

CEDAW IMPLEMENTATION MONITORING COALITION OF BURKINA FASO

**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 support from the National Democratic Institute for International Affairs-  
NDI - Burkina Faso**

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## **ABBREVIATIONS**

**AN:** Assemblée Nationale [National Assembly]

**EPA:** Economic Partnership Agreement

**CEDAW:** Convention on the Elimination of All Forms of Discrimination against Women

**CNSEF:** National Council to Monitor Actions taken to Advance the Status of Women

[*Conseil National de Suivi des Engagements en faveur de la Femme*]

**CPF:** Persons and Family Code [*Code des Personnes et de la Famille*]

**CSPS:** Health and Social Welfare Center [*Centre de Santé et de Promotion Sociale*]

**LC:** Labor Code

**FAARF:** Support Fund for Women's Income-Generating Activities [*Fonds d'Appui aux Activités Rémunératrices des Femmes*]

**FAAGRA:** Support Fund for Income-Generating Activities for Women Farmers [*Fonds d'Appui aux Activités Génératrices de Revenus des Agricultrices*]

**INSD:** National Statistics and Development Institute [*Institut National des Statistiques et du Développement*]

**MASSN:** Ministry of Social Services and National Solidarity [*Ministère de l'Action Sociale et de la Solidarité Nationale*]

**NDI:** National Democratic Institute

**NGO:** Non-Governmental Organization

**CSO:** Civil Society Organization

**NGP:** National Gender Policy

**PNPF:** National Policy for the Advancement of Women

**TFP:** Technical and Financial Partners

**PPMTCT:** Program for the Prevention of Mother-to-Child Transmission

**NS/NCCA:** National Secretariat/National Committee to Combat AIDS

**UNICEF:** United Nations Children's Fund

**VAWG:** Violence Against Women and Girls

**HIV/AIDS:** Human Immunodeficiency Virus/Acquired Immune Deficiency Syndrome

## **GENERAL SUMMARY**

Burkina Faso signed the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), without reservation, on November 28, 1984, and the instruments of ratification were deposited on October 14, 1987. In ratifying the Convention, the government of Burkina Faso committed to taking all administrative, legal, political and other measures needed to remedy, as expeditiously as possible, discrimination against women and girls in the socio-political, economic and cultural arenas. To ensure effective implementation of the CEDAW in Burkina Faso, the government must harmonize the provisions of this international instrument with national legislation.

This shadow report was established to further contribute to the data presented in the sixth periodic report submitted to the CEDAW Committee by the government of Burkina Faso. As such, this report represents the assessments of a group of civil society organizations. It is our bold hope that this report, as a product of collaboration between several civil society organizations, will allow the Committee to gain a deeper perspective on the degree to which the Convention has been implemented in Burkina Faso—and as such, to begin constructive dialogue with the government and other stakeholders regarding how to best implement the Convention.

A reading of the government's report gives the impression that Burkina Faso has accomplished considerable progress in implementing the CEDAW. Although this is true to a certain degree, this shadow report seeks not only to point out shortfalls and challenges in implementing the Convention, but also to shed light on the degree to which the CEDAW Committee's recommendations and observations have been taken into account.

This report is structured around the following priority areas of focus, based on the articles of the CEDAW:

- Article 1: Definition of discrimination
- Article 4: Temporary special measures
- Article 7: Women's participation in political and public life
- Article 8: Women's participation in international decision-making bodies
- Article 10: Equal rights to education and vocational training
- Article 12: Equal access to healthcare
- Article 13: Economic and social life of women
- Article 15: Equality before the law
- General Recommendation 19: Violence against women and girls

### **Article 1: Definition of discrimination**

No legal definition of discrimination as stipulated in the CEDAW exists in national legislation. This could justify the fact that, in relation to enacting the law on quotas seeking to increase female representation within decision-making bodies, Burkina Faso's legislators opted for a neutral law stipulating a minimum of 30% representation of each gender, to preserve the integrity of all provisions of the fundamental law that is the Constitution, which prohibit implementing measures that discriminate in favor of one sex over the other or a given

marginalized sector of society. The CEDAW must be incorporated into national legislation to ensure the effective implementation of some of its provisions and thus attain equality in fact, which in some instances can only be attained via temporary affirmative action measures.

#### **Article 4: Temporary Special Measures**

In terms of new measures, the enactment, in April 2009, of the law on quotas for electoral lists in legislative and local elections constitutes progress in the legislative arena, given the social environment. The law presents significant shortcomings, however, which limit the scope of its initial objective of finding an effective mechanism for boosting participation of a critical number of women in political institutions. As a result, the law does not introduce an affirmative action measure in favor of women, and its applicability risks being limited to only 9 of 45 districts for legislative elections.

Other measures, such as granting secondary school scholarships to girls and caring for mothers infected with HIV/AIDS, have been taken. It must nonetheless be noted that the institutions charged with implementing these measures do not always have access to sufficient resources or appropriate mechanisms for ensuring optimal operation.

#### **Article 7: Participation of Women in Political and Public Life**

Women and men enjoy the same political rights in Burkina Faso. The percentage of women actually participating in the governmental, parliamentary, administrative and judiciary decision-making arenas remains very low, however. An under-representation of women in political party leadership positions is also observed. Elections in Burkina Faso are based on the list system, and few female candidates appear at the top of those lists, slots from which they would have improved chances of being elected.

#### **Article 8: Participation of Women in International Decision-Making Bodies**

In theory, women have the same rights and possibilities as men in terms of representing the government at the international level. The percentage of women representing Burkina Faso in international institutions and organizations nonetheless remains negligible. It is important that the government initiate temporary special measures to increase female participation in diplomacy.

#### **Article 10: Equal rights to education and vocational training**

Efforts aimed at decreasing educational gaps between girls and boys are considerable and striking. Implementation, in 1999, of the Ten-Year Plan for the Development of Basic Education resulted in several new neighborhood schools, financial assistance to parents and campaigns to encourage the enrollment of girls in school. The government also prioritized literacy training for women and girls who have dropped out of or never been to school, by increasing the number of informal training centers and adopting affirmative action measures in favor of girls. Each of these measures contributed to an increase in the gross enrollment

and literacy ratio of girls and women. Despite these advances, it is observed that school enrollment rates remain lower among girls than among boys.

The government must redouble its efforts to reduce and prevent drop-outs among girls, particularly at the secondary and higher education levels and in rural areas; increase the number of female teachers and the quality of teaching; and continue efforts to eradicate sexist stereotypes from textbooks.

## **Article 12: Equal Access to Healthcare**

From a legal perspective, no discrimination between men and women exists in access to healthcare, but discrepancies do exist in practice. The government of Burkina Faso has taken measures toward improving women's access to healthcare in the areas of sexual and reproductive health, efforts to combat the feminization of HIV/AIDS, efforts to combat malaria and the construction of healthcare infrastructures. In concrete terms, the government is partially covering the costs of deliveries and emergency neonatal and obstetrical care, which has resulted in a considerable decrease in the costs of routine deliveries and deliveries by Cesarean section. The government has also placed special emphasis on family planning, which since 2005 has been provided free of charge in healthcare centers nationwide.

Work remains to be done, however, to decrease maternal mortality, increase use of healthcare facilities, particularly in rural areas, and render all free-of-charge services adopted by the government accessible in practice.

## **Article 13: Economic and social life of women**

Legislation in Burkina Faso is not discriminatory in terms of family allowances, but in practice, most married women do not ever receive family allowances, which are paid directly to male spouses. Female heads of household who earn wages and have filed with the fund receive nonetheless do receive the allowances for their children.

Certain measures have been taken to promote women's access to credit. Microcredit institutions such as the Support Fund for Women's Income-Generating Activities (FAARF) and the Support Fund for Income-Generating Activities for Women Farmers (FAAGRA) have been established. Likewise, the Ministry of Finance and the Budget adopted a strategic microfinance plan in 2005.

Despite these measures, efforts to empower women in economic terms have remained futile, for most women have difficulty meeting the criteria for receiving credit from traditional banks. Additionally, the terms offered by microfinance institutions remain unsuitable and ineffective, despite appearing to be more flexible.

The laws in Burkina Faso are not discriminatory with regard to the right to participate in recreational, athletic and cultural activities. Excessive workloads (in rural areas in particular), poverty among women and growing insecurity, however, hinder women's access to these activities.

## **Article 15: Equality before the law**

The government has built new courthouses in the provinces, hired penitentiary personnel and, in July 2009, issued a decree providing for legal aid to impoverished individuals, and women in particular, to bring the legal system closer to the people and ensure that legal rulings are enforced. Despite these efforts, the legal system remains inaccessible to women for reasons of geographic distance, cost and lack of knowledge about legal procedures.

## **General Recommendation 19: Violence against women**

Domestic/spousal abuse and abuse based on cultural beliefs are most widespread in Burkina Faso. This abuse is committed against young children, adults and, at times, elderly women. Violence also occurs in schools. With the exception of laws criminalizing the intentional spread of HIV/AIDS (2005), Female Genital Mutilation (FGM), trafficking in persons and related practices, legislation protecting women and girls who are victims of abuse is lacking. Remarkable progress has been observed in the area of FGM, as the criminalization of this practice seems to have greatly contributed to a decrease in prevalence, which has dropped from 70% to 40%. It cannot be disregarded, however, that these practices now occur in growing secrecy and at an increasingly young age, which consequently requires increased vigilance to avoid setbacks. In addition, measures have been taken by the Ministries of Social Work and National Solidarity, the Promotion of Women, and Human Rights to advise and refer female victims. Awareness and information campaigns relating to the detrimental effects of violence have also been organized. These measures nonetheless remain insufficient and inadequate.

## **MEMBERS OF THE CEDAW IMPLEMENTATION MONITORING COALITION**

1. **ADEPROH:** Association pour la Défense et la Promotion des Droits des Personnes Handicapées [Association for the Defense and Promotion of the Rights of the Disabled]
2. **AFJ/BF:** Association des Femmes Juristes du Burkina Faso [Female Lawyers of Burkina Faso Association]
3. **APAC:** Association des Professionnelles Africaines de la Communication [Association of African Communications Professionals]
4. **CBDF:** Coalition Burkinabé pour les Droits de la Femme [Burkina Faso Coalition for Human Rights]
5. **CCJI/MMF/ANBF:** Cyber Youth Info Center of the World March of Women/Burkina Faso National Action
6. **CIEFFA:** International Center for Girls' and Women's Education in Africa
7. **CIFRA:** Centre International de Formation en Recherche-Action [International Training and Action Research Center]
8. **CN/OSC:** Cellule Nationale de Renforcement des Capacités des OSC [National Unit to Build CSO Capacity]
9. **COAFEB:** Coordination des Organisations des Femmes du Burkina [Representative Committee of Burkina Faso Women's Organizations]
10. **CRIGED:** Centre de Recherche et d'Intervention en Genre et Développement [Gender and Development Research and Intervention Center]
11. **FAWE/Burkina:** Forum for African Women Educationalists
12. **GTFEP:** Groupe de Travail pour la Promotion de la Femme en Politique [Working Group for the Promotion of Women in Politics]
13. **MBDHP:** Mouvement Burkinabé pour les Droits de l'Homme et des Peuples [Burkina Faso Movement for Human and Peoples' Rights]

**14. MMF/ANBF:** Marche Mondiale des Femmes/Action Nationale du Burkina Faso [World March of Women/Burkina Faso National Action]

## **15. Voix de Femmes NGO**

**16. RAJS/BF:** Réseau Africain Jeunesse Santé et Développement/Burkina Faso [African Youth Health and Development Network/Burkina Faso]

**17. RECIF/NGO:** Réseau de Communication d'Information et de Formation des Femmes dans les ONG au Burkina Faso [Communication, Information and Women in NGOs Training Network in Burkina Faso]

**18. SP/CNLPE:** Secrétariat Permanent du Comité National de Lutte contre la Pratique de l'Excision [Permanent Secretariat of the National Committee to Combat the Practice of Excision]

**19. WILDAF/FeDDAF/Burkina:** Women in Law and Development in Africa/Femmes, Droit et Développement en Afrique

## **INTRODUCTION**

Since the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) was ratified in October 1987, the government of Burkina Faso has published six reports on the status of measures taken and progress made to remedy inequalities between men and women, girls and boys in the socio-political and economic arenas.

Although many women's associations exist, no system exists whereby civil society organizations (CSOs) can monitor implementation of the CEDAW. To date, the role of CSOs has been limited to approving governmental reports. Upon invitation by the Ministry for the Promotion of Women, certain associations contribute to the process of legalizing the official report, yet have no opportunity to comment on or advocate for consideration of their concerns.

Conscious of shortcomings in CSO knowledge of the CEDAW, the National Democratic Institute (NDI) made the commitment to support them in order to provide them with tools to effectively monitor and document the degree to which the Convention has been implemented, by preparing shadow reports.

### **Process to establish the CEDAW implementation monitoring coalition**

Burkina Faso's Civil Society Organizations became aware of the need to fulfill their roles in monitoring various policies and questioning the government about implementation of commitments made at the national, regional and international levels. This desire is what led the CSOs involved in promoting women's rights to work together toward monitoring implementation of the CEDAW. Nineteen (19) organizations active in the promotion of

women's rights thus attended, from November 3-5, 2009, a CEDAW training and discussion workshop arranged with technical and financial support from the National Democratic Institute (NDI). This workshop resulted in the establishment of a coalition to monitor implementation of the CEDAW. Over the course of this workshop, the organizations decided on seven (7) priority areas of focus around which this civil society report is structured. These priority areas of focus are as follows:

- 1) Adoption of special measures for integrating a gender-sensitive budgeting policy.
- 2) Women's participation in the management of political and public life.
- 3) Education and vocational training.
- 4) Women's access to healthcare.
- 5) Economic empowerment of women and access to financial products and credit in particular.
- 6) Equality before the law.
- 7) Efforts to combat violence against women.

To facilitate reflection around these areas of focus, working groups were established. Group work was presented in a plenary session and a drafting committee was established to finalize drafting of the report. Composed of eight (8) members selected for their proficiency in the priority areas of focus identified, the committee produced a draft report at the close of a week of work. This draft was adopted in plenary on November 11, 2009 by the nineteen CSOs listed below, following incorporation of the observations, amendments and contributions of the CSOs involved in this process from the beginning of the CEDAW workshop.

This report is the first consensus-built report from civil society in Burkina Faso. It provides a critical analysis of the sixth government report, covering the 2001-2006 period. The CEDAW Committee will review the report during its October 4-22, 2010 session.

### **List of participants at the CEDAW training workshops**

<b>Order</b>	<b>Organization</b>	<b>First and Last Names of Participants</b>
<b>1</b>	ADEPROH	Élisabeth KIENTEGA
<b>2</b>	AFJ/BF	Franceline TOE-BOUDA Korotimi NAZE-SAWADOGO Maimouna DERME-TRAORE
<b>3</b>	APAC	Pauline YAMEOGO
<b>4</b>	CBDF	Mariam SIRIMA Larissa ZONGO-NANA Yvette COMPAORE/TIENDREBEOGO
<b>5</b>	CCJI/MMMF/ANBF	Sheila Sandrine SANOUIDI
<b>6</b>	CN/OSC Cellule Nationale des OSC	Françoise PIOUPARE
<b>7</b>	CIEFFA	Aminata Elisabeth OUEDRAOGO/BANCE
<b>8</b>	CIFRA	Djamilat SOMBIE - OUATTARA
<b>9</b>	COAFEB	Mariam KADEOUA - KOUSSOUBE Ramata OUEDRAOGO
<b>10</b>	CRIGED	Pascaline KABORE S Norbert KAMBIRE

<b>11</b>	FAWE/Burkina	S. Berthe Andrée MEDA - DABIRE
<b>12</b>	GTFEP	Cecile SOW - NONGUEGNAGHMA Marlène ZEBANGO
<b>13</b>	MBDHP	Dothié SOMA Angèle NACOULMA
<b>14</b>	MMF/ANBF	Awa OUEDRAOGO
<b>15</b>	NGO Voix de Femmes	Katia TAPSOBA Rodrigue BILGHO
<b>16</b>	RAJS/BF	Daouda DJOUIMA
<b>17</b>	RECIF/NGO	M Madeleine POUSSI - PITROIPA
<b>18</b>	SP/CNLPE	Korotoumou OUEDRAOGO
<b>19</b>	WILDAF	Tara NACANABO Ervé DABONE

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## **DETAILED ANALYSIS OF THE GOVERNMENT'S SIXTH CEDAW REPORT, BASED ON THE ARTICLES AND PRIORITY AREAS OF FOCUS SELECTED BY THE COALITION**

## **Introduction**

Given the fact that the official report covers the full array of legal, political and administrative measures that the government has taken toward implementing the CEDAW, for each article selected, this report seeks to:

1. Provide commentary on the official report.
2. Identify areas of principal concern that warrant immediate attention.
3. Establish the degree to which the final observations and recommendations presented by the CEDAW Committee to the government, following review of the report submitted in 2005, were taken into consideration.
4. Propose recommendations paving the way for effective and successful implementation of the Convention in Burkina Faso.

## **Article 1: Definition of discrimination**

### **1. General overview**

National laws in Burkina Faso enshrine the principle of gender equality. Nonetheless, no legal definition of discrimination in accordance with the obligatory CEDAW standards exists. Discriminatory laws and practices persist, despite the provisions of Article 151 of the Constitution: "Duly ratified or approved treaties or agreements shall, upon their publication, override laws, subject, for each agreement or treaty, to its application by the other party."

### **2. Main concerns**

- Ratification of the CEDAW and its Optional Protocol does not in and of itself suffice for changing behaviors and attitudes that have grown entrenched over the centuries, particularly given the coexistence of customary law and modern law.
- Twenty-five years out from ratification of the CEDAW, most laws that are discriminatory towards women (particularly those related to women's lives within the family) remain practically unchanged.
- The government of Burkina Faso has shown no willingness to incorporate a suitable definition of discrimination into national legislation.

### **3. Status of consideration of the Committee's recommendations**

The CEDAW Committee's recommendation relates to harmful traditional or customary practices that infringe upon the rights of women and that constitute a form of discrimination against them. The Committee also recommended raising the awareness of all societal groups and improving women's access to methods of legal recourse by improving their knowledge of basic principles of law.

Despite the creation of new organizations to promote and defend women's rights, the adoption of policies (National Policy for the Advancement of Women, National Gender Policy) and action plans, and the ratification of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women, discrimination persists. Governmental measures have been inadequate in their effect.

### **4.**

## **Recommendations**

The government should:

- Repeal all laws that are discriminatory towards women by 2012, and in particular eliminate those provisions in the Persons and Family Code relative to polygamy (Articles 257-262).
- Reformulate all laws that are discriminatory towards women by 2011, and in particular standardize the legal marriage age for young girls and boys (Article 238 of the CPF).
- Incorporate the definition of discrimination and all CEDAW provisions into national legislation.
- Ensure that the Convention is indeed invoked within national courts.
- Incorporate the Convention into the preamble to the Constitution.

## **Article 4: Temporary special measures**

### **1. General overview**

Although the government's sixth report made no mention of this point, the government adopted a certain number of measures that have contributed positively to boosting gender equality in terms of education and access to healthcare. These measures include literacy training for women and girls who have dropped out of or never been to school, efforts to keep girls in school, and caring for mothers infected with HIV/AIDS. Other positive steps have been taken, including restructuring the Ministry for the Advancement of Women, adopting a National Policy for the Advancement of Women and a National Gender Policy and full communalization.

In 2009, the government of Burkina Faso enacted a quota law, which could be considered progress on the legislative front, given the socio-cultural context that applies. The law nonetheless presents significant shortcomings, which limit the scope of its initial objective of finding an effective mechanism for boosting the participation of a critical number of women in political institutions. It therefore is not certain that the law can be implemented without significant difficulty, given its shortcomings. Indeed, the law introduces a neutral quota of at least 30% representation of women and men, but does not apply to elected positions. It in no way guarantees any strategic positioning for women (male/female alternation) on electoral lists to maximize their chances of being elected, and it applies only to districts with more than two seats. Based on current district lines, its applicability will be limited to just 9 out of 45 districts in legislative elections. What remains to be seen is whether or not women in those 9 districts will be placed at the top of electoral lists, which would allow them to win seats.

### **2. Main concerns**

- Efforts put forth by the government to boost gender equality have been inadequate. Even those measures that have been taken benefit only a limited number of women. Reference can be made to the quota law, which presents significant shortcomings.
- Although measures have been taken in the area of education (such as secondary school scholarships for girls and second-chance schools) and in the area of HIV/AIDS (care for infected mothers), they continue to lack the resources necessary to ensure their effectiveness and adequate mechanisms for monitoring their application.
- The absence of gender considerations in the national and local government budgeting process prevents visibility into government efforts to advance the standing of women.

- Moreover, adequate measures are not being taken to allocate substantial sums to the agencies tasked with meeting the objectives the government has set. The budget of the Ministry for the Advancement of Women currently accounts for 0.01% of the national budget.

### **3. Status of consideration of the CEDAW Committee's final observations**

To comply with recommendation 273 of the Committee's final observations relative to the lack of temporary special measures aimed at increasing women's participation in public and political life, the government of Burkina Faso adopted a law stipulating a 30% quota for each gender on electoral lists presented at local and legislative elections. It is noted with regret that this recommendation, first made in 1999, was not adopted until ten years later.

### **4. Coalition Recommendations**

The government should:

- Work with Burkina Faso's legislators to improve measures for enforcing the quota law (districting that follows the provisions stipulated in the quota law, for example), so that the law can be effective and operational in terms of national and international appointed positions.
- Proceed with an immediate review of the budget nomenclature for gender-sensitive budgeting considerations. This is a necessary step for taking into account the specific needs of women and girls, which must appear in the detailed budgets of ministerial departments and local authorities to ensure improved visibility of government measures in favor of women.
- Train technical staff in charge of budgeting at the national and local levels on how to establish gender-sensitive budgets.
- Increase the budget of the Ministry for the Advancement of Women to at least 7% of the national budget, thereby allowing the Ministry to take concrete steps toward improving women's living conditions and promoting gender equality.

## **Article 7: Women's participation in political and public life**

### **1. General overview**

Burkina Faso promotes the principle of gender equality in political and public life through its legislation. This principle can be seen in:

- The Constitution, Article 1 of which reaffirms the rejection of all forms of discrimination.
- The Persons and Family Code, a provision of which grants women the right to practice the profession of their choice without formal authorization from their spouse.
- Act 013-1998/AN of April 28, 1998, which stipulates legal principles applicable to civil servants and also enshrines the principle of gender equality in access to civil service positions.
- Act 014-2001/AN of July 3, 2001, Article 162 of which provides for an Election Code, and Act 019-2009/AN, which amends Act 014-2001/AN of July 3, 2001, Article 241 of which provides for an Election Code in Burkina Faso.

Despite the high number of political parties in Burkina Faso (approximately 147), few women hold positions of responsibility on their staffs. Most women who do hold such positions are tasked with responsibilities similar to the roles that society has traditionally reserved for the

female sex (Treasury, Women's Mobilization, Advancement of Women, etc.). Key positions such as presidency, vice-presidency and general secretariat are rarely granted to women.

Elections are based on an electoral list system. This system in principle favors candidates placed high on the lists, but it is generally observed that few female candidates appear in the first few slots on these lists.

Poverty is an increasingly female phenomenon, despite a number of measures put forth by the government and some NGOs to improve women's financial status (Support Fund and microcredit). And yet, participation in political life costs money (contributions, travel for meetings, electoral campaigns, etc.).

Neither the government, which grants public funding to political parties, nor political parties themselves have established systems or specific means capable of providing financial or material support to women running for elected office.

Notable progress due to governmental and private initiatives has been made in the education of women and girls, particularly in terms of skills. This progress partially explains a slight increase observed in the number of women equipped with the skills to hold positions in public and private institutions. There remain very few women in decision-making positions, however (presidents of governmental or private institutions, secretaries-general of ministerial departments, directors, department heads and other such positions in the capital and nationwide).

In Burkina Faso's sixth periodic CEDAW report, the government acknowledges that:

- Very few women are represented in policymaking positions; i.e., within the government, parliament, high administrative and local posts, where issues of national policy and the development of administrative departments and regions are addressed. (Cf.: Statistics)

### **Status of women's participation in political and public life**

	<b>Number of women</b>	<b>Number of men</b>	<b>Total</b>	<b>Percentage of women (%)</b>
Local elected officials	6,400	11,477	17,877	35.80%
Mayor	23	336	359	6%

2010

Source: Coalition

### Status of women in the National Assembly, over 3 terms

Years	Total	Number of men	Number of women	Percentage of women
1997-2002	111	102	9	8.01%
2002-2007	111	98	13	11.71%
2007-2012	111	94	17	15.31%

Source: Coalition

### Status of female ministers from 2000-2010

Years	Total number	Number of men	Number of women	Percentage of women
2000	36	32	04	11.11%
2002	30	27	03	10%
2004	31	27	04	12.90%
2005	32	28	4	12.5%
2006	34	29	5	14.70%
2007	34	29	5	14.70%
2008	35	28	7	20%
2009	36	29	7	19.44%
2010	35	29	6	17.14%

Source: Coalition

- The main actions having contributed to a slight improvement in female representation within the parliament and local government were carried out by civil society and the National Assembly. These were as follows: advocating to political leaders, for improved standing of women on electoral lists; advocating to customary and religious leaders, to promote the involvement of women in politics; establishing a gender caucus; holding a forum on female representation in decision-making bodies; preparing a draft law stipulating a quota of at least 30% representation of each sex on electoral lists.

Regarding this situation, the Coalition deplores the weak level of commitment displayed by the government, which has not risen to the hopes of the population and women in particular; it has deployed no national initiatives for promoting improved participation of women in political and public life.

The Coalition also deplores the absence of measures taken by political parties to improve the political participation of women.

2.

### **Main concerns**

- The under-representation of women in appointed positions in the executive and judiciary branches and public administration (governorships, High Commission, prefecture, institutional joint action frameworks at the centralized and decentralized levels).
- The quota law, which does not line up with the way electoral districts are drawn (the quota law can begin to be truly enforced only in three-seat districts: 9/45; whereas the current system has more electoral districts with one or two seats than three: 36/45).
- The absence of financial, safety, training and other measures taken by the government to support women running for office.

### **3. Status of consideration of the CEDAW Committee's recommendations**

The Committee recommended applying temporary special measures and setting concrete objectives with corresponding timelines to increase the number of women participating in political and public life and occupying decision-making positions. The government did pass a law instituting a quota of 30% for each sex on the electoral lists presented at legislative and local elections. This temporary measure does not, however, take into account appointed positions, nor does it guarantee the results of elections in which women are running for office. This measure does not comply with the Committee's recommendation to set a concrete objective, and it includes no associated timelines.

### **4. Coalition Recommendations**

The government should:

- Incorporate Article 1 of the CEDAW into Burkina Faso's Constitution. Article 1 defines the meaning of the word "discrimination" with regard to women, and its enactment would open the door to full use of the provisions of Article 4.1.
- Establish parity in appointed positions at the national level to display its true willingness and to comply with the spirit of national and international texts such as the Constitution, the Maputo Protocol, the Solemn Declaration on Gender Equality in Africa and the Beijing Platform.
- Commit to taking specific steps towards remedying gender gaps in political and public life.
- Encourage political parties to promote gender equality in their enactments, staff, campaign financing for female candidates and election procedures.
- Encourage and educate female candidates about electoral duties.
- Increasingly work in partnership with NGOs and donor organizations on awareness campaigns to improve the political participation of women.
- Appoint women equally qualified as men to leadership positions in government administration.

Use a legal text to eliminate certain costly expenses (gimmicks) not essential to the smooth running of electoral campaigns, to minimize the expenses of all candidates and, among other benefits, contribute some encouragement to women running for office.

## **Article 8: Female representation in international decision-making bodies**

### **1. General overview**

No texts in Burkina Faso display discrimination in the possibilities of representing the government at the international level or participating in the work of international organizations.

The current situation sees few women in international positions (diplomacy) and participating in the work of international organizations, as indicated by the table below:

**Table: Female representation in international decision-making bodies**

<b>Position</b>	<b>Women</b>	<b>Men</b>	<b>Total</b>	<b>Percentage of women (%)</b>
Ambassador	04	28	32	12.5
Consul General source:	0	5	05	0
Consulate staff	10	19	29	34.48
Diplomatic mission staff	91	154	245	37.14

(Source: Ministry of Foreign Affairs and Regional Cooperation, Human Resources Division, April 2009)

### **2. Main concerns**

- The insignificant number of women in decision-making positions within international organizations and Burkina Faso's embassies.
- The absence of positive measures taken to increase female representation in diplomatic positions and international organizations.

### **3. Status of consideration of the Committee's recommendations**

In Burkina Faso's sixth periodic report on implementation of the CEDAW, the government acknowledges that in the area of international representation, much work remains to be done in terms of female participation.

### **4. Coalition Recommendations**

The government should:

- Establish a gender-based inventory of Burkina Faso nationals assigned abroad, to then monitor changes in female representation at the international level.
- Ensure greater transparency in the process for appointments to international posts.
- Implement mechanisms for promoting the involvement of women at the international level.
- Recommend more women to high-level positions in international institutions and organizations.

## **Article 10: Equal rights to education and vocational training**

### **1. General overview**

Considerable efforts in this area have been made in the field, with the aim of decreasing existing gaps between the education of girls and boys:

- Free tuition offered to girls in their first year, resulting in an average 13.7% annual increase (Cf.: 2006 annual statistical yearbook for education).
- The action plan for young girls.
- 300 secondary-school scholarships granted exclusively to girls in the 10 districts registering the lowest enrollment rates over the 1996-2001 period.
- Priority given to girls in 60% of university housing.

Despite these efforts, gaps between the enrollment rates of girls and boys remain significant, as do success rates. This same gap is observed in the literacy rates of men and women (Cf.: 6th government report).

### **2. Main concerns**

Regarding the education and training of women and girls, the Coalition makes reference to the three main points seen in the recommendation associated with the Committee's final observations in 2005:

- Seek additional international assistance to help ensure and promote the enrollment and retention of girls in school, with the aim of preventing drop-outs.
- Increase the human and financial resources of the educational sector and hire more teachers.
- Remove negative images of women from textbooks.
- Eliminate the practice whereby parents must pay dues to Parent-Teacher Associations (APEs) as a prerequisite for keeping students in school and receiving report cards.

### **3. Status of consideration of the CEDAW Committee's recommendations**

Despite efforts observed to establish "second-chance schools" in the cities of Ouagadougou, Bobo Dioulasso and Tougan since 1994, shortfalls have been noted in terms of financial resources and a lack of awareness about this strategy for reintegrating children who have dropped out of or never been to school. Moreover, the government's report does not present enough statistics to assess the progress and efforts made in this area of CEDAW implementation. The government has taken significant measures towards implementing the final observations, but more must be done to close the gap between boys and girls, women and men.

### **4.**

## **Coalition Recommendations**

The government should:

### **Reduce and prevent drop-outs among girls**

- Qualitatively stepping up implementation of the "second-chance schools" by establishing an annual schedule of infrastructure expansion that follows a rational geographic pattern focusing at once on rural and urban areas.
- Providing completely free education, to include specific training to empower girls, much like the resource and training centers tried out by certain local NGOs.
- Establishing boarding facilities for young girls in each provincial seat and in administrative departments where junior high schools exist.
- Continuing the measures, started in the 2000's, aimed at providing scholarships to girls in secondary school. Providing assistance to girls unconditionally and scholarships for higher education.

### **Increase financial resources and female human resources**

- Streamline school costs and local contributions to cover them (eliminate dues paid to Parent-Teacher Associations), which will allow for effective implementation of completely free education.
- Improve the quality of teaching staff.
- Boost training and recruitment of skilled teachers.

### **Ensure that negative images of women are removed from textbooks and teaching content.**

- Continue to sanitize textbooks, removing sexist stereotypes and stereotypes carried in the media.
- Incorporate into teacher training, and into the content used to train teachers, a training module on issues including gender, human rights, citizenship, the culture of excellence, sexual and reproductive health, etc.
- Continue to raise the awareness of parents and community leaders regarding the importance and value of educating young girls.
- Strengthen basic infrastructures (roads, housing, water, etc.) in city outskirts and rural areas so that teachers can provide quality education in the best working conditions.

## **Article 12: Equal Access to Healthcare**

### **1. General overview**

In accordance with the various international human rights texts ratified by Burkina Faso and legislation passed at the national level, no gender discrimination exists in terms of access to healthcare. In this area, the government of Burkina Faso has adopted measures to combat malaria and mother-to-child transmission of HIV/AIDS.

Measures have also been taken to make quality healthcare services more accessible to the population and to treat obstetrical emergencies, in order to maintain the health and wellbeing of women and their families. Efforts to decrease the costs of (routine) deliveries can also be cited, having dropped from 4,500 CFAF to 900 CFAF in CSPS centers, and the costs of deliveries by Cesarean section, which dropped to 11,000 CFAF from 55,000 CFAF. An appreciable expansion in healthcare infrastructure is also noted. The sixth government report cites increased use of healthcare facilities in urban and rural areas alike.

### **2. Main concerns**

- Socio-cultural obstacles to women's access to healthcare. For example, 74.9% of women say that they first ask permission from their spouse before visiting a health clinic.<sup>1</sup>
- Maternal mortality persists; it is decreasing at a very slow rate. The rate progressed from 190.79 per 1,000 to 192 per 1,000.<sup>1</sup>
- Infrequent use of contraception negatively impacts the reproductive health of women and girls, particularly in rural areas. In terms of young girls, for example, a demographic and healthcare survey in 2003 revealed that the sexual and reproductive health of adolescent girls was marked by early and unwanted pregnancies (14.4% in urban areas and 28.4% in rural areas) and high HIV/AIDS prevalence.
- The feminization of HIV/AIDS, as seen in higher infection rates among women; of 5,144 reported cases in 2006, 3,309 were women (64.3%).
- The inadequacy of healthcare infrastructures, characterized by a concentration of healthcare centers in urban areas.
- The weak economic status of women in rural and urban areas alike is an obstacle to women's access to healthcare.

### **3. Status of consideration of the CEDAW Committee's recommendations**

The Committee's recommendations to the government cover both general health and reproductive health.

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<sup>1</sup> UNICEF. Calculations based on the data derived from demographic and health surveys, 2006.

In terms of general health, the Committee recommended that the government take measures toward improving women's access to healthcare and related services and information. These recommendations have in general been followed. Measures have indeed been taken to improve women's access to healthcare.

Shortfalls nonetheless persist in terms of the distribution and applicability of these measures; the women who are intended to benefit from these measures are unaware that they exist and consequently cannot assert their rights. Moreover, measures taken have not always met targeted objectives. Decreases in maternal mortality remain insignificant and HIV/AIDS continues to have a female face. Of the 5,144 cases reported in 2006, for example, 3,309 were among women (64.3%). Statistics provided by the SP/CNLS indicate that in 2006, 6 to 7 of every 100 pregnant women were infected with HIV and 2 to 3 of those women risked transmitting HIV to their babies in the absence of preventive measures.

The percentage of women visiting healthcare centers remains low.

In terms of reproductive health, the Committee recommended that the government place greater focus on reproductive health and sex education services, and in particular family planning, with the objectives of: preventing clandestine abortions; increasing contraceptive services; widely promoting sex education by targeting girls as well as boys; and placing particular emphasis on preventing early pregnancies and sexually transmitted diseases.

The government has taken measures toward improving the sexual and reproductive health of women and young girls. Measures to this effect have included establishing a reproductive health policy and service standards in 1999, implementing a pilot program for promoting sexual and reproductive health among adolescents in 2004, and implementing a strategic plan for youth. The government has also passed legislative provisions to protect the sexual and reproductive health of women and young girls, in particular via Act 49-2005/AN of December 21, 2005, relative to reproductive health.

It is observed that the government has granted specific attention to the sexual and reproductive health problems encountered by women and young girls. Many shortfalls are nonetheless noted in this regard; care for women and young girls living with HIV/AIDS remains scarce, early and unwanted pregnancies continue to be a cause of concern for young girls, and information on sexual and reproductive health remains inaccessible to women in rural areas. These women, for example, remain unaware of measures taken toward decreasing the number of deliveries by cesarean section, for example.

#### **4. Coalition Recommendations**

The government should:

- Establish more reproductive health information and training outposts for youth, in youth centers.
- Fully subsidize treatment options for women, girls and children infected with HIV/AIDS.
- Ensure that all free treatment or subsidized options adopted by the government are actually available.
- Place particular emphasize on monitoring the work of healthcare personnel (patient intake, quality of care, etc.).
- Improve staffing and material support of healthcare centers in rural areas.

- Raise awareness further via campaigns related to HIV/AIDS and other STDs.
- Institutionalize data and statistics collection during office visits related to gender-based violence to assess prevalence and develop strategies for combating the problem.

## **Article 13: Economic and social life of women**

### **1. General overview**

In 2004, the government adopted a National Policy for the Advancement of Women (PNPF) and established two divisions at the Ministry for the Advancement of Women: the first responsible for developing and implementing strategies to promote and protect the rights of women and young girls, and the second in charge of developing suitable strategies for placing greater value on female expertise.

Certain measures have been taken to promote women's access to credit. Microcredit institutions such as the Support Fund for Women's Income-Generating Activities (FAARF) and the Support Fund for Income-Generating Activities for Women Farmers (FAAGRA) have been established. Likewise, the Ministry of Finance and the Budget adopted a strategic microfinance plan in 2005.

Despite these measures, efforts to empower women have remained futile, for most women have difficulty meeting the criteria for receiving credit from traditional banks, and the terms required by microfinance institutions remain inadequate and ineffective, despite appearing more flexible.

Burkina Faso's national laws are not discriminatory with regard to the right to participate in recreational, athletic and cultural activities, but excessive workloads (in rural areas in particular), poverty among women and growing insecurity hinder women's access to these activities.

### **2. Main concerns**

- Lacking sufficient collateral to seek credit from suitable institutions, women make do with either informal funding (tontines, dividends) or microloans that often do not meet their needs.
- The inadequacy of effective measures for combating poverty among women and the unsuitable measures and mechanisms for accessing and granting credit (collateral requirements that are incompatible with women's capacities, high interest rates, cumbersome procedures for granting credit, loan repayment timelines).

### **3. Status of consideration of the CEDAW Committee's recommendations**

The government has made efforts to consider the Committee's recommendations with regard to the economic and social life of women. Shortfalls nonetheless persist in the implementation of measures to promote women's access to employment, credit, land and other resources.

### **4. Coalition Recommendations**

The government should:

- Run awareness campaigns targeting men and women, on the purpose of credit and the responsibility of repayment.
- Adopt new credit-granting measures that take into account women's needs, including women living with disability and women living with or affected by HIV/AIDS.
- Simplify procedures for granting credit to women and at-risk populations.
- Create opportunities by relieving regional isolation and organizing production, processing and marketing chains.
- Create a bank with decentralized branches that offers products suited to women's activities.

## **Article 15: Equality before the law**

### **1. General overview**

The Constitution of Burkina Faso and other legal instruments such as the Persons and Family Code, the Elections Code, the Agricultural and Land Reform Act, the Criminal Code and the Labor Code establish gender equality before the law. Additionally, the government built new courthouses and hired new judges and penitentiary personnel to improve community access to public legal services. A decree providing for legal aid to impoverished individuals and women in particular was issued on July 22, 2009.<sup>2</sup> Despite these efforts, the legal system remains inaccessible to women for reasons of geographic distance, cost and lack of knowledge about legal procedures.

### **2. Main concerns**

- A lack of knowledge about legal procedures, and their complexity, particularly in cases of injury to the integrity and/or morals of women (rape, female genital mutilation, battery, forced marriages).
- Difficulties in enforcing court rulings: refusal and/or reticence on the part of officials responsible for enforcement (for example, liquidations of community of property or child custody in divorce cases).

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<sup>3</sup> Decree No. 2009-558/PRES/PM/MJ/MEF/MATD providing for legal aid in Burkina Faso.

- Discriminatory laws persist. The content of the Persons and Family Code relative to the option of polygamy, in Articles 257 and following, is discriminatory towards women.

### **3. Status of consideration of the Committee's recommendations**

Generally speaking, the principle of gender equality before the law is affirmed in all constitutional and legislative texts. Prejudice, poverty, illiteracy and a lack of knowledge about these texts among women shatter this equality in practice, however.

### **4. Coalition Recommendations**

The government should:

- Make legal aid accessible to all impoverished women by simplifying procedures for benefiting from this aid.
- Ensure that court rulings are drafted as promptly as possible, issued free of cost and enforced without in the least hindering those that have become definitive and written in enforceable language.
- Apply sanctions in cases of obstruction of justice.
- Harmonize national legislation with the Convention (CEDAW).

## **General Recommendation 19: Violence Against Women**

### **1. General overview**

Issues related to violence against women and girls constitute a health problem and breach of human rights. Burkina Faso, in ratifying the CEDAW, has legally recognized the existence of Violence Against Women and Girls (VAWG) in Burkina Faso. Several types of violence<sup>3</sup> against women and girls in Burkina Faso exist. Studies have nonetheless shown that spousal/domestic and cultural violence are the most widespread. A 2006 study by the Ministry of Social Action and National Solidarity (MASSN) revealed that elderly, poor, widowed, sterile and/or abandoned (by their children) women are often accused of being "soul eaters" and are driven out of their home villages and families. The same report indicates that housewives who do not consent to sex are subject to battery and remain constantly traumatized, and that women described as having characteristics such as "red eyes, no teeth, chubby cheeks, beards or hairiness" are also accused of being "soul eaters." Finally, a report on the status of sexual harassment of girls in schools, published in 2008, reveals that the perpetrators are often teachers—149/219 cases in urban areas and 70/219 cases in rural areas. With the exception of laws criminalizing the intentional spread of HIV/AIDS (2005), Female Genital Mutilation (FGM), trafficking in persons and related practices, legislation protecting women and girls who are victims of violence is lacking. Progress has been considerable in the area of Female Genital Mutilation (FGM). The criminalization of FGM has significantly

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<sup>3</sup> **Spousal/domestic violence** (sexual, spousal rape, incest, sexual/physical harassment, battery, scarification, psychological/emotional, intentional transmission of HIV/AIDS, etc.)

contributed to a decrease in prevalence, which has dropped from 70% to 40%. It cannot be disregarded, however, that FGM practices now occur in growing secrecy and at an increasingly young age, which consequently requires increased vigilance to avoid setbacks.

Measures have been taken, in particular by the Ministries for Social Action and National Solidarity, the Advancement of Women, and Human Rights, to advise and refer female victims. These measures include awareness and information campaigns relating to the detrimental effects of violence. Nonetheless, they remain insufficient and inadequate.

## **2. Main concerns**

- The absence of legislation on spousal/domestic, economic, political/administrative and cultural violence, as well as violence in school and at the workplace.<sup>4</sup>
- The absence of a national policy for combating VAWG in Burkina Faso.
- The inadequacy and/or absence of adequate care facilities (drop-in centers, lodging, support/coaching and therapy for women/girls who are victims of abuse or in precarious situations).
- The absence of a specific national mechanism for monitoring and evaluating implementation of the CEDAW in Burkina Faso.

## **3. Status of consideration of the CEDAW Committee's recommendations**

### ***Passing new legislation to combat VAWG as a crime:***

- To date, the government of Burkina Faso has taken no legal measures to combat VAWG in accordance with the recommendation.
- Although the Persons and Family Code is favorable towards women, it remains difficult to enforce given the duality between modern and customary law, among other factors.

### ***Periodically implementing IEC/CCC measures and activities in interactions with policymakers, guardians of habits and customs, opinion leaders and communities, to help eradicate VAWG:***

- Education, awareness-raising and advocacy work has been carried out by the government, through the Ministries for the Advancement of Women, Social Action

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<sup>4</sup> **Economic abuse** (barring women from having a wage-earning job or carrying out income-generating activities, confiscating women's financial property, destroying property, etc.).

**Political/administrative abuse** (barring women from participating in political activities, placing women in undesirable positions on electoral lists, exploiting the mobilization capacities of women, sexual harassment, etc.).

**Cultural abuse** (female genital mutilation, levirate, sororate, early and/or forced marriages, scarification, breast ironing, etc.) and

**Abuse in schools:** rape, sexual harassment (of students and teachers)

and National Solidarity, and Human Rights, as well as by numerous women's and human rights organizations.

***Passing new legislation:***

- Apart from the legal text on sexual harassment in the workplace (2004 Labor Code), Act 49-2005/AN of December 21, 2005 relative to reproductive health, Act 030-2008/AN of May 20, 2008 relative to combating HIV/AIDS and protecting the rights of individuals living with HIV/AIDS, and Act 029-2008/AN of May 15, 2008 condemning "trafficking in persons and related practices," no other legal provisions specific to VAWG have been enacted.
- These texts have been inadequately enforced, and have almost no effect on those guilty of crimes related to VAWG.

***Establishing a detailed list of government services provided to victims of violence, including access, scope and effectiveness.***

Current systems for access and effective implementation are inadequate for combating violence against women and girls in Burkina Faso.

- In rare cases where women/girl victims provide medical or legal evidence, the perpetrators of violence are rarely punished; in the case of teachers, they are at best transferred to other posts or at worst summoned and later released due to protection from higher authorities.
- Legal and paralegal institutions (legal system, law enforcement, gendarmerie) require physical evidence of violence, which victims often cannot provide due to: the absence of medical, psychological and legal support; lack of sufficient information at some paralegal institutions; ignorance of laws on the part of most victims; incorrect application of the laws; poverty, which hinders the filing of motions at additional levels of the justice system; the absence of collaboration between these institutions and victims; and the absence of any shelters/support centers for young mothers banished or driven away from their families.

It is noted that the majority of services to victims of VAWG are provided by women's NGOs, which have developed expertise in counseling, legal aid and medical support, without receiving any government assistance.

#### **4. Coalition Recommendations**

The government should:

- Pass new legislation on VAWG: spousal/domestic violence, cultural violence, rape and sexual harassment in schools.
- Consistently and in a spirit of consensus, operationalize efforts and strategies to prevent and combat violence and care for victims (education, psychological, safety and health-related).
- Revise criminal law to meet three urgent needs: i) investigate perpetrated violence; ii) punish perpetrators to bring an end to impunity in this area; and iii) compensate victims for harm suffered.
- Establish a drop-in center/shelter and a system for meeting the medical, psychological and legal needs of victims of violence free of charge within the women's centers (*Maisons de la Femme*) located in each of the 45 provinces and in city districts.
- Take the necessary measures to incorporate Articles 5, 6, 11, 13 and 16 of the CEDAW into National Gender Policy documents.
- Establish a unit charged with monitoring and evaluating CEDAW implementation in Burkina Faso.

#### **CONCLUSION**

The government has adopted legislative and political measures, in particular relating to sexual and reproductive health, trafficking in persons, women's participation in decision-making institutions, reducing delivery costs, combating the spread of HIV/AIDS and strengthening institutional mechanisms. The government has also taken measures to strengthen its partnerships with civil society and development partners. Appreciable progress has been made in the enrollment of girls in school and access to healthcare for women and girls. Implementation of the CEDAW nonetheless remains problematic in light of certain factors, including: a socio-cultural environment that continues to be unfavorable to women; the weak resources and capacity of the Ministry for the Advancement of Women responsible for the issue; low commitment to the Convention by key players; a lack of coordinated action between the government, parliament, civil society and other stakeholders involved in the field.

With regard to this observation, and in addition to those measures cited in the government report toward eliminating continued discrimination against women and thereby promoting respect of their basic rights, investments must be made in the following areas to protect progress and prevent setbacks:

- Repeal all discriminatory laws.
- Promote implementation of national and international instruments that guarantee gender equality.
- Work to eradicate the social attitudes that hinder legal equality and equality in fact between men and women.
- Improve women's access to legal, political and economic information and information on gender-related issues.

- Incorporate gender considerations into all laws, policies and programs.
- Pass a law on violence against women and girls.
- Adopt new, suitable measures for granting credit, which take into consideration the needs of women, including women living with disability and women living with or affected by HIV/AIDS.
- Ensure that all free treatment or subsidized options adopted by the government are actually available.
- Commit to taking specific steps toward remedying gender gaps in political and public life.
- Identify indicators for monitoring and evaluating progress in the status of women.
- Ensure continued support (human and financial resources) of the Ministry for the Advancement of Women, to allow the Ministry to better fulfill its leadership role in implementing and monitoring the Convention.