



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS
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Excellency,

I have been following the third cycle of the Universal Periodic Review (UPR) of Burkina Faso and welcome the constructive engagement of your Government during the 30th session of the UPR Working Group in May 2018.

Following the adoption by the Human Rights Council, at its 39th session, of the final outcome report on the review of Burkina Faso, I would like to take this opportunity to follow up on a number of areas raised in the two reports that my Office had prepared for the review of Burkina Faso, namely the Compilation of UN information and the Summary of Stakeholders' submissions which I consider in need of particular attention over the next four and a half years until the next cycle of the UPR. In identifying those areas, I have also considered the statements and/or recommendations made by 87 delegations, the presentation and responses made by the delegation of Burkina Faso and the actions taken by the Government to implement the 184 recommendations it had accepted during the second cycle of the UPR. The aforementioned areas cover a range of issues and appear in the Annex to this letter.

I was particularly encouraged by Burkina Faso accepting several recommendations during its review as it is a real opportunity for cooperation between your government and the Office of the High Commissioner for Human Rights (OHCHR) to cooperate. In particular, I would like to highlight the adoption of the law, in 2016, creating the new National Human Rights Commission (NHRC); the adoption in 2018 of the decree appointing the members of the NHRC; and the adoption on 31 May par the National Assembly of a new criminal code abolishing the death penalty.

I encourage Burkina Faso to strengthen further the national action plan and to effectively implement it in order to achieve concrete results in the areas contained in the annex and to facilitate the preparation for the fourth cycle of the UPR. The implementation of the plan should be carried out in consultations and cooperation with all stakeholders, in particular the national human rights institution and civil society organizations, and where necessary, the support of international organisations, including OHCHR and other United Nations entities, under the leadership of the UN system Resident Coordinator.

H.E. Mr. Alpha Barry
Minister of Foreign Affairs and Regional Cooperation
Burkina Faso

I encourage Burkina Faso to make further efforts to strengthen its national mechanism for reporting and follow up in relation to recommendations from international and regional human rights mechanisms and treaty obligations. I strongly recommend the use of the practical guide that my Office released in 2016 on this topic and which is available at:
http://www.ohchr.org/Documents/Publications/HR_PUB_16_1_NMRF_PracticalGuide.pdf.

Please kindly note that I will be sharing my advice with all Member States as they go through the third cycle of the UPR with a view to assisting them with the implementation of UPR recommendations early on, following the review. An important measure that can contribute positively to follow up action is voluntary mid-term reporting. I strongly encourage all Member States to submit a voluntary mid-term report two years after the adoption of the UPR outcome report. In this regard, I encourage Burkina Faso to submit a mid-term report on the follow-up of the third cycle of the review, by 2020.

As the Secretary-General stated in his 2017 report on the work of the Organization (A/72/1, paragraph 98): *“The Human Rights Council’s universal periodic review process is now entering a new cycle, with every Member State scheduled for a third round of scrutiny. We will work to strengthen the relevance, precision and impact of the Council’s recommendations, including by providing better support to Member States in implementation, stronger collaboration with United Nations country teams and the establishment of national mechanisms for human rights reporting and follow-up to link the universal periodic review to the implementation of the Sustainable Development Goals.”*

I look forward to discussing with you ways in which my Office may assist Burkina Faso to take action in the areas I have identified in this letter and its Annex.

Please, accept, Excellency, the assurances of my highest consideration.



Michelle Bachelet
High Commissioner for Human Rights

cc: H.E. Mr. Besolé René Bangoro
Minister of Justice, Human Rights and Civic Promotion
Burkina Faso

Annex

Scope of international obligations and cooperation with international human rights mechanisms and bodies

- Ratification as early as possible of the Second Optional Protocol to the International Covenant on Civil and Political Rights aimed at abolishing the death penalty.
- Considering the ratification of the international human rights instruments to which Burkina Faso is not a party yet, in particular the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, as well as the Optional Protocol to the Convention on the Rights of the Child on a communication procedure.
- Considering extending a standing invitation to all Special Procedure mandate holders.

National human rights framework

- Enabling the National Human Rights Commission to comply fully with the principles related to the status of national institutions for the promotion and protection of human rights (the Paris Principles), by providing the Commission with adequate funding and resources to carry out its mandate.

Implementation of international human rights obligations, taking into account applicable international humanitarian law

A. Cross-cutting issues

Equality and non-discrimination

- Expediting the adoption of the revised Personal and Family Code, repealing all provisions that discriminate against women and raising the minimum legal age of marriage to 18 for men and women without exception.

B. Civil and political rights

Right to life, liberty and security of persons

- Increasing the efforts to regulate self-defence groups which are accused to commit violations of human rights, and preventing them from taking the place of the State.
- Making operational the National Observatory for the Prevention of Torture as early as possible.
- Taking measures to improve prison conditions in line with international standards, and establishing an effective independent and confidential mechanism for lodging complaints about conditions of detention.

Administration of justice, including impunity, and the rule of law

- Investigation of all allegations of violations of human rights, including for mob attacks, and the prosecution and punishment of perpetrators.
- Developing the court system in every region and broadening the jurisdiction of the ordinary courts to encompass decisions on matters under the Personal and Family Code.
- Investigating all cases of corruption of justice personnel, prosecuting and punishing perpetrators adequately, and strengthening its anti-corruption mechanisms.



Prohibition of all forms of slavery

- Development and implementation of an anti-trafficking strategy and effective application of domestic legislation on child labour and exploitation.

C. Economic, social and cultural rights

Right to an adequate standard of living

- Establishment of a legal framework to ensure that agro-industrial projects and the activities of extractive industries do not undermine rural women's rights, and that it ensure that evictions are court-ordered and subject to strict procedure safeguards, in line with international standards.
- Adoption of a national human rights based housing strategy and its effective implementation.

Right to health

- Adoption of the necessary measures to ensure that women and adolescents have access to sexual education and reproductive health.
- Taking the necessary measures to ensure the implementation of the 2015 law on universal health insurance services, and strengthening the monitoring mechanisms for the charge-free provision.

Right to education

- Implementing the Plan for Strategic Development of Basic Education and the Literacy Plan and taking the adequate measures to improve infrastructure of schools, including in rural area.
- Eliminating the indirect costs of schooling and strengthening the adult literacy programmes, especially for women in rural areas.

D. Rights of specific persons or groups

Women

- Allocating sufficient resources for the implementation of the National Plan to eliminate Female Genital Mutilation and related strategies, and bolstering efforts to prevent other traditional harmful practices against women and girls, including by raising awareness among traditional and religious leaders and the population.
- Investigation of all cases of violence against women, prosecution of the perpetrators and provision of assistance and compensation to victims.
- Development of a comprehensive strategy, including clear goals and timelines, to modify discriminatory stereotypes that affect women.

Children

- Allocation of sufficient resources for the implementation of the national plan and strategies to combat child and early marriage.
- Strengthening the efforts aimed at implementing the national programme to combat child labour at small-scale mining sites and quarries (2015-2019).
- Criminalization of the recruitment and use of children in the national armed forces, non-State armed groups and security companies.

Refugees and asylum seekers

- Guaranteeing refugee's access to international protection and continuing efforts to better integrating refugees in national programmes designed to facilitate social cohesion.

Stateless persons

- Establishing a national system of free birth registration for all children and conducting awareness-raising campaigns on the importance of birth registration and using mobile civil registration units.