



Convention on the Rights of Persons with Disabilities

Distr.: General
9 September 2024

Original: English

Committee on the Rights of Persons with Disabilities Thirty-first session

Summary record of the 720th meeting

Held at the Palais des Nations, Geneva, on Monday, 12 August 2024, at 3 p.m.

Chair: Ms. Fefoame

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The meeting was called to order at 3 p.m.

Consideration of reports submitted by parties to the Convention under article 35

Initial report of Burkina Faso (CRPD/C/BFA/1; CRPD/C/BFA/Q/1; CRPD/C/BFA/RQ/1)

1. *At the invitation of the Chair, the delegation of Burkina Faso joined the meeting.*
2. **A representative of Burkina Faso**, introducing her country's initial report (CRPD/C/BFA/1), said that Burkina Faso had always adhered to the notion that durable development was not possible without the involvement of all members of society, including persons with disabilities. Equality and non-discrimination were enshrined in the Constitution. For its part, the Government had rolled out a body of ambitious national policies and strategies to reinforce legal and institutional frameworks in order to protect persons with disabilities and to reinforce their socioeconomic autonomy. In that connection, it had enacted Act No. 012-2010/AN on the Protection and Promotion of the Rights of Persons with Disabilities and Act No. 061-2015/CNT on the prevention and punishment of violence against women and girls and redress and support for victims. Moreover, the State was party to a body of international legal instruments that aimed to promote inclusion and it had recently signed the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Persons with Disabilities in Africa and the Charter on Inclusion of Persons with Disabilities in Humanitarian Action.
3. Burkina Faso had worked with organizations of persons with disabilities to develop its second National Strategy for the Protection and Advancement of Persons with Disabilities (2021–2025). The Strategy and the accompanying action plan focused on a number of priority areas, including access to social and legal protection for persons with disabilities, communication, capacity-building, and inclusive development. The Strategy was subject to yearly evaluations, which also took account of the ongoing humanitarian and security crisis in which it was being implemented. Its budget allocations for 2021 and 2022 had been disbursed, and the allocation for 2023 was in the process of being finalized. Since ratifying the Convention, the Government had acted to improve education, training and employment opportunities for persons with disabilities and to facilitate their access to public transport, public buildings and health-care services. The "Yirwa" project had been developed with a view to tackling the sociocultural burdens and discrimination associated with disability, and an annual campaign was run entitled "Ten days for the inclusion of persons with disabilities".
4. As of the end of 2022, the national strategy on the development of inclusive education, adopted in 2018, had enabled 67,733 children with disabilities to pursue their education in an equitable and stimulating environment in mainstream schools. In order to foster employment and to ensure that disability did not constitute an obstacle to work, the Government had pursued special training initiatives and partnerships with the private sector. A study into the employability of persons with disabilities, conducted in coordination with bilateral and multilateral partners, had produced a body of pertinent recommendations which had been duly implemented. The Government had issued a guide intended to promote the effective involvement of persons with disabilities in the political and public life of Burkina Faso. In fact, under article 15 of the Transition Charter, persons with disabilities could be members of the Transitional Legislative Assembly. Persons with disabilities also sat on the National Human Rights Commission.
5. Persons with disabilities were, of course, at the heart of the annual commemoration of the International Day of Persons with Disabilities while, at the national level, a forum on persons with disabilities was held every two years under the auspices of the President of the Republic. Two such forums had been held so far, in 2018 and in 2020, thanks to which 5,083 persons with disabilities had received funding to run their own small businesses, while a further 682 had received assistance with mobility. In addition, a new online system had been developed for the issuance of disability cards, and the needs of persons with disabilities had been incorporated into the national development framework.
6. An accessibility survey conducted in 2023 had led to improved access for persons with disabilities to public infrastructure, including administrative buildings, transport and leisure facilities. Advocacy campaigns on behalf of persons with disabilities had been

addressed to several government ministries as well as to the Transitional Legislative Assembly. Action had also been taken to improve disability-related statistics, via the harmonization of indicators on follow-up to the Convention and the National Strategy for the Protection and Advancement of Persons with Disabilities. The Washington Group short set of questions on functioning had been used as part of a recent population census, and researchers and academics had received training in the collection of inclusive data.

7. Persons with disabilities were provided with health-care, support and rehabilitation services. Having signed resolution AFR/RC45/R3 at the forty-fifth session of the Regional Committee for Africa of the World Health Organization (WHO), Burkina Faso had made quality of care one of its national health priorities and had developed a body of norms to regulate physical medicine and rehabilitation. In fact, the country had recently rolled out its second strategic plan for physical medicine and rehabilitation, which covered the period 2023–2027. News bulletins and other programmes on national television were accompanied by sign language interpretation to help persons with disabilities have access to information. Moreover, persons with disabilities enjoyed financial support from the Government to enable them to participate in cultural and sporting activities. The latest “national culture week” had seen the widescale involvement of persons with disabilities. Such persons also participated in sporting competitions at the national and international levels.

8. Burkina Faso was aware that many challenges persisted and that much remained to be done in order to remove the social and environmental obstacles that hindered full participation. Those difficulties were accentuated by the security crisis that had been affecting the country for several years. Nonetheless, the Government remained determined to continue its efforts to protect and promote the rights of persons with disabilities.

Articles 1–9 and 31–33

9. **Mr. Kouassi** (Coordinator, Country Task Force) said that he wished to commend Burkina Faso for its efforts on behalf of persons with disabilities, despite the many grave difficulties the country was facing. It was important to ensure that the legal terms and concepts used in the State party were fully consistent with the rights-based model of disability. In that regard, he would be interested to learn what action the Government was taking to harmonize its laws and policies with the Convention, notably with regard to the definition of disability in Act No. 23/94/ADP promulgating the Public Health Code; Act No. 005-2018/AN on the regulations concerning the establishment, delivery and validity of driving licences; Act No. 025-2018/AN promulgating the Criminal Code; and Act No. 012-2010/AN on the Protection and Promotion of the Rights of Persons with Disabilities.

10. The delegation might report on the current status of the proposed amendments to the Public Health Code and the Persons and Family Code and inform the Committee about the extent to which persons with disabilities had been involved in the drafting process. He would be interested to learn what human and financial resources had been mobilized and what mechanisms had been put in place at all levels of the public administration to ensure that persons with disabilities were effectively consulted on all laws, policies and programmes that affected them, including during the coronavirus disease (COVID-19) pandemic. He looked forward to hearing about the outcome of the evaluation of the National Strategy for the Protection and Advancement of Persons with Disabilities for the period 2021–2023.

11. Lastly, he hoped to learn about any provisions in the Constitution and the law intended to prohibit all forms of disability-based discrimination, including the refusal of reasonable accommodation, in accordance with the Convention. He also wished to know what administrative and judicial channels were available whereby victims of multiple and intersecting forms of disability-based discrimination, notably women and girls, could obtain redress.

12. **A representative of Burkina Faso** said that the legal definition of disability used in laws such as Act No. 012-2010/AN on the Protection and Promotion of the Rights of Persons with Disabilities was consistent with the Convention. Other texts, where terms such as “invalidity”, “infirmity” and “incapacity” continued to be used, were in the process of being assessed with a view to bringing them fully into line with the Convention. A study had been conducted in that regard and certain recommendations had been made.

13. **A representative of Burkina Faso** said that the evaluation of the National Strategy for the Protection and Advancement of Persons with Disabilities for 2021 had shown that 142 of the 392 activities programmed under the Strategy had been carried out. Of the almost 5.8 billion CFA francs (CFAF) earmarked for those activities, only around CFAF 1.37 billion, slightly less than 24 per cent, had effectively been forthcoming. According to the 2022 evaluation, 130 of the 364 programmed activities had been implemented, a completion rate of 35.71 per cent, while of a planned CFAF 6.35 billion only little more than 63 per cent had been disbursed. The current National Strategy, which was already the country's second, laid major emphasis on the involvement of persons with disabilities themselves in the realization of the planned activities.

14. **A representative of Burkina Faso** said that members of the Transitional Legislative Assembly and other stakeholders, including members of an expert committee overseeing the drafting of legislative bills, had participated in information sessions on the Convention and the rights of persons with disabilities. Amendments to the Persons and Family Code, bringing the text into line with international standards, had been approved by the Council of Ministers and submitted to the Transitional Legislative Assembly for adoption. Some members of the Transitional Legislative Assembly had disabilities themselves and represented the interests of persons with disabilities generally. Major steps had been taken by the Government to promote the disability-sensitive planning of policies and programmes, including the training of public servants responsible for planning under the "Yirwa" project. All persons, whether they had a disability or not, had the right to make a claim before the courts if they believed that their rights had been violated. Awareness-raising activities had been organized throughout Burkina Faso and radio broadcasts had been produced to inform persons with disabilities about the legal remedies available to them. Information leaflets on the rights of persons with disabilities had been produced and were currently being distributed.

15. **Mr. Kouassi** said that he would welcome information on the measures in place to ensure that the rights of women and girls with disabilities were taken into account at all stages of the implementation of legislation and policies and in public discourse at the national and local levels. He also wished to know whether women with disabilities had had their own quota within the proposed quota for women in elected and administrative posts. Lastly, it would be useful to learn more about the measures adopted to protect women and girls with disabilities against multiple and intersecting forms of discrimination, particularly in education, vocational training, employment and access to housing, drinking water and sanitation, and to prevent those forms of discrimination; the measures taken to empower women and girls with disabilities; and steps taken to promote the participation of women with disabilities in decision-making bodies.

16. **A representative of Burkina Faso** said that a number of measures had been taken to ensure that the rights of women with disabilities were respected on the same footing as all persons in Burkina Faso. There were over 300 associations of persons with disabilities in the country, including many that were headed by women with disabilities. Women with disabilities were protected under Act No. 012-2010/AN on the Protection and Promotion of the Rights of Persons with Disabilities and the National Gender Strategy. Development plans, policies and programmes took the specific needs of women and girls with disabilities into account. In accordance with Act No. 101 on the prevention of violence against women, centres for the protection of women victims of gender-based violence provided all women victims of violence with support and legal assistance. Under the National Strategy for the Acceleration of Girls' Education, specific measures were taken in respect of girls with disabilities, and under the National Strategy for the Protection and Promotion of the Rights of Young Girls, awareness-raising activities on respect for the rights of girls with disabilities had been carried out among public officials and religious and community leaders. The situation of women and girls with disabilities was specifically addressed in the National Strategy for the Elimination of Female Genital Mutilation. Women with disabilities were represented within the National Multisectoral Council for the Protection and Promotion of the Rights of Persons with Disabilities. A legal support fund had been set up for women with disabilities to help them meet legal costs, and women with disabilities were provided with microloans at preferential rates, received public grants and subsidies and had the same right to training under the "Yirwa" project as men. Administrative support was provided to women

with disabilities to assist them with applications for national identity cards, birth certificates and other civil status documents.

17. **A representative of Burkina Faso** said that the Government invested around CFAF 100 million for every girl with disabilities newly enrolled in primary school, to help parents meet the associated costs. Such girls were provided with free school materials, received additional support classes and, like all girls, were provided with menstrual hygiene kits to help them to focus on their schooling. Parents of girls with disabilities had the possibility of participating in information sessions on the education of their children.

18. **Mr. Kouassi** said that he would appreciate information on the measures taken to combat all forms of discrimination, including prejudice against and stigmatization of children with disabilities, and the strategies put in place to eliminate stereotypes about and negative cultural attitudes towards them, discrimination in education and vocational training, corporal punishment at home, at school and in institutions and exploitation through forced begging. He would also welcome information on strategies adopted for the deinstitutionalization of children with disabilities and the measures taken to ensure that such children had access to alternative care in a family setting; the measures taken to ensure that children with disabilities received appropriate assistance and to promote their participation in the Children's Parliament; and the measures taken to include children with autism among children with disabilities and ensure that they received appropriate care.

19. **A representative of Burkina Faso** said that a survey had been conducted in 2013 to determine the number of children with disabilities in the country and gather information about their concerns and needs. Awareness-raising activities had been organized on the inclusion and protection of children with disabilities and information sessions on early detection had been held. As awareness around disability-related issues increased, the prevalence of the use of corporal punishment should decrease. A wide-reaching campaign against forced begging was currently under way. In that context, child victims of forced begging were taken off the streets and, where appropriate, were given the opportunity to be reintegrated into productive and agricultural activities. As a matter of public policy, foster care was prioritized over institutionalization. Foster families received training to ensure they had the skills needed to meet the needs of the children in their care. However, children with serious disabilities who required a higher level of expert care were placed in specialized institutions. With support from the State, private institutions offered expert support to children with autism. In 2023, children with disabilities had been invited to give statements before the Transitional Legislative Assembly to make their concerns known. The Children's Parliament was open to all children in Burkina Faso, including children with disabilities.

20. **A representative of Burkina Faso** said that a child protection code was currently being drafted; the code would address the situation of children with disabilities specifically.

21. **Mr. Kouassi** said that he would be grateful for information on the measures taken to raise awareness of the rights of persons with disabilities among the general public, in particular among persons with disabilities themselves, their parents and families, as well as professional groups and public administration officials at all levels; the implementation, effectiveness and budget of national awareness-raising campaigns, including media campaigns to eliminate discrimination against persons with disabilities, and clarification of whether organizations of persons with disabilities were systematically involved in the planning and implementation of those campaigns; and the measures taken to make the Convention available in accessible formats, including sign language, Braille and Easy Read, and national languages.

22. **A representative of Burkina Faso** said that relevant training had been organized for primary school teachers and other teaching staff. Every two years, a forum was organized at which the President of Burkina Faso met with persons with disabilities to discuss their concerns with them directly. The International Day of Persons with Disabilities was celebrated every 3 December. Short films on the rights of persons with disabilities had been produced in the context of the "Yirwa" project and there was a theatre group whose plays aimed to raise awareness of disability-related issues.

23. **A representative of Burkina Faso** said that an awareness-raising campaign carried out in 2023 had reached over 11 million people. Many persons with disabilities participated

in such campaigns. The theatre group mentioned was in fact entirely composed of persons with disabilities.

24. **Mr. Kouassi** said that he wished to know what measures had been taken and what resources had been made available to ensure the effective implementation of the operational action plan mentioned in paragraph 1 of the State party's report, in particular with regard to accessibility under the National Strategy for the Protection and Advancement of Persons with Disabilities 2021–2025, and would welcome information on the monitoring mechanisms established, the appeal procedures in place and the penalties applicable in that regard. He would also appreciate information on the strategies in place to ensure that persons with disabilities had access to information and communication technologies on an equal basis with others, including information in Braille, Easy Read, sign language and other modes of alternative and augmentative communication.

25. **A representative of Burkina Faso** said that much work had been undertaken to ensure that persons with disabilities had access to public buildings and information. According to a study carried out in 2015, around 50 per cent of schools had access ramps. Accessibility audits on public buildings had also been carried out, leading to accessibility improvements being made to 70 school buildings in six regions in the first half of 2024. Public television broadcasts were interpreted into sign language for the benefit of persons with hearing impairments. Regarding access to information and communication technologies, steps had been taken to make public information available in Braille and, in late 2024, a study would be conducted to determine what technological devices were required by persons with disabilities to ensure their access to information.

26. **Mr. Kouassi** said that he would welcome information on the efforts made to establish a system for collecting data on the situation of persons with disabilities, to strengthen the systematic collection and reporting of disaggregated data and to increase coordination among all State agencies and departments in order to give effect to the Convention; measures to involve organizations of persons with disabilities in foreign policy decisions and to facilitate their access to international cooperation funds; measures to increase the financial, material and human resources of the National Multisectoral Council for the Protection and Promotion of the Rights of Persons with Disabilities; and measures to make the National Human Rights Commission the independent mechanism responsible for monitoring implementation of the Convention, in accordance with article 33 (2).

27. **A representative of Burkina Faso** said that statistical data on persons with disabilities had been collected by the State since the 1980s. The 1985 census – the second ever in Burkina Faso – had contained questions about the situation of persons with disabilities, as had the 1996, 2006 and 2019 censuses. The continuous multisectoral surveys of 2008, 2014 and 2018 had also taken disability into account. General directorates for sectoral studies and statistics established in every ministry produced statistical data that took disability into account. The efforts to collect data on persons with disabilities had been made possible by training and awareness-raising activities conducted with statisticians and researchers. For instance, information on the importance of inclusive data for the development of public policy had been provided during events held to mark World Population Day 2024 under the theme “harnessing the power of inclusive data for a resilient and fair future for all”.

28. To harmonize follow-up indicators regarding the Convention, the Sustainable Development Goals and the National Strategy for the Protection and Advancement of Persons with Disabilities, an electronic data management system on persons with disabilities was being developed. A survey of vulnerable population groups was also under way with a view to creating a central social register that reflected the actual situation of persons with disabilities. That work was being hindered by the fact that not all ministries and government departments systematically took disability into account in their data collection.

The meeting was suspended at 4.25 p.m. and resumed at 4.40 p.m.

29. **Ms. Gamio Ríos** said that the Committee would be interested to hear about the implementation in practice of the many laws enacted by the State party in the area of disability. For example, it would be helpful to know what specific measures were taken to prevent sexual violence, exploitation and abuse of women and girls with disabilities and

punish the perpetrators of such acts, whether Act No. 061-2015/CNT on the prevention and punishment of violence against women and girls and redress and support for victims clearly included women and girls with disabilities, whether support measures were in place for parents of children with disabilities, especially those living in poverty, and whether anyone who had used children with disabilities for the purpose of begging had been prosecuted.

30. **Mr. Al-Azzeh**, noting that it seemed from the report and replies to the list of issues that initiatives for persons with disabilities were disparate, said that he would be interested in hearing about any overarching strategy in that area. He would also be interested in hearing about plans to amend laws to remove derogatory language, such as “unsound mind”, and about whether the Washington Group short set of questions on functioning would be included in the next census.

31. **A representative of Burkina Faso** said that, when cases of sexual violence against women and girls arose, teams composed of social workers, psychologists and the police were set up to provide assistance to the victims. Depending on the case, legal action was taken or alternative dispute resolution mechanisms were used. The teams had proven quite effective. Although the same procedure applied in cases where children with disabilities were used for begging, the main course of action in that regard was awareness-raising, including among persons living in the streets. Persons who refused to leave the streets were liable to prosecution.

32. The activities being conducted in respect of persons with disabilities were not disparate; they had been carried out under the National Strategy for the Protection and Advancement of Persons with Disabilities for 2012–2021 or its next iteration covering the period 2021–2025.

33. The Government acknowledged that some of the terminology in national legislation was contrary to the Convention and, following a study on the topic, measures were being taken to make the necessary changes. However, some of the issues were a matter of mindset and attitude and would therefore take time to change. The Washington Group questions had been used in the 2019 census and would continue to be used in the future.

34. **Ms. Thongkuay** said that she welcomed the fact that all forms of discrimination, including on grounds of disability, were prohibited under a number of the State party’s laws. She would be grateful for information on the number of public servants who had received training in equality and non-discrimination, including the obligation to provide reasonable accommodation, disaggregated by agency and geographical location, on the number of persons with disabilities who had reported discrimination or harassment on account of their disability in the past 12 months, and on the framework in place to promote, enforce and monitor equality and non-discrimination on the basis of sex, in particular with regard to internally displaced persons with disabilities, in keeping with target 5.1.1 of the Sustainable Development Goals.

35. **Ms. Aldana Salguero** said that she would welcome the delegation’s comments on reports that civil society organizations were not free to participate in decision-making in areas relevant to their work. She would be interested in hearing how the State addressed the issues of violence in the community, kidnapping and forced displacement of persons with disabilities due to transnational crime, how it mitigated the risk posed by explosive remnants of war and how it guaranteed that persons with disabilities could have access to humanitarian aid for displaced persons.

36. **A representative of Burkina Faso** said that the Ministry of Justice lacked data on complaints by persons with disabilities who were victims of offences and on the numbers of persons with disabilities in conflict with the law and in detention. Nevertheless, for the purpose of the dialogue with the Committee, a survey of short-stay prisons and penitentiaries had been conducted and, although fragmentary, its findings would be communicated to the Committee. A policy document containing the Government’s vision for combating crime for the next four years had been adopted that year. It paid particular attention to combating violence against women and children, including those with disabilities. To that end, the Ministry of Justice would be sending regular circulars to remind the investigative and prosecutorial authorities that cases of gender-based violence, including when committed against persons with disabilities, should systematically be investigated.

37. **A representative of Burkina Faso** said that there was a general policy to provide assistance to internally displaced persons, including through a centre run by a non-governmental organization (NGO) that provided care to persons injured while displaced. The policy included a focus on vulnerable persons.

38. **A representative of Burkina Faso** said that, of the more than 2,062,500 internally displaced persons in 2023, more than 10,600 had a disability, including more than 5,370 women. After signing the Charter on Inclusion of Persons with Disabilities in Humanitarian Action in 2023, the Government had sent technical teams into the field to assess what measures were in place for internally displaced persons with disabilities; a report containing recommendations for improvement had been produced. Furthermore, the Government's humanitarian response plans established standards of care for internally displaced persons with disabilities. Organizations of persons with disabilities were actively involved in advocacy in that regard and in raising funds for awareness-raising on inclusive humanitarian action.

39. **Mr. Al-Azzeh** said that he wished to better understand why, despite the inclusion of questions on disability, the 2019 census had identified a number of persons with disabilities far below the estimate by the WHO of 13 per cent of the population. The delegation was invited to describe the nature of the 142 activities carried out under the National Strategy for the Protection and Advancement of Persons with Disabilities and the three-year action plan mentioned in paragraph 3 of the replies to the list of issues (CRPD/C/BFA/RQ/1) and the role played by organizations of persons with disabilities in their monitoring and assessment.

40. **The Chair** said that she wished to know what steps the State party was taking to prevent women with albinism from being attacked in order to harvest their bodyfat for use in witchcraft and how it ensured that organizations of persons with disabilities were effectively consulted and that their input was taken into consideration.

41. **Mr. Kouassi** asked whether persons with disabilities were represented in the Transitional Legislative Assembly, if so, on what basis the representatives had been selected, and how the State party intended to make the National Human Rights Commission into an independent mechanism for monitoring the implementation of the Convention.

42. **A representative of Burkina Faso** said that part of the reason for the discrepancy between the prevalence of disability shown in the 2019 census and the international average was that the country was new to using the questions on disability and that the prevalence of disability had been calculated on the basis of the population aged 5 years or older.

43. The 142 activities mentioned previously were only those carried out in 2021; many more had been conducted since then. Persons with disabilities had been involved in the design of the National Strategy for the Protection and Advancement of Persons with Disabilities and associated action plan and continued to participate in its implementation and evaluation.

44. Considerable awareness-raising was conducted each year about albinism, including the week-long "Albiweek" campaign. In addition, care and support activities for persons with albinism were organized, notably with regard to skin cancer prevention. The use of persons with albinism in witchcraft was a marginal practice in Burkina Faso.

45. The President had held a meeting with women in which women with disabilities had taken part; a similar event had been held with children, including some with disabilities. Thus, their views were taken into account at the highest level. Persons with disabilities, through the leaders of their representative organizations, had elected their representatives to the Transitional Legislative Assembly.

Articles 10–20

46. **Mr. Makni** (Country Task Force) asked to what extent persons with disabilities or their representative organizations were involved in the implementation of the Charter on Inclusion of Persons with Disabilities in Humanitarian Action.

47. **A representative of Burkina Faso** said that the Charter on Inclusion of Persons with Disabilities in Humanitarian Action, which had been drafted in partnership with organizations of persons with disabilities and NGOs working in the field of disability, was

legally binding. The implementation of the Charter was monitored through field visits conducted periodically by government officials. Internally displaced persons, including persons with disabilities, were housed temporarily at specially appointed sites before being placed with a host family. Thus, in practice, field visits tended to focus on monitoring the situation of internally displaced persons with disabilities in those two contexts. A dozen visits had been carried out in 2023, while three such visits had been conducted thus far in 2024. Internally displaced persons with disabilities were also among the first to receive blankets and food during mass distributions.

48. **Mr. Makni** said that, regrettably, the Persons and Family Code contained several provisions that restricted the exercise of legal capacity by persons with disabilities, including by subjecting them to guardianship and wardship regimes in certain cases. It would be useful to know whether the State party had taken any steps towards repealing those provisions to bring the Code fully into line with the Convention and to hear about any specific measures it had taken to protect persons with intellectual disabilities who did not receive any form of support.

49. **A representative of Burkina Faso** said that the provisions of the Persons and Family Code relating to guardianship and wardship were intended to provide protection and support for persons who were unable to exercise their civil rights, including persons with intellectual disabilities. Thus, the appointment of a guardian or ward to represent a person who would otherwise be unable to exercise his or her rights in that domain was a protective, not a discriminatory, measure. Persons with intellectual disabilities who committed a criminal offence could not be held criminally liable, as the intention to commit an offence was not deemed to exist in such cases. Persons accused of having committed a criminal offence and who developed or were found to have an intellectual disability during the related judicial proceedings could, with the authorization of the presiding judge, be assisted by a person close to them. Persons convicted of a criminal offence and who developed an intellectual disability or mental health condition while deprived of their liberty had access to specialized medical care.

50. **Mr. Makni** said that the response provided by the delegation raised issues under article 12 of the Convention, particularly with regard to the freedom of choice and independence of persons with intellectual disabilities. Regarding article 13 of the Convention, the Committee noted with concern that the lack of legal aid, procedural accommodations, sign language interpretation in courts and information accessible to persons with sensory impairments was impeding access to justice for persons with disabilities in Burkina Faso. He would appreciate information on how the State party intended to ensure the fulfilment of the right of persons with disabilities to procedural accommodations; on the training dispensed to judges, court clerks, lawyers, police officers and other justice officials on ensuring the right of access to justice of persons with disabilities; on any measures taken by the State party to guarantee the right of defence of persons with disabilities in general and to ensure that persons with intellectual disabilities in particular were not convicted of criminal offences; and on the mechanisms in place to care for persons with intellectual disabilities deprived of their liberty in prisons.

51. **Ms. Jacobs** asked how persons with disabilities were made aware of the different forms of support that were available to them in the community and whether resources from the legal aid fund were earmarked for persons with disabilities.

52. **A representative of Burkina Faso** said that the legal aid fund had been created to assist certain impoverished and vulnerable persons who would otherwise be unable to assert their legal rights. While the fund had not been set up exclusively for the benefit of persons with disabilities, the commission responsible for examining applications for legal aid took disability into account and prioritized applications from those persons. The officials administering the legal aid fund regularly conducted campaigns to raise public awareness of the right of access to justice and the right of eligible persons, including persons with disabilities, to apply for legal aid.

53. When no qualified sign language interpreters were available to interpret during court proceedings involving persons with disabilities, the judicial authorities could call on the services of one of the sign language instructors employed by the national sign language

training school or, failing that, a person who was accustomed to communicating with the person in sign language, as provided for in the Code of Criminal Procedure.

54. The Criminal Code expressly provided that no crime, misdemeanour or contravention could be deemed to have been committed if the perpetrator was in a state of insanity when the act was carried out. Persons with intellectual or mental disabilities could not, therefore, be held responsible for a criminal offence and receive a prison sentence. Instead, steps would be taken to ensure that persons in that situation received the care that they needed. While persons known to have an intellectual or mental disability could not be deprived of their liberty, persons convicted of a criminal offence could, conceivably, develop such a disability while in prison. All prisons equipped with a health centre had a protocol that was to be followed in such cases. If the inmates in question required further medical assistance, they could be referred to a university medical centre for treatment by a specialist. If the judge presiding over criminal proceedings suspected that the defendant had an intellectual or mental disability, he or she could adjourn the proceedings and request an expert medical opinion to help him or her to decide whether the defendant could be held criminally liable and imprisoned.

55. **A representative of Burkina Faso** said that the Sectoral Policy on Justice and Human Rights 2019–2027 established the strengthening of the capacities of actors in the justice system and the specialization of justice officials as key government actions. The document also listed several activities that the Ministry of Justice was to carry out in cooperation with partners working in the field. Regrettably, no disability-specific capacity-building activities had been conducted for justice officials in the previous two years. The National Multisectoral Council for the Protection and Promotion of the Rights of Persons with Disabilities had, however, undertaken to provide specific training to actors in the justice system to ensure greater efficiency in dealing with cases involving persons with disabilities.

56. **A representative of Burkina Faso** said that strengthening the capacity of actors in the justice system with a view to improving the experience of persons with disabilities featured in the action plan to implement the National Strategy for the Protection and Advancement of Persons with Disabilities.

57. **Mr. Makni** said that the ill-treatment inflicted on some persons with disabilities by their families, which included solitary confinement and shackling, was a cause for concern. The Committee was also worried that the conditions of detention in the State party's prisons were characterized by overcrowding, promiscuity, food shortages, inter-prisoner violence, inadequate social assistance and a lack of health care. He wished to know what measures the State party had taken to ensure that inmates with disabilities received tailored and appropriate support and adequate protection in the country's prisons.

58. **A representative of Burkina Faso** said that, pursuant to Act No. 010-2017/AN, the Prison System Act, vulnerable inmates, who included women, mothers with children, older persons and persons with disabilities, received special support from the social services that were attached to every prison in the country.

59. **Mr. Makni**, noting that the National Observatory for the Prevention of Torture and Related Practices, whose establishment was provided for in Act No. 022-2014/AN on the Prevention and Punishment of Torture and Related Practices, was still not operational owing to a dearth of financial resources, asked whether the State party might consider designating the National Human Rights Commission as the national mechanism for the prevention of torture instead.

60. **A representative of Burkina Faso** said that the suggestion made by Mr. Makni had already been taken up. Under Act No. 02-2021/AN of 30 March 2021, amending Act No. 01-2016/AN establishing the National Human Rights Commission, the Commission now served as the national mechanism for the prevention of torture and related practices.

61. **Mr. Makni** said that, according to a general report on the integrated supervision of reception centres and foster families for children in need, 42 children with disabilities had been identified as victims of violence and abuse in eight provinces. He wondered what measures the State party had taken or envisaged taking to ensure protection for children with disabilities in reception centres.

62. **A representative of Burkina Faso** said that the Criminal Code prohibited and punished all forms of corporal punishment, exploitation, violence and ill-treatment, including domestic violence, sexual violence in schools and neglect in reception centres housing vulnerable children. When an act of violence occurred in a reception centre, a social worker conducted a preliminary investigation and presented his or her findings to a panel of experts, which determined whether legal action needed to be taken. Regional child protection brigades also played a role in protecting children who were victims of violence and abuse and in bringing the perpetrators of the acts to justice.

63. **Mr. Makni** said that, under the Public Health Code, persons with mental disorders could be admitted to a psychiatric institution based on the consent of their family or parents or based on an administrative or judicial order. The Committee had received reports that persons with disabilities who were subjected to forced hospitalization were exposed to ill-treatment, including physical and sexual violence. The delegation might explain how the State party planned to remedy that situation and to protect persons with disabilities who were deprived of their liberty in psychiatric hospitals.

64. **A representative of Burkina Faso** said that persons with mental disorders could be committed to a psychiatric hospital based on the opinion of a doctor and the person's legal representative, since the person subject to committal was not able to make a sufficiently informed decision themselves. Persons with mental disorders who were committed to a psychiatric hospital received specialist care. Their situation was kept under review and, if their condition improved, they could be released on the basis of a decision by their legal representatives and doctors.

65. **Mr. Makni** said the fact that birth registration was not automatic in Burkina Faso could have the effect of depriving persons with disabilities of their rights to education, health and to participate in all areas of social and political life. He wished to know what steps the State party intended to take to ensure that births were systematically entered in the civil register in the future.

66. **A representative of Burkina Faso** said that birth registration was regulated by the Persons and Family Code, which provided that all births occurring in Burkina Faso must be declared to the registrar at the place of birth, who was responsible for issuing the corresponding birth certificate. Registration must take place within two months of the child's birth. If it was not possible to register the birth by the two-month deadline, the Persons and Family Code provided for a mechanism whereby the necessary declaration could be made before the departmental courts. To address the problem of unregistered births, the Government conducted campaigns involving the mass issuance of civil status certificates and was in the process of digitalizing all civil registration procedures. The recent adoption of a unique identifier system would make it easier to keep track of birth registrations in the country.

67. **Mr. Makni** said that the Committee noted with concern the existence of many obstacles preventing persons with disabilities in Burkina Faso from living independently, exercising freedom of choice and participating fully in society. Those obstacles included the status of "incapable" and the guardianship and wardship regimes provided for in the Persons and Family Code. That situation was compounded by the disparities between urban and rural areas, the lack of access to information, the lack of communication formats accessible to persons with different types of disabilities and the low level of education of persons with disabilities in general. The delegation might describe the measures taken or envisaged by the State party to address those issues and to guarantee the autonomy of persons with disabilities.

68. It was regrettable that the legislation aimed at promoting the right of persons with disabilities to personal mobility could not be applied because the necessary implementing regulations had still not been adopted. As a result, the majority of applications for import tax exemptions on vehicles for use by persons with disabilities were rejected, and the reductions in the cost of acquiring such vehicles provided for in that legislation remained unavailable, thus making mobility aids unaffordable for many persons with disabilities. Furthermore, it appeared that mobility aids were allocated to persons with disabilities on an ad hoc basis. The delegation might indicate when the regulations necessary to implement the legislation

aimed at promoting the right of persons with disabilities to personal mobility would be adopted and how its provisions would be enforced.

The meeting rose at 6 p.m.