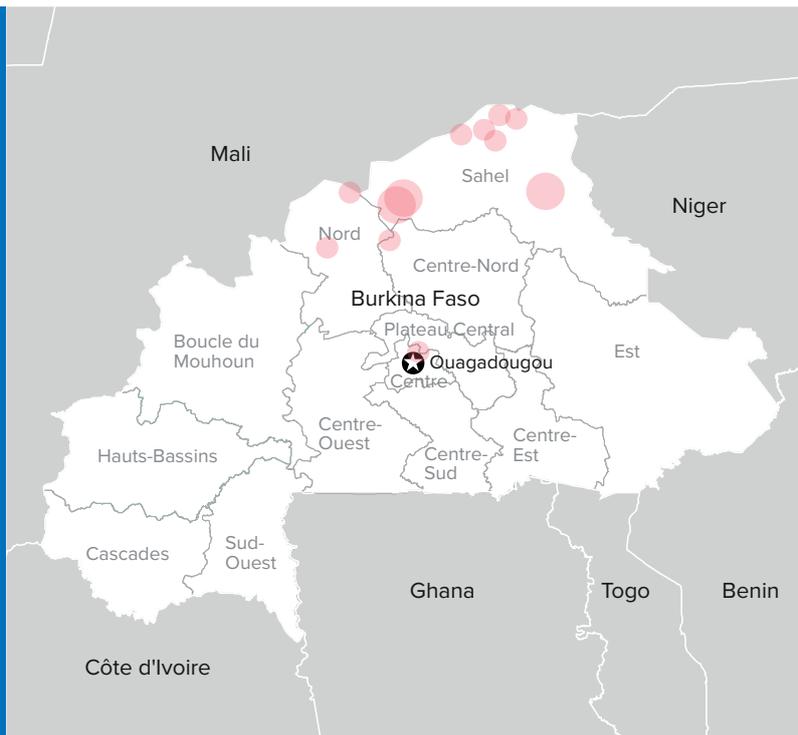


BURKINA FASO

Maintaining an open-door policy towards refugees, Burkina Faso was providing protection to 19,866 refugees and asylum-seekers from 13 countries in 2020. The vast majority of refugees are from Mali, fleeing the outbreak of violence in their country in 2011. However, Burkina Faso has become a victim of rising violent extremism that also affects neighbouring Mali and Niger. A surge in violence from several non-state armed groups has caused a severe humanitarian crisis in the northern regions, which has resulted in large-scale internal displacement. As of 30 June 2020, 921,471 people in Burkina Faso are internally displaced.



Refugees in Burkina Faso live mainly in the Centre region (7 per cent), the Haut-Bassins region (2 per cent) and in the Sahel region (89 per cent), where they live in two consolidated camps (Mentao and Goudoubo), and in unplanned settlements where they can maintain a nomadic and pastoral lifestyle. However, in June 2020, refugees vacated the two camps to relocate to informal settlements, for security reasons. Malian refugees who fled fighting in central Mali in 2018 and 2019 live in Lorum province in the North Region and in Boucle du Mouhoun. The very few Malian refugees who have spontaneously settled in the urban areas of Ouagadougou and Bobo-Dioulasso mostly live in rental accommodation.

KEY POPULATION DATA

19,838

Refugees

28

Asylum-seekers

0.1%

of the country's population (20,321,378) are refugees and asylum-seekers

IDA 18 RSW / IDA 19 WHR ELIGIBILITY:
JUNE 2018

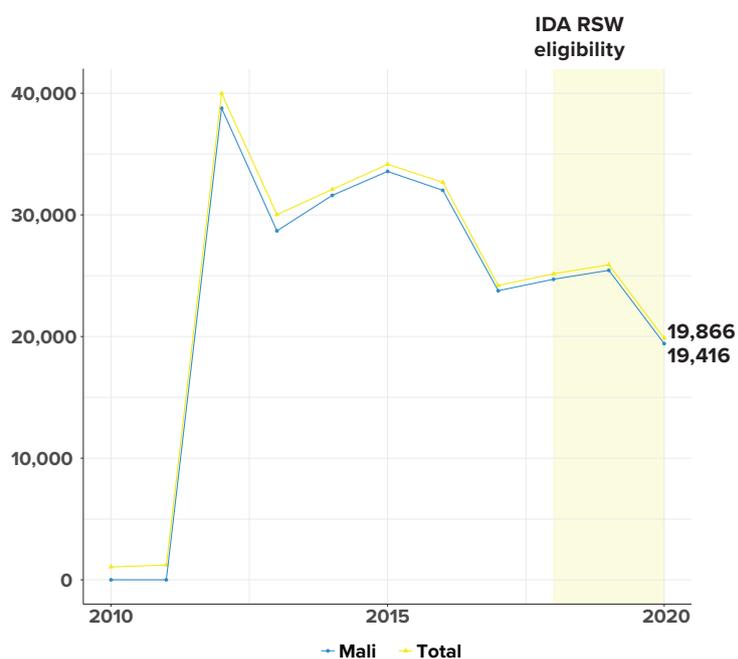


Figure 1: Number of refugees and asylum-seekers of the largest refugee population group

OVERVIEW OF REFUGEE POLICY ENVIRONMENT (JULY 2017–JUNE 2020)

From 2017 to 2020, the Government of Burkina Faso pursued refugee policies that would further provide asylum-seekers and refugees with access to its territory, asylum and public assistance and promote durable solutions. At the same time, it also pursued an encampment policy and issued restrictions that affect [refugees' freedom of movement and choice of residence](#). These policy changes took place against the backdrop of a deteriorating security situation in the Sahel region from December 2018 resulting in restrictions on fundamental rights and freedoms which impacted nationals and refugees alike. Despite the security situation, the following policy developments were made in the reporting period:

The Government established the [Sahel Emergency Programme](#) (Programme d'Urgence pour le Sahel - PUS) to boost economic and social development in the Centre Est, Centre Nord, Est and Boucle du Mouhoun regions in July 2017. The [programme](#) directly targets refugees and host communities.

- A “[Justice and Human Rights](#)” [Sectoral Policy 2018–2027](#) was adopted in April 2018 through the Ministry of Justice, Human Rights and Civic Promotion, in response to a commitment to **promote the inclusion of refugees in national systems**.
- In 2020, the country finalized a **draft law on civil status and nationality, a draft law on the status of stateless persons and draft guidance on procedures for determining the status of stateless persons**, which will be the responsibility of the current RSD eligibility committee.

The government has been active on refugee issues at regional and international level, participating in December 2017 in the **Symposium on Asylum and Mixed Migration in West Africa**, held in Senegal, aimed to strengthen West African asylum systems. In December 2018, the Government translated the symposium's recommendations into an **Action Plan**, which is yet to be implemented. In September 2019, Burkina Faso participated in the **Regional Dialogue on Protection and Solutions** in Bamako and **signed the [Bamako Declaration for Protection and Solutions in the context of forced displacement in the Sahel](#)** in October 2019. In this declaration, the government made pledges on access to asylum, solutions for refugees, internally displaced persons and civilian populations, and access to civil status, identity documents and nationality. These were reiterated at **the first [Global Refugee Forum \(GRF\)](#)** in December 2019.

Burkina Faso became eligible for the **IDA18 Refugee Sub-Window (RSW)** in September 2017, which funded efforts to further include refugees in the [national social protection scheme](#).

POLICY DIMENSIONS (AS AT 30 JUNE 2020)

1 Host Communities

1.1 Support for communities in refugee-hosting areas

In July 2017, the Government of Burkina Faso adopted the [Sahel Emergency Programme \(PUS\)](#) (Decree No 2017-620/PRES/PM/MINEFID of 18 July 2017) covering the Nord and Sahel regions and extended in 2019 to include the Centre-Est, Est, Centre Nord and Boucle du Mouhoun regions ([extended PUS or PUS+](#)). The objective of PUS is to improve the security situation and reduce the vulnerability of the populations in order to promote sustainable development in the six regions. The groups targeted by PUS are internally displaced Persons (IDP), host communities and refugees; its action plan is organized according to four thematic areas: (i) addressing security challenges; (ii) addressing urgent social issues; (iii) reinforcing state presence; and (iv) building the foundations of resilience for populations.

The Government tasked 12 ministries and the local authorities in the 6 regions, as well as NGOs and civil society, technical and financial partners, with implementing PUS through an inclusive monitoring and evaluation approach at national, regional, communal and village levels (source: [Strategie d'extension du programme d'urgence pour le Sahel](#), 2019–2021). The programme is partially funded through the ministries' annual budgets while remaining needs are advocated for by the Government through various actors.

In addition to PUS and with the support of the country's development partners, the Government initiated a Prevention and Peace Building Assessment (PPBA) in 2019 to better frame, harmonize and prioritize policies and investment decisions, from emergency to mid- and long-term responses. A Matrix of Priority Actions (MAP) resulted from the PPBA exercise to frame public investment budgets. The MAP has only been partially operationalized for lack of resources.

Despite all of these initiatives and the Government's stated [implementation rate of 28.2 per cent](#) of the PUS+ action plan, investments and operating expenses intended to support the areas economically affected by the presence of refugees are yet to be substantially felt. Indeed, the COVID-19-related challenges and the rapid increase in IDP numbers were additional urgent and unforeseen challenges facing the government of Burkina Faso.

The [2013–2022 National Social Protection Policy \(NSPP\)](#) provides for social safety nets for all Burkinabè, including host communities. The NSPP has two objectives: (i) to develop adequate and sustainable protection mechanisms against idiosyncratic and exogenous shocks using safety nets; and (ii) to extend social insurance coverage to informal/agricultural sectors. Institutional anchoring and responsibility for the NSPP is shared between the Ministry of Public Service for the contributory social protection programmes and the Ministry of Women, National Solidarity, Family and Humanitarian Action (MFSNFAH) for non-contributory ones. Overall coordination of the action plan arising from this policy is entrusted to the National Social Welfare Council (CNPS), chaired by the Prime Minister.

Increased attention to social safety net (SSN) programmes in recent years has resulted in a rise in SSN spending: from 1 percent of GDP in 2010 to 2.3 percent in 2015, for instance. The largest SSN programmes are: the school feeding programme for primary schools; the school supply programme; the cash for work programme; scholarships for post-secondary schools; targeted food subsidies and nutrition programmes. Criteria for targeting beneficiaries include geographical pre-screening, vulnerability, poverty and food insecurity. Beneficiaries are targeted through a screening process with scorecard methodology. Refugee host communities are likely to meet these criteria and be eligible, since MFSNFAH has been asked to focus on the PUS+ regions for noncontributory social protection programmes.

1.2 Social cohesion

National policies can be applied to identify, prevent and mitigate potential social tensions and risks of violence in refugee-hosting areas (e.g. the [2019 Criminal Code](#); the [sectoral Justice and Human Rights Policy 2018–2027](#) issued by the Ministry of Justice, Human Rights and Civic Promotion (MJHRCP); and the gender- and youth-sensitive [Agrarian and Land Reorganization Law](#). Although these laws and policies do not refer directly to refugees and host communities, they also apply to these groups and are implemented in refugee-hosting areas in conjunction with the [Burkina Faso Constitution](#), the [Burkina Faso Refugee Law](#) and the [2018 Global Compact on Refugees](#). In addition to these policies, the Ministry of Territorial Administration, Decentralization and Social Cohesion is working on the 2021–2031 national social cohesion strategy, which is expected to comprehensively address social cohesion and is likely to directly target/include refugees and host communities.

While Malian refugees have largely been welcomed by local communities, they have experienced growing suspicion and stigmatization, especially in the Sahel region, because of their perceived association with the rise in violence in Burkina Faso since 2017. Several awareness campaigns to combat xenophobia and stigmatization have been carried out by the government through CONAREF and local CSOs since 2016. However, their potential positive impact on social cohesion are yet to be evaluated.

As part of the decentralized governance systems in Burkina Faso, informal and formal local mechanisms are in place to promote peaceful coexistence, dialogue, joint activities and citizen engagement, including in refugee-hosting areas. The Government’s [National Observatory for the Prevention and Management of Community Conflicts](#) (ONAPREGECC) is a response to community conflicts and has decentralized bodies down to the lowest administrative level of all 13 regions in Burkina Faso, which can prevent and deal with community conflicts on their own initiative. Implementation of the ONAPREGECC action plan is limited, however, and receives few resources despite a growing need for inclusive community conflict resolution and management mechanisms.

In practice, Conflict Prevention and Management Committees were set up in the two refugee camps with the support of the local authorities, and Protection Committees were set up in each of the 30 out-of-camp locations in the Sahel region. The latter were also mandated by local authorities and CSOs/NGOs to serve as early warning mechanisms. The committees are composed of refugees and host community members, including women representatives. The committee members are trained by local authorities on their roles and responsibilities. However, due to the evolving security situation, the majority of refugees in or out of camps become displaced and, as at 30 June 2020, fewer than 10 protection committees were functional.

National policies do formally protect refugees from discrimination. The [Burkina Faso Constitution](#) affirms the equality of all persons before the law and their entitlement to the protection of the law without any discrimination. More specifically, the [Burkina Faso Refugee Law](#) includes provisions to protect refugees from all forms of discrimination and “promote equal treatment among refugees without discrimination based on race, ethnicity, religion, or country of origin”.

1.3 Environmental management

National policies exist that can be applied to mitigate the environmental impact of hosting refugees: the [2018–2027 Sectoral Policy “Environment, Water and Sanitation”](#), the [2016–2030 National Drinking Water Supply Programme](#) (PN-AEP), the [2016–2030 National Wastewater Treatment and Excreta Programme](#) and the [2019–2023 Sectoral Strategy for Renewable Energy](#). While these policies do not directly refer to refugees and/or host communities, in conjunction with [Burkina Faso Refugee Law](#) and the [2018 Global Compact on Refugees](#), they can be applied and implemented in refugee-hosting areas to the benefit of both.

In practice, these policies have some implementation challenges for a lack of dedicated resources and given that refugee-hosting areas are mostly arid regions with water and energy shortages. PN-AEP aims to sustainably meet the population’s drinking water needs in quantity and quality. However, in Goudoubo

and Mentao refugee camps, water is provided to refugees and host communities through drilling systems installed by UNHCR. Water remains a challenge for herders among out-of-camp refugees and host communities. As for energy, fewer than 5 per cent of refugees in rural areas have access to lighting and 50 per cent of refugee households living in rural areas are provided with alternative domestic fuel.

1.4 Preparedness for refugee inflows

Burkina Faso has a [national preparedness framework](#) to address population movements including refugee inflows, floods, epidemics, food insecurity and natural disasters. The plan includes institutional mechanisms as well as sectoral focal points to respond to increased or new refugee inflows in ways that minimize short- and medium-term socioeconomic impacts on the hosting regions. The plan is coordinated by the [National Council for Emergency Relief and Rehabilitation](#) (CONASUR), an interministerial coordination entity with a Permanent Secretary reporting to MFSNFAH. In practice, implementing this plan is challenging as it has not received the required funding since its creation in 2009. A recommendation is pending concerning the creation of an emergency fund within MFSNFAH. Meanwhile, UNHCR continues to support the government financially in case of refugee inflows.

2 Regulatory Environment and Governance

2.1 Normative framework

Burkina Faso is a State Party to the [1951 Convention Relating to the Status of Refugees](#), the [1967 Protocol relating to the Status of Refugees](#), the [1969 OAU Convention Governing Specific Aspects of Refugee Problems in Africa](#) and other relevant international and regional instruments. It also endorsed the 2018 Global Compact on Refugees.

Refugee-related commitments in these instruments are implemented through the [Burkina Faso Refugee Law](#), the [implementing Decree on the Burkina Faso Refugee Law](#) and the [Decree on the Functioning of the National Commission for Refugees](#). It should be noted that the Burkina Faso Refugee law states that refugees' rights and obligations are equal to those of nationals. However, some of the rights conferred in this law (such as the right to obtain identity and travel documents) are not fully in line with international norms and standards. By contrast, in other areas (such as the right to education), the Burkina Faso Refugee Law exceeds these standards.

The [Burkina Faso Refugee Law](#) and its two implementing decrees have been published and distributed in French but not yet in the local languages of the host country or country of origin. UNHCR observes gaps in the awareness of refugees and authorities, including immigration, border management, labour and investment-related authorities, regarding the applicable refugee policies and procedures. Lack of awareness on the meaning and scope of the rights accorded under the Burkina Faso Refugee Law and the lack of clarity regarding the associated roles and responsibilities of government agencies have been observed to negatively affect implementation of these rights. This is especially true in relation to the right to work, freedom of movement and the right to identity and travel documents.

The [Burkina Faso Refugee Law](#) and its two implementing decrees include the framework for recognition of refugee status and give [the National Commission for Refugees](#) (CONAREF) responsibility for its implementation. The procedures as outlined, including those of the appeal process, are in line with international and regional standards except in a couple of areas in which UNHCR has sought clarification regarding the provisions relating to deportation and the withdrawal or termination of refugee status.

While the Burkina Faso Refugee Law does not specifically refer to prima facie recognition, Article 9 of the [Decree on the Burkina Faso Refugee Law](#) includes prima facie recognition of refugee status in Burkina Faso. Under this framework, asylum-seekers of all nationalities go through an individual Refugee Status Determination process (RSD), except for Malians who are recognized on a prima facie basis following an administrative note issued in 2012. This allows large groups of asylum-seekers to have rapid access to security, protection against refoulement and humanitarian assistance. Other asylum-seekers awaiting a

decision on their claim largely enjoy the same rights as recognized refugees during the waiting period.

Despite the existence of a state asylum system in Burkina Faso, some implementation challenges have been noted. This includes the lack of decentralization in the asylum system, which means that all asylum claims must be submitted to CONAREF in the capital city, Ouagadougou. Moreover, provisions in the Refugee Law result in the denial of asylum claims from refugees in secondary movements, which is inconsistent with international norms and standards. RSD and Registration were suspended for two months in April and May 2020 for new asylum-seekers as part of the Government's measure to curb the spread of COVID-19.

2.2 Security of legal status

The Burkina Faso Refugee Law provides asylum-seekers with the right to stay in the country for the duration of the RSD procedure. There are no policy limitations such as time limits or renewal/extension requirements during the RSD process. Similarly, once refugee status is granted by the CONAREF, whether through prima facie or individual RSD procedures, no such policy limitations exist. There are also no reports on limitations in practice.

The Burkina Faso Refugee Law provides for the right to seek asylum and the principle of non-refoulement in line with international standards. From 2019 until 30 June 2020, there were no known cases of unlawful termination of refugee status by way of cancellation, revocation or cessation; no cases whereby recognized refugees were expelled on the grounds of national security or public order; and no reported cases of refoulement. However, border monitoring is not carried out along the border with Mali and Niger due to insecurity.

2.3 Institutional framework for refugee management and coordination

The institutional framework for refugee management is provided for by the [Burkina Faso Refugee Law](#) and its implementing decrees. At the [Regional Dialogue on Protection and Solutions to Forced Displacement in the Sahel](#), the Government of Burkina Faso made policy commitments to further improve the institutional framework at national and sub-national levels; however, this has yet to be implemented to complement the policy basis.

At institutional level, [Decree No 2011-118 on the functioning of the National Commission for Refugees](#) sets out the attributions, composition, organization and functioning of CONAREF. CONAREF is an interministerial entity within the Ministry of Foreign Affairs, with a Permanent Secretariat that manages and coordinates the national asylum system, including the RSD eligibility and appeal committees. CONAREF comprises ten departments in different ministries (Prime Minister, External Affairs, Health, Justice, Human Rights, Social Affairs, Security, Defense, Interior and Intelligence Services)

In practice, CONAREF remains greatly dependent on UNHCR financial support and has not yet developed a strategic vision beyond its roles and responsibilities enshrined in Decree No 2011-118. Moreover, frequent staff turnover in the CONAREF Permanent Secretariat poses consistency challenges with regard to the implementation of refugee policies in Burkina Faso.

CONAREF has established refugee community governance structures in refugee camps and in Ouagadougou with the aim of obtaining refugee input and feedback on decisions taken by the Government. In the camps, such structures include the Refugee Steering Committees, the Women, Youth and Elders Committees, Refugee/Host Leaders' Committees, community safety groups, parent and teacher associations (PTAs), persons with disabilities and committees on shelter, health, and food. Women have representatives in almost all committees but were reported not to be participating effectively in the committees' activities during the 2019 UNHCR age, gender and diversity Participatory Assessment. In Ouagadougou and Bobo Dioulasso, there are Refugee Community Representatives for urban refugees. Furthermore, with UNHCR assistance, CONAREF is working to set up a Help Line to provide information on asylum procedures and to serve as a channel through which refugees can submit grievances relating to sexual exploitation and abuse, fraud and corruption.

Refugees have not been included in the 2019 national population census in Burkina Faso. Their access to civil status services is facilitated by CONAREF. Refugees have access to the national education system and are included in the Ministry of Education's education management information system. Refugees have so far not been included in the country's national and regional five-year planning processes. Moreover, due to the prevailing insecurity, the [National Development Plan](#), alongside other initiatives such as the Territorial Development and Resilience Project (PADEL) and the Livestock Sector Development Support Project, have had minimal impact on refugees or refugee-hosting communities in the north of the country.

However, at the [Regional dialogue on protection and solutions to forced displacement in the Sahel](#) and during the [Global Refugee Forum in December 2019](#), Burkina Faso made pledges to include refugees in national programmes.

2.4 Access to civil registration and documentation

The Burkina Faso Refugee Law provides that all recognized refugees and asylum-seekers should be issued with an "identity paper" and a travel document. In 2014, the Government signed an agreement with UNHCR on refugee ID cards issued by the Ministry of Security's National Identification Office (ONI). Refugee ID cards have a two-year validity and grant the holder the right to reside in Burkina Faso for that period. The ID cards are renewable through individual requests to submit to the CONAREF. In refugee-hosting areas, law enforcement authorities recognize refugee ID cards. All refugees of 15 years of age or older also receive an individual refugee attestation that is recognized by financial institutions, although there is still a need for more awareness-raising. Registered refugees have systematic access to identity documents except for a few cases in which security challenges make it hard to reach some out-of-camp refugees.

Since January 2019, refugees in Burkina Faso have been able to obtain a Machine-Readable Convention Travel Document (MRCTD) to facilitate their movements outside the country. However, this has a validity of only one year and remains costly for refugees.

The Burkina Faso Refugee Law and its implementing decrees provide that refugees are required to register vital events that occur in the host country and receive appropriate certification. CONAREF is mandated to liaise with civil registration services to provide refugees with relevant documents including birth, marriage, divorce and death certificates. National policy requires a birth to be registered within two months in order for a birth certificate to be issued.

Civil registration for refugees is generally implemented effectively; however, infrastructure and resource limitations, insecurity and the nomadic character of the refugee population in the Sahel region limit the scope of coverage. In a bid to reduce the risk of statelessness among refugee children, UNHCR supports the Government in the Sahel region to issue birth certificates to newborn refugee children and to organize mobile courts to ensure that substitute birth certificates are issued where necessary as part of the [i-civil initiative](#). This initiative could address most challenges associated with the issuance of birth certificates if it was effective countrywide, including in refugee-hosting areas.

2.5 Justice and Security

Widespread insecurity is a challenging in Burkina Faso, especially in refugee-hosting areas. Recurrent acts of violence and banditry are having a negative impact on the protection and socioeconomic environment not only for refugees but also for internally displaced persons and host communities. Attacks by various entities are displacing in- and out-of-camp refugees as well as their hosts, leading both to seek safety in potentially precarious situations in camps or in urban areas.

The Burkina Faso Refugee Law accords refugees the same right as nationals regarding access to justice, including access to legal counselling and assistance as per Burkina Faso legislation. Moreover, the Ministry of Justice [sectoral Justice and Human Rights Policy 2018–2027](#) refers directly to access to justice for nationals as well as refugees and foreigners.

In practice, although mobile courts are operational in some refugee-hosting areas in the Sahel region, access to justice is limited for both refugees and host communities as a result of capacity and resource constraints and physical distance from the institutions providing legal aid, formal justice and law enforcement.

Various policies are in place to prevent and address gender-based violence (GBV). These include the [Burkina Faso Constitution](#), the [2019 Criminal Code](#), the Ministry of Justice, Human Rights and Civic Promotion (MJHRCP) [sectoral Justice and Human Rights Policy 2018–2027](#) and the [Agrarian and Land Tenure Reorganization Law](#), which for the first time recognizes women's rights to land. With sexual and gender-based violence rising due to the insecurity in Burkina Faso, the Government is reportedly in the process of developing a sector-wide national GBV strategy in addition to its National Gender Strategy and an already functioning GBV case management system. This national strategy and the case management system are applicable to refugee-hosting areas and do not exclude refugees.

In practice, UNHCR and the Government have developed standard operating procedures (SOPs) for SGBV prevention and response both in the camps and in urban areas hosting refugees. These establish roles and responsibilities as well as the measures to be taken when SGBV incidents occur. UNHCR and CONAREF collaborate with the Regional Directorates of Social Affairs and with humanitarian actors to ensure protection for SGBV survivors and to ensure that they receive legal, medical, psychosocial and economic support.

3 Economic Opportunities

3.1 Freedom of movement

Burkina Faso Refugee Law allows refugees to move freely within the country and choose their place of residence without any restrictions. However, since 31 December 2018, six regions in Burkina Faso, some of which are refugee-hosting areas, have been in a state of emergency declared by presidential decree on the grounds of security (Decree No 2018-1200/PRES of 31 December 2018) and a [law is allowing for its extension](#). The State of Emergency Declaration restricts and sets conditions on certain individual rights and freedoms guaranteed by the Constitution of Burkina Faso and by the Burkina Faso Refugee Law.

The [Decree implementing the Burkina Faso Refugee Law](#) states that refugees must carry their identity documents at all times, and in practice they are asked to do this due to frequent identity checks. Furthermore, camp-based refugees need to hold a movement card (fiche de mouvement) provided by CONAREF for any movement outside of the camps.

Refugees in Burkina Faso can choose freely and without restriction whether to live in camps or outside camp settings in urban or rural areas. However, this choice will affect their entitlement to humanitarian assistance. Some restrictions have also been noted since 2019 due to prevailing insecurity in the Sahel region. Indeed, the authorities in the Sahel region of Burkina Faso issued an [Administrative Note](#) from the Sahel Governor in December 2019 forbidding movements of Malian refugees from Mentao camp to Goudoubo camp where they had been hoping to find greater safety and security. Moreover, UNHCR observes the authorities' reluctance to relocate refugees from the Sahel region to urban areas (Ouagadougou and Bobo Dioulasso). These are some indications that refugee freedom of movement could be eroded as a result of the dire security situation in the north of the country and suspicions on the part of the authorities that some Malian refugees may be cooperating with armed groups. These restrictions on Malian refugees' freedom of movement in the Sahel region are justified by the authorities on security grounds but may represent a broader change in practice.

3.2 Right to work and rights at work

The [Burkina Faso Refugee Law](#) provides refugees with the right to work and implicitly with rights at work, on the same terms as nationals and without the need for work permits. Moreover, Burkina Faso pledged greater inclusion of refugees in national programmes at the [Global Refugee Forum in December 2019](#).

In practice, Burkina Faso nationals are preferred over equally qualified refugees in urban areas. Consequently, most refugees work in the informal sector. Furthermore, the areas hosting the majority of the refugees have limited natural resources, experience recurrent droughts and are isolated from population centres, meaning that employment opportunities are scarce and violence, banditry and intensive military operations impact upon the overall socioeconomic environment for all refugees, internally displaced persons and their host communities. These conditions combine to jeopardize efforts to support refugees' self-reliance and their inclusion in local and national development plans. The Productive Labour-Intensive Public Works (LIPW) Programme (\$7.5 million) targets refugees and host communities in the Sahel region. Beneficiaries receive employment opportunities while rehabilitating and maintaining infrastructure in both rural and urban settings and creating economic activity generating additional jobs and income opportunities.

The [Burkina Faso Refugee Law](#) does not specifically state that refugees enjoy the right to open and register businesses in their own names, nor do the [requirements for opening a business in Burkina Faso](#) make any mention of the refugee identity card. This can jeopardize refugees' ability to formally open businesses. In practice, refugees have been able to open small businesses such as small shops without fulfilling these legal requirements.

The [Burkina Faso Refugee Law](#) and its implementing decree provide refugees with the same worker protections as nationals, in line with applicable national laws. Burkina Faso has a National Strategy for the Elimination of the Worst Forms of Child Labour 2019–2023, which includes refugee children. Refugees are entitled to receive social security benefits, join trade unions and access maternity leave on the same terms as nationals. Article 187 of the 2008 [Labour Law](#) set a minimum wage policy that applies equally to refugees. In practice, traditional master-servant relationships have been noted among some refugee populations, which meet the International Labour Organization definition of 'forced labour' in the sense that wages are commonly withheld. While the practice is illegal under the [Burkina Faso Constitution](#) and other instruments, and has become very rare in Burkina Faso, it still exists among certain refugee groups.

The [Burkina Faso Refugee Law](#) affords refugees the right to practise their professions on the same terms as nationals upon authentication of their academic credentials by competent authorities. In practice, there are very few cases of refugees working as university professors or schoolteachers.

3.3 Land, housing and property rights

The [Burkina Faso Refugee Law](#) and the [Agrarian and Land Reorganization Law](#) allow refugees to acquire land legally. The right to property is stated among the rights to which refugees are entitled on the same terms as nationals. Land is commonly a source of dispute and remains a highly sensitive issue in rural areas of Burkina Faso. According to a report published in 2015 by the Ministry of Justice, Human Rights and Civic Promotion entitled *Rapport d'étude sur l'état des lieux des conflits communautaires au Burkina Faso* (Study report on the situation regarding community conflicts in Burkina Faso), 76 per cent of intercommunal conflicts identified from 2012 to 2014 were land disputes, and refugee-hosting areas were among the top five affected regions.

Scarcity of arable land remains a major challenge in most refugee-hosting areas and refugees often get plots of land to rent for cultivation for a whole one-year season from mostly traditional authorities rather than land to purchase. UNHCR also observed that some refugees bought parcels of land for housing from landowners in the Sahel region.

There is no specific law or policy that regulates refugee access to social/public housing schemes; however, Burkina Faso is developing a [National Policy on Housing and Urban Development](#) aimed at bringing together all of the necessary conditions for sustainable urban development. The plan is coordinated by the Ministry of Housing and Urban Development. So far, UNHCR is not aware of urban refugees accessing public/social housing schemes.

3.4 Financial and administrative services

The [Burkina Faso Refugee Law](#) grants refugees the right to open bank accounts and access financial services and mobile money in the same manner as the country's nationals. Based on the Refugee Law and its implementing decree, refugee ID cards constitute proof of official identity like the Burkina national ID cards (CNIB) and may be used to open a bank account, register a SIM card or use mobile money services. In practice, refugees have access to and frequently use mobile money services and phone banking on a par with nationals. No complaints have been received from refugees regarding accessibility or obstacles to these services.

Burkina Faso is a member state of the [Higher Education Council for Africa and Madagascar](#) (CAMES). Within this framework, refugees in Burkina Faso may individually request recognition and equivalence of their university diplomas, which consequently facilitates their access to employment and education in Burkina Faso. Refugees in Burkina Faso mostly come from CAMES member states. In practice, there are no reported cases of refugees facing challenges while looking for diploma recognition and equivalence in Burkina Faso. There is no such policy regarding certificates obtained following vocational training.

Burkina Faso is a state party to the [1949 Geneva Convention on Road Traffic](#) and the [Vienna Convention on Road Traffic](#) and belongs to the Economic Community of West African States – ECOWAS (CEDEAO) and the West African Economic and Monetary Union – WAEMU (UEMOA). According to the [Driving Licence Law](#) in Burkina Faso, foreigners holding driving licences issued by states parties to these communities can obtain the equivalent Burkinabè driving licence or use their own driving licences directly, subject to authentication by the transport services. Foreigners holding driving licences in languages other than French will be given a non-renewable six-month driving authorization if translated in French by the relevant entity at the Ministry of Foreign Affairs and subject to authentication by the transport services. Although these laws and policies do not refer directly to refugees, they apply to them in conjunction with the [Burkina Faso Refugee Law](#) and its implementing decrees. In practice, refugees have access to driving licences on the same terms as nationals. There are no reported cases of refugees facing challenges when seeking to convert driving licenses issued in their countries of origin.

The Burkina Faso Refugee Law grants refugees access to national skills development opportunities within the available resources and subject to Burkina Faso education policy. There is a [National Technical and Vocational Education and Training Policy](#) in Burkina Faso that may apply to refugees and refugee-hosting areas in conjunction with the Burkina Faso Refugee Law. However in practice, refugees mostly access skills development initiatives provided by UNHCR and humanitarian NGOs, although these may not have the desired scale and scope to be considered viable sub-sectors within the refugee-hosting areas.

4 Access to National Public Services

4.1 Education

The Burkina Faso Refugee Law grants refugees the right to education on a par with nationals, including free basic education and access to university and its services. The Ministry of Education and Promotion of Local Languages developed the [Basic Education Strategic Development Plan 2012–2021](#) (PDSED) and the [Education and Vocational Training Sectoral Plan 2017–2030](#). The PDSEB has five main pillars including free public basic education and decentralization of the education system. One of the main principles of the PDSEB is equal access for boys and girls.

In practice, these policies have (as at 31 December 2019) made possible the construction and operation of eight primary schools in the two refugee camps and one post-secondary technical school in Goudoubo camp, accredited and managed by the Regional Directorate for Education for the benefit of both refugee and host communities.

Refugee children and youth have access to the national education system and there are no reports of discrimination against refugees regarding access conditions. Refugee children in the Sahel region were also included in the [National Strategy for School Enrolment in Highly Insecure Areas \(SSEZDS\) 2019–2024](#) developed by the Ministry of Education to reduce the impact of the prevailing insecurity on school enrolment. However, the magnitude of forced displacement has reshaped school mapping and a long-term plan may be needed.

In practice, refugees' enrolment in secondary and postgraduate education is very limited due to the lack of sufficient infrastructure in refugee-hosting areas. Access to education for refugees also remains limited by sociocultural barriers (many refugee households are nomadic) and by the fact that many schools have been destroyed or closed due to insecurity in refugee-hosting areas. In urban settings, UNHCR supports secondary school enrolments by paying for tuition and school materials for the most vulnerable households.

The Burkina Faso Refugee Law grants refugees access to education, including specialized education services, according to the [Basic Education Strategic Development Plan 2012–2021](#) and the [Education and Vocational Training Sectoral Plan 2017–2030](#), which detail the Government's plan regarding basic education, language training, accelerated education, remedial learning programmes and catching-up programmes. These programmes are implemented in refugee-hosting areas for the benefit of both refugees and host communities; however, their coverage is limited in both communities due to insecurity and a lack of sufficient resources to meet all needs.

4.2 Healthcare

The Government of Burkina Faso has developed a [National Public Health Law](#) setting out rights and obligations regarding the protection and promotion of public health in Burkina Faso, as well as the [2013–2022 National Social Protection Policy \(NSPP\)](#), which provides for the extension of social insurance coverage to informal/agricultural sectors. These policies on health and social insurance, although not directed at refugees, apply to them in conjunction with the Refugee Law, which grants refugees with the right to public assistance and access to the national primary health-care system on the same terms as nationals. This includes access to available national sexual and reproductive services for refugee women and girls.

In practice, refugees have access to some national health programmes, free of charge. All refugee children in need are targeted by the Expanded Immunization Programme as well as by initiatives to prevent and treat malnutrition. Refugees are also included in the Government-funded HIV, TB and Malaria programme. However, in most cases, primary health care is not effectively free for refugees or for host communities. Consequently, first-level health centres (Centre de Santé et de Promotion Sociale – CSPS) funded by UNHCR have been established and are operational in the two refugee camps. Management of these centres was to be handed over to the Ministry of Health by June 2020; however, due to insecurity, all first-level health centres were closed by that date. There is a referral system to secondary and tertiary health care that is paid for by UNHCR and its partners.

The universal health insurance scheme adopted in 2015 is in the operationalization phase following establishment of the National Universal Health Insurance Fund (CNAMU) in 2018 and the National Orientation Council for the Universal Health Insurance Scheme (CNO-RAMU) in 2020, which is chaired by the Prime Minister. CNAMU is currently deploying a non-contributory mechanism to cover indigent individuals and has developed a plan to operationalize health insurance for households in the formal and informal sectors. In conjunction with the Refugee Law, this policy may apply to refugees if operationalized in refugee-hosting areas. It should be noted that only [25 per cent of the population in Burkina Faso has health insurance](#).

In practice, only refugees in urban areas can enrol in private health insurance companies, but UNHCR subsidies are still required so that they only pay 30 per cent of the medical charges they incur. UNHCR continues to cover the costs of most refugees' health care, mainly due to the precarious nature of refugee employment, which is mostly in the informal sector.

4.3 Social protection

Burkina Faso Refugee Law grants refugees the right to public assistance on a par with nationals and this includes social protection. The [2013–2022 National Social Protection Policy \(NSPP\)](#) adopted in 2012 describes two social protection components in Burkina Faso, namely social insurance and social safety nets. The NSPP aims to address social protection gaps that increase social inequalities, as well as the deteriorating social and political climate. The policy's target criteria are poverty, food insecurity and vulnerability. In conjunction with the Burkina Faso Refugee Law, this policy also applies to the most vulnerable refugees.

Implementation of this policy by the Government of Burkina Faso is bolstered by the Social Safety Nets Project (SSN), which comprises cash transfers, cash for work and awareness programmes for poor households. It started with cash transfers in the Nord region in September 2015 and was extended to the Sahel region from 2018 onwards. The additional financing received from the World Bank in 2019 is intended to extend cash transfers and accompanying measures currently available in the Est, Centre Est, Centre Ouest and Nord Regions to the Sahel, Centre-Ouest, Centre-Nord and Boucle de Mouhoun regions. These regions have been identified in line with the Government's PADEL and include regions hosting substantial refugee populations. However, the geographical extension of this additional financing to refugee-hosting areas has been delayed due to the IDP crisis and the COVID-19 pandemic.

In practice, although refugees have the same rights as nationals to access public assistance including social protection, the deteriorating security situation has had a negative impact on their self-reliance and access to social safety net programmes.

There is no overarching framework in place for dialogue between the government and international partners regarding the gradual alignment of aid and social protection systems and support for refugees and host community members with specific needs, in terms of coverage, targeting and levels of benefits.

4.4 Protection for vulnerable groups

Burkina Faso developed the [Burkina Faso Law on Human Trafficking and Similar Practices](#) with an implementing decree describing mechanisms in place to fight human trafficking. The country also has a [National Gender Policy](#) adopted in 2009 with renewed triennial action plans. Law No 061-2015/2015/CNT of 6 September 2015 addresses the prevention, repression and compensation of violence against women and girls and care and support for victims; it also prohibits all forms of violence against women and girls, but does not specifically target domestic violence. The [2019 Criminal Code](#) incorporated a chapter dedicated to offences against women and girls, which covers the full spectrum of GBV incidents including violations of sexual and reproductive health rights and restriction of the enjoyment of these rights, including through denial of the use of contraceptive methods. It also covers domestic violence. The new Code provides for sanctions for certain types of violence that were not previously punished or adequately addressed, such as sexual exploitation of a student by an educational actor, genital mutilation and child marriage. However, there are no specific assistance or protection mechanisms in place for LGBTI persons or male survivors.

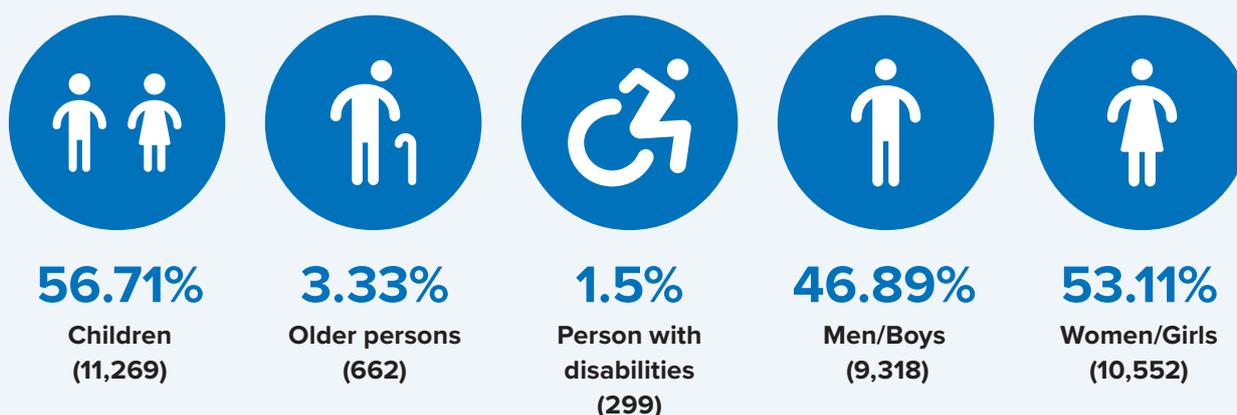
MFSNFAH oversees prevention and response activities targeting gender-based violence. Its decentralized social action services have a case management system accessible to all, including refugees in conjunction with the Burkina Faso Refugee law. A recent increase in gender-based violence in Burkina Faso amidst prevailing insecurity and forced displacement resulted in the development of an Action Plan for the Integrated Management of Victims of Gender-Based Violence 2019–2021 by MFSNFAH. A national GBV database, data collection protocols and protocols for integrated care for survivors (social, legal and health assistance) are currently under development for the benefit of social, judicial and health actors provided for in the Action Plan. There are also advanced discussion for, MFSNFAH, in collaboration with UNFPA, UNHCR and IOM, to launch a hotline to facilitate the reporting of cases and access to information on the services available to survivors.

Implementation of these policies in practice is generally weak or limited due to the financial and technical resources available and has so far not effectively taken into account the specific protection needs of refugees. Protection, prevention and response activities in respect of GBV incidents facing refugees are coordinated through UNHCR and humanitarian partners.

5 Cross Sectors

Characteristics of registered refugees and asylum-seekers in total refugee population*

as at 30 June 2020



5.1 Gender

The Burkinabè government has demonstrated commitments in favour of gender equality in developing several plans, programmes and strategies to promote women's rights. The National Plan for Economic and Social Development (PNDES 2016–2020) notably integrates gender as a determining factor in reducing inequalities.

However, gender considerations can generally be improved in all policy sub-dimensions. The four priority areas that are most consequential in terms of socioeconomic development are as follows:

- i. **Social cohesion**, focusing on the meaningful participation of women in institutional and community-based leadership structures that goes beyond their formal inclusion.
- ii. **Justice and security**, focusing on gender-based violence especially, domestic violence, female genital mutilation.
- iii. **Education and vocational training**, to address the drastic drop in girls' attendance in secondary and postgraduate education and to empower women, especially those heading households; and iv) health care, to improve sexual and reproductive health services.

* The refugee numbers reported here do not fully match the numbers on the front page because demographic characteristics are not available for all refugees (e.g., pre-registered refugees, etc.).

Annex on Key International and Regional Instruments ratified or adhered to

- [Additional Protocol to the Geneva Conventions of 12 August 1949 \(Protocol I\)](#)
- [Additional Protocol to the Geneva Conventions of 12 August 1949 \(Protocol II\)](#)
- [African Charter on Human and Peoples' Rights, 1981](#)
- [African Charter on the Rights and Welfare of the Child 1990](#)
- [African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa \(Kampala Convention\), 2009](#)
- [African Youth Charter, 2006](#)
- [Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 1984](#)
- [Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages, 1962](#)
- [Convention Governing Specific Aspects of Refugee Problems in Africa \(the OAU Convention\), 1969](#)
- [Convention on the Elimination of All Forms of Discrimination Against Women, 1979](#)
- [Convention on the Rights of Persons with Disabilities, 2007](#)
- [Convention on the Rights of the Child, 1989](#)
- [Convention relating to the Status of Refugees 1951 \(Ratification date: 18 Jun 1980\)](#)
- [Convention Relating to the Status of Stateless Persons, 1954](#)
- [Fourth Geneva Convention relative to the Protection of Civilian Persons of 1949](#)
- [ILO Abolition of Forced Labour Convention, 1957 \(No 105\)](#)
- [ILO Discrimination \(Employment and Occupation\) Convention, 1958 \(No 111\)](#)
- [ILO Employment Policy Convention, 1964 \(No 122\)](#)
- [ILO Equal Remuneration Convention, 1951 \(No 100\)](#)
- [ILO Forced Labour Convention, 1930 \(No 29\)](#)
- [ILO Freedom of Association and Protection of the Right to Organise Convention, 1948 \(No 87\)](#)
- [ILO Labour Inspection \(Agriculture\) Convention, 1969 \(No 129\)](#)
- [ILO Labour Inspection Convention, 1947 \(No 81\)](#)
- [ILO Minimum Age Convention, 1973 \(No 138\)](#)
- [ILO Right to Organise and Collective Bargaining Convention, 1949 \(No 98\)](#)
- [ILO Tripartite Consultation \(International Labour Standards\) Convention, 1976 \(No 144\), 1976](#)
- [ILO Worst Forms of Child Labour Convention, 1999 \(No 182\)](#)
- [International Convention for the Protection of all Persons from Enforced Disappearance, 2006](#)
- [International Convention on the Elimination of All Forms of Racial Discrimination, 1965](#)
- [International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, 1990](#)
- [International Covenant on Civil and Political Rights \(ICCPR\), 1966](#)
- [International Covenant on Economic, Social and Cultural Rights, 1966](#)
- [Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Organized Crime \(2000\)](#)
- [Protocol relating to the status of refugees, 1967](#)
- [Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, 2003](#)
- [UNESCO Convention Against Discrimination in Education, 1960](#)