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Solidarité
Laïque

**ECONOMIC &
SOCIAL RIGHTS
REPORT
BURKINA
FASO**



ECONOMIC & SOCIAL RIGHTS REPORT BURKINA FASO

Summary

How can the European Union (EU) better contribute to the development of enabling spaces for civil society organizations (CSOs) in Burkina Faso? How can the EU support the progressive realisation of economic and social rights, namely decent work and social protection for all, in line with the implementation of the 2030 Agenda for Sustainable Development?

Led by Solidarité Laïque Burkina Faso, the present Economic and Social Rights Monitor (ESRM)¹ summarizes the views of the SOLIDAR network in Burkina Faso on how this can be done.

FOCUS ON SUSTAINABLE DEVELOPMENT GOALS



¹ The SOLIDAR Economic and Social Rights Monitor has been developed in the framework of the EU funded program "Organising International Solidarity": <https://prezi.com/view/9zuxuivqUSD3w1pGJSz/>

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1. ABOUT THE SOLIDAR ECONOMIC AND SOCIAL RIGHTS MONITOR

How can the European Union (EU) better contribute to the development of enabling spaces for Civil Society Organizations (CSOs)? How can the EU support the progressive realisation of economic and social rights, namely decent work and social protection for all, in line with the implementation of the United Nations 2030 Agenda for Sustainable Development? The SOLIDAR Economic and Social Rights Monitor (ESRM) summarizes the views of SOLIDAR members and partners in 26 countries in Africa, Asia and Latin America on how these goals can be achieved.

The ESRM is based on a questionnaire that rests on two main benchmarks: an enabling environment for CSOs and decent work and social protection for all. It also uses three sub-benchmarks – including access to the policy-making process, support for human

rights defenders and freedom of association; and three indicators, including fundamental labour rights, universal access to healthcare and universal access to education. The questionnaire plays a central role in in-country consultations facilitated by SOLIDAR members.

SOLIDAR's Country Monitoring Reports are the main output of this consultation process. They provide a tool for CSOs in the field to engage in a structured dialogue with the EU over the progressive realisation of economic and social rights and to participate in the definition of the EU's cooperation priorities.

2. INTRODUCTION

The current guiding principles of the EU's involvement in Burkina Faso stem from the National Indicative Plan 2014-2020, which was developed with reference to Burkina Faso's national development strategy (SCADD⁹) for 2011-2015.

In view of the developments that have occurred in Sahel since the early 2010s, Burkina Faso is considered to play a key role in sub-regional stability.

TABLE 1. BURKINA FASO AT A GLANCE

Population ²	19.751,535 million (2018)
Gross Domestic Product (GDP) ³	USD 14.442 billion
Human Development Index (HDI) and ranking ⁴	0.434 (182 out of 189 countries)
Total social protection expenditure including health (percentage of GDP) ⁵	2.7% of GDP (2015)
Percentage of population covered by at least one social protection benefit (effective coverage), 2015 or latest available year ⁶ (SDG indicator 1.3.1)	7.5
Total envelope of National Indicative Programme (NIP) ⁷	EUR 623 million
Sustainable Development Dashboard Global Index Score ⁸	52.4 (141 st out of 162 countries)

² <https://data.worldbank.org/country/burkina-faso?view=chart>

³ *Ibidem*.

⁴ <http://hdr.undp.org/en/countries/profiles/BFA>

⁵ The expenditure on social protection and health refers only to the central government sector. <https://www.social-protection.org/gimi/gess/ShowWiki.action?id=594#tabs-3>

⁶ Table B.3 Social protection effective coverage (SDG indicator 1.3.1). The proportion of the population protected in at least one area (SDG indicator 1.3.1 (a): Proportion of the total population receiving benefits at least under one of the contingencies (contributory or non-contributory benefit) or actively contributing to at least one social security scheme.

<https://www.social-protection.org/gimi/gess/RessourcePDF.action?ressource.ressourceId=54887>

⁷ Plan Indicatif National pour le Burkina Faso 2014-2020

⁸ <https://dashboards.sdindex.org/#/BFA> [Regional average score 53.8]

⁹ Stratégie de croissance accélérée et de développement durable (Strategy for accelerated growth and sustainable development)



For that reason, the EU is very committed to preserving its internal stability. The NIP's general objectives are to support inclusive and sustainable growth and to reduce poverty, malnutrition and inequality. In the framework of the Cotonou agreement, the EU also set itself the task of helping to improve governance structures and the welfare of population, by engaging in a dialogue with local stakeholders. The NIP focuses on three sectors: governance; health; and food and nutritional security, including sustainable agriculture and water. Gender, environment and climate resilience are transversal elements included in every process.

The National Economic and Social Development plan (PNDES) 2016-2020 emphasizes the achievement of democracy and prosperity. The objective for 2020 is to make Burkina Faso “a democratic nation, unified and united, transforming its economic structure in order to achieve strong and inclusive growth, through sustainable means of production and consumption”.¹⁰ The PNDES also pays attention to the United Nations Agenda 2030, as it cites one of the Sustainable Development Goals (Goal 9: “Build resilient infrastructure, promote sustainable industrialization and foster innovation”) as a major source of inspiration. However, it is clear that the PNDES prioritized economic growth over social development.

Since the drafting of the 2014-2019 NIP, the security situation in the sub-region has worsened dramatically. Coupled with dreadful socio-economic conditions, this has fuelled unprecedented waves of migration to Europe. In 2014, then-President Blaise Compaoré resigned after 27 years in the post following a massive popular uprising. For all these reasons, it is likely that Burkina Faso will continue to rank high among the priorities of the European External Action Service (EEAS) in its upcoming programming.

¹⁰ PNDES : http://cns.bf/IMG/pdf/pndes_2016-2020-4.pdf

In this context, the SOLIDAR network in Burkina Faso, led by Solidarité Laïque, highlights the following main challenges to be addressed:

Benchmark 1. Enabling environments for CSOs

- Citizens' participation in Burkina Faso is expanding, but at unequal rates. Most CSOs operating outside the two biggest cities work in an informal way, which excludes them from funding opportunities and, therefore, capacity-building. Civil society has for years been well integrated in policy-making for health and education, but much less so in other areas.
- Promoting human rights is not a safe activity in Burkina Faso. Despite the adoption of a law on the protection of human rights defenders (HRDs) in 2017, there is a lack of concrete support. Worse, the fight against terrorism is increasingly being used as a pretext to criminalize HRDs work that is linked to military activities.
- The revision of legislation on freedom of association (FoA) in 2015 is worrying, as it prohibits organisations that pursue a purely political goal.

Benchmark 2. Decent work and social protection for all

- Child labour remains a worrisome issue in Burkina Faso, not because the law is silent but because the law is not enforced adequately.
- The health sector faces many obstacles, the greatest being the rampant corruption of many health agents. The country is also one of the most burdened in terms of child mortality and malaria infections.
- The education system, too, is plagued with corruption, a consequence of the great shortage of facilities and personnel. The saturation of state schools is leading more people to turn to private schools.



3. ENABLING ENVIRONMENT FOR CIVIL SOCIETY ORGANISATIONS (CSOs)

An “enabling space for CSOs” is a set of conditions that allow civil society and individuals to organise, participate and communicate freely and without discrimination and, in doing so, influence the political and social structures around them. An enabling environment also ensures the respect of the core civic-space rights – to freedom of association, freedom of peaceful assembly and freedom of expression – in institutions and processes.

The EU considers an enabling space for civil society to be a key element for good governance. It therefore strives to maintain a close dialogue with CSOs in all aspects of its cooperation with Burkina Faso. The EU Roadmap for Engagement with Civil Society 2017-2020 charts the path of CSOs’ participation in policy-making processes. It is a joint agreement between the EU delegation, eight member States¹¹ and three non-member associate states.¹² It outlines three priorities:

1) the consolidation of an enabling space; 2) making civil society networks and the coordination structures of CSOs stronger and more representative; and 3) capacity-building of CSOs allowing them to act as interlocutors and quality actors in the political, social and economic life of the nation.¹³

3.1 Access to policy-making process

To realize the objectives outlined in this roadmap, the EU plans to work on two levels. First, it will work with civil society organizations directly.

The roadmap highlights the need for a forum specifically dedicated to a joint dialogue with civil society that is not limited to ad-hoc planning meetings and direct support operations. The document also highlights the need to establish a structured framework for dialogue between, on the one hand, the EU and its associated states; and, on the other, all stakeholders including CSOs – especially in the sectors of the defence of human rights and democracy and of state-resources management. The EU also wants to encouraging the Burkinabe government to include CSOs more in decision-making processes, beyond the fields of education and health, where CSOs are already well integrated. Legal provisions were adopted in Burkina Faso in 2015 to strengthen CSOs. These developments have not, however, contributed to CSOs’ capacity building or made them into chosen intermediaries in the policy-making process.

Nevertheless, **some positive achievements must be highlighted, for instance CSOs’ participation in the development process of the National Policy on Social Protection.** This was a real opportunity to structure and reinforce CSOs and to develop their skills. The EU now also involves CSOs in the monitoring of the implementation of free healthcare for children under the age of five and women of child-bearing age. This dynamic not only improves local CSOs’ skills in monitoring health services, but also strengthens their capacity to carry out advocacy work and hold political representatives to account.

¹¹ Namely Belgium, France, Germany, Denmark, Italy, Luxembourg, Austria and Sweden.

¹² Canada, Switzerland and the United States of America.

¹³ <https://europa.eu/capacity4dev/public-governance-civilsociety/node/83538>.


However, citizen monitoring of public action, a major activity of Burkina-based CSOs, is not very effective because civil society's points of view are not taken into account nearly enough. While the SOLIDAR network acknowledges the EU's efforts to remedy this, a lot of work remains to be done. Except for those operating in big cities such as Ouagadougou or Bobo-Dioulasso, most CSOs in Burkina Faso work in an informal way and therefore do not benefit from capacity-building. In a recent report, the Permanent NGO Secretariat (Secrétariat Permanent des ONG – SPONG), a SOLIDAR partner, pointed out several shortfalls in ways CSOs and the State interact:

1. CSOs' low level of structuration, which means their action tends to be opportunistic and to lack long-term orientation, and leads to questions as to how representative and credible they are;
2. The lack of timely information, both from the state and from CSOs;
3. The lack of mutual-liability mechanisms.
4. In this context, the SOLIDAR network in Burkina Faso, led by Solidarité Laïque, points out that the EU could facilitate local CSOs' access to its funding, as they could then become strong enough to obtain funding from the state. Specific lines of funding should be opened for umbrella organisations to support them in their dialogues with the government.

3.2 Support for human rights defenders

Human rights activism in Burkina Faso suffers from a lack of resources for logistical, operational investigative action. It is also exposed to repressive measures, which can be life-threatening. At the end of May 2019, the bodies of two activists of the Youth Democratic Organisation of Burkina (Organisation Démocratique de la Jeunesse au Burkina – ODJ) were found riddled with bullets outside the city of Sebba. They





had been heading to a meeting with an official. As of August 2019, no autopsy had been performed and no one had been held accountable for the killings.

In July 2019, several organisations – including Amnesty International’s desk in Burkina, the Trade Union Action Unit (*Unité d’Action Syndicale*) and the Centre for Human Rights Training and Information in Africa – CIFDHA – denounced the government’s challenges to fundamental freedoms. In particular, they accused the government of imposing a repressive environment for civil society, through the revision of the Penal Code (*Code Pénal*) under the pretext of fighting terrorism. As a result, **there is a risk of criminalising the activities of any organisation, activist, journalist or other individual who attempts to collect or diffuse information related to military operations.**

One positive development that needs to be acknowledged, is the adoption of the law 039-2017/AN, which provides a legal basis for the protection of HRDs, making Burkina Faso the second country in Africa with such legal protection.¹⁴ There is however room for improvement in the law’s provisions, as none of them provide any mechanism for protection.

3.3 Freedom of association

In Burkina Faso, freedom of association and peaceful assembly are guaranteed by article 21 of the constitution and organized in detail by the fundamental law N°10/92/ADP, adopted in 1992. In 2015, this text was revised to adapt it to the changing context of associations. The new draft of the text entered into force on January 2016. **Amongst its many “innovations” appears the explicit prohibition of organisations pursuing a purely political goal.**¹⁵

In the opinion of the SOLIDAR network in Burkina Faso, the n°064/CNT-2015 act favours external organisations active in Burkina over domestic ones. Notably, foreign and international organisations are privileged compared to their Burkinabe peers when it comes to tax treatment. Under the previous version of the law, NGOs did not have an official status – but those with activities that fitted the profile of an NGO over a number of years were considered to be doing non-profit work and thus exonerated from paying taxes. Now, the 064/CNT-2015 bill has created a clear, formal category for NGOs, and many organisations that used to be considered NGOs no longer qualify. So, since 2015 national organisations dealing with topics such as youth no longer benefit from an agreed protocol with the government, while international NGOs that deal with youth do. Burkinabe associations can only receive partnership letters from the tutelary ministry. Moreover, within the framework of the law, it is easier for international NGOs than national ones to sign conventions of establishment in Burkina, which help them to benefit from tax and customs exemptions.

¹⁴ https://lavoixdujuristebf.files.wordpress.com/2018/02/loi_039-2017_defenseurs_droits_humains.pdf

¹⁵ Selon le fonctionnaire qui a dirigé le processus, c’était pour mieux séparer les associations des partis politiques. <https://lefaso.net/spip.php?article68766>

4. DECENT WORK AND SOCIAL PROTECTION FOR ALL

Decent work and the four pillars of the Decent Work Agenda – employment creation, social protection, rights at work and social dialogue – are integral elements of the 2030 Agenda for Sustainable Development. Goal 8 of the 2030 Agenda calls for inclusive and sustainable economic growth, full and productive employment and decent work.¹⁶ Social protection measures not only support the realization of the human right to social security, but are both an economic and a social necessity. Indeed, well-designed social protection systems contribute to reducing poverty and inequality, while enhancing social cohesion and political stability.¹⁷

In 2012, member states of the ILO adopted the Social Protection Floors Recommendation (R202) at the International Labour Conference. In doing so, they expressed a commitment to ensuring that everyone has access to basic income security throughout their life. That comes in the form of social transfers, either in cash or in kind, as well as the universal availability, accessibility and affordability of essential services, especially healthcare and education.¹⁸

4.1 Fundamental rights at work

According to the International Trade Union Confederation (ITUC), 41% of children in Burkina Faso were engaged in child labour in 2014 – that is to say, they were working under the age of 14.¹⁹ Policies are



¹⁶ <https://www.ilo.org/global/topics/decent-work/lang-en/index.htm>

¹⁷ https://www.ilo.org/wcmsp5/groups/public/--dgreports/--dcomm/--publ/documents/publication/wcms_604882.pdf

¹⁸ Social protection floor for a fair and inclusive globalization. Report of the Social Protection Floor Advisory Group Geneva, International Labour Office, 2011:

https://www.ilo.org/wcmsp5/groups/public/--dgreports/--dcomm/--publ/documents/publication/wcms_165750.pdf

¹⁹ https://www.ituc-csi.org/IMG/pdf/burkina_faso_en_-_web.pdf

in place to counter this plight, but they are not sufficiently enforced, and the population is often reluctant to cooperate with the police. The exploitation of children is especially notable in livestock farming and mining. The ITUC also reports that the country counts only 72 workplace inspectors, a very low number, and that they are ill-equipped.

According to the government, formal employment only accounts for 6.6% of total employment; a majority of the active population work in the informal economy.

Organising informal economy workers

SOLIDAR member SOLSOC interviewed Doussa Dramane, permanent secretary of the Lorry Drivers Union of Burkina Faso (Union des Chauffeurs Routiers du Burkina Faso – UCRB).

“The UCRB is the Union of Lorry Drivers of Burkina Faso, which unites all the country’s lorry drivers,” said Doussa Dramane, UCRB permanent secretary. “We are fortunate to have only one union for lorry drivers. We defend their moral and material interests.” The Union is affiliated to a central confederation, the Confédération Syndicale Burkinabé (CSB). This grouping of unions is instrumental in supporting the UCRB’s advocacy activities.

The UCRB achieved substantial progress over the years. **Ten years ago, the road transport sector was mostly informal.** There used to be no regulation of the relations between employers and employees. **In 2011 though, efforts paid off when lorry drivers obtained a collective agreement.** The UCRB is still actively carrying out collective bargaining. In 2019 it requested a revision of the 2011 convention, aiming to revise salaries and compensation upwards. (Source: SOLSOC 2019)

Overall, the main challenge for the UCRB is access to **social security, and a large number of lorry drivers still work without it.** However, given Burkina Faso’s security challenges, the government is giving priority to the combat of terrorism. Social and union activists have more or less agreed to a temporary halt in campaigning, so that the government can focus on security. That means social demands have, for now, been left pending.

4.2 Universal access to healthcare

In Burkina Faso, most health indicators flash red.²⁰ The mortality rate for children under five is more than twice the world average. The country also has a high incidence of malaria and accounts for 3% of the cases in the world: almost 12 million cases were recorded by the government in 2017, of which 4,000 resulted in death.²¹

Corruption is a major challenge for the health system. The National Network for the Fight Against Corruption – the REN-LAC – published a study in December 2018, giving an overview of alleged corruption and other such practices in the Burkinabe health system. The study disclosed a variety of bad practices in different state health facilities. According to the investigators, acts observed range from the direct sale of pharmaceutical products by health agents to the misappropriation of subsidized medicines for the profit of private pharmacies. There are also reports of overcharging for some medicines and of state equipment being used for private purposes.²² In one example, a parent of a sick person had to pay the sum of 75 000 FCFA in cash to a health attaché, in order for an operation to be completed. (The amount is approximately 114 euros and represents more than 90% of the average Burkinabe’s monthly salary.) This was completely undue, as health agents are not entitled to receive payments from patients. In Sebba, some such cases were brought to

²⁰ <http://hdr.undp.org/en/countries/profiles/BFA>

²¹ <https://www.afro.who.int/node/11452>

²² <https://www.veenem.bi/document-importes/4d353d59cf023503104a33fb2d7a2aab.pdf>

the attention of the police and the prosecutor, thus giving some of the victims access to justice.

Health is one of three priorities for EU-Burkina cooperation in the National Indicative Plan 2014-2020. One other area of focus, food and nutritional security, is directly related to health.

Regarding the health system, the NIP takes note of the National Plan for Health Development (Plan National de Développement Sanitaire, PNDS) 2011-2020. The government carries a twofold objective: respond to several challenges that hinder universal access to quality health care and speed up the achievement of SDGs. However, the NIP also regrets that the 12.5% of the national budget allocated to the PNDS, however considerable that share is, will not be sufficient for the PNDS to achieve its goals. The European Union intends to contribute to a reduction in maternal and child mortality; and to reinforce the leadership and governance structures of the Ministry of Health, so that it can implement the PNDS efficiently.

To ensure food and nutritional resilience, the NIP envisages the following three actions: focus enhancement efforts on the most economically and environmentally vulnerable groups; develop sustainable agriculture and farming; and increase access to drinkable water and to sewage facilities in a fair and sustainable way.

Securing universal access to healthcare implies taking into account two components of the system: the supply of healthcare and the demand for it. The SOLIDAR network in Burkina Faso, led by Solidarité Laïque, contends that both aspects need improvement. On the supply side, medical staff are allocated unequally over the territory and do not have sound infrastructure and equipment to work with. Health services and products are also far from affordable. On demand, the government should implement both private insurance and universal, solidarity-based insurance. The European Union has



Source: SOL-SOC

funded free care and aftercare projects in the country, through the intermediary of international NGOs.²³ After convincing results, the mandate for monitoring free healthcare projects was enlarged over the last two years to encompass national NGOs. The monitoring led to the elaboration of joint programmes with the health authorities, municipalities and the government. We recommend the continuation of these efforts in order to develop skills and to verify the accessibility and quality of healthcare.

In 2016, the Burkina Faso government made healthcare free for pregnant women and children under the age of 5.²⁴ The EU should keep supporting the Burkinabe state in strengthening the supply of care through training, infrastructure, equipment and technology transfers, as well as by developing health centres where they do not exist.

4.3 Universal access to education

Schools in Burkina Faso are overpopulated and have one of the highest pupils-per-teacher ratios in the world. This indicates the need for an increase in school facilities, especially in the public sector.

The saturation has two main consequences. First, corruption is widespread. All state school teachers receive school places for each of their children by statute, and some of them resell these places to other parents. This education black market is a worrying pattern in Burkinabe state schools.

Second, there has been a shift to privatized education. Since the state school system does not have sufficient places, the state is paying billions of FCFA to put children in private schools. That constitutes a progressive abdication by the state of its role in education and, moreover, this is being done at taxpayers' expense.

Against this background, the SOLIDAR network in Burkina Faso calls on the EU to take three main actions: 1) Assist the government of Burkina Faso to build sufficient schools and recruit skilled teachers in appropriate numbers; 2) Increase its support to CSOs taking action in education policy, especially those that involve communities in their work; 3) Encourage the government to make education effectively free and to rethink its public-private partnerships in education.



²³ Such as help https://ec.europa.eu/echo/field-blogs/stories/la-bourse-ou-la-vie-plaidoyer-pour-la-gratuit%C3%A9-des-soins-en-faveur-des-plus_en
²⁴ <https://www.afro.who.int/fr/news/bilan-2017-de-la-gratuite-des-soins-au-profit-de-la-femme-et-des-enfants-de-moins-de-cinq-au>

5. CONCLUSIONS

Civic space in Burkina Faso is not thriving. The EU Roadmap for Engagement with Civil Society had great ambitions for the inclusion of civil society in policy-making. The implementation of the co-financed instrument called “Présimètre”, which was hailed as a success, is a promising step forward. CSOs’ participation in areas such as health is now well enshrined in practice. Nonetheless, civic monitoring of public action has so far been mostly vain as citizens’ points of views, though diligently collected, are not taken in consideration. Another issue is the low level of structuration of CSOs, especially those operating in rural areas, which is a major impediment to their credibility and impact. Equally important to the inclusion of civil society in policy-making is the support and the protection of its representatives. A pressing issue here is to endow existing legislation protecting human rights defenders with effective mechanisms, as activists in the country are targets – and not only for terrorist groups. Concerns over freedom of association have been raised by the law banning organisations with purely political goals. This comes along with other regulations which prevent most Burkinabé CSOs from meeting the conditions for tax exemption.

The 2030 Agenda features in SDG 8 the attainment of decent work and its four pillars: employment creation, social protection, fundamental rights at work and social dialogue. However, the guarantee of fundamental rights at work is not enforced in Burkina Faso, especially for youth. Child labour is a persistent reality, and more than just words are needed: the law needs enforcing. In essential public services, the SOLIDAR network think the main problem is the high level of corruption in both the health and education systems. The EU has acknowledged healthcare as a priority in Burkina Faso and intends to offer support. The EU will help to reduce child and maternal

mortality, strengthen governance and ensure food resilience. In the school system, facilities, personnel and resources are all saturated. There is an urgent need to build more state schools in order to guarantee universal access to education.

The SOLIDAR network in Burkina Faso, led by Solidarité Laïque, makes several recommendations to **promote an enabling environment for civil society organizations and enhance decent work and social protection for all:**

1) It is vital that national CSOs, even the most informal ones, benefit from access to funding and capacity building. The EU should also include a funding line for umbrella organisations, in order to foster their dialogues with the government. 2) The monitoring of forced labour and child labour must be strengthened. This could be helped by, for example, setting up a monitoring centre and associating local CSOs to it. 3) To addressing the challenges of universal access to healthcare, work is needed both on the supply and the demand side. The EU has been active in the health sector, by funding free healthcare and aftercare projects. These efforts should be sustained as long as government actions remain inadequate. 4) Lastly, it is crucial that the EU step in to assist the government in building more schools, so as to ease the current pressure on the state school system.

ORGANISATIONS INVOLVED IN THE PROJECT

1. Coalition nationale Education Pour Tous Burkina Faso-CN-EPT
2. Association Songui Manégré /Aide au Développement Endogène (ONG ASMADE)
3. SOS Sahel international Burkina
4. Solidarité Laïque Burkina Faso
5. Association Manegdbzanga
6. Organisation catholique pour le Développement économique et social
7. SPHERE Burkina
8. Réseau des Organisations pour le développement de l'Education au Burkina(RODEB)
9. Secrétariat Permanent des ONG (SPONG)



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