

<b>Country</b>	<b>Burkina Faso</b>
<b>SIGI 2019 Category</b>	<b>Medium</b>
<b>SIGI Value 2019</b>	<b>32%</b>

<b>Discrimination in the family</b>		<b>45%</b>
	Legal framework on child marriage	100%
	Percentage of girls under 18 married	32%
	Legal framework on household responsibilities	50%
	Proportion of the population declaring that children will suffer if mothers are working outside home for a pay	-
	Female to male ratio of time spent on unpaid care work	6.7
	Legal framework on inheritance	25%
	Legal framework on divorce	25%

<b>Restricted physical integrity</b>		<b>35%</b>
	Legal framework on violence against women	75%
	Proportion of the female population justifying domestic violence	44%
	Prevalence of domestic violence against women (lifetime)	12%
	Legal framework on female genital mutilation (FGM)	25%
	Share of women who think FGM should continue	9%
	Share of women who have undergone FGM	76%
	Sex ratio at birth (natural =105)	105
	Legal framework on reproductive rights	50%
	Female population with unmet needs for family planning	29%

<b>Restricted access to productive and financial resources</b>		<b>33%</b>
	Legal framework on working rights	100%
	Proportion of the population declaring this is not acceptable for a woman in their family to work outside home for a pay	14%
	Share of managers (male)	69%
	Legal framework on access to non-land assets	25%
	Share of house owners (male)	92%
	Legal framework on access to land assets	25%
	Share of agricultural land holders (male)	92%
	Legal framework on access to financial services	25%
	Share of account holders (male)	56%

<b>Restricted civil liberties</b>		<b>14%</b>
	Legal framework on civil rights	0%
	Legal framework on freedom of movement	0%
	Percentage of women in the total number of persons not feeling safe walking alone at night	38%
	Legal framework on political participation	0%
	Share of the population that believes men are better political leaders than women	58%
	Percentage of male MP's	89%
	Legal framework on access to justice	0%
	Share of women declaring lack of confidence in the justice system	23%

Note: Higher values indicate higher inequality. Percentages range from 0 to 100, while legal variables are categorised as 0%, 25%, 50%, 75% or 100%. See data source [here](#).

Source: OECD (2019), Gender, Institutions and Development Database, <https://oe.cd/ds/GIDDB2019>.

## 1. Discrimination in the family

### a) Overarching legal framework for marriage

The law provides women with the same rights as men to enter into marriage and is based on free consent of both spouses (Constitution, art. 23). The Code of Persons and Family reiterates this principle and prohibits forced marriage - particularly imposed by families or resulting from customary law - and practices that force a surviving spouse to marry a parent of the deceased (art. 234). The Penal Code stipulates that anyone who forces someone to marry is punishable by imprisonment of six months to two years (art. 376). The sentence can be extended to three years of imprisonment if the victim is a minor (art. 376). The Code of Persons and Family does not provide for official registration of customary or religious marriages and informal partnerships (art. 233). Besides, future spouses can opt for polygamy before the celebration of marriage and with the consent of both spouses (Code of Persons and Family, art. 258).

It is reported that sororate and levirate practices – by which a male surviving spouse marries the sister of his wife and a female surviving spouse marries the brother of her husband - persist in Burkina Faso, despite legislation prohibiting it (MBDHP & FIDH, 2016). Furthermore, some groups practice “Pog-lenga”, a practice by which a bride may bring her niece to the family of her husband as an additional girl for marriage. The practice is on decline but persists in some communities (Amnesty International, 2016).

### b) Child marriage

A marriage in Burkina Faso can be contracted by a man aged 20 years old or more and a woman aged 17 years or more (Code of Persons and Family, art. 238). The tribunal can allow marriage under the legal age in extenuating circumstances (“motif grave”), in which case the man must be at least 18 years old and the woman must be at least 15 years old (Code of Persons and Family, art. 238). When minors wish to marry, the law stipulates that consent from both spouses must be expressed and that consent from parents or a legal guardian must be sought (Code of Persons and Family, art. 240 & 241).

The Ministry of Social Action and National Solidarity elaborated a *National Strategy on the Prevention and Elimination of Child Marriage 2016-2025*. The National Strategy understands marriage not only in its legal sense (as per the Code of Persons and Family) but in its cultural sense, meaning all forms of unions between a woman and a man (civil, customary, religious marriages/any form of union) (MASSN, 2015). The Strategy also defines child marriage as any marriage between a man and a woman who have not reached the age of 18 years old. The Strategy identifies that the causes tied to the high prevalence of early and forced marriage in Burkina Faso are: the persistence of social values detrimental to girls and women’s rights, poverty of families, the legal gap concerning customary and religious marriages and the low engagement from decision-makers to protect and promote girls’ rights. Since 2013, a national coalition against child marriage gathering several civil society organisations and NGOs was created. The Ministry of Social Action and National Solidarity is the

institutional mechanism that lead efforts towards ending child marriage. The Strategy sets out four main objectives: to prevent against all forms of child marriage, to care for the victims of child marriage, to strengthen the national machinery to eradicate child marriage, and to coordinate, follow-up and monitor the implementation of the strategy (MASSN, 2015).

Amnesty International (2016) asserts that despite legislation on forced marriage, child and forced marriages are persistent in Burkina Faso. The majority are conducted through customary or religious marriages (Amnesty International, 2016). Despite legislation on forced and early marriages, there is a legal gap as the legal framework does not cover customary or religious marriage. “There is no requirement under the law for religious and traditional marriages or unions to be registered by the persons who conduct such marriage ceremonies or the parties of them. There is also no requirement under the law on those conducting traditional or religious marriages or state officials, once they become aware of the unions, to carry out checks on whether both parties are above the legal age of marriage and have given their full consent” (Amnesty International, 2016: 18). Amnesty International (2016) reports that prosecutors are left with the option to prosecute perpetrators of early and forced marriages for the crime of rape. But few convictions are reached due to the reluctance of the victims to report such a crime for fear of social stigma (Amnesty International, 2016).

The ICCPR (2016), Amnesty International (2016) and some civil society organisations (MBDHP & FIDH, 2016) amongst others have called for the amendment of the Code of Persons and Family, in particular the article 238 on legal age of marriage, the article 246 by which a woman has to wait before remarrying after a divorce, death of the spouse or after the annulment of a marriage and the article 294 by which in cases of dispute the husband can choose where to live. Some calls have been made in addition to recognise customary and religious marriages, and to provide for official registration of such marriages (Amnesty International, 2016).

### **c) Household responsibilities**

The Code of Persons and Family provides women with the same rights as men to be recognised as the head of household (art. 235). The Code provides women with the same rights as men to be the legal guardian of their children during marriage and outside of marriage (art. 514 & 516). In addition, the Code establishes the same rights and responsibilities for women and men with regards to their children during marriage, namely to ensure the safety, health, fulfilment and morality of children (art. 510). Besides, the Code stipulates that the family home should be chosen jointly by both spouses; in case of dispute the husband is required to choose where the family should live (art. 294). The judge can allow a separate residence if the husband’s choice of family home represents a physical or moral danger for the woman or her children (Code of Persons and Family, art. 294). Article 9 of the Constitution establishes the right to freely choose one’s place of residence.

Amnesty International (2016) reports that women and girls’ social role is often tied to looking after the house, producing and caring for children and attending the husband’s needs. In addition, reports show that despite article 519 of the Code of Persons and Family whereby the parental authority is granted to the surviving spouse, according to customary law the family of the deceased husband would assume parental authority for the children (MBDHP & FIDH, 2016). Moreover, in some rural areas, widows are obliged to undergo certain rituals and practices, such as not cleaning themselves for several days to several months during the mourning period (MBDHP & FIDH, 2016).

## d) Divorce

The Code of Persons and Family provides women with the same rights as men to initiate divorce and the same requirements to finalise a divorce (art. 354 & art. 367). Divorce can be decided upon a common agreement between the spouses or can be initiated by one of the spouses on the ground that common life has become intolerable because of adultery, excess, or serious injuries; when family life and the security of children is at risk; because of the moral and/or material abandonment of the household; disappearance of a spouse; in case of separation for at least three years and in case of sterility or impotence (Code of Persons and Family, art. 367). The Code guarantees the same rights and responsibilities for the father and mother towards their children after divorce (art. 401). The judge decides with regards to custody and visitation rights of children, according to the best interest of the child (art. 515). The Code also stipulates that a divorced woman, a widow or a woman whose marriage was annulled cannot remarry before a 300 days' period (art. 246).

WILDAF (2013) estimates that women are more likely to initiate divorce. However, the report suggests that it might be explained by the fact that men are allowed in customary law to repudiate or abandon their wife (despite prohibition from the legislation). Additionally, women face difficulties with regards to visitation, custody and guardianship rights after divorce as according to customary law, the family of the husband would be entitled to guardianship of the children after divorce (WILDAF, 2013).

## e) Inheritance

The Code of Persons and Family establishes equal rights with regards to inheritance of land and non-land assets for sons and daughters (art. 733). The surviving spouse is additionally entitled by law to inherit land and non-land assets (art. 741). Women and men are entitled to make a will (art. 878). The Code of Persons and Family stipulates that customary laws are not recognised for all matters regulated by this Code (art. 1066). The Penal Code criminalises heirs who detriments other heirs by stealing, moving or grabbing property as part of the inheritance (art. 509). Accomplices of such crimes are punished under the Penal Code, namely parents or legal guardians (art. 509).

Despite legislation guaranteeing equal rights, discriminatory practices with regards to women's inheritance persist in Burkina Faso (ICCPR, 2016; MBDHP & FIDH, 2016). Widows are expected to return to their families and are not entitled to inherit from their husband (CIFDHA et al., 2017). Daughters' right to inherit is often ignored as they are expected to acquire assets through marriage (CIFDHA et al., 2017). Moreover, widows who were married through religious or customary marriages (not recognised by the Code of Persons and Family) are not protected by the legal framework. Reports show that rural populations are often unaware of their rights in terms of inheritance. Furthermore, the family counsel (informal institutions) may designate a person from the family of the deceased husband to administer the goods and property of minor children (MBDHP & FIDH, 2016). In which case, it often occurs that the family of the deceased husband may not grant the widow legal authority over her children, but may leave the children in her care (MBDHP & FIDH, 2016).

## 2. Restricted Physical integrity

### a) Violence against women

The Law Concerning the Prevention, Punishment and Reparations of Violence against Women and

Victims Care was adopted in 2015. The Law applies to all forms of violence against women and girls, notably physical, moral, psychological, sexual, economic, patrimonial and cultural (art. 2). Article 2 further stipulates that no tradition, culture or religion can be invoked to justify these forms of violence against women and girls or to exculpate perpetrators. With regards to prevention, the Law plans to establish specialised training and education programmes within schools, universities and professional settings and means for early detection of possible victims (art. 6 & 7). The Law provides for specific measures for the investigation, prosecution and punishment of perpetrators. Article 39 envisions the creation within police units and gendarmerie of specialised structures tasked with welcoming and listening to women and girls' victims of violence (or under threat), to examine urgent measures according to the circumstances, to summon and hear the possible perpetrators, to investigate on location, to intervene in case of ongoing violence and to proceed to the arrest of perpetrators.

Additionally, the Law provides for specific measures for the protection and support services for victims. Care centres are to be established in every municipality (art. 40). Those centres are to welcome victims of gender-based violence and provide services, such as medical assistance, psycho-social support and guidance towards judicial services (art. 44). The State is to put in place helplines for women and girls victims of violence (art. 46). Civil society organisations and NGOs are encouraged to create similar structures for victims, for which the State will contribute financially (art. 51). Besides, the Law stipulates the creation of a national observatory, tasked with elaborating an action plan and to monitor gender-based violence (art. 52 & 53). The Law contains provisions on budget notably the creation of a support fund for measures and structures concerning victim care and a special fund to provide for legal aid for women and girls victims of violence (art. 41, 42 & 43).

Article 12 of the Law Concerning the Prevention, Punishment and Reparations of Violence against Women and Victims Care prohibits violence against women accused of witchcraft. Nonetheless, acts of violence against older women accused of witchcraft have been reported (ESCR, 2016). There is a lack of data and statistics on violence against women in Burkina Faso (CIFDHA et al., 2017).

### **b) Domestic violence**

The legal framework does not define domestic violence specifically but the law Concerning the Prevention, Punishment and Reparations of Violence against Women and Victims Care under article 5 stipulates that violence against women and girls includes all acts of violence against women and girls, which cause or might cause a prejudice or physical, sexual, psychological, moral, economic and cultural suffering (including threats of such acts), whether in the public sphere or in the private sphere. Several articles in the law include criminal penalties for abuses, such as kidnapping for marriage (art. 8), sexual torture (art. 9), sexual slavery (art. 10), sexual harassment (art. 11), moral and psychological violence – including economical violence (art. 13) and rape (art. 14). However, the legal framework does not contain specific provisions mentioning domestic violence.

### **c) Rape**

The Penal Code under article 411 criminalises sexual violence. Rape is criminalised and punished by five to ten years' imprisonment (Penal Code, art. 417). Art. 14 of the law Concerning the Prevention, Punishment and Reparations of Violence against Women and Victims Care defines rape as an act of sexual penetration of any nature by violence, constraint or surprise. The Penal Code (art. 417) includes

higher punishment (ten to 20 years) for aggravated forms of rape and sexual violence, notably if the accused is an ascendant of the victim or if he is in a position of authority; if the crime is committed with multiple perpetrators or if the victim is particularly vulnerable (pregnant, ill, disabled, a minor of 15 years old or under the threat of a weapon).

The ICCPR (2016) reports that marital rape as defined in the legal framework is restrictive as it is understood as a criminal offence only if it is committed repeatedly by an intimate and habitual partner with whom the victim has a continuous and stable relationship or when the partner exhibits any physical incapacity to engage in a sexual relationship – which is punishable only by a fine under article 14 of the Law Concerning the Prevention, Punishment and Reparations of Violence against Women and Victims Care.

The Law Concerning the Prevention, Punishment and Reparations of Violence against Women and Victims Care plans for the institution within tribunals of a chamber to address violence against women and girls (art. 31). Additionally, the Law provides for medical support to survivors of sexual violence (art. 44). The Law provides for legal assistance to survivors of sexual violence (art. 43). Furthermore, awareness-raising and education campaigns for sexual violence as well as budgetary commitments are provisioned in the Law (art. 6, 7, 41, 42 & 43).

Amnesty International (2016) reports that women and girls are extremely reluctant to file a complaint of rape because of the public nature of the justice system and for fear of associated stigma and shame.

#### **d) Sexual harassment**

The Law Concerning the Prevention, Punishment and Reparations of Violence against Women and Victims Care prohibits under article 11 sexual harassment which is punishable of imprisonment of three months and/or a fine. The maximum penalty is applied when the perpetrator is in a position of authority over the victim, if he is an ascendant or if the victim is in a vulnerable situation (art. 11). The Labour Code prohibits sexual harassment in the workplace and between colleagues, suppliers or clients encountered in the professional setting (art. 37). No legal provisions could be located specifically covering sexual harassment in educational establishments, sporting establishments or cyber harassment.

Reports suggest that sexual harassment is particularly prevalent within schools and impede girls' enrolment and satisfactory performance in schools (CEDAW, 2016).

#### **e) Female genital mutilation**

The Penal Code, under article 380, prohibits the practice of female genital mutilation (FGM) which is punishable by imprisonment of six months to three years and/or a fine for anyone who performs or attempts to perform FGM. If the victim dies, the sentence is imprisonment of five to ten years (Penal Code, art. 380). If the perpetrator is a medical practitioner, the maximum sentence will be applied (Penal Code, art. 381). Anyone who knows about the crime and doesn't report to the authorities will have to pay a fine (Penal Code, art. 382). The law has been translated into four different local languages (Moore, Dioula, Gourmantchéma, Fulfuldeé) and is distributed in communities. The report of Burkina Faso to the CEDAW Committee notes that a number of convictions are reached under the Penal Code (CEDAW, 2016).

The Law Concerning the Prevention, Punishment and Reparations of Violence against Women and Victims Care lists cultural violence as part of offences (defined as any harmful and degrading practices against women and girls based on customs, traditions and religions), it is assumed that this would include the practice of FGM, entitling women and girls of protection under the law.

The National Counsel against the Practice of Excision ensures the coordination of measures to eliminate excision and capacity-building of actors involved (CIFDHA et al., 2017). The Counsel established a free helpline for victims called 'SOS excision' (CEDAW, 2016). It also leads research and awareness-raising and education campaigns on FGM (CIFDHA et al., 2017). The Counsel elaborated a National Strategic Plan for the Promotion of the Elimination of FGM for the period 2016-2020. The Counsel possesses in addition provincial committees.

Despite efforts by the State since the 1990s, the practice of FGM is still widespread in Burkina Faso, especially in rural areas (CIFDHA et al., 2017). Reports invoke several factors for the persistence of the practice, notably the social valorisation of the practice by certain communities (CIFDHA et al., 2017). Social pressure is also a factor as women who are not excised often face stigma and risk being banned from their communities (CIFDHA et al., 2017). Moreover, the practice is becoming a trans-border phenomenon as some neighbouring countries to Burkina Faso do not criminalise the practice (CIFDHA et al., 2017).

#### **f) Abortion**

Abortion on request is illegal in Burkina Faso and is punished by one to five years of imprisonment and a fine for anyone who undergoes or performs an abortion (Penal Code, art. 383). If it is established that the person who is found guilty regularly performs abortion, the sentence is imprisonment for life (Penal Code, art. 385). Restricted legal abortion can be sought after an examination by at least two doctors who determine that either the woman's life is at risk or that the foetus is unviable (Penal Code, art. 387). In cases of pregnancies resulting from rape or incest a woman can ask a doctor to interrupt her pregnancy within the first ten weeks with judicial authorisation (Penal Code, art. 387). The public prosecution has to establish first that there was a crime of rape or incest (Amnesty International, 2016).

Due to the criminalisation of abortion on request, Amnesty International (2016) reports that a high number of clandestine and unsafe abortions are performed often in unhygienic conditions and by untrained practitioners.

#### **More**

Amnesty International (2016) reports on multiple barriers affecting women and girls in their sexual and reproductive health. Specifically, barriers to contraceptive use include partner control and social stigma associated with the use of contraception, the cost of contraception and the distance and cost to health care facilities (Amnesty International, 2016). The ICCPR (2016) reports that in some cases, women who have asked their partner about contraception were the victims of violence. The Law Concerning the Prevention, Punishment and Reparations of Violence against Women and Victims Care under article 13 prohibits offences that would limit sexual and reproductive rights including the

enjoyment of those rights by coercion, blackmail, corruption or manipulation, notably the interdiction to use contraception.

### 3. Restricted Access to productive and financial resources

#### a) Secure access to land and assets

Regarding land, the law provides married/unmarried women with the same rights as married/unmarried men to own, use, make decisions and use as collateral (Agrarian and Land Reorganisation Law, art. 62). Additionally, regarding land the law provides women and men with the same rights after divorce or separation to own, use, make decisions and use as collateral (Agrarian and Land Reorganisation Law, art. 62 & Code of Persons and Family, art. 349).

Regarding property and other non-land assets, the law provides married women with the same rights as married men to own, use, make decisions and use as collateral (Code of Persons and Family, art. 320). Regarding property and other non-land assets, the law provides unmarried women with the same rights as unmarried men to own, use, make decisions and use as collateral (Constitution, art. 15). Additionally, regarding property and other non-land assets, the law provides women and men with the same rights after divorce or separation to own, use, make decisions and use as collateral (Code of Persons and Family, art. 349).

Furthermore, regarding marital property, a married woman has the same right as a married man to administer (Code of Persons and Family, art. 305).

The Law on Rural Land Tenure recognises all rural actors the legitimacy of their right to land and aims to ensure an equal access to rural land to all actors (art. 1). The Law provides for positive actions at the local level to be taken, notably towards vulnerable population such as women and youth (art. 13).

Regarding land, municipal development counsels are responsible for finding solutions with regard to rural lands. The Decree on the Organisation, Composition and Functioning of Municipal Development Counsels stipulates that out of 12 members, two representatives shall be tasked with women's promotion. The National Policy on Land Tenure in Rural Areas provides for women to be particularly considered in all decisions regarding land management and that parcels of land should be exclusively attributed to women (Government of Burkina Faso, 2007).

However, the ICCPR (2016) highlights the persistence of customary discriminatory practices which impede women from owning land or inheriting it from their husbands. Very few women own land in Burkina Faso despite legislation granting equal rights (MBDHP & FIDH, 2016). This can be partly explained by the persistence of customary law (CIFDHA et al., 2017). According to customary repartition of land and resources, women and young people have no control over management and ownership of land (FAO, n.d.). Women traditionally practice subsistence farming (FAO, n.d.). Divorced women can remarry and access land of the new husband (FAO, n.d.). They can also borrow land from people (outside kin relations), however they will have limited usage rights (FAO, n.d.). Widows can access their husband's land through levirate marriage, by marrying the brother of the deceased husband (FAO, n.d.). Freedom to refuse levirate marriage varies from quasi-mandatory in certain groups to a wide variety of choices for widows in other groups (FAO, n.d.). Levirate marriage is prohibited by the Code of Persons and Family (art. 234). If the widow refuses levirate marriage, she

can return to her family but she is supposed to leave her sons in the care of the deceased husband's family and she loses any right to her husband's land (FAO, n.d.). She can also choose to remain in her husband's family as a widow, in which case she will keep access to her husband's lands (FAO, n.d.). According to customary law, inheritance of land goes from father to son; women and girls are not entitled to inherit land (FAO, n.d.).

### **b) Secure access to formal financial resources**

The Code of Persons and Family stipulates that each spouse can open a bank account without the consent of the other (art. 300). The law provides married/unmarried women with the same rights as married/unmarried men to obtain credit (Law on Bank Regulation, art. 6).

Reports show that women are marginalised with regards to access to credit (MBDHP & FIDH, 2016). Banks and financial institutions are reluctant to give loans/credit to women as they are considered a risk because of their incapacity to use land or property as collateral (as they are often not owners) (MBDHP & FIDH, 2016). Women are either obliged to renounce obtaining credit or must pay high interest rates which trap them in a cycle of poverty (MBDHP & FIDH, 2016).

### **c) Workplace rights**

The Labour Code prohibits discrimination on several grounds, including on the grounds of sex, pregnancy, in access to employment, conditions of work, professional training, promotions and termination (art. 4 & 38). The Labour Code provides additionally for equal remuneration for work of equal value (art. 116). Article 142 stipulates that women cannot perform work which would endanger their reproductive capacity, or if she is pregnant that would endanger her health or the health of the baby.

The Labour Code mandates paid maternity leave of 14 weeks (art. 145). Women are allowed the totality of wages during maternity leave, covered by the social security system (Labour Code, art. 146). Exceptional permissions of ten days are granted to workers for familial events, with payment of the total wage to the employer's liability (Labour Code, art. 159). Unpaid parental leave can be obtained by workers for a duration of six months to care for a child (Labour Code, art. 160). The Labour Code prohibits employers from terminating the contract of a woman during her maternity leave (art. 147).

The Code of Family and Persons guarantees that each spouse can choose a profession or work, without the consent of the other spouse (art. 295). The Constitution guarantees freedom of enterprise (art. 16).

However, the Tax Code establishes that married women are taxed separately from their husbands (art. 62). This can be considered a disincentive for married women to engage in formal employment as for instance if a married man benefits from fiscal advantages his wife cannot benefit from them.

Reports highlight that women disproportionately perform work within the informal economy – which does not offer them legal protection (CIFDHA et al., 2017). In 2015, studies show that women represented 24% of employees in the public sector and in the formal private sector (CIFDHA et al., 2017). The report emphasises that systemic discrimination in the workplace and in accessing

employment is fundamentally tied to the responsibilities traditionally associated with womanhood in Burkina Faso (motherhood, children care, house work ...) (CIFDHA et al., 2017).

## 4. Restricted Civil liberties

### a) Citizenship rights

The law provides married/unmarried women with the same rights as married/unmarried men to acquire, change and retain their nationality (Code of Persons and Family, art. 151, 152, 162 & 188). Additionally, the law provides married women with the same rights as married men to confer nationality to their spouse (Code of Persons and Family, art. 151 & 152). Married/unmarried women are provided with the same rights as married/unmarried men to confer nationality to their children (Code of Persons and Family, art. 140). Furthermore, the law provides married/unmarried women with the same rights as married/unmarried men to register the birth of their children (Code of Persons and Family, art. 107).

The Constitution does not recognise multiple/intersectional discrimination but prohibits discrimination on the grounds of race, ethnic group, region, colour, sex, language, religion, caste, political opinions, fortune and birth (art. 1).

The law provides married/unmarried women with the same rights as married/unmarried men to apply for identity cards (ONI, n. d.). Additionally, the law provides married/unmarried women with the same rights as married/unmarried men to apply for passports (ONI, n. d.). The law provides women with the same rights as men to acquire passports and other travel documents for their minor children (ONI, n. d.).

Furthermore, the law provides married/unmarried women with the same rights as married/unmarried men to travel outside the country (Constitution, art. 9). Delayed registration for unregistered adults or children is allowed upon the decision of civil tribunal (Code of Persons and Family, art. 106).

There is no legal discrimination on women's rights with regards to citizenship and there is no information on discriminatory practices that may restrict these rights.

### b) Voting

The Constitution of Burkina Faso, under article 12, guarantees the right of all Burkinabe without distinction to participate in State matters and to society and to vote and be eligible in all elections. There is no legal discrimination on women's rights with regards to voting. However, the Electoral Observatory Mission of the European Union notes women are under-represented within the administration of electoral offices (MOE-UE, 2015). With regards to electors inscribed on the electoral files, the report from the MOE-UE (2015) concerning the legislative and presidential elections of 2015, highlights that women were under-represented as voters, as only 56% of the female population of age to vote were registered on the electoral files.

### c) Political voice

The legal framework grants women with the same rights as men to hold public and political office, including within legislature, executive and judiciary (Constitution, art. 11). Article 154 of the Electoral

Code provides that at least one candidate of each sex must be inscribed on the lists of candidates. The Law on Quotas was adopted in 2009 and establishes quotas for legislative and municipal elections. Article 3 of the Law on Quotas stipulates that all candidate lists presented by a political party during legislative and municipal elections must include 30% of candidacies by each sex. The Independent National Electoral Commission (CENI) is tasked with reporting on the compliance of political parties with the law (Law on Quotas, art. 4). Political parties that do not comply with the quota will lose 50% of their state financial contribution for electoral campaigns (Law on Quotas, art. 5). Political parties that comply with the 30% quota will be attributed a public financial benefit, equal to the contribution the party receives for electoral campaigns (Law on Quotas, art. 6).

Women have played an active role in political movements, such as the “spatula march” of 2014 to protest against proposed constitutional reforms under the former government. (MBDHP & FIDH, 2016). However, women are continuously under-represented in the political sphere, especially in decision-making positions (MBDHP & FIDH, 2016). The ICCPR (2016) notes the low number of women in political positions or in the public service, despite legislation on the promotion of women’s participation in the political sphere. The MOE-UE (2015) highlights that the legal framework on parity within the political sphere is not systematically enforced. Particularly the law on quota is not successful as there was some confusion within political parties which registered 30% of women on the totality of lists and not on each list and the financial sanction does not seem to be dissuasive enough for political parties (CIFDHA et al., 2017).

#### **d) Access to justice**

The law provides married/unmarried women with the same capacity as married/unmarried men to be sued and to sue (Constitution, art 4). Additionally, a married/unmarried woman’s testimony carries the same evidentiary weight in court as a married/unmarried man’s in all types of court cases such as civil, criminal, family court and tribunal (Constitution, art. 4).

The Law Concerning the Prevention, Punishment and Reparations of Violence against Women and Victims Care provides for legal aid for women and girls victims of violence (art. 43). Additionally, the Law Concerning the Prevention, Punishment and Reparations of Violence against Women and Victims Care provides for special chamber to address violence against women to be instituted within tribunals (art. 31). The Code of Civil Procedure establishes that debates at court are public unless the president decides that debates will proceed within a chamber if all parties agree and if it violates the private life of one of the party (art. 362).

The Ministry for the Advancement of Women and Gender Equality is tasked with coordinating the State’s actions with regards to women’s rights and specifically to implement the National Gender Policy (MAWGE, n. d.). The National Gender Policy includes 6 objectives: (1) to promote equal rights and opportunities in terms of access and control of social services, (2) to promote an inclusive economic development and an equal access and repartition of resources and revenues, (3) to develop an equal participation of men and women within decision-making spheres, (4) to promote the institutionalisation of gender in all sectors, (5) to promote a dynamic partnership for gender and development and (6) to develop information and awareness-raising campaigns with all actors (MAWGE, n. d.).

The National Commission to Follow up on the Commitments of Burkina Faso regarding the Advancement of Women is tasked to index all commitments of Burkina Faso in all sectors with regards to women, to initiate awareness-raising campaigns to all decision-makers and population on those commitments, to ensure the effective implementation of these commitments, to coordinate reports and monitoring mechanisms, to participate in discussions relating to those commitments and to support the ratification of legal instruments favourable to the promotion of women's rights (Decree on the Creation, Tasks and Composition of the National Commission to Follow-Up on the Commitments of Burkina Faso regarding the Advancement of Women, art. 4).

The CEDAW Committee (2010) notes that certain factors impede on women's ability to access justice, such as a lack of information on their rights, legal costs, the persistence of traditional justice systems, illiteracy and complexity of legal procedures.

*Legal Sources (as amended):*

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