

Universal Period Review – Burkina Faso: Fourth cycle review

Feedback from UN-Habitat

This submission responds to the following recommendations:

Economic, social & cultural rights - general measures of implementation

125.69 Continue to promote economic and social development with the view to eliminating poverty and further improving the quality of life of the population (Djibouti);

The right to adequate housing

125.70 Continue its efforts to increase the rate of access to sanitation in rural and urban areas (Equatorial Guinea);

Participation of women in political and public life

125.135 Continue efforts to improve women's participation in decision-making (Egypt);

a) Improving the quality of life for IDPs as well as host communities

1. During the reporting period, Burkina Faso was experiencing an unprecedented humanitarian crisis with more than two million Internally Displaced Persons (IDPs) due to the ongoing conflict in the Central Sahel region. Many of the displaced persons were women and children in urgent need to access food, shelter, water, sanitation, education and health care. Most IDPs sought refuge in urban areas where they felt more secure in order to avoid ongoing displacement.
2. As a result, forced displacement due to conflict induced accelerated urban growth of several urban centres in Burkina Faso, especially secondary cities, as these urban centres offer opportunities for income generation, although mainly within the informal economy, as well as for social mix and cohesion among different community groups.
3. This dramatically increased the urban populations' needs in terms of access to an adequate standard of living, including in the context of housing and shelter, basic services and public infrastructure in the recipient cities.
4. Therefore, adapted city/urban planning and management mechanisms needed to be established by the local authorities in the relevant cities and towns to progressively reduce vulnerability and dependency from external aid, not just for the IDPs, but also for the existing population, especially those most at risk of exclusion, and to reinforce their overall resilience.
5. To ensure an inclusive process and guarantee the participation of all parts of the community, local authorities in four cities set up, with UN-Habitat's assistance, Multi-Stakeholder Committees for Urban Resilience (CMRUs - Cellules Municipales pour la Résilience Urbaine). The committees comprise approximately 20 persons per city, are led by the municipality/local authorities and include



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decentralised government departments (health, education, land management, etc.), development cooperation and humanitarian actors, para-statal (water and electricity service providers), and community representatives, including women leaders from both the IDP and the host community.

6. The local authorities, with the support of UN-Habitat, applied an area-based approach in the participating cities, fostering cooperation between the different parts of the communities. This created an overall improvement in the standard of living in the cities, as well as fostered social inclusion.

7. The same local authorities also applied an integrated approach, so that humanitarian assistance was provided together with longer-term support towards durable solutions, such as improved housing / shelter conditions (including secure tenure), increased access to urban basic services (drinking water, electricity, health and education) and creation of income-generating activities, thus covering the humanitarian development peace nexus. This, too, was based on participatory decision-making involving all parts of the communities, specifically women.

b) Land ownership and secure tenure to improving the standard of living

8. The omnipresent issue around land rights and ownership remains one of the biggest challenges in Burkina Faso, not just in the context of IDPs, but also more generally around increasing the quality of life and empowering women (see below), with the customary system often clashing with the formal system. This can impede, for example, the construction of social housing aimed at households in situations of vulnerability, including due to delays as a result of unresolved land right issues. Land demarcation is usually led and financed by the municipalities, who may face a lack of technical and financial capacity, thus being unable to effectively resolve land matters, which may lead to inter or intra-communal conflict.

c) Access to land ownership for women

9. Discriminatory practices negatively impacting women were observed around access to and control over land, but also ownership of land titles in some cases. Women tend to be more restricted than men in accessing land due to discriminatory practices. Despite legislation aimed at giving equal land rights to men and women, customary and traditional law primarily dictate community members' access to land and resources. In Burkina Faso, more than half of the population actively engaged in agriculture are women. They are the mainstay of farming in the country and account for 80% of food production. According to the Ministry for the Advancement of Women, they account for 75% of the country's agricultural workforce. As agriculture is the main activity in rural areas, access to land and its produce is crucial for women.

10. Clear progress has been made through national and international legal frameworks - ratified by Burkina Faso – that enshrine equitable access to land for Burkinabe women. For example, Article 64 of the Law on Agrarian and Land Reform (RAF) stipulates that "urban and rural land in the national land domain is allocated to natural persons, without distinction of sex or marital status", and to legal persons under the conditions set by the texts. However, in practice, the idea of women owning land is hardly conceivable in most Burkinabe societies. Many women continue to suffer discrimination that excludes them for accessing their rights, which is essential for their empowerment and the socio-economic development of the country.

11. The discrimination suffered by women in most communities is intrinsically linked to the customs and traditions of the country. Traditions give the land a sacred character, which is passed down from father to son, representing the memory of the lineage of the village of origin. By marrying, women are considered to be attached to another lineage, thus excluding them from its management. Thus, traditional society allows women to work on the land, but without being full owners. In most cases, they cultivate plots of land borrowed from men, with the risk of being dispossessed at any time.

12. As women constitute the majority of producers, equitable access to resources is a prerequisite for sustainable development and the increase in the quality of life for the whole population, as well as avoid the feminization of poverty. In this respect, changes have been made by political authorities and civil society; advocacy is being carried out with customary leaders and landowners. The policy of securing land in rural areas adopted by the government in October 2007 and the law on securing land in rural areas in 2009 aim, among other objectives, to ensure equitable access to land for all. In addition, to further promote the status of women, the government has introduced a gender quota in various professional fields. Despite the difficulties in applying these measures on the ground, they contribute to a better understanding of the situation of women and to actions to improve their access to land.

Recommendations going forward:

13. It is important to strengthen the role of local authorities in the context of human rights in crises, with local authorities being the first point of contact for engagement with rightsholders and often the first to implement a crisis response.

14. The approach taken by the cities of Kaya, Kongoussi and Tougouri (Centre-North Region) and Dori (Sahel Region) (multi-scaled, area-based, integrated and participatory) could be scaled up across the country and applied in other cities facing crises; communication and coordination at the level of local authorities could be increased to share positive impact and good practices towards improving the overall standard of living at city level, as well as overall develop capacity across different local authorities.

15. It is suggested for the Ministry of Urban Development, Land Management and Housing to ensure the adoption of the relevant draft policy recommendations to ensure that crisis dimensions, caused by rapid population growth and migration patterns, as well as the HDP nexus are taken into account in upcoming planning tools.

15. The meaningful participation of different segments of the impacted population is key for the long-term inclusive community-based decision-making and social inclusion. It is recommended that participatory practices including all segments of the communities are scaled up across the country. Special attention should be accorded to women, especially those in situations of marginalization.

16. Land tenure rights are an important aspect of the right to an adequate standard of living. Local authorities have a key role in engagement with the communities to ensure that unresolved land issues are addressed, land plots are registered and community members have long-term secure tenure. These measures will also reduce land-related conflict. As such, it is recommended that the national authorities



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prioritize land rights in the context of the current crisis.

17. Women must not be discriminated against in their access to land rights and secure tenure. Women's equality should be protected both in law and in practice in this context as an essential component of sustainable development in Burkina Faso as well as the empowerment of women.