



# International Covenant on Civil and Political Rights

Distr.: General  
17 April 2025

Original: English

---

## Human Rights Committee 143rd session

### Summary record of the 4190th meeting

Held at the Palais Wilson, Geneva, on Thursday, 6 March 2025, at 10 a.m.

*Chair:* Mr. Soh

## Contents

Consideration of reports submitted by States Parties under article 40 of the Covenant  
(*continued*)

*Second periodic report of Burkina Faso (continued)*

---

This record is subject to correction. Corrections should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of the present record to the Documents Management Section (DMS-DCM@un.org).

Any corrected records of the public meetings of the Committee at this session will be reissued for technical reasons after the end of the session.



*The meeting was called to order at 10.10 a.m.*

**Consideration of reports submitted by States Parties under article 40 of the Covenant**  
(continued)

*Second periodic report of Burkina Faso (continued) (CCPR/C/BFA/2;  
CCPR/C/BFA/QPR/2)*

1. *At the invitation of the Chair, the delegation of Burkina Faso joined the meeting.*
2. **The Chair** invited the delegation to resume replying to the questions raised by Committee members at the previous meeting.
3. **A representative of Burkina Faso** said that an action plan on human rights education for the period 2020–2024 had been implemented at all levels of the educational system. In addition, a number of awareness-raising campaigns and information activities on human rights had been carried out under the action plan, targeting the public in general and the armed forces, students, journalists and civil society organizations in particular. More than 230 training sessions on human rights and international humanitarian law had been held. A new action plan for the period 2025–2029 was currently being drawn up. There were several events throughout the country every year to promote patriotic commitment and citizen participation. More than a million people attended one such event in late October 2024.
4. In accordance with the vision set out by the Head of State, Captain Ibrahim Traoré, the law amending the Constitution, adopted on 30 December 2023, provided for the possibility of using traditional methods of dispute resolution such as mediation. The justice system reform was part of an inclusive, gender-sensitive approach and aimed to respond to the needs and aspirations of the population. In addition, under a project to support the strengthening of military justice and local justice to fight against impunity in Burkina Faso, the Government had carried out a study on customary justice mechanisms and alternative dispute resolution methods. A total of 4,380 complaints had been brought in relation to violence against women in 2023 and 5,653 in 2024.
5. All persons with disabilities were given access to justice without discrimination, including through accommodation and financial assistance. Depending on the type of disability, arrangements were made to enable persons with disabilities to have their cases heard in court. With regard to access to other basic social services, Burkina Faso had taken a series of measures to fulfil its obligations under the Convention on the Rights of Persons with Disabilities.
6. **Ms. Tigroudja** said that she wished to know how the national preventive mechanism worked in practice. She wondered whether it could visit places of detention without prior notice and meet with detainees without a police officer or guard being present. She would also like to know how requests for information from the authorities were acted upon and whether the annual report of the National Human Rights Commission was widely disseminated to the relevant authorities. According to information submitted by the national preventive mechanism itself, accused persons had stated in court that their confessions had been extracted under torture by the police. It would therefore be helpful to have examples of legal proceedings in which the rule on the exclusion of evidence obtained by torture under article 251-11 of the Code of Criminal Procedure had been applied by the courts.
7. She wished to ascertain how the reforms to the justice system, introduced in 2023 and 2024, were compatible with the guarantees of independence and impartiality of judges established under article 14 of the Covenant. The reforms had led, for example, to the submission of the public prosecutor's office to the authority of the Minister of Justice and Human Rights and had given the Minister the power to appoint, assign and sanction judges. She wondered what measures had been taken to provide the judiciary with the human and financial resources it needed to function, how the selection of judges was organized and what strategy was envisaged to reduce case backlogs and ensure the effective enforcement of court decisions.
8. Some judges who had ruled against members of the volunteer defence force or the executive had reportedly been forcibly conscripted. She would welcome information on reports that, on 10 October 2024, the Prosecutor General at the Ouagadougou Court of Appeal

had instructed all prosecutors to seek his prior authorization before prosecuting certain persons.

9. She wished to know whether military courts had jurisdiction over civilians. In particular, did members of the volunteer defence force who had been charged with human rights violations fall under the jurisdiction of the civilian courts or the military courts?

10. **Ms. Bassim** said that the Committee continued to have concerns, as expressed in its previous concluding observations in 2016 (CCPR/C/BFA/CO/1, paras. 25 and 26), about allegations of torture and ill-treatment inflicted by the police, members of the army, prison guards, self-defence militias and gendarmes. She would appreciate information on the measures taken to complete the investigations into the alleged offences committed during the 2014–2015 unrest, particularly the excessive use of force that had resulted in bodily harm, deaths and the disruption of peaceful gatherings, and to ensure that the alleged perpetrators were prosecuted and sentenced to penalties proportionate to the seriousness of the offence.

11. Lastly, she would welcome an update on the national preventive mechanism with regard to its mandate and composition, the selection of its members, its funding and its data-collection system during the period since it had become operational.

12. **Mr. El Haiba** said that he would like to know what measures were being taken to address reported shortcomings in conditions of detention, including the lack of detention facilities suitable for prisoners with disabilities, the shortage of medical staff at the high-security prison in Ouagadougou and the failure to investigate abuse in prison. He would appreciate further information on the strategic development plan for the prison administration, adopted in 2021. It would be helpful to hear about any visits by the judicial authorities, the competent inspectorates and non-governmental organizations (NGOs) to places of detention.

13. There was a need for clarification of the assertion in the State Party's report that Burkina Faso had no minority groups within its population and that the Fulani and Tuareg communities did not constitute minorities (CCPR/C/BFA/2, para. 212). The Committee had been informed that the rights of the Fulani were violated on ethnic grounds and because pastoralists were often equated with terrorists. Furthermore, the Fulani were allegedly caught between terrorists and the national armed forces, suffering human rights violations such as the plundering of property, enforced disappearance and extrajudicial executions. There had also been reports of acts of violence against internally displaced persons belonging to the Fulani community in Ouahigouya. He would therefore like to know what measures the State Party had taken to ensure respect for the rights of all citizens without exception and to combat all forms of discrimination. He wondered whether it was considering opening secure corridors to enable people to leave dangerous areas. He also wished to know what steps were being taken to combat hate speech and incitement to violence and ensure that all perpetrators of such offences were prosecuted.

14. **Ms. Abdo Rocholl** said that, despite the improvements made to the Code of Criminal Procedure regarding the right of arrested persons to a medical examination and to legal assistance from the outset of police custody, she remained concerned that the safeguards in place were neither automatic nor unconditional. She wished to know whether the State Party had plans to amend the Code to ensure that all detained persons had immediate and automatic access to a medical examination; what measures had been adopted to ensure that those examinations were carried out by independent doctors in an impartial and confidential manner; whether the State Party would consider reducing the maximum period of detention without judicial review to 48 hours; what actions had been taken to ensure that every detainee received effective legal assistance from the outset of detention and that lawyers had unrestricted access to their clients; and whether there were independent mechanisms in place to enable persons deprived of their liberty to report abuses and to have access to effective remedies.

15. The Committee would like to know what measures the State Party had adopted to ensure the effective application of the principle of non-refoulement and prevent undue expulsions. Data on the number of asylum applications submitted and granted in recent years would be appreciated. The Committee also wished to know what measures were being taken to strengthen access for refugees and asylum-seekers to basic services such as health, education and employment; whether the State Party envisaged amending its law on

nationality and civil status to prevent statelessness and establish clear statelessness determination procedures; what efforts had been made to ensure the timely registration of births and the free issuance of birth certificates, especially in refugee camps and for internally displaced children; what strategies were in place to protect internally displaced persons, especially women and children, against gender-based violence and child exploitation; and what measures had been taken to ensure their freedom of movement.

16. Although the repeal of controversial provisions of Act No. 26-2008 of 8 May 2008 on the Punishment of Acts of Vandalism Committed during Street Protests was a major step forward, it was not clear whether the Act, in its current form, fully protected the right to peaceful assembly in accordance with article 21 of the Covenant. Despite the large number of officially registered associations, the Committee remained concerned about the denial of registration based on broad concepts such as “public morals” or “human dignity”. The Committee would like to know what measures had been adopted to ensure that the intervention of the security forces in demonstrations was governed by the principles of necessity and proportionality; what independent mechanisms existed to investigate complaints of excessive use of force; what criteria were used for authorizing or restricting demonstrations; and what measures had been implemented to enable human rights organizations to register and operate without administrative obstacles or arbitrary restrictions. Details on the reasons for the denial of registration in recent years would be useful. She also wondered how the safety of journalists covering demonstrations was ensured.

17. She would welcome further information on categories of persons whose electoral participation could be limited. She wished to know what steps had been taken to promote inclusive and equitable electoral processes, in particular for vulnerable populations; to ensure that all internally displaced persons could exercise their right to vote; and to strengthen the political participation of women and marginalized groups in the country.

18. **The Chair** said that he would appreciate an update on the progress made in implementing the national plan of action against trafficking in persons. He also wished to know what measures were being taken to improve data collection in that area. Updated figures on the number of trafficking cases investigated and prosecuted and the number of convictions secured would be appreciated. He wondered how the State Party ensured that law enforcement agencies and judicial officials received adequate training on victim-centred approaches to trafficking in persons. Lastly, he would like to know how coordination among law enforcement agencies, social services and civil society organizations was being enhanced to improve victim identification, support and reintegration.

19. He wished to know how many children engaged in hazardous work had been rescued; what the outcome of efforts to reintegrate them had been; what activities the government departments responsible for combating child labour and violence against children undertook; and how the efforts of labour inspectors, social workers and law enforcement officials to combat child labour were coordinated. He wondered what progress had been made towards the adoption of a child protection code and when such a code might be adopted. It would be helpful to learn, in addition, what was being done to improve the long-term reintegration of child victims of forced labour and what measures were in place to expand shelter capacity and ensure sustainable funding for victim support programmes.

20. He would welcome an explanation of the steps taken by the State Party to ensure that freedom of expression was not unduly restricted under article 312 of the Criminal Code. In that connection, it would be helpful to learn whether representatives of civil society and the media had been consulted on the State Party’s decision not to review article 312 and the content-based restrictions for which it provided. An indication of the safeguards that were in place to prevent the misuse of digital restrictions and the measures that were being taken to enforce Act No. 51-2015/CNT of 30 August 2015 on the Right of Access to Public Information and Administrative Documents would likewise be welcome.

21. In view of deeply troubling reports of an intensifying clampdown on journalists and human rights defenders, he wondered what steps the State Party was taking to investigate attacks on journalists, including Atiana Serge Oulon. It would be useful to know how many instances of threats, arbitrary detention and enforced disappearance had been investigated and what the outcome of the investigations had been. He also wished to know whether agents

of the State had been held to account for such attacks and what independent mechanisms there were to prevent security laws and conscription orders from being used as a pretext to silence dissent. What measures were in place to ensure that victims had effective access to judicial remedies and support services?

*The meeting was suspended at 10.50 a.m. and resumed at 11.20 a.m.*

22. **A representative of Burkina Faso** said that the national mechanism for the prevention of torture was led by three members of the National Human Rights Commission, two women and a man. They represented the country's medical association, civil society organizations active in the field of human rights and organizations of and for persons with disabilities. Pending the adoption of a decree concerning the establishment of an entity specifically mandated to facilitate the mechanism's work, the Commission provided the support the mechanism needed.

23. The mechanism's recent activities had included the organization of workshops involving members of mechanisms from neighbouring countries and 12 visits to places of deprivation of liberty. The mechanism's visits could be announced or not. The reports drawn up by the Commission were transmitted to the country's highest authorities, including the Head of State.

24. Public demonstrations were lawful as long as the organizers notified the relevant authorities of their plans. Since the adoption of Act No. 039-2017/AN of 27 June 2017 on the Protection of Human Rights Defenders in Burkina Faso, everyone had had the right, individually or in association with others, to promote and protect human rights and fundamental freedoms. The protection mechanism established pursuant to the Act swung into action whenever a threat was reported.

25. His Government attached considerable importance to the freedoms of opinion and of the press; nonetheless, it would not permit attempts to justify violence, and as a result it had shut down the media outlets mentioned by the Committee. Journalists who did the enemy's bidding would not be tolerated.

26. There were no ethnic minorities in Burkina Faso, and the Fulani, who were the country's second largest ethnic group, were not its only nomadic pastoralists. Marriage between people of different ethnic backgrounds was a reality. The forces that were combating terrorism were made up of people of all ethnicities. The war that his country was fighting was a war on terror, not on a particular ethnic group.

27. The High Council for Communication had organized a national campaign to raise public awareness of misinformation and hate speech on social media. Traditional and religious leaders addressed issues of that kind in French and other languages in radio and television broadcasts.

28. **A representative of Burkina Faso** said that confessions and reports drawn up by criminal investigation officers were simply a source of information for prosecutors. They were not necessarily presented as evidence. In their training, criminal investigation officers learned that statements made under torture were inadmissible in court.

29. No particular population groups had been deprived of their civic rights. Only convicted felons could lose their voting rights as part of sentences passed in accordance with the law.

30. **A representative of Burkina Faso** said that, under Constitutional Act No. 072-2015/CNT of 5 November 2015 amending the Constitution, the powers of the State had been separated and the courts had been made more fully independent. Since the adoption of the Act, the number of people working in the justice system had increased considerably.

31. Institutional and functional independence were the two main facets of judicial independence. Under a law adopted in 2024, the Higher Council of the Judiciary, which operated autonomously, no longer reported to the Office of the President. Moreover, judges could not, as a general rule, be removed from the bench or transferred without their consent unless they had been sanctioned for misconduct. The many rulings in which the courts had found against the State were proof of the independence of the judiciary.

32. The Ministry of Justice and Human Rights had identified more than two dozen administrative procedures that could be simplified to enhance access to justice. In addition, a number of measures, including the establishment of a committee to combat corruption and the punishment of dishonest judges, had been taken to stamp out judicial misconduct. Prosecutors were appointed by the Higher Council of the Judiciary on the recommendation of the Minister of Justice and Human Rights, but they did not receive instructions directly from the Minister as to whether they should institute proceedings or refrain from doing so.

33. **A representative of Burkina Faso** said that more than a million internally displaced persons had returned to their places of origin. Their return had been made possible by the reopening of healthcare facilities and schools and the renewed provision of basic public services.

34. Trafficking in persons, including children, was a criminal offence. From 2018 to 2022, hundreds of people had been prosecuted for child abduction and dozens of others for trafficking in children. More than a million people had been reached by a campaign launched within the framework of the National Strategy to Combat the Worst Forms of Child Labour. In recent years, some 27,000 child labourers had been rescued, and thousands of presumed victims of trafficking in persons, including children, had been identified. Work on the adoption of a child protection code was under way.

35. **A representative of Burkina Faso** said that the court of major jurisdiction of Ouagadougou was investigating the alleged rights violations that had been committed during the popular uprising of 2014. A number of people whose property had been damaged or who had been injured during the uprising had been awarded compensation. The military tribunal of Ouagadougou had, for its part, led a three-year investigation into the failed putsch of 2015. The investigation had culminated in a trial in which 74 people had been sentenced to prison for terms of up to 30 years.

36. All allegations of torture or ill-treatment made against security personnel or members of the volunteer defence force were investigated. Anyone found guilty of committing such acts was given a sentence commensurate with the gravity of the offence.

37. The journalist Atiana Serge Oulon had not been abducted or subjected to enforced disappearance. He had been conscripted pursuant to a decree under which all able-bodied persons over the age of 18 years could be mobilized for the war on terrorism.

38. Members of the volunteer defence force were equivalent to military personnel and were thus under the jurisdiction of the country's military tribunals. In some cases, such as when they were accessories to an offence committed by a service member or when they were employed by the military, civilians, too, would have to answer for their actions in a military tribunal.

39. **A representative of Burkina Faso** said that freedom of association and the right to protest were guaranteed under article 7 of the 1991 Constitution and regulated by Act No. 022-97 of 21 October 1997 on Freedom of Assembly and Freedom to Demonstrate on the Public Highway. Peaceful demonstrations that took place in accordance with the Act could not be hindered unless they threatened public order, and the relevant authority must be notified in advance of any demonstration.

40. **A representative of Burkina Faso** said that the Electoral Code had been amended in 2018 to grant the country's nationals abroad the right to vote from 2020. To improve conditions in places of detention and the treatment of prisoners, the prison administration had introduced a strategic plan for the period 2021–2025 and a related action plan, and a committee would be established to assess their implementation. As a result of the construction and refurbishment of prisons across the country, the prison occupancy rate had declined from just under 90 per cent in 2018 to 68 per cent at the end of 2023.

41. **A representative of Burkina Faso** said that Act No. 042-2008 of 23 October 2008 on the Status of Refugees in Burkina Faso laid down specific criteria for the admissibility of asylum applications and clearly defined who was entitled to refugee status. The procedure established by the Act was intended to ensure that applications were processed swiftly and impartially by the permanent secretariat of the National Commission for Refugees. Asylum-seekers were informed of their rights and had to provide the relevant information in

support of their application. The law guaranteed that asylum applications were processed fairly and that asylum-seekers were provided with all fundamental safeguards during the procedure, including the right to effective remedies. The principle of non-refoulement was also observed. As of August 2024, there were 40,850 refugees and asylum-seekers in Burkina Faso, of whom over half were children and a quarter were women. The status of stateless persons and the procedure for determining statelessness were governed by the Persons and Family Code, and the draft amendment that had been submitted to the Transitional Legislative Assembly addressed all the causes of statelessness.

42. **A representative of Burkina Faso** said that juveniles could not be held in police custody for more than 48 hours. By law, legal adults could be held for up to 72 hours for the purposes of the investigation if there was evidence of guilt, with the possibility of extension for a further 48 hours at the discretion of the prosecutor. The maximum duration of police custody in cases related to terrorism or organized crime was 15 days. That period could be extended for a further 10 days under exceptional circumstances pursuant to the Code of Criminal Procedure. Under the Code, arrested persons must be notified of the legal safeguards in place, the reason for their remand, and their rights to consult a lawyer from the time of arrest, undergo a medical examination and contact their family. The State provided free legal aid to detainees who could not afford a lawyer.

43. **A representative of Burkina Faso** said that the prison administration had made significant progress in implementing its strategic plan.

44. **A representative of Burkina Faso** said that the Government had provided extensive responses to questions related to enforced disappearance in its report to the Committee on Enforced Disappearances. As terrorists were a hidden foe and were indistinguishable from the general population, the situation was very complex. Every effort was made to promote and protect human rights. He objected to the use of the term “militias” to describe the volunteer defence force.

45. The independence of the judiciary was enshrined in article 129 of the Constitution, which had not been amended. All the amendments to the Constitution that had been made in December 2023 were intended to ensure an accessible and efficient justice system that met the people’s expectations. Since the popular uprising, membership of the Higher Council of the Judiciary had been opened to non-judges to lend the Council greater credibility.

46. His country had more than 380 media outlets for a population of fewer than 20 million people, a ratio that reflected the country’s commitment to freedom of expression. However, advocacy of terrorism was not tolerated and any media outlet that undermined national security and territorial integrity would be closed down in order to defend the best interests of the nation. Elections would be held when the security situation allowed, and everyone would be able to exercise their right to vote. The fight against terrorism was not directed against any single community, as there were no indigenous, minority or marginalized groups in the country. Action would be taken against all terrorist groups equally, regardless of the ethnic group to which they belonged.

47. **Ms. Bassim** said that she would like to know the difference between the National Observatory for the Prevention of Torture and Related Practices and the national preventive mechanism.

48. **Mr. El Haiba** said that he was interested to learn what criteria were used to decide whether visits to places of deprivation of liberty by the national preventive mechanism should be unannounced, whether the mechanism’s report was published separately from the reports of the National Human Rights Commission and whether NGOs that were not affiliated with the Commission were able to visit places of deprivation of liberty. Given the long series of legislative and institutional measures introduced by the Government, he wondered whether overlaps between those measures might hinder action to promote and protect human rights, and how the State Party and the security forces intended to strike a balance between combating terrorism and ensuring respect for human rights.

49. **Ms. Tigroudja** said that she would welcome clarification on whether the discovery during a trial that a confession had been obtained through torture resulted in the annulment of the proceedings. Additionally, she wondered how the State party ensured that judges and

prosecutors were not only independent in practice but also perceived as independent by the public.

50. **Ms. Abdo Rocholl** said that she wished to know whether the State Party planned to take legal steps to ensure respect for the right of persons deprived of their liberty to a prompt medical examination by an independent doctor and to reduce the maximum period of detention without judicial oversight, which by international standards should be 48 hours. It would be useful to learn more about the grounds on which requests for the authorization of public protests could be rejected. Similarly, she would be interested to know the most common reasons for the rejection of requests for the registration of civil society organizations working in the field of human rights. She would welcome detailed information on the participation of women in political life. Lastly, she wondered what plans the State Party had to ensure the orderly and safe conduct of a general election in the near future.

51. **The Chair** said that he would appreciate further information on efforts to combat trafficking in persons. He would be grateful for the delegation's comments on reports that a preliminary bill for the amendment of the Criminal Code would reinstate the death penalty not only for terrorism, treason, espionage and attacks on the State but also for polyandry, homosexual relations and a range of minor offences. If those reports were true, he wished to know how such plans were consonant with the State Party's international human rights obligations.

52. **A representative of Burkina Faso** said that the Government planned to reinstate the death penalty for terrorist offences in order to eliminate terrorism at its root. Respect for international obligations would be prioritized but could be achieved only once the security situation was under control. There were no plans to introduce the death penalty for polyandry or homosexuality.

53. The first terrorist attack of the current security crisis had occurred shortly after the 2015 general election, and a general election had been held in 2020 but had done nothing to mitigate the crisis. Elections were not the solution and would do nothing to resolve the security situation. The current Government had the support of the people to continue combating terrorism while promoting socioeconomic development.

54. While judges were independent and impartial, prosecutors had always operated under the authority of the head of the prosecution service and, to that extent, had always lacked independence. They nonetheless had the prerogative to decide whether to prosecute. The reforms that had been carried out in that regard were intended to improve the efficiency of the application of criminal justice policy and in no way undermined the independence of judges.

55. **A representative of Burkina Faso** said that the national preventive mechanism was funded through the budget of the National Human Rights Commission. It had full discretion over its visiting programme. Civil society associations also had the right to visit detention facilities and interview prisoners for the purposes of monitoring detention conditions. The law on the National Observatory for the Prevention of Torture and Related Practices had been repealed; the Observatory had been shut down and its mandate transferred to the national preventive mechanism.

56. **A representative of Burkina Faso** said that confessions determined to have been extracted under torture could not be used as evidence in court, but in such cases the proceedings were not annulled unless the confession was central to the trial.

57. **A representative of Burkina Faso** said that there were currently 423 civil society organizations working in the field of human rights in Burkina Faso. No application for the registration of such an organization had ever been rejected. On the contrary, the Government provided technical and material support to NGOs that promoted respect for human rights.

58. **A representative of Burkina Faso** said that the national plan of action against trafficking in persons was being implemented. Progress had been made in areas such as trafficking prevention, support for and protection of victims, prosecution of perpetrators and protection of witnesses.



59. **A representative of Burkina Faso** said that demonstrations were prohibited only in exceptional circumstances. Only a judge could order the prohibition of a demonstration, through a reasoned decision.

60. **A representative of Burkina Faso** said that he wished to thank the country's national human rights institutions and civil society organizations for their contributions and alternative reports, which had enriched the discussion with the Committee. However, he urged those actors to exercise responsibility in their reporting and to take into account the national security situation, its complexity and the nation's best interests. His Government remained committed to respecting human rights and would carefully consider the Committee's recommendations. He wished to reiterate the commitment of Burkina Faso to cooperating with the Committee, particularly in the context of the fight against terrorism. Stabilization efforts were crucial for achieving lasting peace, security and sustainable development. He called on the Committee and the international partners of Burkina Faso to provide support for those efforts to ensure the well-being of the population.

61. **The Chair** said that while the Committee recognized the steps taken by the State Party to uphold the rights enshrined in the Covenant, a number of its concerns remained unresolved. A more open exchange would have promoted deeper understanding of the situation. Burkina Faso faced serious difficulties, particularly in the areas of security and the fight against terrorism. However, precisely because of those challenges, enhanced collaboration and vigilant monitoring were crucial. The State Party remained accountable for all human rights violations in its territory.

*The meeting rose at 1.05 p.m.*