

Women's rights protection instruments ratified by Burkina Faso:

- **CEDAW**: ratified in 1987
- **CEDAW Protocol**: ratified in 2005
- **Maputo Protocol**: ratified in 2006

Respect! Although Burkina Faso has ratified the main international and regional women's rights protection instruments, their provisions remain widely violated in law and practice.

The Coalition of the Campaign is particularly concerned by the following continued violations of women's rights in Burkina Faso: persistent discriminatory legislation; violence against women; harmful traditional practices, including early and forced marriage and female genital mutilation; unequal access to property and obstacles to access to justice.

/ Some positive developments...

The Coalition of the Campaign welcomes the adoption, in April 2009, of the law establishing a quota for women's representation on electoral lists. The law requires each political party to submit a list of candidates which includes a minimum of 30% women in local and national elections. Those parties that fail to comply receive a 50% cut in funding.

This new law should help to improve women's participation in the country's political life, which continues to be dominated by men. Despite the increase in the number of women members of the National Assembly (from 3 in 2000, to 13 in 2005, then to 17 of a total of 111 MPs in 2009), representation remains low (15%). It is also regrettable that the law applies only to electoral lists, and not to nominative and elective posts.

/ But discrimination and violence persist

IN LAW

Numerous discriminatory laws persist in Burkina Faso. The *Code des personnes et de la famille* (Family Code), which was adopted in 1989, two years after the ratification of CEDAW, is particularly discriminatory. For example:

- The minimum age for marriage is 17 years for women and 20 years for men. In addition, civil courts can authorise exceptions to be made for women from age 15 years (and men from age 18) (art. 238).
- Divorced women, widows or women whose marriage has been 'cancelled' may not remarry before the expiration of a period of 300 days. This period is reduced to one month if the woman is able to produce a medical certificate demonstrating that she is not pregnant (art. 246).

- In the event of a disagreement of the spouses on the family's place of residence, the place shall be chosen by the husband (art. 294).
- Polygamy is authorised, but the law recognizes monogamy as the common law form of marriage (art. 232).

IN PRACTICE

• Discrimination in the family

Despite the legal prohibition of early and forced marriage (*Code des personnes et de la famille*, art. 234), these practices remain widespread in Burkina Faso. Poverty and the prospect of a dowry pushes families to arrange religious marriages for their daughters as soon as they reach puberty, from age 11. Most of these young girls are illiterate, which facilitates their submission to their husbands and hinders their access to employment. Early pregnancy also has serious consequences on the health of young girls, including obstetrical fistulae.

Although the law provides that in the event of a spouse's death, custody of children shall be transferred to the surviving spouse (*Code des personnes et de la famille*, art. 519), in practice the deceased's parents often obtain custody. In some cases, the in-laws refuse to grant the widow custody, yet leave her in charge of the children. Violations of women's inheritance rights are also widespread. The Family Counsel designates a person from the husband's family to administer the assets of children under 18. This customary practice is so firmly rooted in tradition that very few women, even educated women, are able to challenge their in-laws and demand their inheritance rights.

• Violence

Persistent patriarchal attitudes, stereotypes taught to children, as well as discriminatory customs and traditions all contribute to the submission of women to the husband's authority and perpetuate violence against women. Despite recommendations by the CEDAW Committee in 2005, the government has failed to adopt legislation sanctioning domestic violence. As a result, perpetrators of domestic violence continue to benefit from impunity.

Despite the adoption of a law prohibiting female genital mutilation (FGM) in 1996, as well as the formation in 1988 of a National Committee to fight FGM, the practice remains widespread in certain regions, such as the Mossi Plateau.

• Obstacles to access to property

Although women in Burkina Faso make up approximately 51% of the working population in agriculture, and play a dominant role in agricultural and pastoral activities, they own less than 20% of land. This situation persists despite agricultural and land ownership legal reforms which grant women equal access to arable land and housing, and despite the provisions of the *Code des personnes et de la famille* protecting women's right to land ownership and to inherit.

Women are also marginalised in relation to access to financial services in Burkina Faso. Many types of loan remain inaccessible to women, because banks and loan providers consider them as high-risk clients. Since most women are not landown-

ers, they are unable to produce the type of guarantees that are commonly required. Hence, they have no choice other than to refrain from a loan application or accept extremely high interest rates, trapping them in poverty and debt.

• **Obstacles to access to justice**

Significant obstacles remain to women's access to justice, in particular lack of information on their rights, costs of proceedings and lack of training of police and judicial staff on laws aimed at protecting women's rights.

The Coalition of the Campaign calls on the authorities of Burkina Faso to:

- **Reform or repeal all discriminatory laws**, in conformity with CEDAW and the Maputo Protocol, in particular within the *Code des personnes et de la famille*.
- **Take all necessary measures to ensure the effective implementation of the laws on inheritance and custody of children.**
- **Strengthen laws and policies to combat violence against women**, and in particular: adopt a specific law on violence against women, including domestic violence; take all necessary measures to ensure effective implementation of the law on early and forced marriage and the law prohibiting female genital mutilation, including by implementing education programmes aimed at raising public awareness; put in place appropriate services to support of victims and facilitate their access to justice (free help lines, specialist police and medical services, legal aid and shelters for victims of violence).
- **Take all necessary measures to improve women's access to education, employment, land and loans**, with a particular focus on the situation of women in rural areas.
- **Implement education and awareness-raising programmes**, on women's rights and redress mechanisms for violations, aimed at men and women, including government officials, religious leaders, community and traditional leaders; implement specific training for legal personnel responsible for applying laws to protect women's rights.
- **Ensure effective implementation of the law on quotas and extend its application to nominative and elective posts**, in particular within Ministries and government administration.
- **Implement all recommendations issued by the CEDAW Committee** in July 2005.

PRINCIPAL SOURCES

- Focal Points: MBDHP, WILDAF-Burkina Faso, RECIF/ONG-BF
- CEDAW Committee recommendations, July 2005
- MBDHP, Alternative Report to the CEDAW Committee, July 2005, www.fidh.org
- WILDAF-AO, “*The Situation of Women in Burkina Faso*”, December 2004, www.wildaf-ao.org/fr
- Inter-Parliamentary Union, www.ipu.org

For more information on women’s rights and the actions of the campaign in Burkina Faso, see: www.africa4womensrights.org

THE CAMPAIGN FOCAL POINTS IN BURKINA FASO

Mouvement Burkinabé des Droits de l’Homme et des Peuples (MBDHP)



MBDHP is a human rights NGO, established in 1989 and based in Ouagadougou. MBDHP’s actions to promote and protect women’s rights include: legal advice; advocacy; training; and awareness-raising programmes.

www.mbdhp.org

WILDAF-Burkina Faso



WILDAF-Burkina Faso is a member of the Pan African network, WILDAF. WILDAF-Burkina Faso was established in 1998 in Ouagadougou and has 27 member organisations across the country. Its activities include: legal advice; training; research; investigations; social and economic assistance and simplifying legal texts.

www.wildaf-ao.org

Réseau de Communication d’information et de formation des femmes dans les ONG (RECIF/ONG-BF)



RECIF in Burkina Faso aims to contribute to strengthening the position and decision-making powers of women within associations through communication, information and training activities. It aims to ensure that women are included and socially recognised.

www.recif.bf