

an alternative report by the MBDHP

*on*

Burkina Faso's  
4th and 5th combined periodic reports submitted to the  
Committee on the Elimination of Discrimination against  
Women

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**This document has been produced by the Burkina Faso Movement for Human and People's Rights (MBDHP), affiliated to the Fédération internationale des ligues des droits de l'homme (FIDH). It aims to analyse the situation of women and children in Burkina Faso in order to highlight some areas of discrimination against them**

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## **INTRODUCTION**

The situation of women, as the one of children, has not changed significantly for the better. Indeed, of all groups in society, they continue to be the most likely to experience poverty, all forms of violence, discrimination and social exclusion.

At first glance, women in Burkina Faso enjoy a fairly wide range of legal protection. Indeed, Burkina Faso has ratified many international instruments protecting women's rights, including, amongst others, the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) in 1984, and the United Nations Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages in 1964. It has recently signed the Protocol to the African Charter on Human and People's Rights relating to the rights of women in Africa.

Burkina Faso has also worked to harmonise its national legislation with that of the international instruments it has ratified. The Constitution, for instance, proclaims the principle of non-discrimination and equal rights for men and women; while the Individual and Family Code regulates relationships within families. This latter piece of legislation has been translated into several languages to make it accessible to the various people groups in the country.

Despite this legal arsenal, women in Burkina Faso continue to suffer violations of their rights both within the family and in the wider society.

## **I. VIOLATIONS OF WOMEN'S RIGHTS WITHIN THE FAMILY**

The daily experience of women and girls in Burkina Faso is quite at odds with the fundamental principles of the Individual and Family Code: non-discrimination and equal rights for men and women. We shall examine below some serious violations of women's rights within the family.

### **1. Early and forced marriage of girls**

This practice is an ongoing reality in Burkina Faso, despite specific legal protection for girls and all the NGOs' information and awareness-raising campaigns.

### **2. Levirate**

This is the practice in which a widow is obliged to marry a male relative of her deceased husband. It is still the fate of many women in Burkina Faso, particularly in rural areas. It is contrary to article 234 of the Individual and Family Code and the source of considerable distress on the part of the widow. Indeed, rarely accepted by the wives of the new husband, the violence she suffers at their hands may be both physical (beatings) and emotional (insults, defamation, etc.)

### **3. Custody**

On the husband's death, the transfer of custody of minors from the widow clearly conflicts with the requirements of the relevant national legislation. Indeed, according to article 519 of the Individual and Family Code if one parent dies, parental authority devolves entirely to the survivor.

Unfortunately, for many widows, this right is taken from them and assumed by the relatives of her deceased husband. The family council meets and designates an individual other than the widow to manage the assets of minors. This is common practice both in urban and rural areas.

### **4. Inheritance**

Although the law of Burkina Faso makes the surviving spouse the absolute heir, whose inheritance cannot be taken from, violation of the inheritance rights of the surviving spouse is a reality for many widows in the country. These difficulties are simply the logical consequence of the deceased husband's relatives' refusal to grant her custody of the children.

It should be clarified here that some parents-in-law refuse to grant custody to the widow but nonetheless leave the children in her care, which can cause difficulties when her only source of income is the estate of her deceased husband.

This custom is so deeply rooted in accepted morality that very few women, even educated women, can stand up to their parents-in-law and demand respect of their inheritance rights.

All these difficulties have led widows to form groups to defend their rights, such as the Association of Widows and Orphans of Burkina Faso (AVOB) and Debora's Center (providing advice and encouragement to widows and orphans). The MBDHP, through its specialist structures such as the Women and Children's Division and legal centres, is also working to educate, inform and assist women facing inheritance problems after the death of their spouse.

## **5. Female genital mutilation**

The practice of female genital mutilation in Burkina Faso, although on the decrease, is still a reality. In 1992, the government launched a national campaign against excision. At that time, the national rate of excision was 66.25%.

In 1996, the practice of excision was criminalised and the Penal Code set the following sentences: six months' to three years' imprisonment and a fine of 150,000 to 900,000 CFA francs.

In 2004, 12 years after the launch of the campaign, an investigation carried out by the government revealed a significant reduction in the practice. The following examples illustrate the trends:

- In Sanguié province, the rate of excision fell from 51% at the start of the campaign in 1992 to 1% in 2004
- In Ziro province, 77% of girls were affected by the practice in 1992, but in 2004, the figure was only 2%
- In Oudalan province, the rate of excision fell from 97.9% to 12.9%.

Despite these advances, on the Mossi plateau and other areas, the practice persists. Women and girls' right to physical integrity continues to be violated, despite the information and awareness campaigns on the negative consequences of this practice and the legal sanctions.

## **6. Domestic violence**

In some regions (the Mossi plateau, the N'gourmatché region...) women are on the lowest rung of society. Their lives are directed by men.

From birth, women are taught to submit to and obey men. Men are taught to make women submit and obey them, and by any means. Women who do not submit to their husbands are flouting social rules.

Women are often considered minors, such that society tolerates men who beat their wives they consider to be at fault. At home, emotional and physical violence are the daily lot of women who suffer in silence. However, in the central plateau region and in the East, women are relatively better treated than in the South, Southeast and Balés.

Violations of women's and girls' rights within the family are the result of Burkina Faso's patriarchal society. The violence they suffer is most often cultural and traditional. This is unfortunately aggravated by the current economic crisis in the country, with men losing their jobs.

However, it should be clarified that the law in Burkina Faso does not specifically address domestic violence, and so does not allow any real legal protection against domestic violence.

## **7. Sexual harassment**

Women and girls in Burkina Faso are victims of sexual harassment in the work place and schools. For many years, this violence was hidden, since sex is a taboo subject in Burkina Faso society. However, increasingly, associations and women's rights NGOs raised their voices to

break the silence surrounding the question.

Workplace inspections and employment tribunals are increasingly presented with cases of sexual harassment. Unfortunately, the legal void on this subject does not allow them to judge these cases adequately.

Sexual harassment also exists in schools, but it is not yet addressed by legislation. The legal void here is thus total. Concerted action must be taken to define, forbid and sanction this practice, which can be one of the causes of girls leaving school.

### **8. Social exclusion of older women**

The positive change in the law in Burkina Faso regarding the promotion and protection of women's rights has not been followed quickly by a similarly positive change in popular attitudes. Indeed, people continue to be rooted in their ancestral practices, some of which are quite at odds with respect for women's and girls' rights.

A particular form of violence against women is the social exclusion of the elderly, violently thrown out of their communities under the pretext that they are soul eaters or witches. In many regions, particularly the central plateau and the North, this phenomenon not only survives but increases from year to year. In the capital Ouagadougou, some women are given a home in a centre in the Tanguin area. But those in rural areas have their huts burned and are thrown out of the villages. The many suicides among elderly women are a matter of grave concern.

Concerted action must be taken to narrow the huge gap between legislation and application, to achieve better protection for women and girls in Burkina Faso families.

## **II. VIOLATIONS OF WOMEN'S RIGHTS IN THE SOCIETY**

National law gives women the same rights (civil, political as well as economic, social and cultural rights) as men in the Burkina society. Yet, women's rights are constantly being violated.

### **1. Violations of women's political rights**

According to Burkina law (*droit positif*), women have the right to vote and be elected, without discrimination of any kind.

In reality, there are still many obstacles, both cultural and political, that obviate these rights. Full-fledged participation of women in the country's political life is curtailed by the lack of political determination not only of the governing authorities but also of the opposition parties. There are very few political parties that are developing training, sensitisation and upskilling strategies for women.

In the Burkina society, power devolves to men. Society's "conscience" more readily accepts men as administrators of public life. This is the principle that is applied to education for children; women are supposed to remain within the confines of private life.

Although Burkina women are making efforts to participate more in the political life of their country, the results are still often derisory as can be seen from the following table:

#### ***Breakdown of candidacies for municipal elections in 1995 and 2000***

<b>Gender</b>	<b>Municipal</b>			
	<b>1995</b>	<b>Percentage</b>	<b>2000</b>	<b>Percentage</b>
<b>Women</b>	<b>521</b>	<b>10.5</b>	<b>952</b>	<b>18.4</b>
<b>Men</b>	<b>4447</b>	<b>89.5</b>	<b>4232</b>	<b>81.6</b>
<b>Total</b>	<b>4968</b>	<b>100</b>	<b>5184</b>	<b>100</b>

*Source:* Fourth and fifth periodical reports on Burkina Faso's application of the Convention on the Elimination of all forms of Discrimination Against Women, 1993-2001. *Ministère de la promotion de la femme*, February 2003.

#### ***Number of women mayors and deputies between 1995 and 2000, according to the aforementioned source:***

<b>Gender</b>	<b>Mayors</b>		<b>Deputies</b>	
	<b>1995</b>	<b>2000</b>	<b>1997</b>	<b>2002</b>
<b>Women</b>	<b>3</b>	<b>3</b>	<b>10</b>	<b>13</b>
<b>Men</b>	<b>38</b>	<b>54</b>	<b>101</b>	<b>98</b>

Governors of the region: there are three women governors out of a total of 13.

In conclusion, these figures show us that in managing the affairs of the city, women still hold a marginal position.

## **2. Violations of women's social, economic and cultural rights**

One essential observation: in important matters such as access to land, jobs, financial services and education, women's rights are violated. Women suffer discrimination and unequal treatment.

### **2.1 Access to land**

According to a 1994 study by the World Bank<sup>3</sup>, although women made up 51% of the total population and 51.47% of the farming force, and played a leading role in agro-pastoral activities, they only owned some 8 to 16% of the land. The situation now, a decade late, is not much better.

### **2.2 Access to the labour market**

Women are kept out of the labour market. They are active in livestock production, especially in the rural areas (60% of the rural women own poultry, 55% raise sheep and goats). They are also active in crafts and small-scale trade. But these activities do not generate enough income to significantly reduce the economic dependency of most women who work in the informal sector, both in the rural and the urban areas.

Women wage-earners in the private sector account for barely over 5% and, according to an April 2004 update, account for less than 25% of the working force in the public sector, i.e. 14,767 women as against 45,706 men. Amongst the subordinate staff, there are usually more women than men. A study carried out by the *Coalition burkinabé des droits de la femme* (CBDF – Burkina women's rights coalition) indicates that there are only 399 women in senior positions in the public service out of 1,589 potential positions<sup>3</sup>. The following table clearly shows that women are under-represented in the public services.

#### ***Women in the public sector in 1994***

<b>Category</b>	<b>Number of agents</b>	<b>Number of women</b>	<b>Percentage of women</b>
<b>A</b>	<b>5278</b>	<b>937</b>	<b>17.8%</b>
<b>B</b>	<b>7810</b>	<b>1479</b>	<b>19%</b>

*Source : introductory report to the 1994 annual conference of the public administration.*

<sup>3</sup> C. Wetta op.cit P.20

<sup>3</sup> Sidwaya no. 4956 Friday 5 to Monday 8 March 2004.



### *Trends in female employment in the public services between 1996 and 2002 (%)*

Category/Personnel	1996	1997	1998	1999	2000	2001	2002
Senior staff (cat. A, P)	18.7	18.8	19.6	18.2	18.2	18.6	18.6
Intermediate staff (cat. B)	25.2	25.6	25.2	25.7	25.4	25.2	25.2
Junior staff (cat. C)	22.1	22.4	23.0	23.2	23.3	23.0	23.0
Support staff (cat. D, E)	24.6	25.0	26.0	28.1	28.6	28.3	28.3
Other	11.9	11.1	11.7				
All together	22.7	23.1	23.6	23.8	23.9	23.7	23.7

*Source: Fourth and fifth periodical reports on Burkina Faso's application of the Convention on the Elimination of all forms of Discrimination Against Women, 1993-2001. Ministère de la promotion de la femme, February 2003.*

Concerning the position of women in the labour market, it is clear that:

- women are often unable to get ownership rights to means of production, such as land;
- crafts and trade are not profitable enough for the women;
- women are underrepresented in both the public and the private sector;
- This under-representation reflects the unequal access of women to paying jobs.

#### 2.3 Access to financial services

The level of access to financial services reflects the marginalisation of women in Burkina Faso. Many types of loans are not available to women. Banks and loan offices feel that there is too much of a risk since women are neither owners nor operators so cannot provide the usual required collateral. This situation means that women either have to forego loans or accept exorbitant interest rates, a situation that pushes them further into debt and poverty.

#### 2.4 Access to education

Even though education for girls has become a priority, the right to education is less well respected for women than for men. There are numerous, especially cultural and social reasons. The following data provided by the *Direction des études et de la planification* (studies and planning service) of the *Ministère des enseignements secondaire, supérieur et de la recherche scientifique* (ministry of secondary and higher education, and scientific research) for the 2001-2002 school-year, and the report of the *Institut National de la Statistique et de la Démographie* (national institute for statistics and demography) on poverty in Burkina Faso in 2003 explains this situation:

Secondary education: out of 217,176 students, there are 130,485 boys (60.08%) and 86,691 girls (39.99%); schooling rate in 2003: boys = 17.3% / girls = 13.9%;

Higher education: out of 15,535 students enrolled, there are 11,589 boys (74.60%) and 3,946 girls (25.40%);

Basic education: schooling rate in 2003: boys = 49.6%, girls 38.2%;

Literacy rate in 2003: men = 29.4%, women 12.5%.

### **III. RECOMMENDATIONS**

Considering the contents of this note, the MBDHP would like the Committee on the Elimination of Discrimination Against Women to make the following recommendations to the authorities of Burkina Faso:

- Ratify the international and regional conventions for the protection of human rights, especially the Optional Protocol to the Convention on the Elimination of all forms of Discrimination Against Women;
- Transpose into national law the provisions of the international conventions for the protection of human rights that are binding to Burkina, in particular the Convention on the Elimination of all forms of Discrimination Against Women;
- Strengthen the resources of CONALDIS, (*Commission Nationale de Lutte contre les Discriminations* – national commission against discrimination) which is responsible for implementing the Convention on the Elimination of all forms of Discrimination Against Women;
- Put an end to female slavery by adopting a law making it a criminal offence, in compliance with Burkina Faso's international obligations since Burkina is party to the United Nations Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others;
- Adopt legislation that punishes sexual harassment as a crime;
- Prosecute the perpetrators of FGM (Female Genital Mutilation) in compliance with Articles 380-382 of the Penal Code and carry out awareness-building campaigns on risks connected to FGM.