up to the concluding observations on Burkina Faso

Concluding observations (117th session): CCPR/C/BFA/CO/1, 11 July 2016

Follow-up paragraphs: 16, 24 and 36

Follow-up reply: CCPR/C/BFA/CO/1/Add.1, 18 July 2017

Committee's evaluation: Additional information required on paragraphs
16[C][B], 24[B] and 36[A][B][C]

*Information from non-governmental
organizations:* Centre for Civil and Political Rights¹

Paragraph 16: Equality between men and women and practices that are harmful to women

The State party should: (a) amend the Personal and Family Code so as to guarantee that the same minimum age for marriage applies to men and women and to all marriages, including traditional or religious marriages, and take steps to reduce polygamy with a view to its abolition; (b) extend the ban on forced marriages to cover traditional or religious marriages; (c) ensure that traditional or religious marriages are officially registered and that the age and consent of the spouses are systematically verified; (d) pursue efforts to raise awareness and devise new strategies for action to eradicate the practice of female genital mutilation; and (e) strengthen action to educate and sensitize the public, including traditional and religious leaders, to the need to combat traditional practices that are harmful to women, and ensure the effective application of the legal provisions that guarantee equality in matters of inheritance and access to land.

Summary of State party's reply

(a) The State party reiterated information provided in its replies to the list of issues (CCPR/C/BFA/Q/1/Add.1, para. 13) regarding the review of the Personal and Family

* Adopted by the Committee at its 126th session (1–26 July 2019).

¹ See https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2fCCPR%2fNGS%2fBFA%2f33281&Lang=en.



Code. Draft legislation was prepared to establish 18 years as the minimum age of marriage for men and women;

(b) No information provided;

(c) No information provided;

(d) In addition to awareness-raising campaigns on female genital mutilation, intervention strategies to eradicate the practice were organized and implemented. In January 2017, the Government adopted the National Strategic Plan for the Promotion of the Elimination of Female Genital Mutilation (2016–2020), accompanied by a three-year (2016–2018) action plan for its implementation, aimed at reducing female genital mutilation by 20 per cent;

(e) Several awareness-raising activities for the public and traditional leaders took place in 2016 and 2017 to fight practices that are harmful to women. Activities included meetings with community networks on violence against women and girls, advocacy efforts and educational talks and workshops in local languages with traditional leaders on social exclusion of women accused of witchcraft and their rehabilitation and reintegration, and 10 training sessions with over 300 traditional leaders on the negative effects of early and forced marriage.

Information from non-governmental organizations

(a) The challenge now is to get the review of the Personal and Family Code passed by Parliament. For the time being, the Council of Ministers has suspended its adoption, in particular because the provisions on polygamy are causing discontent among certain religious groups. The issue of religious marriages is not addressed in the amendment;

(b) A new Criminal Code, adopted in 2018, incorporates a new definition of marriage that takes into account religious and traditional marriages. The new code allows judges to impose penalties ranging from six months' to two years' imprisonment for forced marriage;

(c) The National Strategic Plan for 2016–2020 envisions protection committees in villages and mobile hearings in local communities to stem abuses against women.

Committee's evaluation

[C] (a), (b) and (c): The Committee notes the information on the review of the Personal and Family Code and other draft legislation, and that these measures were taken before the adoption of the concluding observations. Therefore, the Committee requires additional information on measures taken and progress made since the adoption of the concluding observations, including: (i) any specific legislative reviews undertaken and amendments adopted; (ii) a timeline for the adoption of amendments to the Personal and Family Code; and (iii) whether the envisaged review covers traditional and religious marriages. The Committee regrets the lack of information on steps taken to reduce and abolish polygamy in the State party. The Committee reiterates its recommendations.

The Committee regrets that no information was provided by the State party on extending the ban on forced marriage to cover traditional or religious marriages. It notes, however, information from other sources that the new Criminal Code, adopted in 2018, establishes penalties of imprisonment for forced marriage in the case of both traditional and religious marriages. The Committee requires details of the new definition of marriage contained in the Criminal Code adopted in 2018 and whether it complies with the Committee's recommendation to establish a ban on forced marriage in the case of traditional and religious marriages. The Committee also requires information on measures taken to ensure that traditional or religious marriages are officially registered and that the age and consent of the spouses are systematically verified. The Committee reiterates its recommendations.

[B] (d) and (e): The Committee appreciates the information provided by the State party on awareness-raising on and new strategies to eradicate female genital mutilation. The Committee requires additional information on the beneficiaries of the National Strategic

Plan, including whether (i) it involves the participation of traditional and religious leaders; and (ii) it has proven to be effective in terms of reducing the practice. The Committee also requires statistical data on the practice of female genital mutilation in both rural and urban areas of the country in the last three years.

While the Committee notes information on several awareness-raising activities carried out in the State party in 2016 and 2017 to combat traditional practices that are harmful to women, it requires further information on (i) the envisaged continuation of these activities; (ii) tangible outcomes from these activities; and (iii) measures taken to ensure the effective application of the legal provisions guaranteeing equality in inheritance and access to land.

Paragraph 24: Mob justice and vigilante groups

The State party should: (a) reinforce the presence of national security and defence forces so as to guarantee the security of the population throughout the country and prevent the vigilante groups, including the “Koglweogo”, from taking the place of the State and performing law-enforcement tasks; (b) conduct investigations, prosecute all alleged perpetrators of human rights violations and, if they are found guilty, sentence them appropriately; and (c) organize awareness campaigns on the illegality of summary and mob justice and the criminal responsibility of perpetrators.

Summary of State party’s reply

(a) Defence and security forces were strengthened through the deployment of 3,107 additional security personnel in 2016, raising the ratio of officers to inhabitants from 1 per 948 in 2015 to 1 per 800. The State party aims to increase the ratio to 1 per 643 by 2020. New police and gendarmerie services were created to improve the coverage of the security network throughout the country. The State party would like to raise the current coverage of 64 per cent to 70 per cent by 2020.

In 2016, the Council of Ministers adopted a decree establishing municipal security committees and local community security organizations in order to ensure that the entire country is covered by legal bodies to combat insecurity, encourage public participation and protect populations and their property. Article 12 of the decree expressly prohibits the illegal carrying of firearms, the movement in groups of persons bearing firearms, the wearing of uniforms similar to the security forces, the detention and confinement of alleged offenders, physical abuse, cruel, inhuman or degrading treatment, the levying or collection of fines from individuals or populations, the “sentencing” of alleged offenders, and the creation of organizations based on race, ethnic origin or religion;

(b) Legal proceedings were initiated against persons suspected of acts of cruel, inhuman or degrading treatment. In June 2016, a communiqué from the Government outlined its determination to ensure that vigilante groups respect the various laws currently in force relating to the protection of life and the physical integrity of persons;

(c) To curb the number of vigilante groups and their actions, the Government has carried out awareness-raising activities encouraging such groups to work with the defence and security forces and end human rights violations.

Information from non-governmental organizations

(a) The authorities are committed to increasing the number of security forces.

The integration of vigilante groups and members into local police forces remains problematic, as does the actual implementation of the 2016 Council of Ministers decree. However, in 2017 the State was successful in dissolving the Association islamique Nachroul islam de Pouytenga, a vigilante Islamic security group functioning in Pouytenga.

While a national forum on security and community policing took place in October 2017, very few of the recommendations made there were implemented;

(b) Little progress has been made on prosecuting and sentencing perpetrators of human rights violations. Exact statistics do not exist, but some perpetrators have been arrested, prosecuted and sentenced for their actions;

(c) Awareness campaigns, include television spots promoting the illegality of private justice, have been held. However, public lynching and acts of so-called private justice still occur.

Committee's evaluation

[B] (a), (b) and (c): The Committee appreciates the information on the actual and the planned increases in the number of security officers, on capacity-building, the creation of new police and gendarmerie services, and the adoption of a decree to combat insecurity and protect populations and property. The Committee requires further information on (i) steps taken to prevent vigilante groups from engaging in law-enforcement acts in practice; (ii) the results achieved by the implementation of the 2016 Council of Ministers decree since its implementation; and (iii) the results of the national forum on security and community policing that took place in October 2017 and the status of implementation of the resulting recommendations.

The Committee notes the information that legal proceedings have been brought against alleged perpetrators of cruel, inhuman and degrading treatment. However, it requires more specific information on the number of investigations carried out, prosecutions made and the sentences imposed on perpetrators who have been found guilty in the last three years.

The Committee takes note of the information provided on awareness-raising activities to encourage vigilante groups to work with the defence and security forces and end human rights violations. Nevertheless, it regrets that specific information was not provided on (i) the periodicity of these activities; and (ii) awareness-raising concerning the illegality of summary and mob justice. The Committee reiterates its recommendation.

Paragraph 36: Human trafficking and child labour

The State party should: (a) continue its efforts to make the general public and those who work in the criminal justice system aware of the problem of trafficking and the risks of economic and sexual exploitation; (b) strictly enforce the laws and regulations related to child trafficking, child labour and the exploitation of children, with a view to eliminating these practices and strengthening monitoring mechanisms; (c) amend Act No. 011-2014/AN so as to ensure that the penalties handed down for sex offences involving children are commensurate with the seriousness of such offences; and (d) collect disaggregated data on the extent of trafficking for purposes of the sexual and economic exploitation, forced labour and exploitation of children.

Summary of State party's reply

(a) The State party engaged in several awareness-raising activities and disseminated relevant acts. These activities reached at least 456,326 persons. In collaboration with the United Nations Children's Fund (UNICEF), five meetings were held in 2017, targeting 150 actors from the criminal justice system, civil society and representatives from various ministries to promote greater understanding and disseminate legal instruments protecting children from economic and sexual exploitation;

(b) All cases of alleged trafficking of children reported by social workers are referred to the relevant courts. The establishment of watchdog and monitoring committees throughout the country supports the defence and security forces in fighting trafficking through reporting mechanisms, which resulted in the rescue of 1,442 children in 2016;

(c) Advocacy on Act No. 011-2014/AN was carried out in 2016 as a part of the preparation of the Child Protection Code. It focused on the introduction of the penalty of imprisonment for sex offences involving children rather than the currently implemented fine;

(d) No information provided.

Information from non-governmental organizations

(a) In September 2018, the International Bureau for Children's Rights in Burkina Faso signed partnership agreements with police and gendarmerie training schools on integrating modules for judicial police agents and officers on child protection;

(b) Surveillance committees were put in place, but are not completely operational across the State party's territory;

(c) No information is available on any amendment of Act No. 011-2014/AN;

(d) There are no specific statistics on the number of people and children who have been trafficked.

Committee's evaluation

[A] (a): The Committee welcomes the State party's information on the awareness-raising activities to combat the economic and sexual exploitation of children and strongly encourages the continuation of these activities.

[B] (b): While the Committee welcomes the information provided by the State party, it requires additional details on measures taken since the adoption of the concluding observations to combat child trafficking, child labour and the exploitation of children, including: (i) measures taken to ensure that cases referred by social workers or other bodies are properly investigated, prosecuted and punished, when appropriate; (ii) the number of cases of child trafficking, child labour and exploitation of children that were reported, investigated and prosecuted and the number of convictions handed down in the last three years; and (iii) the tangible outcomes of the work of the watchdog and monitoring committees and measures taken to strengthen their work.

[C] (c) and (d): The Committee takes note of the information on advocacy activities carried out with regard to Act No. 011-2014/AN, but regrets that no concrete legal steps have been taken to amend the Act in line with the Committee's recommendation. The Committee also regrets the lack of disaggregated data or information on the collection of official data on the extent of trafficking for purposes of sexual and economic exploitation, forced labour and exploitation of children. The Committee reiterates its requests for information and reiterates its recommendation.

Recommended action: A letter should be sent informing the State party of the discontinuation of the follow-up procedure. The information requested should be addressed in the State party's next periodic report.

Next periodic report: 15 July 2020.
