

**SHADOW REPORT ON THE 6TH
REPORT OF THE GOVERNMENT OF BURKINA FASO ON
THE ENFORCEMENT OF THE
CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION
AGAINST WOMEN (CEDAW)**

**Drafted with the support of the National Democratic Institute for International Affairs -
NDI Burkina Faso**

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(Translated loosely from its original French)

ACRONYMS AND ABBREVIATIONS

AN: Assemblée Nationale

APE : Accord pour le Partenariat Économique

CEDEF : Convention sur l'Élimination de toutes formes de Discrimination à l'Égard des Femmes

CNSEF : Conseil National de Suivi des Engagements en faveur de la Femme

CPF : Code des Personnes et de la Famille

CSPS : Centre de Santé et de Promotion Sociale

CT : Code du Travail

FAARF : Fond d'Appui aux Activités Rémunératrices des Femmes

FAAGRA : Fonds d'Appui aux Activités Génératrices de Revenus des Agriculteurs

INSD : Institut National des Statistiques et du Développement

MASSN : Ministère de l'Action Sociale et de la Solidarité Nationale

NDI : National Democratic Institute

ONG : Organisations Non Gouvernementales

OSC : Organisation de la Société Civile

PNPF : Politique Nationale de Promotion de la Femme

PTF : Partenaires Techniques et Financiers

PTME : Programme de Prévention de la Transmission Mère Enfant

SN/CNLS : Secrétariat National/ Comité National de Lutte contre le Sida

UNICEF : Fonds des Nations Unies pour l'Enfance

VFFF : Violences Faites aux Femmes et aux Filles

VIH/SIDA : Virus de l'Immunodéficience Humaine/Syndrome Immuno Déficitaire Acquis

EXECUTIVE SUMMARY

On November 28, 1984, the government of Burkina Faso ratified, unconditionally, the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). However, the ratification instruments were not submitted until October 4, 1987. Ratification of the convention implies that the government has committed to take all administrative, legal and political measures to timely address discrimination against girls and women in social, economic, cultural and political areas. Effective enforcement of CEDAW in Burkina Faso requires that the government aligns the provisions of this international tool with the national laws.

This shadow reports aims to improve the information provided in the 6th report submitted by the government of Burkina Faso to the CEDAW committee. This report assesses how the CEDAW has been enforced by some Burkinabe civil society organizations (CSO). Through joint effort involving many CSOs, it is our belief that this report will help the committee to gain more insight on the convention's level of enforcement in Burkina Faso in order to engage in a positive dialogue with the relevant government and other stakeholders.

The government's report seems to highlight that remarkable progress was made by the country in the implementation of CEDAW. If this is true to some extent, the shadow report seeks on the one hand, to raise awareness about the gaps and challenges in the enforcement of the convention, and on the other hand, highlight how the comments and recommendations of the CEDAW committee have been considered.

This report is built around the following priority areas based on CEDAW articles:

- Article 1: Definition of discrimination,
- Article 4 : Specific transitional measures,
- Article 7 : Women's involvement in politics and public life,
- Article 8 : Women's involvement in International decision making bodies,
- Article 10 : Education and job training of girls and women,
- Article 12 : Access to health services,
- Article 13 : Economic empowerment of women,
- Article 15 : Equality under the law,
- Overall recommendation 19 on violence against girls and women.

Article 1: Definition of discrimination

As stated in the CEDAW, there is no legal definition for discrimination. For the purposes of the enactment of the quota law, which aims to increase the number of women in decision making bodies and to avoid contradicting the constitution, which bans positive discrimination for a given sex or social group, legislators of Burkina have adopted a neutral position of at least 30% for each sex. To effectively enforce the convention's provisions and achieve equality (sometimes possible through temporary positive discrimination), there is a need to harmonize CEDAW with national laws.

Article 4: Specific transitional measures

In view of the social context, the enactment of a quota law in April, 2009 is a remarkable achievement. But this law includes significant gaps, which thwart the scope of the initial objective that intends to quickly increase the number of women in political decision making. This law provides no positive discrimination for women. In addition, for the legislative elections, it is likely to be enforced in only 9 out of the 45 districts.

Other measures exist and include scholarships for secondary school girls and support and care for HIV AIDS infected mothers. The structures in charge of implementing these measures generally lack the necessary resources and adequate systems to perform at their best.

Article 7: Women in politics and public life

Men and women have the same political rights in Burkina Faso. In practice, however, the proportion of women in the government, National Assembly, and public and judicial administrations remains limited. Few women hold decision making positions in political parties. As the election system is based on a list, very few women are in first position on the list, which diminishes their chances to be elected.

Article 8: Women in the international decision making bodies

In theory, both men and women have the right and opportunity to represent the country at the international level. In reality, the number of Burkinabe women in international institutions and bodies remains negligible. Therefore, the government needs to take temporary actions to increase their number in these diplomatic functions.

Article 10: Equal right to education and job training

Huge and remarkable efforts have been made towards reducing the gap between girls and boys in education. With the 10-year basic education program, many schools were built close to communities, financial support to parents was provided, and sensitization campaigns organised to promote girls' education. Furthermore, the government has encouraged and prioritised the elimination of illiteracy among girls and women not attending schools or who dropped out by increasing the informal training centers and introducing positive discrimination measures for girls. All these efforts have led to an increase in the gross literacy rate. In spite of all this, the girls' enrolment rate remains lower than boys'. The government needs to do more to: minimise and prevent girls from dropping out of schools mainly at the secondary and university level as well as in rural area; increase the number of teachers; improve the quality of education; and stop using school books and materials that display gender stereotypes.

Article 12: Equal access to health care

On legal grounds, there is no discrimination between men and women's access to health services, but in practice the reality is different. The government has taken initiatives to improve women's access to health services- sexual and reproductive health, fighting malaria, stereotyping HIV/AIDS as a woman disease, and building health infrastructures. The government partially covers childbirth expenses, obstetrical costs, and neonatal emergency

costs. This support substantially contributes to reducing the costs of vaginal and caesarean child deliveries. Another focus area of the government is free family planning since 2005 in health centers around the country.

However, other efforts are still needed to reduce the maternal mortality rate, improve the use of health centers in rural areas and ensure the effectiveness of the zero-fee policies initiated by the government.

Article 13: Social and economic conditions

Although the national law is not gender-biased on family allowances, in practice, most married women do not directly benefit from these allowances, which instead go to their husbands. Women are paid such allowances when they are households with salaries and registered at the social security fund.

Some credit provision arrangements exist, including FAARF –(Support Fund to women’s income generating activities) and FAAGRA –(micro credits for female farmers). The Ministry of Finance and Budget has also put in place a micro finance strategic plan since 2005.

Despite all the above efforts, women are still not empowered as most of them face challenges in meeting the traditional banks’ requirements on credit provision. Though they seem more flexible, the conditions set by the micro finance institutions are inefficient and inappropriate.

The law is not gender-biased on the right to engage in recreational, sport and cultural activities; however, poverty, work load particularly in rural areas, and persistent insecurity are hindering factors to women’s participation in these activities.

Article 15: Equality under the law

The government has built new law courts in provinces, recruited penal institution staff and issued an order re-organising legal aid for the poorest, mainly women, to bring judicial institutions closer to them and ensure enforcement of legal decisions. But justice is still not open to many women for reasons like costs of legal services, ignorance of procedures, and distance to the courts, etc.

General recommendation 19: Violence against women

The most common categories of violence against women in Burkina include wife abuse or domestic violence and violence for cultural beliefs. Target groups are children, adults and sometimes, elderly people but violence also persists at schools. Except for laws on practices considered crimes and including the intentional transmission of HIV/AIDS (2005), female genital mutilation (FGM), child trafficking and like-minded practices, no legislative provision exists for girls and women who experience violence. Considering FGM as a crime has brought about remarkable change with the prevalence rate dropping from 70 to 40%. Note however that the practice is being secretly and increasingly carried out on younger girls. Strong vigilance is therefore recommended to avoid falling back on this old and harmful practice. Some initiatives have also been undertaken by ministries like the Social Welfare, Women’s Promotion, and Human Rights ministries to provide support and advice to violence

victims. Information/sensitization campaigns on the negative consequences of violence have also been organized. However, all these measures are unsuitable and not enough to fully address the issue.

MEMBERS OF THE FOLLOW UP COMMITTEE OF CEDAW ENFORCEMENT

1. **ADEPROH**: Association pour la Défense et la Promotion des Droits des Personnes Handicapées
2. **AFJ/B** : Association des Femmes Juristes du Burkina
3. **APAC**: Association des Professionnels Africains de la Communication
4. **CBDF**: Coalition Burkinabé pour les Droits de la Femme
5. **CCJI/MMF/ANBF** : Centre Cyber Jeunes Infos de la Marche Mondiale des Femmes/Action Nationale du Burkina Faso
6. **CIEFFA** : Centre International pour l'Éducation des Filles et des Filles en Afrique
7. **CIFRA**: Centre International de Formation en Recherche-Action
8. **CN/OSC** : Cellule Nationale de Renforcement des Capacités des OSC
9. **COA/FEB**: Coordination des Organisations des Femmes
10. **CRIGED**: Centre de Recherche et d'Intervention en Genre et Développement
11. **FAWE/Burkina**: Forum des Éducatrices Africaines
12. **GTFEP**: Groupe de Travail pour la Promotion Politique des Femmes
13. **MBDHP** : Mouvement Burkinabé pour la Promotion des Droits de l'Homme et du Peuple
14. **MMF/ANBF** : Marche Mondiale des Femmes/Action Nationale du Burkina Faso
15. **ONG Voix de Femmes**
16. **RAJS/BF** : Réseau Africain Jeunesse Santé et Développement
17. **RECIF/ONG**: Réseau de Communication d'Information et de Formation des Femmes dans les ONG au Burkina Faso
18. **SP/CNLPE** : Comité National de Lutte contre la Pratique de l'Excision
19. **WILDAF/FeDDAF**: Women in Law and Development in Africa/Femmes Droit et Développement en Afrique