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**Committee on the Elimination of Discrimination
against Women**

Pre-session working group for the thirty-third session

5-22 July 2005

**List of issues and questions with regard to the consideration of
periodic reports***

Burkina Faso

The pre-session working group examined the combined fourth and fifth periodic reports of Burkina Faso (CEDAW/C/BFA/4-5).

Constitution, legislation, and status of the Convention

1. From the report, no clear picture emerges on new laws and policies for the advancement of women that have been adopted since the consideration of the previous report. Please provide an update on the laws, legislative amendments, action plans, policies and strategies for the achievement of women's equality adopted since the last report. Please limit this information only to initiatives taken since the consideration of Burkina Faso's last report by the Committee.
2. Please clarify what is meant by the statement on page 16 of the report that "(i)n general terms, in Burkina Faso there are no explicit legislative or administrative provisions that prohibit discrimination against women". It is not clear what is meant by this statement, particularly because the report states that article 1 of the Constitution and several other laws, including the Labour Code and the Individual and Family Code, prohibit discrimination on the grounds of sex (p. 15).
3. Please indicate whether there are any plans to undertake a comprehensive law reform process to identify and subsequently amend or repeal all laws and practices that conflict with the prohibition of sex discrimination in the Constitution and the Convention, including article 238, and articles 257 and 267, of the Individual and Family Code, which permit early marriages, and polygamy, respectively (p. 15).

* The page numbering in the present list of issues and questions refers to the English version of the report.

4. The report describes certain “administrative and judicial measures and practices” that discriminate against women (p. 16). Please describe what is being done to raise awareness and sensitize judges, lawyers, law enforcement officers and administrators to Burkina Faso’s international obligations under the Convention.

5. Women’s lack of knowledge about their rights and the difficulties they encounter in trying to exercise them are identified as a major obstacle to the development of women (p. 17). Are there any initiatives to raise awareness among women of their rights or to publicize, and to inform women about, the provisions of the Convention?

6. Please provide information on what measures are in place to enhance access to justice for women, including the availability of legal aid, and what is being done to encourage women to use the courts to enforce their rights under the Constitution and other laws. This should include details of any court cases that have challenged discriminatory laws, measures and practices; please also include information regarding whether the Convention has been invoked in litigation before the courts.

Violence against women

7. The report provides very little information on violence against women. Please provide detailed information on the forms and extent of violence against women in the family and in the community at large, including statistical data, if any, that may give an indication of the extent of violence against women in Burkina Faso in both the public and private spheres, and trends over time.

8. In its previous concluding comments, the Committee expressed concern about the absence of legislative texts and policies to protect women who are victims of domestic and sexual violence, and recommended that the Government take adequate legislative and structural measures and provide assistance to these women. Please provide information on the progress made to put in place legislative provisions, as well as remedies, social support services, awareness-raising activities and programmes to prevent and eliminate all forms of violence against women.

Exploitation of prostitution, and trafficking

9. Please provide information about laws or measures adopted to prevent and punish the exploitation of prostitution as well as measures taken to provide rehabilitation and support for the social reintegration of women who wish to leave prostitution.

10. The report does not provide sufficient information about laws or measures to prevent and punish trafficking in women and girls, including its prevalence. Please provide this information.

Discriminatory practices and stereotypes

11. The report makes extensive reference to the persistence of discriminatory traditional practices, customs and stereotypes which place obstacles in the way of women’s advancement. In its previous concluding comments, the Committee expressed concern about the prevalence of discriminatory traditions, customs and stereotypes and urged the Government to adopt a comprehensive strategy to develop the sociocultural climate to the benefit of women. Please provide information on whether such a comprehensive strategy exists, on any collaboration with non-

governmental organizations in this regard, and on the measures in place or anticipated to eliminate discriminatory practices and harmful stereotypes across all sectors and spheres. In responding to this question, kindly give particular attention to initiatives taken or anticipated for rural areas.

12. From the report, it appears that the media has not been successfully involved in the elimination of stereotypes and promotion of awareness of issues affecting women. The report states that “(t)he solution to this problem lies in increasing the awareness of the media and training them to take into account the major goals that must be pursued to combat discrimination” (p. 19). Please indicate what measures are in place or anticipated with respect to conducting such awareness-raising and training for the media, and involving the media more effectively in combating gender-based discriminatory practices and stereotypes.

13. Please elaborate on the impact of the public awareness campaign on the Individual and Family Code and the revision of school textbooks and training manuals (p. 19).

Participation in political and public life

14. The Committee in its previous concluding comments was concerned about the low level of representation of women, particularly in elective bodies, and recommended that the Government make use of temporary special measures, including quotas, to achieve equal representation of women and men in political and public life. Please describe what efforts have been made in this regard and explain their impact on women’s participation in political and public life.

Education

15. The proportion of female students in schools remains low, particularly at the primary level, where that proportion “remained practically unchanged over time, and hardly ever exceeded 40 per cent” (p. 30). The report indicates that women’s educational achievement has also basically not changed (see, for example, p. 29, table 10). The reasons provided for these trends are the same as those provided in the last report, and include the persistence of traditional practices, overburdening of girls with housework and the high cost of education (p. 29). What is being done in the 10-year basic education plan to tackle the specific problems faced by female students and to encourage their enrolment and retention in schools?

16. In its previous concluding comments, the Committee recommended that the Government should, in addition to formal education, focus its efforts on informal education and the campaign against illiteracy targeted at girls and women. Please provide more information on the work of the literacy programme, including how it specifically targets women and girls, and the measures in place or anticipated to overcome some of the difficulties encountered in implementing the programme (p. 34).

Employment

17. The report states (pp. 34-35) that, even though there is legislation affirming the equality of men and women in employment, certain recruitment practices — for example the exclusion of expectant or nursing women from competing for certain

jobs — are discriminatory. Please provide information on the steps taken or anticipated to remove these discriminatory practices in employment.

18. The report does not provide sufficient information on the de facto situation of women in employment in both the formal and informal sectors, including statistics on women's labour-force participation. Please provide this information, including what opportunities are available for women to gain access to the labour market and what programmes are in place to encourage and support them in doing so.

Health

19. The Committee in its last concluding comments recommended that access of women to primary health care be facilitated, particularly in rural areas, and encouraged the Government to integrate family planning services in primary health care. Please provide details of the initiatives undertaken in this regard and the results achieved, as well as any obstacles to such initiatives and the efforts made to overcome them. Please support this information with statistical data, if available.

20. The report lists a number of political and legal measures taken in the area of health (p. 39). Please provide information on any assessment of the impact of these measures and to what extent their stated goals were achieved.

21. What steps have been taken, in line with the Committee's previous recommendations, to raise awareness about contraception and contraceptive methods among both men and women?

22. The report states (p. 38) that, while the practice of female genital mutilation is prohibited by law, it is still "practised clandestinely and under poor sanitary conditions". What is being done to ensure that the law is implemented and the practice of female genital mutilation eradicated?

Rural women

23. The report paints a bleak picture of the position of rural women in Burkina Faso. Yet more than 80 per cent of the population lives in rural areas (p. 11). Please provide information on the Government's rural development strategy, including whether it incorporates a gender perspective and includes targeted support for women in sectors such as health, education, employment, economic development, access to credit and participation in decision-making, including at the local level.

24. What is the Government doing to ensure that the provisions of the Agrarian and Land Reform Code, which provides for women and men's equal access to arable land and housing, are implemented?

Marriage and family relations

25. Please indicate what steps have been taken to follow up on the previous concluding comments of the Committee urging that a comprehensive public effort be undertaken in cooperation with non-governmental organizations to change existing attitudes regarding polygamy and to abolish the practice.

26. The report states (p. 43) that "(f)amily relations are governed exclusively by the Individual and Family Code" and that "religious and customary laws have no legal effect and cannot be invoked to override legal provisions in force". Yet, the report also notes (p. 18) that despite the adoption of legislation, discriminatory

practices persist owing to strong attachment to cultural values, including under-age marriages, son preference, dowries, and levirate and sororate. In addition, the report states (p. 45) that while “women have the same rights with respect to custody”, they are in practice “prevented from exercising those rights because of social and cultural constraints”. Please provide information on what is being done to implement the provisions of the Individual and Family Code that guarantee equality between men and women in marriage and family relations in accordance with all provisions of article 16 of the Convention.

27. Please provide information on what is being done to put an end to the practice “preventing women from inheriting from their husbands” and owning property (p. 18) and to implement the laws that give women and men equal rights to inheritance.
