

THE INTER-AGENCY NETWORK ON WOMEN AND GENDER EQUALITY

TASK FORCE ON VIOLENCE AGAINST WOMEN

**BACKGROUND STUDY OF THE INTER-
AGENCY JOINT PROGRAMME ON VIOLENCE
AGAINST WOMEN
*BURKINA FASO***

by

Main Experts

Wendyam KABORE ép. ZARE

Yacouba YARO

Associate Expert

DAN-KOMA M. Ibrahim

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ACRONYMS AND ABBREVIATIONS

AIDOS:	Associazione Italiana Donne per lo Sviluppo
AMMIE	Moral, Material and Intellectual Support to the Child
AMPO/MYA	Managé Nooma Association for the Protection of the Orphan
AVOB	Association of Widows and Orphans of Burkina
CADBE	African Convention on the Rights and Welfare of the Child
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
CBDF	Burkina Coalition for Women's Rights
CBF	Centre for Women's Welfare
CBO	Community-based Organization
CCG	Framework for Consensus Building in Gender
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CERFODES	Centre for Study, Research and Training for Economic and Social Development
CESCR	Covenant on Economic, Social and Cultural Rights
CNDH	National Commission for Human Rights
CNLPE	National Committee for the Fight against the Practice of Circumcision
CN-PAPF	National Coordination of the Action Plan for Women's Empowerment
COBUFADE	Coalition in Burkina Faso for Children's Rights
CONALDIS	National Commission for Fighting Discrimination against Women
CPF	Person and Family Code
CRC	Convention on the Rights of the Child
CRLP	Regional Papers for Poverty Control
CSLP	Strategic Paper for Poverty Control
CSO	Civil Society Organization
DHS	Demographic and Health Survey
DHS/BF-III	Burkina Faso Demographic and Health Survey III
FAO	Food and Agricultural Organization
FAARF	Fund for the Support of Income-Generation Activities for Women
FCG	Gender Basket Fund
FGM	Female Genital Mutilation
GBV	Gender-based violence
GED	Gender and Development
GASCODE	Support Group in Health, Communication and Development
GNP	Gross National Product
GRIL	Research Group on Local Initiatives
GTZ/PSV/DHTE	Sexual Health Programme, Human Rights, Child Trafficking and Hard Labor
GTZ	German Cooperation Development Agency
HRBA	Human Rights-based Approach
ICPR	International Covenant on Civil and Political Rights
ISSP	Higher Institute of Population Sciences
INSD	National Institute of Statistics and Demography
LAC	Least Advanced Countries
MAHRH	Ministry of Agriculture, Hydraulics and Fisheries
MASSN	Ministry of Social Action and National Solidarity
MBDHP	Burkina Movement for Men and Peoples' Rights
MEBA	Ministry of Basic Education and Literacy
MECV	Ministry of Environment
MESSRS	Ministry of Secondary and Higher Education and Scientific Research

MGF	Female Genital Mutilation
MMF/ANBF	Action Nationale du Burkina Faso
MICS	Multiple indicator Survey in Clusters
MJ	Ministry of Justice
MPDH	Ministry for the Promotion of Human Rights
MPF	Ministry for Women's Empowerment
NGO	Non-governmental Organization
NST	Sexually Transmitted Marks
OCADES	Catholic Organization for Economic and Social Development
OAU	African Union Organization
PAMAC	Programme for Support to Associations and Communities
PDDEB	Plan for Basic Education
PNAS	National Policy for Social Action
PNG	National Gender Policy
PNP	National Population Policy
PNPDH	National Policy for the Promotion of Human Rights
PNPF	National Policy for Women's Empowerment
PTF	Partners Task Force
PROSAD	Sexual Health Programme and Human Rights
RECIF/NGO	Network of Communication and Information for Women
RGPH	Population Census and Habitat
SFI	Synthetic Fecundity Indicator
SIDA/AIDS	Acquired Immunodeficiency Syndrome
SP/CNLPE	Permanent Secretariat of the National Committee for the Fight against the Practice of Circumcision
SP/CNLS	Permanent Secretariat of the National Council for the Fight against AIDS and STIs
SP-PAPF	Permanent Secretariat of the Action Plan for Women's Empowerment
STI	Sexually Transmitted Infection
TFP	Technical and Financial Partners
TGI	High Court of Justice
UDHR	Universal Declaration of Human Rights
UEMOA	West African Economic and Monetary Union
UN	United Nations
UNCT	United Nations Country Team
UNDP	United Nations Development Programme
UNFPA	United Nations Population Fund
UNICEF	United Nations Children's Fund
UNIFEM	United Nations Development Fund for Women
VAW	Violence against Women
VIH/HIV	Human Immunodeficiency Virus
WFP	World Food Programme
WHO	World Health Organization
WTO	World Trade Organization

I. INTRODUCTION

Over the last 20 years, violence against women (VAW) has been recognised as a major health, human rights and development issue. The Secretary General's in-depth study on all forms of violence against women (A/61/122/Add.1, and Cor.1) recommends intensified action to eliminate VAW at all levels. Meanwhile, the General Assembly's resolution urges UN entities to enhance coordination and to intensify their efforts to eliminate VAW in an increasingly systematic, comprehensive and sustained way, further calling upon them to extend coordinated efforts to assist States in their struggle to eliminate VAW.

In order for this coordinated effort to become a reality, a programme has been initiated in 10 pilot countries via the creation of an Inter-agency Task Force on Violence against Women. The Task Force will assist States by supporting comprehensive national approaches against VAW, such as designing and implementing national action plans and other relevant programmes. The pilot countries are Burkina Faso and Rwanda in Africa, Jamaica in the Caribbean, Paraguay and Chile in Central America, Fiji in the Pacific, the Philippines and Kyrgyzstan in Asia, and Jordan and Yemen in the Middle East. In undertaking such an exercise, a country assessment on VAW is a priority. It is within this framework that this country assessment on VAW has been completed. The Burkina Faso country assessment on VAW will emphasize the following issues:

- The forms of violence that exist, who the victims and perpetrators are, and what the consequences entail
- The relevant policies and laws that exist
- The stakeholders involved and their respective capacities, challenges and gaps in addressing VAW
- The identification of priorities for interventions

1.1. Country profile

Burkina Faso is located in the loop of the Niger in the heart of West Africa. It borders Mali in the north and in the west, Niger in the east, and Côte d'Ivoire, Togo, Ghana and Benin in the south. It

has a Sahelian climate alternating between two seasons of unequal length: the dry season lasting from October to May and the rainy season from June to September.

According to the general population census and habitat (RGPH) carried out in 2006 by the National Institute of Statistics and Demography (INSD), Burkina Faso has a population of 14,017,262.

Women represent 51.7 per cent, of the population with a ratio of 93 men per 100 women. The only exception is the Centre with a ratio of 100 women per 101 men. This numerical superiority of women has remained constant since the 1985 and 1996 censuses (in which women formed 51.9 per cent and 51.8 per cent of the population, respectively).

The vast majority of the population lives in rural areas. The economy of Burkina Faso - a landlocked country that is poor in natural resources - is primarily based on agriculture and animal breeding, which account for about 40 per cent of the gross domestic product. About 80 per cent of the population living in rural areas depends on land and other environmental natural resource development, such as water, forests and pastures.

According to the 2003 Burkina survey on household living conditions, 46.4 per cent of the population lives under the absolute poverty line, estimated at 82,672 FCFA¹ per capita and per annum. Furthermore, poverty is more noticeable among women (47.1 per cent) than men (45.7 per cent).

In regard to health, Burkina Faso presents one of the poorest profiles in the sub-region of West Africa. The epidemiological data provided by the different Demographic and Health Surveys (1998 and 2003) show that malnutrition in all its forms is a growing problem, while approximately 21 per cent of women of childbearing age suffer from energy deficiency problems and more than half develop anemia.

Since the implementation of the 10-year Development Plan for Basic Education (PDDEB), schooling in Burkina Faso has shown reasonable progress; schooling was estimated at 72 per cent for the 2007-2008 school year. However, there are still remarkable disparities between girls and boys; in many families, for instance, girls are still often subjected to housework and therefore unable to attend school.

The socio-cultural landscape of Burkina Faso is characterised by a diversity of about 60 ethnic and socio-cultural groups. Family and social set-ups continue to partly be governed by customary and religious rules, the enforcement or the interpretations of which are very often unfavorable to women, particularly in rural areas. Despite the existence of laws advocating gender equality, many women still encounter discrimination, placing them on a lower scale than men.

1.1.1 Geographical location and administrative structure

¹ 1 euro = 655,957 FCFA.

Burkina Faso, with an area of 274,200 sq km, is located in the heart of West Africa and is part of the Sahel area. Its border countries include: in the south, Benin (306 km), Côte d'Ivoire (584 km), Ghana (549 km) and Togo (126 km); in the northwest, Mali (1,000 km); and in the east, Niger (628 km). Most of the land of Burkina Faso is undulating, while a few small hillocks have also taken shape in various locations. On average, Burkina Faso lies at an altitude of 400 metres above sea level. The two main climatic seasons are the dry season and the wet season, with the wet season starting in June and stretching until October. The country is divided into 13 regions with 45 provinces, and the environment is characterised by soil degradation and deforestation, with the recent droughts and desertification having severely affected agricultural activities, population distribution and the economy.

Table 1: Demographic Indicators

Indicators	Level	Years	Source
Whole Population	14,017,262	2006	INSD, RGPH
Masculinity Rate (ratio of men per 100 women)	93	2006	INSD, RGPH
Annual Growth Rate (%)	31	2006	INSD, RGPH
Number of Live Births	507734	2006	INSD, RGPH
0 - 4 years old	2 436913 (17.4%)	2006	INSD, RGPH
15 - 60 years old (active population)	6,730,991	2006	INSD, RGPH
Fertility Rate	62	2006	INSD, RGPH
Urban Population (%)	22.8	2006	RGPH
Birth Gross Rate (per 1,000)	46	1996	INSD, RGPH
Death Rate (per 1,000)	118	2006	INSD, RGPH
Infant Mortality Rate (per 1,000)	83	1996	EDS, 2003
Death Probability between 1 and 5 years old (per 1,000 live births)	184	2003	EDS, 2003
Maternal Death Rate (per 100,000 live births)	484	2003	EDS 1998-1999
Life Expectancy at Birth	56.7	2006	INSD, RGPH

1.1.2 Key development indicators

A developing country, Burkina Faso reports socio-economic indicators that are among the lowest in the West African sub-regions. The gross national product (GNP) of each inhabitant is estimated at about \$300, classifying Burkina Faso as among the Least Advanced Countries (LAC). Animal breeding and agriculture, carried out using archaic farming means and techniques and strongly subjected to the country's haphazard climate, constitute the main source of GNP (Faso, 1999). Moreover, 46.4 per cent of the population live under the absolute poverty line (INSD, 2003).

Table 2: Socio-economic Indicators

Indicators	Level	Years	Source
GNP by Inhabitant	182,000 FCFA	2002	Statistics from the Ministry of Economy
GNP Annual Growth Rate (%)	5	2006	Statistics from the Ministry of Economy
Human Development Index	0.276	2006	UNDP
Per cent of the population living under the poverty line	46.4	2003	INSD
Per cent of the urban population living under the poverty line	22.8	2	INSD
Per cent of the rural population living under the poverty line	52.3	2003	INSD

According to the DHS/BF-III, the estimation of fertility levels has been arrived at through information given by women about the history of their births during the previous five years. The overall fertility rate is estimated to be 229 per cent in rural areas and at 125 per cent in urban ones. Thus, the Synthetic Fecundity Indicator (SFI) for the 15-49 years old is estimated at 6.2 children per woman in rural areas and at 3.8 children per woman in urban areas (INSD, 2006).

1.2 Definition of concepts related to violence against women

For the sake of clarifying a number of concepts that are interrelated but sometimes used interchangeably in this assessment, it is important to define some of the basic concepts in the sections below.

The term **VAW** refers to any act that results in, or is likely to result in, physical, sexual and psychological harm to women and girls, whether occurring in private or in public. VAW is a form of gender-based violence and includes sexual violence².

Gender-based violence (GBV) is an umbrella term for any harmful act that is perpetuated against a person's will, and that is based on socially ascribed (gender) differences between males and females. One example is that of sexual violence, including sexual exploitation/abuse and forced prostitution, domestic

² USAID and UNICEF: "Strategic Framework for the Prevention of and Response to Gender-based Violence in Eastern, Central and Southern Africa".

violence, trafficking; forced/child marriage and harmful traditional practices such as female genital mutilation, honor killings and widow inheritance.³

Sexual violence, including **exploitation and abuse**, refers to any act, attempt or threat of a sexual nature that results, or is likely to result, in physical, psychological and emotional harm. Sexual violence is a form of gender-based violence.

1.3 Problem statement

The general objective of this study is to identify the forms of VAW that exist in Burkina Faso, in order to better manage the phenomenon and to develop interventions in this regard.

Specifically, this study will:

- Critically review the existing documentation on VAW in Burkina Faso (policies, strategies, laws, programmes, projects, reports of surveys, etc.)
- Identify the priorities of the national counterparts in the field of VAW
- Draw out main lines of interventions that will serve as a basis for the development of a national response to VAW

Furthermore, the implementation team will be provided with an analytical report on actions to address VAW in Burkina Faso, which will include the following elements:

- An assessment of the types, perpetrators and prevalence of VAW
- The causes and consequences of VAW
- The weaknesses of and gaps in the legislative framework of women's rights
- The identification of stakeholders involved in eliminating VAW and their institutional capacity to manage VAW initiatives (i.e., a cartography of stakeholders and an institutional analysis)
- The determination of Burkina Faso's priorities in regard to VAW
- The main lines of intervention that will direct the development of a national action plan to fight VAW

II. METHODOLOGY

³ Ibid.

This study is the combination of a document review, secondary processing of the DHS/BF-III database, the MICS survey, and the GTZ survey, complemented by an analysis of qualitative data collected during a field survey.

2.1. The document review and the secondary processing of survey data (DHS/BF-III, MICS and GTZ)

The document review helped assess the areas of knowledge that need to be deepened, as well as those that could lead to targeted actions based on certain factors such as the place of residence, the role of culture and above all, the persistence of certain types of violence.

The literacy research yielded a number of fragmented studies covering certain regions and diagnostic studies on the general situation of women.

Moreover, the national policies such as the Strategic Paper for Poverty Control (CSLP), the Regional Papers for Poverty Control (CRLP), the action plans of the ministries that work in the field of VAW along with their annual activity reports, legal texts and the international commitments of Burkina Faso, have been compiled and analysed. Complementing the analysis of the documentation was the examination of three surveys: the DHS/BF-III; the 2006 MICS survey and the baseline study for the German Cooperation for Development through its Sexual Health and Human Rights Programme (PROSAD). While this last survey was limited to the South-West and East of Burkina Faso, the DHS and the MICS surveys were national in nature.

The two national surveys addressed the issue of VAW using the same variables. A series of variables allowed for the understanding of the diverse opinions on the acceptability of domestic VAW on the one hand, and of violence against men on the other hand.

The background study of the PROSAD, meanwhile, helped to address the different types of VAW and to determine their scope in the South-West and the East.

2.2. Data collection in the field

The data collection consisted of in-depth, one-on-one interviews with state stakeholders, technical and financial partners and civil society stakeholders, all who are engaged in efforts to eliminate VAW and in offering services to victims. Because of time constraints and budgetary limits to conducting a comprehensive quantitative and qualitative national study, six major regions were targeted, with an effort to include a representative division of the country's cultural and ethnic composition. The chosen areas were:

- The Centre with Ouagadougou included, with the goal of analysing and assessing urban and semi-urban problems

- The Central Plateau (where the Mossi social group resides), including the county towns of Ziniaré, Boussé and Zorgho
- The Sahel (where the Fulani and other similar groups reside), including the towns of Dori and Gorom-Gorom
- The Hauts-Bassins (where the Dioula, the Senoufo and other similar groups reside), where Bobo Dioulasso and Orodora were targeted
- The Centre-West (where the Lyélé and the Mossi groups reside), where Koudougou and Réo were targeted
- The Mouhoun (where the Bwaba, the Wynié and the Nounouma groups reside), where Dédougou and Boromo were targeted

The chosen areas took into account the fact that the East with the Gourmantché and related groups, and the South-West with the Lobi/Dagara, had already been covered by the background study of the PROSAD.

In each visited region, interviews were carried out with associations, social workers, security and law enforcement agents (gendarmerie and the police), the officials of select ministries, and a bench judge and prosecuting attorney. Seventy-one associations in the targeted six regions and about 20 associations in the Centre were interviewed.

2.3. Data analysis

The analysis is based on the document review, the secondary processing of the survey data (DHS, MICS and GTZ/ Centre for Study, Research and Training for Social and Economic Development (CERFODES) and the examination of the interviews. This analysis helped to classify types of violence according to its socio-cultural context, the environment where it occurs (family, school, workplace, public environment, etc.), its cultural origins and the social category of the female victims (i.e., disabled women, widows, young girls living on the street, women infected with HIV/AIDS, divorced women).

2.4 Data presentation

Collected data were classified using the following categories:

- Forms of VAW, where it occurs, and its causes, perpetrators and consequences
- Existing policies and laws on VAW

- Stakeholders/interveners involved and their interventions: i) Who are the main government stakeholders, i.e., various ministries and their related public sector departments, that work on addressing VAW? ii) Are the judicial system and related law enforcement agencies in the country– the police, for instance - active in addressing VAW? iii) Which are the main UN agencies that have ongoing programmes targeting VAW? iv) Who are the main civil society actors – national and non-governmental organizations, community-based organizations, trade unions, teachers associations, media, etc. - that work on issues related to VAW?
- Resources available: What are the financial, technical and human resources that the different stakeholders (public, civil society and UN organizations) have allocated to programmes addressing VAW?
- Capacities to address issues related to VAW: i) What are the constraints that prevent public sector agencies, the UN agencies and civil society from implementing programmes on VAW? ii) What are the capacity gaps of identified stakeholders that need to be strengthened to effectively implement such programmes? iii) What are some of the strategies required to develop such capacities?
- Priorities for action

2.5 Limitations of the study

Stated below are a number of difficulties encountered during the study:

- The unavailability of statistical data at all levels, i.e., from state services, NGOs and associations
- The problem of stakeholder availability in the Kadiogo, which consequently postponed the data collection process in Ouagadougou
- The labor union's 72-hour strike that coincided with the beginning of the data collection process, also resulting in the delay of many fixed appointments

Furthermore, several limitations had to do with the dependence on the database of the three surveys carried out by GTZ, MICS and DHS. These studies did not enable the measurement of the practice and prevalence of VAW at a national level. In fact, with the DHS and the MICS survey data, there was no measure of the scale of VAW, rather of perceptions of the reasons for VAW. As far as the PROSAD/GTZ study was concerned, the measure of the scope of VAW was particularly biased because it only concerned the East and the South-West. In addition, the

approaches employed to try to understand VAW by the DHS and by the MICS did not allow for the understanding many different variables of the phenomenon.

Measuring the scope of VAW, moreover, is quite a complex exercise. Domestic violence, for instance, remains a taboo subject rarely mentioned outside the family environment.

Furthermore, the legal and judicial services visited during the survey often had difficulties in providing data. Sometimes data existed but was incomplete or did not correspond to chronological criteria. This report, therefore, has chosen to illustrate such data in a few geographical situations.

Clearly, then, it is extremely difficult to measure with perfect accuracy the scope of VAW in Burkina Faso. Nevertheless, the data collected on VAW during 2007 and the first quarter of 2008 serves to edify us, to some degree, on its different forms and general prevalence within the country.

III. VIOLENCE AGAINST WOMEN IN BURKINA FASO

3.1 Forms and incidence of violence against women

The literature review and qualitative survey revealed the various forms of VAW that exist in Burkina Faso.

According to the information provided by judicial services (the national police, gendarmerie, and some select ministries, notably the Ministry of Social Action and National Solidarity {MASSN} and the Ministry for Women's Empowerment {MPF}), the three most prevalent forms of violence in Burkina Faso are:

Domestic violence: This occurs through battering, rape, and early and forced marriages. The analysis of the different typologies of violence exercised against women demonstrates that domestic violence is the most common. This confirms the data collected during the PROSAD/GTZ study, which stated that 33.5 per cent of the interviewed women declared having suffered violence during the previous twelve months. In addition, 30.6 per cent of men (married or having at least a daughter) recognised having exercised violence on their wives or daughters in the previous twelve months.⁴

Rape: Such cases occur increasingly in the Hauts-Bassins, where it is the primary cause of violence for which women resort to legal services. This situation has been confirmed in the different interviews conducted with social workers, the police and associations. In fact, all of these parties expressed concern about rapes perpetrated by teenagers, whose numbers are

⁴ CERFODES/GTZ-PSV-DHTE (2007).

underestimated. Rapes mainly occur in public places, including open spaces, abandoned houses, playing fields and in precarious neighbourhoods like Lafiaboubou or Sarfalaoa. The president of the Association of Repatriated Women of Sarfalao expressed her confusion and dismay regarding the matter: “We are exposed to this type of violence because men know that we do not have our husbands with us. For perpetrators, we are easy victims, because our husbands left us behind and the only boys who can defend us in case of assault are our children.”

Early marriage and forced marriage: This type of violence is committed against young girls. Forced marriage is still rampant all over the country, especially in rural areas. Early marriage is known for being prevalent in Sahel and in the East among the populations of the Fulanis and Gurmanché. This type of violence, furthermore, may be even more prevalent than what is officially reflected in figures.

In fact, during a focus group discussion, women explained that violence committed by men against their wives happened daily: “Violence is such a product of the habits of most of our men that we even consider such acts as part of their second nature. When we can no longer stand it, we bring it to daylight through disputes with blows and abuses on both sides” (focus group discussion, women aged 25-49, Kampti).

3.1.1 Physical violence

Physical violence refers to the use of force or power against women and girls, which can result in a visible or non-visible effect on her body, her psychology and her development. This type of violence often manifests in actions such as throwing an object at a person, pushing, grasping, shaking, slapping, beating with an instrument, kicking, punching or biting, strangling, lethal blows and homicide.

The phenomenon of beating women is widespread but scarcely denounced; it is very difficult, then, to have an accurate idea of the extent to which it occurs. In fact, the GTZ study even went as far as stating that only insolent women who did not respect their families or their spouses reported abuses to legal or judicial services. VAW, however, is rampant all over the country, and seems to be most recurrent in the countryside. In fact, beating one’s wife is frequently considered a “favorite sport” of men in the South-West (GTZ, 2007). In general, being beaten by one’s partner is virtually seen by society as being an accepted part of being a woman. Nevertheless, the protection of human rights is recognised by Burkina law and its violations should be punished accordingly. The Burkina Constitution of 1991 underlines the importance of these rights.

The available data of cases that have been reported to judiciary services (the police and gendarmerie) has helped establish the level of VAW. Based on the existing statistics provided by the judicial services, Hauts-Bassins boasts the highest rate of VAW with 47 reported cases, followed by the Centre-West with 42 cases, the Sahel and the Centre with 27 cases, and finally by the Central Plateau with 20 cases. These figures, however, must be analysed with caution, as the high number of reported cases in Hauts-Bassins does not necessarily mean that this is the region where VAW most occurs. In fact, it might even indicate that this region is merely where women have more freedom to utilize judiciary services.

3.1.2 Psychological violence

In addition to physical violence, there exists a multitude of behaviours and attitudes that have proved to be harmful to the personalities of women, their image and to their own interior balance. These behaviours and attitudes form types of abuses that are frequently expressed insidiously such that their impact is pernicious. Normally, this type of violence - about which the law is often ignorant - consists of cultural views and practices. Forms of moral and psychological violence can be found in the following contexts:

In the domestic environment:

- *All kinds of insults and forms of humiliation:* Ridiculous nicknames, public reproaches, threatening, blackmailing, unjustified criticisms, intimidation, isolation or reclusion, manipulation, repudiation, belittling, etc.
- *The refusal of responsibility by husbands to support their families:* Not providing food, children's clothing and education, schooling, health care, etc. This type of violence is characterised by a total or partial refusal of responsibilities by the husband, placing the woman in a situation of abandonment. This situation is common in towns as well as in villages. In rural areas, the prolonged exodus of the spouse has been noted as a plague that puts a significant number of women in an impossibly difficult situation, as most suffer from the inability to decide independently, lack of freedom of movement and to control their maternity, etc. If the rate of contraception use remains still low (less than 15 per cent) throughout the country, it is undoubtedly linked to the reluctance of husbands to let their partners choose family planning methods. In Zorgho, for example, a woman from an association who was interviewed reported that "those women who secretly choose to use a contraceptive method are often compelled to stop suddenly once their husbands discover or suspect them". In fact, the ability of women to choose family planning methods free of their husbands' influence is a markedly rare situation in Burkina Faso. Conventionally, women remain under the authority of men, a situation confirmed by a recent analysis conducted⁵ by UNICEF (June 2006), which stated that of all the regions in the world, rich and poor, Burkina Faso is among the countries in which women decide the least for themselves. In fact, 74.9 per cent of women in Burkina Faso stated that it was only their husbands who make decisions regarding their health, i.e., seeking care for them when they are sick. Moreover, 55.9 per cent of Burkina's women have partners who make decisions regarding their daily household expenses, and 61.5 per cent have partners who decide when they should visit their family or friends. This issue remains critical in Burkina Faso where the patriarchal organization of society and the strong attachment to customs and

⁵ UNICEF - Calculations based on data derived from Demographic and Health Surveys, 2006.

traditions among most ethnic groups continue to keep women in a state of submission and considered as property.

- *The practice of demeaning post-menopausal spouses or favoring younger spouses:* This is common within some Muslim congregations. This custom can consist of taking on a fifth spouse, or least creating the conditions necessary in order to take on more than the number of wives allowed in Islam, namely four. Generally, men will create these conditions allowing them to take on an extra spouse by freeing one wife, generally the oldest, from all marital duties, i.e., sexual intercourse, obligation to cook, etc. This practice allows the husband to take on another spouse to replace the one who has been demeaned. “Overnight,” said the president of The Association of Muslim Women of Zorgho, “men decide that you are no longer a woman! Those who have the means and a bit of humanity continue to take care of you materially; otherwise you are left to yourself!”
- *The demeaning or the desertion of infertile women:* In almost all the ethnic groups in Burkina Faso, failure to give birth to a child is always considered a woman’s fault and not that of the husband. In some areas, particularly among the Senoufo or the Gourounsi, women who do not have children are often banned from participating in social events. They live daily under the threat of repudiation from their spouses and families-in-law; some customs even allow their replacement by one of their sisters. A representative of an association in Boussé put it this way: “When, at the end of two or three years, your wife has not been able to give you a child, the custom authorizes you to return her to her parents, who are to give you another one.”
- *The repudiation of women who have given birth to girls:* In many traditional communities, men are considered to have no biological responsibility for their wives giving birth to girls, despite how science has demonstrated that it is biologically the man who determines the sex of the child. This practice draws from the patriarchal spirit dictating that one’s heritage is passed on through sons and not daughters. A representative of an association in Zorgho had the following to say regarding this practice: “If a woman has only girls, she is not as repudiated as those unable to bear children, but she can still suffer from moral violence in her family.” This phenomenon is particularly visible among the Mossi and other related ethnic groups.

In schools:

Psychological violence in schools occurs frequently, and often takes on the following forms:

- Humiliating insults made by teachers regarding the physical appearance of girls
- The perpetuation of female stereotypes
- Chores assigned only to girls, i.e., sweeping, dishwashing, washing clothes, teachers’ personal domestic chores, etc. There are instances of belittling comments made regarding

girls' inferior ability to perform in certain areas exist - an example of such a comment would be, "Mathematics is not for girls; they are only good for cooking and sewing."

In the workplace:

In the workplace, women are victims of various types of violence that affect them morally and psychologically. As a result, they are thereby excluded from certain responsibilities and are discriminated against in the area of career promotions.

On the street:

Violence on the street consists of offensive actions toward women in public places, many of which demonstrate popular prejudices against women, i.e., those regarding women essentially as slaves and prostitutes, and as weak and less intelligent.

3.1.3 Sexual violence

Sexual violence is defined as "any sexual act, attempt to obtain a sexual act, comment or advances of a sexual nature, or acts directed at the sexuality of a person" (World Health Organization {WHO}, 2002). Sexual violence is a pervasive global health and human rights problem. In some countries, approximately one in four women experience sexual violence with an intimate partner. Sexual violence – i.e., obscene words, sexual mistreatment, rape, incest, child molestation, sexual harassment, circumcision, etc. - has profound, immediate and long-term consequences on women's physical and mental health.⁶ Young girls and women are increasingly becoming victims of sexual violence including rape, sometimes occurring within the family. During the data collection process, it was noted that cases of rape among young girls are becoming more common and have had extremely harmful consequences. In Gorom-Gorom, three recent cases of rapes of minors had been reported. The perpetrators, furthermore, are often immediate neighbours of the victims' families. In the region of Bobo Dioulasso, rapes are generally perpetrated by adults or neighbours against girls whose parents are poor. When there is evidence of rape, moreover, the rapists often use their financial means to make sure that people remain silent. The rape of girls above 15 is also quite frequent but little exposed, while the rape of minors generally remains hidden and is only denounced when there are serious injuries requiring professional care. The fact that few cases of rape go reported makes it extremely difficult to accurately determine the scope and geographical prevalence of rape in the country. Nevertheless, the testimonies collected in the targeted regions give us a relatively good idea of the nature of this type of violence. For example, the data revealed that many women's rapists formed part of the same "big" family. In Hauts-Bassins, the gendarmerie recorded 117 cases of rape of minors, a number much higher than in any of the other five targeted regions.

⁶ http://www.who.int/gender/violence/sexual_violence/en/index.html

Conjugal rape is also a patent reality. “It occurs on a daily basis,” reported all the interlocutors of associations the authors encountered. Women who refuse to have sexual intercourse with their spouses suffer physical or moral violence. Often, wives are forced to have sexual intercourse without their consent even when the husbands show visible signs of sexually transmitted infections. Such cases are very common and remain sources of physical and moral violence.

“After getting married, my husband and I moved to Bobo. When I was pregnant with our first child, he told me to come and deliver the baby in Ouaga. He came for the baptism and told me to stay with his parents, and that I would join him as soon as the child was weaned.

I waited for three years without any news. I was living in a village about 10 km from Ouaga with my family-in-law. One day, after taking part in a wedding in Ouaga, I was going back home at around 6 p.m. On my way, a gunman raped me and I got pregnant.

I wanted to get an abortion but was unable to. An organization that supports women in difficult situations took care of me until I delivered the baby.

Because my husband had still not returned, another man wanted to marry me, to whom I explained my situation. He promised to give his name to the child. We got married, but soon after, he reconsidered his initial decision to adopt my child. What is the future of this child born of a rape? Every time I see him, I am traumatised, because of the images of the rape that come back.”

G.R., a rape victim who gave birth to her rapist's baby

Sexual harassment is becoming more and more of an urban phenomenon that takes place primarily in the workplace and in schools. A 2004 study conducted in 11 provinces among 279 people (by the NGOs Marche Mondiale des Femmes, National Action of Burkina Faso and the Pugsada Support and Awareness Association) showed that 56 per cent of the people interviewed had been victims of sexual harassment - a phenomenon which mainly occurs in urban areas and in public and private places - including girls' homes, school and learning centres.

In high schools and universities, sexual violence often occurs through threatening to give girls low marks if they refuse sexual advances.

In professional environments, sexual harassment is the most common type of violence, as revealed in the study carried out by the Pugsada Support and Awareness Association. Sexual violence in public places is more and more common in urban areas, as well as during cultural events in villages. In big cities, women walking down the street suffer from groping, gender-based insults, and individual and gang rape.

Meanwhile, victims of rape in public places are often girls on their way to school, as well as hawkers and mentally disabled or wandering persons.

In Hauts-Bassins, some rapes are called “train” or “ship”, which refers to the collective rape of a female. This form of rape often occurs in abandoned places.

3.1.4 Economic violence

Economic violence encompasses all forms of trespasses on the economic property of woman. In many communities, people continue to deny women access to production means, such as land and trade objects. Only a few populations in Burkina Faso acknowledge women's right to own property. In fact, women themselves are generally considered their families' property in the broader sense.

At the domestic level, women are often denied access and control of resources in their families and in their homes. Amnesty International reports that in Thanghin Dassouri, a few kilometers from Ouagadougou, when a woman's husband dies, instead of inheriting his property her brother-in-law often takes it over. In addition, in some cases, when women do acquire land from men, it is often infertile.

In other cases, when levirate marriages have been forced upon women, they are also dispossessed of their family property following the death of their spouse.

The Fund for the Support of Income-Generation Activities for Women (FAARF) experienced firsthand the repercussions of property denial faced by women. In Zorgho, in the Central Plateau, 90 per cent of women who benefited from credit were unable to do anything with it, as their husbands seized the credit. All over the country, particularly in rural areas, women by no means have total control of the profits resulting from their small trades. Many women's organizations contacted during the baseline assessment declared that denying women access to land was a major type of violence in the rural world.

3.1.5 Political violence

Some women reported difficulties in accessing positions of high responsibility in mixed community organizations and political parties. This has been confirmed at the state level, where until now, most appointments of women to ministerial positions are limited to positions that are essentially extensions of their existing social roles (MASSN, MPF, etc.) A representative of a women's association in Boussé pointed out that in CBOs, "there are few women looking to be the organization's president, not because of their lack of ability, but because men are not yet prepared to let themselves be led by a woman". This situation, the authors found, is somewhat less noticeable in regions such as Mouhoun, the South-West and Hauts-Bassins, where the populations are more open to female political participation.

3.1.6 Cultural violence

Female genital mutilation (FGM)

Female circumcision is a social plague that has harmful and often irreversible consequences on the physical and mental health of victims. WHO defines FGM as “any intervention including the partial or the total removal of the external female genital organs and/or any intervention carried out on the female genital organs for a non-medical reason”. Generally, these mutilations are part of traditional rituals meant to prepare young girls for their future lives as adults. In Burkina Faso, first-degree circumcision, which consists of removing part of or the whole clitoris, called clitoridectomy, is the most prevalent form of FGM practised. According to DHS 2003, 77 per cent of women in Burkina Faso have experienced FGM and 30 per cent of women aged 15 to 49 have a daughter who has been circumcised (Bonkoungou, 2005). In Burkina Faso, this practice is most common in rural areas. Furthermore, the predominance of FGM is particularly notable among animists with 61 per cent of them practicing FGM, compared to 32 per cent of Muslims, 23 per cent of Catholics and 14 per cent of Protestants⁷.

Almost all ethnic groups in Burkina Faso, however, practise circumcision. The prevalence rate of FGM is 81.5 per cent among the Mossi, 76 per cent among the Lobi, 69.6 per cent among the Bobo and 39.1 per cent among the Gurunsi. FGM is not only a form of unthinkable discrimination against girls, but is also harmful to the health of women and girls and must be abolished. The sanctions against FGM in Burkina Faso since the revision of the Penal Code in 1996 has rolled back the practice, but it nevertheless continues to be carried out clandestinely, facing only small pockets of resistance.

Table 3: Prevalence Rate of Circumcision by Region of Residence

N°	Region	Prevalence rate (%)
1	North	63.08
2	Central Plateau	62.63
3	Sahel	57.34
4	Centre-East	56.22
5	Hauts-Bassins	54.69
6	Mouhoun	54.66
7	Centre-North	50.46tabl
8	Cascades	48.13
9	Centre	45.58
10	Centre-West	44.77
11	East	37.75
12	Centre-South	37.65
13	South-West	31.92

Source: Assessment of the Actions of the CNLPE, 2006

⁷ DHS-III 2003.

Levirate marriage

Levirate marriage is a customary practice, which consists of forcing a widow to remarry a relative of her former husband. This remarriage is set as a condition to the widow and her children remaining accepted among the family. In Burkina Faso, levirate marriage is a common practice among many ethnic groups such as the Mossi, Gourmantché, Lobi, Dagara, Samo and Gurunsi. With the HIV/AIDS pandemic, levirate marriage has occurred less; nevertheless, the reasoning behind levirate remains a reason for the social exclusion of widows.

The Burkina Association of Widows and Orphans (AVOB), which operates in several regions in the country, reported a significant number of cases of violence against widows, such as their inability to inherit their husbands' property, physical abuse, marginalisation, and threats of hidden reprisals in the case of widows refusing to marry one of their former husbands' brothers. Violence against widows is common in towns as well as in rural areas, and often affects educated people.

Moreover, widows are the victims of humiliating and degrading rites like being deprived of the ability to take a shower until their heads are shaved, a customary procedure. This waiting period can last one to three years and occurs most among the Dian group, which is part of Lobi/Dagara ethnic group.

Widow P. is a victim of violence. After her husband died, her sister-in-law declared herself the legal guardian of Widow P.'s children. After receiving the orphan's pension, the sister-in-law became a trader and settled in Côte D'Ivoire, leaving the children to their own fate. The children are now living alone in the compound where they are far from their mother, who no longer has any contact with them.

Forced and early marriage

Forced marriage consists in giving a young girl, without her consent, to another family through marriage. People consider the trade of women between social groups as a way of perpetuating relationships. In most cases, the promise of marriage is acquired at birth or during a girl's childhood.

Sometimes, the age difference between a girl and her future spouse can be enormous; in some cases, the bride is 30 to 50 years younger than her spouse. Marriage is at times forced upon girls before they even reach puberty (9-12 years), in which case the practice is referred to as early

marriage. Forced marriage occurs throughout the entire country but is more commonly practised in rural areas rather than in towns. The practice is most common among the Sahel populations.

In many villages, early and forced marriages and kidnappings are quite common. In Gourmantché, the kidnapping of girls is even considered a symbol of bravery and dignity. According to an official from the East, “Kidnapping a girl is showing to the community that one has become mature. Kidnapping girls helps one earn the social status of an accomplished adult. Very often, after kidnapping a girl, a man will raise a flag in his compound to serve as a testimony to the community that he is now to be considered as among the strongest and most respectable men in the village.” In the province of Oudalan, early marriage is regarded as the main solution to maintaining the family’s honor, expressed through the daughter’s virginity.

Sometimes, early marriage and the kidnapping of girls are attributed to economic reasons. In fact, one teacher in the Sahel region noted, “For some parents, girls are ‘economic property’ in which one has to invest early on in order to generate interest ; if not, allowing them to spend a long time in school can result in the double loss of potential income and of social standing.”

While early marriage is most prevalent in Sahel, forced marriage is most recurrent in the Central Plateau, Hauts-Bassins and in the Mouhoun and KénéDougou, particularly among the Bobo, Wynié, Nounouma, Senoufo and Siamou groups.

Social exclusion for practicing witchcraft

Social exclusion for witchcraft is most widespread among the Mossi population (MASSN, 2006). In a 1996 survey conducted by the National Institute of Demography and Statistics (INDS), it was noted that elderly women were most at risk of being socially excluded. The number of care centres targeting “witches” contains almost exclusively women. This trend, furthermore, has been overwhelmingly confirmed by statistics derived from interviews with the owners and social workers of such care centres:

- Delwendé Centre: 400 women out of 400 tenants
- Cour de Solidarité of Sector 12: 84 women out of 85 tenants
- Téma Bokin Centre: 40 women out of 40 tenants
- Nouna Centre: 65 women out of 126 tenants

The people accused of witchcraft are generally elderly women above 40 years of age, are widows, women who have reached menopause, or women who have no children or whose children have migrated. Women accused of being “soul eaters” – i.e., witches - are considered weak and often do not benefit from any kind of social support. Apart from the profile described above, in societies where people believe in witchcraft, there also generally exists a typical physical profile of sorcerers and sorceresses. According to a survey carried out by Remy Taïta

(quoted in the study of the MASSN), “people who have ‘red and venous eyes, swellings at the elbows or very fair skin are automatically considered as sorcerers or sorceresses.’” In the Nounouma societies of the Mouhoun, women who have hair on their chins or who are hairy in general are also referred to as sorceresses (Neya, 2006).

In the Central Plateau, the traditional practice of *tinsé* is frequently seen, in which the accused and the accuser confide the settlement of their dispute to the ancestors through a ritual that they undertake.

Table 4: Violence against Women in Three Regions of Burkina Faso

Nature of violence	Witchcraft	Circumcision	Forced/ Early Marriage	Tinsé	Unwanted/ Contested Pregnancies	Forced Abortion	Rape	Threats/Threats of Death	Battering	Sexual Harassment	Sequestration	TOTAL
Ziniaré	3					1			5			8
Zorgho	5		10						12			27
Boussé	5		15	30	10		1		3			64
Total Central Plateau	13		25	30	10	1	1		20			100
Gorom		6	21		6				4			37
Health Gorom							6					6
Dori			4				2		23		1	30
Total Sahel region		6	25		6		8		27		1	67
DPASSN SAHEL		1	6		14			13				34
Total Koudougou Region	2	3	10		17	2	2	3	42		1	82
Hauts-Bassins Region		32	23		2	2	19	17	47	3		245
TOTAL	15	42	99	30	49	5	12	35	136	3	2	528

Source: Territorial gendarmerie brigades and the DPASSN of Sahel, period from 2007 to the first quarter of 2008

3.2 Measuring the acceptance of VAW

During the 2003 DHS/BF, in order to measure the extent to which VAW was accepted, people were asked whether they would accept such violence if it were carried out because a wife did one of the following five things:

- - Go out without telling her husband
- - Neglect the children
- - Contest or argue with her husband
- - Refuse sexual intercourse with her husband
- - Burn food

Generally, men and women had no problem with a woman being beaten for contesting the authority of her husband. In fact, 55 per cent of women found it normal to be beaten for going out without informing their husbands, while 56 per cent found it acceptable to be beaten up for arguing with their husbands. In reality, one out of every five men regularly beats his wife for these same reasons.

The other reasons for which women are often beaten are also gender-related, i.e., related to taking care of the children, considered a task solely for women. About 57 per cent of women reported that being beaten for neglecting the care or education of their children was acceptable. Interestingly, there were few men and women who found it acceptable for women to be beaten for refusing sexual intercourse with their husbands or for burning food.

According to the MICS survey, domestic violence was found acceptable by the majority of women interviewed. In fact, seven out of 10 women (71 per cent) found it legitimate that a husband beat up his wife for going out without informing him, for not taking care of the children, for arguing with him, for refusing to have intercourse with him and for burning food. This proportion reached 59 per cent in urban areas and a staggering 76 per cent in rural areas. Even among women who had never been married or engaged, 61 per cent thought that husbands could beat their wives for at least one of the reasons mentioned; this proportion grew higher among married or engaged women (74 per cent).

Generally, the perception of the right of a man to beat his wife evolved based on the educational levels and age of women. That is, about 77 per cent of women without an education thought that a man could beat his wife, compared to 67 per cent of women who had received primary education and 42 per cent of women who had received secondary or higher education. Age was also a factor in the extent to which women accepted domestic violence; among women 15-19 years of age, 76 per cent found it acceptable for a man to beat his wife, compared to 76 per cent among women 45-49 years of age. This gap, although relatively small, can be explained through a simple generational observation: young women are more favorable to change, whereas older women tend to be more conservative.

The relative wealth of women also played in a role in how they viewed domestic violence; the tolerance of domestic violence was lower among women coming from richer homes (58 per cent) and higher among the lower quintiles (between 74 per cent and 77 per cent).

Finally, young married women were more subject to think that it was acceptable for a husband to beat his wife. The age difference between partners also contributed to the dynamic of abuse and authority and to the increased chances of becoming a widow prematurely.

Table 5: Distribution of Women (15-49 years old) and Men according to their opinions on VAW and on the Reasons for VAW

Opinion on violence against women: should it occur or not?	Normal to beat a woman if she goes out without telling her husband		Normal to beat a woman if she does not take care of the children		Normal to beat a woman if she argues with her husband		Normal to beat a woman if she refuses to have sexual intercourse with her husband		Normal to beat a woman if she burns food	
	Women	Men	Women	Men	Women	Men	Women	Men	Women	Men
No (%)	43.1	73.3	40.4	71.2	41.2	73.6	56.4	78.3	70.8	81.9
Yes (%)	54.7	22.7	57.3	21.4	55.7	21.4	37.6	16.0	2.4	13.9
No opinion (%)	2.2	4.0	2.2	4.0	3.0	5.0	6.1	5.7	2.8	4.2
Total (%)	100	100	100	100	100	100	100	100	100	100

Source: DHS/BF-III, 2003

After a thorough analysis focused on women using explicative variables such as region, place of residence (rural/urban), level of education and ethnic group, significant differences emerge. Eighty per cent of women from the Sahel region found it normal that men beat their wives when she went out without informing him, compared to about 29 per cent in the East. In the Centre-West (64.4 per cent), the Centre-East (63.6 per cent), and Mouhoun and Cascades (62 per cent), women also found it normal that men control their freedom of movement.

Table 6: Distribution of Women by Region according to Their Opinions on VAW Linked to Restrictions on Going Out

Region of Residence	NO		YES		No opinion		Total
	Number	%	Number	%	Number	%	Number
Ouagadougou	454	65.90%	218	31.60%	17	2.50%	689
Loop of the Mouhoun	337	36.60%	571	62.00%	13	1.40%	921
Centre (minus Ouagadougou)	180	51.30%	162	46.20%	9	2.60%	351
Centre-South	447	54.40%	351	42.70%	24	2.90%	822
Central Plateau	349	32.20%	672	62.00%	63	5.80%	1084
Centre-East	293	34.70%	537	63.60%	14	1.70%	844
Centre-North	459	47.50%	484	50.10%	23	2.40%	966

Centre-West	444	34.00%	840	64.40%	21	1.60%	1305
East	532	69.50%	219	28.60%	15	2.00%	766
North	482	56.40%	344	40.30%	28	3.30%	854
Cascades	332	36.70%	560	61.90%	13	1.40%	905
Hauts-Bassins	522	45.50%	608	53.10%	16	1.40%	1146
Sahel	147	19.20%	611	79.70%	9	1.20%	767
South-West	394	37.30%	650	61.60%	11	1.00%	1055
Total	5372	43.10%	6827	54.70%	276	2.20%	12475

Source: DHS/BF-III, 2003

This section provides an analysis of both the immediate and underlying factors contributing to VAW. Common discourse on VAW uses the terms “cause” and “factor” indiscriminately; a more nuanced approach, however, refers to “factors” as elements contributing to the occurrence or perpetuation of VAW. The following section also analyses the consequences of VAW in Burkina Faso, not only for the victims, but also for society as a whole.

3.3 Factors/Causes

3.3.1 Contextual factors

Generally, VAW in Burkina society stems largely from the patriarchal system that governs and the value systems that underlie the society, dictating the norms of conduct and perpetuating existing sexist stereotypes to the detriment of women.

Contextual factors include unequal relations between men and women: the belief in the superiority of men, the ownership rights of men over women and girls, the status of men as the undeniable head of the family, the acceptance of violence as a normal cultural fact, and initiation practices such as circumcision. All these factors find themselves reinforced by the country’s educational system and the structural organization of society.

Consequently, women themselves and their families accept these forms of violence as “normal”. In fact, during the DHS-III survey, women themselves were able to identify reasons that would justify being beaten by their husbands.

3.3.2 Institutional and political causes

Institutional and political causes are those related to the organization of public services that aim to implement and enforce victims' prevention and protection laws. In this area, it has been noticed that impunity and even the trivialisation of violence - mainly of domestic violence - is prevalent, even among those whose job it is to punish perpetrators of domestic violence, i.e., the police, gendarmerie and justice system. Violence occurring in families is considered a private issue, which reduces many women to silence and forces them to accept being victims of domestic violence. In addition, where judicial services do exist, they are often far away from people's homes and women face difficulties accessing them. Furthermore, the very limited number of women employed by police and gendarmerie services, and generally in decision-making positions, must be considered when analysing institutional causes.

3.3.3 Economic causes

For women, economic causes include:

- Forced economic dependence on men
- Limited access to resources and credits
- Denial of access to community land development and to their pensions after being divorced or widowed
- Limited access to education and training possibilities

3.4 Factors contributing to the occurrence and maintenance of VAW

Among these factors figures the social group to which victims belong, which often renders them more vulnerable to violence. The most vulnerable social groups of women include refugees, migrants, women living in rural or remote communities, women without resources, prisoners, young girls, girls living on the street, sex workers, and disabled, elderly and HIV-infected women.

There are also external factors (the influence of the media, services offered by video rental shops, the Internet, pornographic films, the failure of parents to fulfill their responsibilities and so on) that play a role in perpetuating violence.

Some stakeholders mentioned polygamy and alcohol and alcohol abuse. Alcohol abuse is considered a major source of VAW, prevalent in communities where the consumption of traditional beer is very high (such as in the South-West).

3.5 Consequences

Violence against women and girls is a denial of basic human rights that leads to harmful consequences that harm the physical and mental health of women and girls. Physically, it can lead to lifetime handicaps

or even to death. Mentally, women lose self-confidence and self-esteem as a result of VAW, while sexual violence leads to higher rates of STIs and HIV/AIDS among women. According to the WHO (2006), at the international level, the physical consequences of rape and sexual violence cause up to five per cent of harmful disease among women.

Some victims of VAW remain traumatised for life, while multiple domestic disputes can result in family dislocations that can lead to harmful consequences for children, such as juvenile delinquency, dropping out of school and prostitution.

Meanwhile, the impact of VAW on the societal scale is horrific, constituting an obstacle to nearly all forms of equality in society - judicial, social, political and economic. VAW has an impact on the productivity of women and affects their economic and social development; furthermore, in terms of medical care, the cost of VAW for society is considerable given the high costs of treatment of serious physical injuries and psychological problems. Treatment of victims consumes a tremendous amount of resources in health services, the capacities of which are already diminished in low-income countries like Burkina Faso.

Girls who witness violent treatment of their mothers by their fathers or fathers-in-law, moreover, are likely to accept violence as a normal part of marriage.

3.6 The main stakeholders

Stakeholders involved in the fight against VAW include:

- Civil society
- Political and state institutions
- Technical and financial partners

3.6.1 Civil society and their main strategies of intervention

Burkina Faso abounds in NGOs and associations that collaborate with the Burkina Government in the implementation of sector policies. In the context of VAW, the civil society key players from can be classified into two groups:

- **Those who work for the promotion and the protection of women's rights and the empowerment of women by using a gender focus in the elaboration of their projects and programmes.** This includes the majority of international NGOs such as Plan International Burkina, Catholic Relief Service, Oxfam, Amnesty International, OCADES, WORLD Relief, etc., and a number of local NGOs, associations and national CBOs working in different regions.

- **Development NGOs and associations whose primary role is the promotion and/or the protection of women’s rights/human rights**, among which figure a significant number of women-focused associations. Examples include: the Eveil POGSADA association for forced marriages, the AVOB fighting violence against widows, the Mwangaza Group Fighting Circumcision, Marche Mondiale des Femmes, COBUFADE, Promo-Femme /Développement Solidarité which combats all types of violence, RECIF/NGO, GASCODE, etc.

Each category of stakeholders plays its part in advocacy based on its sphere of intervention, its focus, and its logic and approach to intervention.

Methods, approaches and strategies for intervention developed by civil society key players are numerous and varied, but can nevertheless be grouped into three major strategies that cover the prevention and the management of victims, including sensitisation through educational, communication and cultural activities, support and counseling, assistance, and accommodation possibilities through care centres.

Prevention activities are essentially carried out by sensitisation through the implementation of educational, cultural and communication-related activities: theatre forums, film screenings followed by debates, lecture forums, the mass media (community radios, periodicals, advertisement gadgets, etc.), PICs (communication integrated plans), advocacy, etc. In this field, a few innovative approaches were tested and documented. Among them included:

- **The peer education approach** consists of having people channel messages on behavioural change to those of the same age group (young people reaching out to young people, for example).
- **The human rights-based approach (HRBA), which among other things has been used to encourage the abandonment of circumcision**, has been successfully applied through a partnership between Mwangaza, Pop Council, GTZ and TOSTAN. This approach focuses on the aspect of human rights violations when it comes to circumcision or other types of harmful practices, drawing attention, furthermore, to the legal consequences of such practices.
- **The community leader approach** involves community leaders in identifying problems and finding solutions accordingly. The approach gives greater importance to provincial and departmental meetings and trainings, and to the advocacy and mobilisation of leaders (politicians, administration officials, traditional and religious leaders, representatives of youth and women’s associations) and their involvement in sensitisation activities. This management strategy is developed through moral, psychological and/or housing support when necessary
- **Counseling services** are set up by a number of key players in the form of call centres that inform, advise, guide and assist **victims of violence** in finding proposed solutions. In some cases, these services are accompanied by medical, psychological and financial assistance depending on the players’ means.

In order to bring services closer to rural areas, some stakeholders like the GTZ have adopted an approach called “legal adviser at the community level”, which consists of training the members of associations at the community level to help them popularise the Acts dealing with women’s human rights, and with counseling and other forms of assistance to women who are victims of violence.

Reception and accommodation centres are often reserved exclusively for girls and women in need. In cities outside of Ouagadougou and Bobo Dioulasso, these centres are generally set up by missionaries and accommodate young girls who have fled forced marriage. A dozen of them exist in the town of Ouagadougou (PROCEB, CARMEN Kisito, AMPO/MYA, etc.) and a few of them have been placed in urban areas around the country. The maximum stay in these centres is limited to three months, while the greatest difficulty lies in the lack of resources in providing appropriate care. This is, for example, often the case in centres created by missionaries; one of these centres visited by the consultants during the field mission revealed the derelict conditions of accommodation offered to girls. Moreover, according to the Sister Superior of the Catholic Mission of Zorgho, the girls have to do some handicraft work (producing soap, millet beer or dolo, etc.) to meet their needs.

Many studies on VAW, such as research related to FGM and forced and early marriage, were carried out upon the initiative of CSOs. While these studies helped to identify related problems and adopt adequate strategies, they were no doubt limited by the complexity of the issues addressed and the selective geographical coverage.

In order to help community members develop appropriate sensitisation methods, trainings have been initiated in several regions, which feature key players at the central and decentralized level. These competence buildings are generally on violent-specific themes using IEC, advocacy, project management, etc.

Civil society stakeholders play an important role in assisting the government in implementing strategies. They are often familiar with the environment and know the field very well, and are generally more efficient because of their level of integration in the population and their ability to serve as a channel between regional and national levels. In areas where dynamic associations are operating, changes are perceptible. In fact, according to the work of community key players, and according to several annual activity reports, initiatives carried out in certain places have brought about real change. For instance, it has been observed that the phenomenon of circumcision has decreased in the villages of the Kadiogo, Bazéga and Boulkiemdé wherein NGOs have employed community educators. According to the officials of the association, the NGO community educators who live in these villages had reported no case of circumcision for the previous four years.

The interventions of GASCODE in Ziniaré - through coaching and support provided to small community-based associations - have also resulted in a significant decrease in forced marriages. However, due to the lack of financial resources, the accommodation offered by the Christian centre in Ziniaré is set to close.

Initiatives of efficient collaboration between associations, furthermore, do exist. For example, in Ziniaré GASCODE provides technical support to other associations by helping to reinforce their capacities through training on issues like FGM and presentation skills, through coaching during field presentations and by providing theatres, film materials, etc. By doing this, GASCODE helps expand the scope of interventions and enforces the skills of these other associations.

The 16-day activist campaign is also an efficient example of collaboration between key players that helps place the issue of combating VAW on the national stage. The coalitions of NGOs and associations such as RECIF/NGO, CBDF and COBUFADE, along with the network of associations and NGOs reaching out to girls in need also showed results in the area of consensus building.

Yet despite the effort made by civil society key players, several overarching weaknesses have been reported. Among them include:

- Lack of coordination and consensus building resulting in duplicating efforts - in several regions, for example, it was found that two or more key players would sometimes be working toward achieving the same goals in the same villages, using the same methods.
- Spreading contradictory messages due to lack of consensus building and harmonisation - to address this problem, a plan for developing thematic modules on VAW has been developed by MPF with the financial support of GTZ.
- Lack of training of key players and of permanent staff - at times, players make presentations on topics without having received proper training, while community educators are usually volunteers.
- Lack of financial autonomy - many activities depend on regular financing or on the implementation of temporary projects. When these activities are unable to financially sustain themselves, it results in a need for services that associations can no longer meet. This can greatly affect the outcomes of sensitisation activities to promote behavioural change; for instance, if a population has begun to give up a harmful practice because of heavy sensitisation, it becomes easy for the population to resume the harmful practice once a slackening of these activities occurs. In the case of circumcision, for instance, where sensitisation has stopped, the phenomenon has spread more than ever.
- The interventions of CSOs are not sufficiently taken into account in national assessments because many key players do not send periodic reports to their associated ministries. This situation considerably reduces the visibility of their contributions.

3.6.2 Government stakeholders

Three main ministerial departments are actively involved in the implementation of policies concerning VAW: the Ministry of Social Action and National Solidarity (MASSN), the Ministry of Women's Empowerment (MPF) and the Ministry of Human Rights Promotion (MPDH).

Ministry of Social Action and National Solidarity (MASSN)

Created in 1994 to meet Burkina society's need for social care services, the MASSN and its decentralized departments operate in six major areas:

- The protection and the promotion of children and adolescents
- The protection and the promotion of the family

- The promotion of national solidarity
- The protection and the social promotion of specific groups, in particular those groups that are more vulnerable
- The promotion of socio-economic and psychological care of people infected with HIV/AIDS
- Building institutional competencies and capacity-building

Ministry of Women's Empowerment (MPH)

MPF was created in 1997. Its current missions include:

- The development of strategies for empowering women and young girls
- Follow-up assessments on strategies for empowering women and young girls
- The promotion of equal rights with a focus on women's rights
- The promotion of women's rights and their rights to reproductive health
- Disseminating information and sensitisation about women's rights in collaboration with the MPDH
- Follow-up assessments on the impact of the interventions of NGOs and women's associations
- The development of follow-up interventions for the implementing the National Gender Policy (PNG) in accordance with the ministerial departments that are concerned

For its implementation process, the MPF has developed the following strategies:

- Sensitisation that targets influential leaders and rural and urban populations urging them to scale back socio-cultural practices that are demeaning to women and that hinder their upward social mobility
- Collaboration through capacity-building activities among civil society key players and providing technical support, i.e. development support and financial support for the PROSAD/GTZ modules on women's rights and VAW
- Advocacy for increased consideration of women's rights in development sector-based programmes
- Translating texts into local languages and promoting texts that endorse women's empowerment

- Proposing acts to fill the regulatory vacuum, mainly in the fields of social exclusion, banishment, sexual harassment and forced marriage, and promoting the ratification of legal instruments that will help empower women
- Support, counseling and assistance to women, particularly to victims of violations

Ministry of Human Rights Promotion (MPDH)

The Ministry of Human Rights Promotion became a full ministry in 2002. It is the state body in charge of implementing national policies related to human rights. In fulfilling its assigned mandate, two major principles guide the action of the Government when dealing with human rights: the protection of human rights and their promotion.

The MPDH's action plan includes:

- Education in human rights
- The reinforcement of the human rights legal framework
- The adaptation of national legislation to the provisions proclaimed by international treaties and agreements that have been ratified
- The promotion, protection and strengthening of civil and political rights
- The promotion, protection and strengthening of economic, social and cultural rights
- The promotion and protection of category rights

Furthermore, the MPDH's advocacy actions include:

- Mass sensitisation campaigns during Citizenship Week, instituted in 2004
- The creation of human rights educational curricula
- The organization of quiz games on human rights for schoolchildren
- The popularisation of acts of collaboration with CSOs (more than 200 out of 500 CSOs work in related fields)

Through their diverse interventions, all these three ministries contribute to the fight against VAW. There are times, however, when their interventions overlap. The MPDH, for instance, works to promote category rights of vulnerable groups, while the MPF and MASSN target women and children, whom they consider to be among the most widely discriminated groups. Because of the intersection of the ministries' activities, consensus building and established shared fields of action is absolutely necessary to achieve greater efficiency and economy of resources.

Other government stakeholders

These stakeholders include ministerial departments and state institutions, including the National Assembly, the Economic and Social Council, the Mediator of the Faso and the Communication High Council. They do not specifically work in fighting VAW, but many are now at the stage of learning how to integrate gender into their strategies. Meanwhile, other ministries like the Ministry of Basic Education and Literacy (MEBA), Ministry of Environment (MECV) and the Ministry of Secondary and Higher Education and Scientific Research (MESSRS) have either created services or strategies that take into account various aspects of VAW.

3.6.3 Public stakeholders

In the implementation process of combating VAW, the Government of Burkina Faso and CSOs benefit from the support of technical and financial partners. The Partners Task Force (PTF) comprises the different bodies of the United Nations system (United Nations Development Programme {UNDP}, United Nations Population Fund {UNFPA}, United Nations Children's Fund {UNICEF}, United Nations Development Fund for Women {UNIFEM}, World Health Organization {WHO}, Food and Agricultural Organization {FAO}, etc.) along with bilateral partners (Germany, Switzerland, the Netherlands, Denmark, Canada, China, etc.).

This support consists of:

- Technical support provided by national and international experts
- Financial support for sensitisation activities
- Research support

Since the adoption of the Paris Declaration, there has been an increased demand for synergy of action in the field of development aid. Moreover, the need to take a gender approach into consideration across development strategies has been unanimously recognised as a condition to achieving development goals. Thus, since 2000, it has been agreed that fostering consensus building and coordination of respective efforts must take place in order to increasingly assist the national party in power in the field of gender. As a result, the Consensus Building Framework in Gender (CCG) was created in 2002 with the following objectives:

- Stimulating the synergy of efforts of the PTFs
- Reinforcing dialogue and improving the exchange of information on gender and development (GED)
- Building the capacities of partners in GED
- Promoting interventions in the gender field

In the area of VAW, the authors have found that some PTF members act indirectly on the issue whereas others are more directly involved. The first case concerns financing gender-focused activities, which forcibly include the fight against VAW. As an example, the WFP has a gender-orientated action plan for the year 2007, the implementation of which takes into account specific needs of women as far as food

security is concerned, particularly the food security needs of pregnant women, nursing mothers and adolescents.

Among the actors involved, one can mention:

- UNICEF is focusing on the fight against FGM and other types of violence, especially those against children, particularly girls
- The GTZ is implementing specific programmes related to human rights and actively promoting the abolition of circumcision
- UNIFEM supported the MPDH in holding a reflection workshop entitled “Human Rights and Violence against Women in 2005”, and has held a reflection workshop entitled “The Constraints to Efficient Law Enforcement against Female Circumcision in Burkina Faso”. UNIFEM is also actively involved in the Task Force of the Joint Programme on VAW
- UNFPA is making significant progress in alleviating violence in the fields of reproductive health, gender and human rights, with a focus on women’s rights. To date, UNFPA is the leading agency for the management of the VAW Joint Programme that has been initiated in Burkina Faso
- UNDP is working toward preventing violence in the field of governance
- WHO focuses on violence in all health-related issues. They have also implemented a regional programme to promote the abolition of FGM
- Bilateral partners also work vigorously on gender-focused issues, especially that of fighting VAW. As an example, the Netherlands Cooperation now works to institutionally support the SP/CNLPE. The CCG also presents a good example of gender-focused interventions, with its members including bilateral and multilateral organizations.

The collective action of PTF members is considerable, especially with regard to the resource mobilisation and technical assistance they provide. However, some weaknesses do exist; some provinces benefit more from the action of PTF members than do other provinces. Provinces in the East and South-West, for example, are the preferred zones of many PTFs. As a result, it is important that a greater effort be made to target different geographical regions equally.

3.6.4 Legal/judicial stakeholders

The legal and judicial institutions targeted by the baseline study were security institutions (the police and gendarmerie) and legal counseling services, particularly judicial services because of their important role in the management of family conflicts. The mandate of legal and judicial institutions will be examined in this chapter by analysing issues of access and recourse to legal and judicial services and through the consideration of legal cases by different types of stakeholders.

1. **Legal services are** services that include counseling, guidance and assistance to victims with problems that cannot be addressed using the legal services offered by the police, gendarmerie and the judiciary. These services are provided by some ministerial departments (MPF, MASSN and MPDH),

by human rights associations and NGOs (i.e., Amnesty International and Associazione Italiana Donne per lo Sviluppo {AIDOS} an Italian NGO), which use them as strategies in their interventions. These services are referred to by various designations: shops of rights, call centres, legal counseling services, etc.

2. **Judicial services:** These are institutions which are involved in the process of judicial settlement of conflicts. They include the gendarmerie, the police and the judiciary with its different divisions, i.e., public prosecutors, ushers and notaries.

The strategy of providing assistance services has been required of many organizations - civil society and governmental – as a result of many women expressing the need for such services following numerous sensitisation campaigns. Increasingly, women should gather among themselves, to be listened to and to be advised. In principle, the management of victims of violence should necessarily include legal, psychological, medical and material assistance.

Services provided by call centres correspond to a real need, given the centers' popularity. The practice of seeking legal assistance is growing more and more, due to the formal and informal education of women. There is also the very important role played by associative stakeholders in the areas of awareness-raising through different media outlets.

Counseling services have also shown encouraging results. One NGO official noted, “All the cases brought to justice received positive settlement with an 80 per cent success rate in filing lawsuits, in which women managed to get their rights back.”⁸ NGOs providing these kinds of services, however, are few and have little resources. The representative of one organization explained that her organization hardly received any publicity because she did not have the means to reach a larger audience⁹. These organizations generally have an agreement with the judiciary or with some of its professionals, helping to ensure a speedy consideration of their recourse. Nevertheless, in offering these services, the NGOs and face numerous limitations, including:

- They cannot represent a victim in court as a lawyer would
- When it comes to resorting to scientific expertise to settle a paternity dispute, the cost is almost always not within the claimants' means, especially when the claimants are young girls
- The NGOs have no coercive power to compel parties to answer their summons
- Most women who arrive seeking help at call centres wish to see their problem solved without their husbands being summoned or put on trial
- The slowness of the justice system leads some victims to discontinue proceedings altogether; as a result, other women are discouraged from appealing to the judicial authorities

⁸ Interview with Action Nationale du Burkina Faso (MMF/ANBF) president.

⁹ Interview with NGO official, Ouagadougou.

- A complaint against a husband subjects the wife to either repudiation or divorce; no measure is available to help women avoid this situation, even temporarily
- The fact that many women are not legally married is a major constraint to the legal settlement of disputes
- The lack of means to pay for the cost of filing a case and of care for victims of physical or psychological violence

The GTZ study carried out in 2006 showed a low use (2.7 per cent) of judicial services utilized by women who were victims of violence. Stakeholders in the field and judicial professionals confirmed this evidence; according to many of them, normally women only file a complaint for repeated battering, and even in those cases women rarely take the initiative themselves, for multiple reasons:

- The consequences of having a husband prosecuted - the prosecution of a husband exhibiting violent behaviour has huge consequences, sometimes disastrous, for the complainant. When the husband is the one who tends to all the family's needs, his prosecution is as much a problem as it is a solution. Accordingly, in most cases, the husband is discharged or given a suspended sentence.
- The withdrawal of the complaint and the settlement of a dispute to the detriment of the victim - for certain offences such as adultery, defamation or rape, the withdrawal of complaints is quite frequent, as the victim's parents tend to force the complainant to drop out of the procedure altogether, as mentioned by one police officer
- The legal instruments available - these instruments are relevant and generally deal sufficiently with the problems at hand, but the social value of the decisions poses a problem. "After certain legal decisions, because of issues related to customs and tradition, trials will refuse to obey court findings", stated the President of the Ziniaré High Court.

3.7 Existing policies and laws on violence against women

Over the last few years, Burkina Faso has developed several policy documents concerning VAW. The country has implemented various initiatives in the general framework of gender and particularly in the area of combating VAW. Almost all ministerial sectors have expressed the will to increasingly consider gender in their programmes. In fact, the national policies of the ministerial departments in charge of the social sectors pay considerable attention to women's rights-related issues. Among them include:

- The National Policy on Women's Empowerment
- The National Policy on Social Action
- The National Policy on Human Rights Promotion
- The National Health Policy

- The Plan for Basic Education (PDDEB)
- The National Gender Policy (not yet adopted)

Among the other ministerial departments, however, the inclusion of a gender approach in their framework documents remains largely superficial. However, over the last few years, there has been a renewed interest in the consideration of gender beyond simply stating the intent to develop a sector-wide approach. This, for example, is the case with the gender strategy of the Ministry of Agriculture, Hydraulics and Fisheries (MAHRH), the sub-sector policies in the Ministries of Environment, Commerce, Defense, Sports and Territorial Administration. However, major questions still need be addressed, namely: What are the achievements and flaws of the different policies, strategies and action plans? And, what perspectives do they take?

The above policies are summarized below.

National Policy for Women's Empowerment (PNPF)

The PNPF was adopted in 2004, and is being implemented through national action plans and annual programmes. Its structure includes six priority action programmes, one of which deals specifically with the contextual aspects of women's lives and with vehicles of violence, as far as their social and legal status is concerned.

The defined actions of the Programme for the Improvement and Stabilization of the Social and Legal Status of Women consider different aspects of VAW. They form a set of coherent activities and strategies in prevention, protection and management of VAW.

National Policy for Social Action (PNAS)

The PNAS was developed as a need to address the issues surrounding VAW, essentially as a social plague.

In addition, the MASSN has recently elaborated an action plan for family promotion, which still needs to be adopted. An education programme concerning family life, furthermore, is already being implemented through dialogue/talks. Some programmes related to VAW, it should be mentioned, include significant initiatives geared toward combating VAW. Among them include:

- Programme I: Improving the family status
- Programme II: Combating harmful practices, attitudes and behaviours within the family
- Programme III: Strengthening family relations

The ministry has launched other programmes which integrate several aspects related to the protection of young girls. They include:

- The National Programme on Orphans and Other Vulnerable Children (OVCs)
- The National Plan of Action on Combating Sexual Violence against Children 2005-2009
- The National Plan of Action on Combating Child Trafficking and Exploitation in Burkina Faso 2008-2012
- The National Education Programme in Open Areas 2005-2009

The National Policy of Social Action, furthermore, benefits greatly from the structural mechanisms of the decentralized ministerial departments.

National Policy for the Promotion of Human Rights (PNPDH)

The National Policy on Human Rights Promotion (PNPDH) integrates VAW in its sixth main line: “The promotion and the protection of specific category rights.” Category rights are rights that concern certain categories of vulnerable individuals.

Within the context of promoting category rights, action plans aiming to reinforce and to consolidate women’s human rights have been elaborated, responding to the following objectives:

- Proposing measures favourable to women in order to ensure their increased participation in political, economic, social and cultural activities
- Accelerating the adoption of national legislation in order to adapt it to relevant international legal instruments, in particular the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)
- Integrating a gender approach in the educational system and in media programmes
- Popularising CEDAW
- Following the ratification process of the additional protocol to the African Charter on Human and Peoples’ Rights
- Contributing to the outreach and popularisation of the Person and Family Code (CPF)
- Holding information and training sessions for women on their rights
- Encouraging the creation of assistance centres for women who are victims of violence
- Contributing to the promotion of reproductive health rights
- Developing and implementing a plan for combating practices and customs that are demeaning to women
- Supporting movements and associations that defend and promote women’s rights
- Promoting the institution of free primary and secondary education for girls

- Proposing measures that facilitate women's access to resources such as credits, land, services, education, health care, information, etc.
- Creating legal proposals and regulations to combat VAW
- Participating in fighting all forms of VAW, i.e., forced marriage, circumcision, social exclusion, etc.

In order to implement these policies, programmes, action plans, mechanisms and implementation frameworks (CN-PAPF, CONALDIS, CNLPE, etc.) are being put in place. From a legal point of view, the envisaged reforms are being implemented, yet the problem is that weaknesses that have had an impact on the implementation of past action plans remain topical. The weak articulation of the National Policy for Women's Empowerment, for instance, along with that of other policies mentioned above continues to be a major weakness.

Other policy framework documents

The other framework documents of development policy (the Strategic Paper for Poverty Control and the Letter of Rural Decentralized Participative Development Policy, for instance) consider issues of VAW only in the context of defining a gender principle in all actions and strategies for development and preserving justice and social equity.

Legislative achievements

Generally speaking, Burkina's laws are quite protective of women and children's rights. In implementing its policies, in fact, Burkina Faso has subscribed to a number of international commitments, most of which aim at putting an end to VAW. Some of these international commitments include the Vienna Declaration and Programme of Action, the Cairo Plan of Action, the Istanbul Plan of Action on Human Establishments and the Stockholm Declaration and Action Programme.

Mention should also be made of the ratification of numerous international and regional legal instruments of general significance for women:

- 1945 Charter of the United Nations
- 1948 Universal Declaration of Human Rights (UDHR)
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)
- Covenant on Economic, Social and Cultural Rights (CESCR)

- International Covenant on Civil and Political Rights (ICPR)
- African Charter on Human and Peoples' Rights
- Declaration on the Elimination of Violence against Women; adopted by the United Nations, 48/104 Resolution of the General Assembly of 20 December 1993
- Convention on the Rights of the Child (CRC), adopted by the United Nations on 20 November 1989 and ratified by Burkina Faso on 31 August 1990
- African Convention on the Rights and Welfare of the Child (CADBE)
- CEDAW
- Additional protocol to the African Charter on Human and Peoples' Rights, related to African woman, adopted in Maputo on 11 July 2003 under the aegis of the African Union and ratified by Burkina Faso on 19 May 2005

At the national level, the main instrument protecting human rights is the 1991 Constitution which guarantees equality for all citizens and respect of their dignity.

Other instruments include:

- The CPF, which attributes equal legal capacities to women and men in the areas of domestic and public life
- The Penal Code, which in addition to classical offences like battering and rape, has contained since its revision in 1996 provisions that punish the practice of female genital mutilation, forced marriage, family desertion, bride price, etc.
- Act N° 029-2008/AN, which defines the fight against human trafficking and related practices

However, a legislative vacuum – that is, an absence of legislation - remains, creating difficulties in enforcing certain provisions.

Legislative weaknesses and gaps

Even if the legislation on protecting human rights and women's rights is abundant, it is obvious that real gaps are faced. These gaps are linked to the difficulty of enforcing certain provisions and to the absence of criminalization of certain types of violence.

Domains of legislative vacuum

The legal principle in Burkina stipulates that “the international conventions ratified are of direct application”. It should be acknowledged, then, that in certain situations, national laws should be enacted to ensure the obligations and rights as set forth by international laws. Many prescriptions found in

conventions such as the CEDAW have yet to be included in national legislation. As an example, the CEDAW requires that Governments include counseling on family planning in the education process (Paragraph H of Article 10) and to develop family codes which guarantee women's rights "to freely and intelligently decide on the number of birth spacing and to have access to information, education and the necessary means to help them exercise these rights" (Paragraph E of Article 16). As for harmful traditional practices defined by Article 5 of the Maputo Protocol, the Criminal Code does not contain provisions punishing any customary practice that has harmful consequences on victims - such as widowhood rites and levirate marriage - which are demeaning to and humiliating for women.

The lack of specific provisions punishing domestic violence is real. This has been pointed out by the MPDH (2005) in its alternative report to the Committee on the Elimination of Discrimination against Women: "The Burkina law does not specifically deal with domestic violence and this does not enable to properly provide a specific legal protection for women assaulted in their homes."¹⁰ In fact, the criminal legislation does not distinguish general assaults (fighting, physical violence between adults in a specific situation) from violence suffered daily in a family context or, most often, in a context of economic dependence.

While in countries like in France, partner rape is considered a criminal offence, in Burkina Faso this is not the case. And though a proposal is being drafted to address this issue, it remains highly uncertain whether the proposal will be legally adopted.

Furthermore, in Burkina society, social conventions dictate that it is forbidden for a woman to sexually "refuse herself" to her husband except in cases of visible illness. Moreover, the CPF declares sexual intercourse as a reciprocal duty for both spouses.

The Labor Code defines and forbids sexual harassment in the workplace. Nevertheless, this violation consistently goes unpunished by the law.

Witchcraft is at the heart of countless cases of social exclusion and has incalculable consequences for those accused of it. Before the revision of the PC in 1996, "authors," – i.e., those who could supposedly detect soul eaters - were sued for "practicing charlatanism that created public disorder"; after all, women accused of being soul eaters were often lynched. Years ago, this article was removed from the Code, and in practice, as one High Court of Justice prosecutor said, "If the victim suffered physical violence, the authors are prosecuted for voluntary assaults."

The Tinsé, who inhabit the Kourwéogo province and neighbouring provinces, along with the Gaoua in the Sanmatenga province, do not handle cases of witchcraft using legal mechanisms. When victims accused of witchcraft submit complaints to the judicial services, the authors are instead summoned to do the "counter wak", or apply an antidote. The victim and author then go to the place where the rite is supposed to be performed, after which they are asked to return and report to the authorities.

¹⁰ MPDH: *Alternative Report of the MPDH to the fourth and fifth periodical combined reports presented by Burkina Faso to the Committee on the Elimination of Discrimination against Women* (2005), quoted by the study of Genivar SEC/RECIF/NGO/Barreau of Quebec, October 2006.

Difficulties in carrying out certain provisions

Forced marriages: Article 76 of the Burkina Penal Code, stipulates that the misdemeanor of forced marriage does not apply to marriages before the registrar; meanwhile, the CPF only recognises marriages celebrated before the registrar. Most forced and/or early marriages include religious and customary marriages, which are not considered civil marriages. To address this distinction, it is being proposed to amend the Penal Code such that it considers all forms of matrimonial union, including religious and customary marriages.

FGM: In 1996, the Burkina Criminal Code was revised to declare the practice of FGM a criminal offence. This revision stipulated that the authors (circumcisers) and accomplices (parents and neighbours) be punished for engaging in the practice. However, in reality, the act of enforcing this punishment presents numerous difficulties:

- Arresting and imprisoning parents complicit in FGM - when parents complicit in FGM are arrested, there is usually no one left to take care of the young girls - the daughters - who have been circumcised and whose health condition requires assistance from the parents, brothers and sisters. Fully aware of this, judges will often rule in favor of guilty parents.
- The age of the authors - in most cases, the circumcisers are elderly people with acute sight problems (a condition which usually affects the circumcision itself). When these elderly circumcisers are seized, they often become a burden to prisons, as they often possess severe health problems. Generally, all of these considerations indirectly influence the decisions of judges, who will often choose to delay or cancel the punishment altogether. It is for this reason that many stakeholders feel there is a lack of will to administer the law in these circumstances.

The criminalization of certain types of violence: In order to underline the severity of certain types of VAW, they should be made to be recognised as criminal offences. After all, when people are prosecuted for non-criminal offenses, the judgment process can sometimes take years. In the case of rape, after the accused rapist is arrested, the judgment – often one of “not guilty” - will often take years to be decided, a period during which the victim often gets married and becomes socially integrated, and therefore unwilling to return to events that occurred years before. For this reason, there are judges who are responsible enough to judge forms of VAW as criminal offences so that the victims are ensured speedy judgments.

Couples in matrimonial unions: Since the CPF became binding in 1990, forms of marriage that do not fall under the provisions of the CPF have no legal value. In other words, a person engaged in a non-legal union cannot, in the case of dispute or death, refer to the court to claim his or her inheritance rights. And despite efforts made in sensitisation activities, many women still find themselves in non-legal unions, and therefore do not enjoy sufficient legal protections in the case of domestic deaths and disputes. Palliative solutions should be found to address this issue, especially for widows who are among the most vulnerable of females.

Mild enforcement of legislation: The concrete enforcement of legal texts remains a weakness, a fact that was confirmed by all interviewed stakeholders. Among the reasons for this absence of enforcement include socio-cultural obstacles along with women's lack of knowledge about their rights.

3.8 Priorities for action

3.8.1 The main problems

Throughout our analysis of VAW in Burkina Faso, the authors have been able to identify five types of problems:

1. Social and cultural
2. Institutional
3. Legal
4. Economic
5. Political

At the socio-cultural level, the major concerns involve:

- The persistence of socio-cultural values, norms and practices that legitimate the domination of women
- The system of patriarchal socialisation found both in the family and other social institutions
- The predominance of religious and customary marriages, which are not recognised by law as civil marriages, as women finding themselves in these non-legal unions, often victims of domestic violence, do not enjoy the same legal protections
- Sexist prejudices that intensify domestic VAW
- The disparities of power between men and women based on discrimination as sources of VAW
- The low level of education among women and young girls that cause them to accept social, family and individual behaviours that encourage VAW

At the institutional level, the major concerns are:

- The need for institutions to set combating VAW as one of their main priorities

- The poor and inadequate resources of counseling and reception centres that exist to aid victims of VAW
- The lack of consensus building between intervening stakeholders, which limits the effectiveness, efficiency and impact of actions taken
- The absence of an official, valid national instrument of data collection on violence, and of efficient tools for monitoring and evaluation
- The absence of an effective data capitalization system based on achieved results
- Poor quantitative data and a lack of indicators on VAW

At the legal level, the major concerns are:

- Law enforcement bodies' unwillingness to protecting women from violence
- The weak commitment of law practitioners
- Unacceptably long judicial procedures
- The low level of accessibility to judicial services
- The tolerance of certain types of violence that consistently go unpunished by law

At the economic level, the major concerns are:

- Poor financial resources
- The poor financial autonomy of women
- The unwillingness and/or incapacity of husbands to fulfill their familial responsibilities

At the political level, the major concerns are:

- The gap between political commitments and concrete implemented actions
- The minor interest of some decision makers and officials in issues of violence

3.8.2 Strategic axes for the national action plan

Six axes have been developed:

Axis 1: Advocacy and development of effective communication strategies

- This strategy aims to promote gender equality and equity through elaborating effective and sophisticated communication methods, which are to be used as a basis for mobilising local stakeholders and other influential leaders. It will consist in developing messages and programmes that will make use of different channels of mass communication (radio, television and print media), proximity communication (local

radio, *chansonniers*, theatre forums and home visits), and interpersonal communication (peer educators, etc.). Taking advantage of these means of communication - in the fight to produce a massive change of attitudes and behaviours within society - will allow for the maximum number of people at the national level to be reached, among them partners, spouses and brothers.

- Advocacy will consist of working toward changing the mainstream mentalities of the population. This will require legislative reforms and an effective mobilisation of all concerned stakeholders, particularly of party rulers and leaders. Large-scale actions must take place in order to mobilise increased resources to combat VAW. Advocacy should be carried out through the mobilisation of National Assembly parliamentarians, who should be invited to a reflection framework on VAW, as they've been for RG and HIV/AIDS in the past. These parliamentarians will then work toward passing laws that aim to discourage practices of VAW, both in the family and in public places.

Axis 2: Integration of curricula on violence against women in schools and in formal and informal centres

These curricula should be integrated in existing formal and informal educational systems, and should call for the teaching of rights, mainly civil rights, and of the need to punish all acts of violence in the family and in society. School education is a primordial factor in personal development that gives individuals the chance to evolve and change their ways of thinking based on acquired knowledge. It is due to education, essentially, that women in highly patriarchal societies like that of Burkina Faso have come to so firmly declare that violence cannot be allowed, and have considered taking action when experiencing violence in their own homes. Modules educating young people on rights and issues of violence should be elaborated and used to make students intellectually strong and aware of these issues. In the end, these methods should encourage young people to engage in identifying and combating forms of VAW found in their society.

Axis 3: Creation, decentralization and/or reinforcement of existing services and associations geared toward women's economic empowerment

These services and associations should assist women in developing activities that reinforce and advance their economic status. Micro-credit associations should be created in provinces in order to provide financial support to women who want to initiate economic activities that will help them earn a living. The more economic means women possess, the more they will become economically independent from men.

Axis 4: Collaboration of stakeholders

The diversity of existing stakeholders and their respective interventions call for partnership and consensus building in order to create a synergy of action directed toward combating VAW. Until now, the question of VAW has never been a major concern among civil society associations and organizations. Nevertheless, those few who are aware of this cross-cutting issue's importance are working hard to develop real mechanisms for consensus building, yet unfortunately without a reference framework for their actions. The fight against VAW, then, undoubtedly requires a community and institutional response that involves the creation of a support mechanism for combating VAW. In order

to create such a mechanism, it is necessary for networking to occur between associations; the mechanism, moreover, should work nationwide and its mandate should consist in providing technical support and mobilising resources from the government and technical and financial partners.

Axis 5: Stakeholder capacity-building

For developing training programmes on combating VAW, human and financial resources need to be increased, and specific modules need to be developed in order to reinforce the capacities of different stakeholders engaged in combating VAW. Capacity-building will take into account the strengths and weaknesses at institutional, decisional and operational levels and will identify material and technical needs of the identified stakeholders. Actions to fight VAW should be identified as institutional priorities. Decision makers and programme managers should be trained to develop programmes to fight VAW and promote gender equity issues.

Axis 6: Development of research, data management, monitoring and evaluation in order to promote effective and efficient strategies

The research on VAW is highly inconsistent and fragmented in Burkina Faso. Although formative research combining quantitative and qualitative data is increasingly completed based on GTZ's PROSAD, the data from this formative research is fragmented and does not accurately or fully reflect the situation of VAW in Burkina Faso. A national formative research initiative – whose findings would be used to develop strategies for managing VAW and its consequences – should be embarked upon, and should involve researchers alongside practitioners, i.e. providers of legal, health and social services.

During the data collection processes, the main weakness observed was the difficulty in obtaining quantitative data on VAW from judicial services, according to whom “no organization is dealing with the documentation and rigorous management of statistics on this phenomenon”. Efficient interventions call for a reinforcement of capacities and for the creation of units of documentation and statistic services on VAW. This requires the appointment of qualified persons in order to manage data and documentation. Scientific work requires the reinforcement of equipment by providing provinces with complete data processing equipment and specific software for databases such as. However, in cases where SPSS is unavailable, it is possible to start training workers on a program like Excel, in order to compensate for the lack of specialized software.

IV. CONCLUSION AND RECOMMENDATIONS

The general findings of this study are that the phenomenon of VAW exists. It occurs in multiple forms and affects people coming from all social strata. The greatest difficulties surrounding VAW have to do with the fact that within Burkina society, most women consider VAW a normal and widely accepted fact. Therefore, despite having disastrous consequences for its victims - whose social participation

becomes hindered and development affected - cases of VAW generally go tolerated, accepted and rarely reported.

Certainly, specific interventions are being carried out at the national level in order to combat certain types of violence, such as circumcision and forced marriage. These interventions are initiated and implemented by the Government, associative stakeholders and NGOs with the technical and financial support of bi- and multilateral partners. Having completed this study, the authors have been able to observe the commitment of women against the plague of VAW and their awareness of its devastating consequences.

Unfortunately, for most women in Burkina Faso, access to legal and judicial services is almost nonexistent, and reception and accommodation centres remain to be built. Thus, three major challenges remain:

- The creation of formal mechanisms built to coordinate sensitisation activities and assistance to victims, with the aim of increasing effectiveness and visibility and improving assistance/management strategies and follow-up on victims
- The adoption of measures to provide adequate medical, psychological and social support to victims
- The development and popularisation of communication means that consider the socio-cultural realities and particularities of each targeted group

Those actors engaged in combating VAW, furthermore, should encourage the Burkina Government to renew their political will to adopt a sector-wide approach that integrates issues of violence in a gender context. Social and financial mobilisation, moreover, is fundamental in managing the budgets of those ministerial departments dealing with VAW issues.

This study has led the authors to make recommendations that should call for increased reflection on the Development Framework Action Plan. They include:

- The creation by community educators and practitioners of user-friendly assistance guides on law enforcement bodies and the use of legal services by community educators and practitioners
- The creation of stakeholder consensus building and collaboration with social actors, MPF, practitioners and the health sector, with the aim of harmonising comprehension and facilitating the promotion of best practices. The involvement of the health sector, which includes experts on victim care procedures, should also help increase the numbers of cases of VAW reported
- The capacity-building of security committees, which should be created based on the local police's mandate, in order to help detect and discourage cases of violence
- Broadening the competences of local circumcision committees in order to help them expand their activities to address other forms of VAW

- The specialization of associations based on the most common forms of violence observed in their respective regions
- The development of mass communication strategies to combat VAW, i.e. utilizing radio, television, and print media to initiate shows or programmes that address the issue head-on
- Teaching good attitudes and behaviours in schools and in formal and informal centres
- Developing gender/VAW educational modules for primary and secondary schools

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APPENDIX:

Table 7: Geographical Distribution of the main forms of VAW identified

VIOLENCE REGIONS	Battered Women	Forced marriage	Early marriages	Exclusion / witchcraft	Circumcision	Levirate	Refusal of freedom of movement	Evasion of family responsibility	Desertion of elderly women	Rape	Refusal of paternity
CENTRE	X	X		X	XX	XX	X	XX	X	X	XX
CENTRAL PLATEAU	X	XX	X	XX	XX	XX	XX	XX	XX	XX	XX
EAST			XX		X	X		X			
SOUTH - WEST	XX				XX	X		X			
SAHEL	X	XX	XX		XX			XX		XX	XX
HAUTS- BASSINS	X	XX			XX			XX		XX	
CENTRE- WEST	X	X			XX	X		X			XX
MOUHOU		XX	X		XX	X				X	X
CENTRE- SOUTH	X				X	X		X			
CASCADES					XX			X			
NORTH					XX						
CENRE- NORTH					XX						
CENTRE- EAST	X										

Source: Perusal of surveys among stakeholders and statistics of the police.