



International Covenant on Civil and Political Rights

Distr.: General
4 December 2015
English
Original: French
English, French and Spanish only

Human Rights Committee

List of issues in relation to the initial report of Burkina Faso*

Constitutional and legal framework within which the Covenant is implemented (art. 2)

1. Given that article 151 of the Constitution establishes the primacy of the Covenant over the domestic laws of the State party, please indicate how often the Covenant has been invoked before and applied by the courts and administrative authorities of the State party. Where applicable, please provide examples of cases in which the Covenant has been invoked. Please also give examples of cases in which the Covenant has prevailed over domestic legislation in case of conflict. Please provide information on the availability of effective remedies for individuals claiming a violation of the rights protected by the Covenant. Please also indicate what procedures are in place for the implementation of the Committee's Views under the first Optional Protocol, and provide information on measures taken to ensure full compliance with the Committee's Views adopted in relation to the State party in communication No. 1159/2003 (*Sankara et al. v. Burkina Faso*, CCPR/C/86/D/1159/2003).

2. Please specify the measures taken by the State party to ensure that information on the Covenant is disseminated among judges, lawyers, law enforcement officials and the general public. Please indicate whether the State party intends to ratify the second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty.

3. Please describe the measures taken to ensure that the National Human Rights Commission conforms to the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles). Please provide information on the human and financial resources allocated to the Commission to allow it to fulfil its mandate effectively. Please also describe the activities of the Commission in the area of civil and political rights, and its achievements since its establishment. Please provide statistics on the number and type of complaints received by the Commission and on its response, where applicable, to the complaints of violations of civil and political rights referred to it. Please indicate whether the Commission has requested accreditation from the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights.

Non-discrimination and equality between men and women (arts. 2, 3, 23, 25 and 26)

4. Please describe the measures taken to combat discrimination against women, including those taken to increase the participation and representation of women in economic, political and public life, including in decision-making positions. Please

* Adopted by the Committee at its 115th session (19 October-6 November 2015).



indicate whether the requirement imposed on political parties that at least 30 per cent of candidates for municipal and legislative elections must be women is respected, and whether the State party has acted to uphold the principle of equal pay for men and women for work of equal value. Please indicate whether the State party has undertaken a comprehensive review of its domestic legislation and the Constitution with the aim of identifying discriminatory legal provisions, including those discriminating against women, such as the provisions governing the minimum legal age for marriage, which is different for men and women (Personal and Family Code, art. 238), and the marriage regime, and amending or repealing them.

5. Does the State party plan to adopt comprehensive legislation prohibiting discrimination and containing a comprehensive list of prohibited grounds for discrimination, including discrimination based on sexual orientation and gender identity? Please list any recent court rulings handed down to protect against discrimination in all areas, whether motivated by race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth, disability, sexual orientation, gender identity or any other circumstance.

6. Please describe the measures taken by the State party to combat and prevent the stigmatization of and discrimination against (a) persons infected or affected by HIV/AIDS, (b) persons with disabilities and (c) the lesbian, gay, bisexual and transgender community.

Right to life (arts. 6 and 14)

7. In the light of the de facto moratorium on executions that has been in place since 1988, please indicate what measures are being taken to abolish the death penalty in law and in practice. Please indicate whether the death penalty has been imposed by the national courts since 2007 and whether executions have taken place. Please provide information on the number and the detention conditions of persons on death row.

8. Please provide information on summary and extrajudicial executions carried out in the State party by the security forces and the Armed Forces, including on the investigations conducted, the prosecutions brought, the convictions obtained, the penalties imposed on the culprits and the reparation provided to the victims. Please also provide information on mob attacks against thieves and other alleged criminals by members of the general public and describe the measures taken to put a stop to such practices and to prosecute and punish the perpetrators.

9. Please describe the measures taken to investigate allegations of excessive use of force, including in 2011 and 2014, resulting in the injury and death of several protesters and prisoners from the Ouagadougou short-stay prison and correctional facility. Please also provide information on measures taken to investigate the circumstances of deaths in custody, including information on whether the death of three men detained by the Republican Security Unit in Fada N’Gourma in March 2013 has been elucidated and whether the bodies have been returned to the families.

10. Please provide information on measures taken to remove obstacles in the internal legal order so as to investigate human rights violations committed in the past, and to prosecute and punish those found responsible. Indicate in particular whether the State party plans to repeal the law adopted on 11 June 2012, which grants amnesty to all those who served as Heads of State of Burkina Faso between 1960 and the date of adoption of the law.

11. Please indicate whether the State party intends to review its legislation on the voluntary termination of pregnancy with a view to averting clandestine abortions, which may put the lives or health of women at risk. Please provide data and information on measures taken to address maternal mortality, and to improve access to affordable contraceptive methods and to reproductive health education.

Harmful traditional practices and violence against women (arts. 3 and 7)

12. Please describe the measures taken to eliminate harmful traditional practices such as forced and early marriage, fosterage, levirate, sororate, female genital mutilation, and practices that prevent women from owning land and inheriting from their husbands. Please provide information on cases of violence and social exclusion of women accused of witchcraft, the proceedings brought against the perpetrators of these acts and the compensation granted to the victims.

13. Please provide information on the legal framework for combating violence against women, including marital rape, in Burkina Faso and on the measures taken to eliminate violence against women. Please also provide up-to-date statistics on the number of complaints of different forms of violence against women recorded and on the number of rulings handed down by the courts in this area.

Prohibition of torture and cruel, inhuman or degrading treatment or punishment (arts. 3, 7 and 24)

14. Please provide information on the measures taken to raise awareness about Act No. 22-2014/AN of 27 May 2014 aimed at preventing and punishing torture and related practices, and to ensure, in practice, the inadmissibility of confessions obtained under duress or torture as evidence before the courts. Please also indicate the measures envisaged to establish the observatory of detention facilities provided for in the Act.

15. Please provide information on the measures taken to prevent and combat acts of torture and ill-treatment committed against civilians by law enforcement officials, the Armed Forces and prison officers, and to investigate such cases. Please elaborate on reports that law enforcement officials have perpetrated acts of torture and ill-treatment either while questioning people at police or gendarmerie stations or during operations to quell peaceful protests, and that prison officers have perpetrated related acts during riots or escape attempts. Please furnish information on the investigations conducted, prosecutions brought and penalties imposed on perpetrators of acts of torture, as well as on the measures taken to compensate and rehabilitate victims. Please specify what measures have been taken to facilitate the process of lodging complaints of acts of torture committed by the police or security forces.

16. Please indicate the steps taken by the State party to make corporal punishment unlawful in all places, including within the family.

Right to liberty and security of persons, right to a fair trial and independence of the judiciary (arts. 9 and 14)

17. Please comment on allegations that the security forces impede peaceful gatherings and explain how Act No. 26 of 8 May 2008 punishing acts of vandalism committed during street protests is compatible with the provisions of the Covenant, including the principle of presumption of innocence. Please comment on allegations that human rights defenders are the target of a campaign of intimidation, that attacks have been carried out against their physical integrity and that they have been subject to abusive arrests, trials, excessive interrogation by the security forces and threats.

18. Please describe the measures taken to prevent the improper use of police custody and to ensure that fundamental legal safeguards for persons in detention are provided in practice, particularly the right for people to be informed of the reasons for their arrest, to have access to a lawyer and a doctor, and to contact family members.

19. Please indicate what progress has been made in implementing the national justice policy for the period 2010-2019 and the National Pact for Justice Reform, adopted on 28 March 2015. Please describe the measures taken to build the capacity of the judiciary; to guarantee its independence; to ensure that its decisions are carried out; to combat corruption and undue political influence; to guarantee access to justice for all; to address the lengthy delays in the administration of justice, the lack of resources, staff shortages and poor staff training; and to reduce the average processing time of cases, particularly criminal cases. Please describe the measures taken to ensure that the High Council of the Judiciary is free from any undue pressure or interference from the Executive. Please provide information on the investigations conducted into cases of corruption and the penalties imposed on members of the judiciary.

Treatment of persons deprived of their liberty (arts. 7 and 10)

20. Please provide updated information on the prison population in military and civilian penitentiary facilities, indicating the official capacity of each facility and the percentage of persons who are in pretrial detention or convicted prisoners. Please provide information on the measures taken to reduce prison overcrowding and the number of persons placed in pretrial detention, and to ensure that accused persons are held separately from convicted persons, women from men and minors from adults. Please provide data on the number of migrant workers detained, including those arrested for violations of Order 84-49 (1984), and indicate whether they are held separately from persons accused or convicted. Please describe the measures taken to improve detention conditions and to remedy the shortage of food and the inadequate sanitation and medical care in places of detention. Please state what non-custodial measures the State party has introduced to help relieve overcrowding in prisons. Please provide information on the steps taken to combat excessive recourse to pretrial detention. Please also clarify whether there is an independent, confidential mechanism in prisons for receiving complaints from prisoners. If so, please give examples, indicating the number of complaints received and the action taken on those complaints.

Elimination of slavery and servitude (arts. 8 and 24)

21. Please provide data on the extent of trafficking in the State party, particularly of women and children, including for the purposes of economic and sexual exploitation. Please also indicate what measures have been taken to identify, protect and rehabilitate victims. Please provide information on the measures taken to enforce Act No. 029-2008/AN on combating human trafficking and related practices, Act No. 011-2014/AN on combating the sale of children, child prostitution and child pornography and the related provisions of the Criminal Code, including investigations conducted, prosecutions brought, and convictions and penalties imposed on the perpetrators of human trafficking.

22. Please provide information on the extent of the exploitation of street children, garibou students and talibes for the purpose of begging, and the exploitation of children for the purpose of forced labour, in particular domestic and hazardous work, including in the mining and agricultural sectors and in households. Please provide information on the measures taken to eliminate forced labour and the worst forms of child labour, and on investigations conducted, prosecutions brought and compensation

awarded to victims. Please clarify the impact of the awareness-raising campaigns conducted by the State party and the results achieved.

Right to be recognized as a person before the law (arts. 7, 13, 16 and 24)

23. Please provide information on the measures taken to improve the birth registration rate and the issuance of birth certificates, particularly for refugee children. Please provide information on the measures taken by the State party to prevent statelessness. Please specify the steps taken by the State party to uphold, de jure and de facto, the principle of non-refoulement with respect to foreign nationals expelled from the State party, and to allow the appeal body created under the law on refugees to begin operating.

Freedom of expression and the right to freedom of assembly and association (arts. 19, 21 and 22)

24. Please comment on allegations of intimidation, harassment and threats against journalists in the context of political debates and investigations. Please provide information on the investigations conducted, the prosecutions brought and the penalties imposed on the perpetrators of such acts. Please explain how the closure of numerous newspapers and the suspension of live broadcasts by the Higher Council for Communication during the transition period are compatible with the Covenant. Please indicate whether the State party intends to repeal the provisions on defamation that restrict the exercise of the right to freedom of expression and information in view of the decision of the African Court on Human and Peoples' Rights in the case of *Konaté v. Burkina Faso*.

25. Please describe the measures taken to guarantee freedom of association and assembly in practice and to ensure that any restriction of this right is consistent with the provisions of the Covenant.

Participation in public affairs (art. 25)

26. Please indicate whether the State party plans to repeal the amendments made in April 2015 to its electoral code, which, in its article 135, makes persons who have "supported an unconstitutional change in violation of the principle of the democratic rotation of power ineligible". Please provide information on the efforts made to ensure that future elections will run smoothly and to guarantee the right to vote and to be elected without discrimination or unreasonable restrictions. Please indicate the measures taken to investigate and hold accountable the persons found to be responsible for the coup attempt in September 2015.

Rights of persons belonging to minority groups (art. 27)

27. Please describe the measures taken to ensure respect for the rights of minority groups in the State party, including the Tuareg and Peulh communities. Please describe the measures taken to identify the causes of conflicts between pastoralists and farmers, investigate incidents, punish those responsible and grant compensation to the victims. Please explain the mechanisms for consulting minority groups on land and resource management issues.

Dissemination of information on the Covenant (art. 2)

28. Please provide information on the steps taken to disseminate information on the Covenant and its first Optional Protocol, on the submission of the initial report of the State party (CCPR/C/BFA/1) and on its forthcoming consideration by the Committee. Please also provide information on the participation of representatives of civil society, NGOs and the National Human Rights Commission in the preparation of the initial report.
