



BURKINA FASO

**Submission to the UN Universal Periodic Review
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**Joint Submission by CIVICUS: World Alliance for Citizen
Participation, NGO in General Consultative Status with ECOSOC**

and

**Réseau des Organisations de la Société Civile pour le Développement
(RESOCIDE), Burkina Faso**

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1. (A) Introduction

1.1 CIVICUS: World Alliance for Citizen Participation is an international movement of civil society with members in more than 100 countries worldwide. Established in 1993, CIVICUS nurtures the foundation, growth and protection of citizen action and civil society throughout the world, especially in areas where participatory democracy and citizen's freedom of association are threatened.

1.2 Réseau des Organisations de la Société Civile pour le Développement (RESOCIDE) is a network of civil society organisations for development which was formed by 14 organisations in 2002. RESOCIDE focuses on fair global governance, civil society research and protecting human rights.

1.3 In this document, CIVICUS and RESOCIDE outline concerns related to the harassment, intimidation and persecution of journalists and other members of the media who are critical of the authorities in Burkina Faso and call attention to corrupt practices.

1.4 CIVICUS and RESOCIDE are deeply concerned about attempts by the government to curb the rights of citizens to assemble peacefully by clamping down on protests and demonstrations that call for an end to impunity and corruption.

1.5 Burkina Faso does not currently have a formal national human rights commission, despite repeated calls from civil society and human rights defenders. The tenure of the last commission ended in 2006, and although nominations for representatives for the commission were received by the government in 2009, a new commission has not yet been put in place.

- In section B, CIVICUS and RESOCIDE express concerns over the suppression of the freedoms of association and assembly.
- In Section C, CIVICUS and RESOCIDE highlight concerns regarding attempts to stifle the freedom of expression and the harassment of journalists.
- In section D, CIVICUS and RESOCIDE make a number of recommendations on the areas of concern listed.

2. (B) Concerns over threats to civil society groups and suppression of the freedoms of association and assembly

2.1 Articles 7 and 21 of the Constitution of Burkina Faso provide protection for the freedoms of assembly and association. Articles 20 and 21 of the International Covenant on Civil and Political Rights (ICCPR), which Burkina Faso has ratified, guarantee the freedoms of association and peaceful assembly. Nevertheless, protection by the state of these two freedoms is often inadequate.

2.2 There remain concerns about security forces committing human rights abuses and acting with impunity while halting demonstrations. During protests in February 2011 to call for an end to impunity following the death of Justin Zongo, a student who died in police custody in Koudougou, the police fired teargas and used live ammunition against protesting crowds, killing five protesters. The police had initially released a report indicating that Zongo had died of meningitis while in police custody which they were later forced to retract following widespread protests.

2.3 Civil society activists are also vulnerable to overt and covert forms of intimidation. Following sustained protests against government corruption and police brutality, Chrysogone Zougmore, president of the Mouvement Burkinabé des droits de l'homme et des peuples was threatened by security forces in the capital Ouagadougou in March 2011 and informed that his organisation would be held liable for any casualties or damages to property caused as a result of the protests.

2.4 In response to demands by members of the National Independent Union of Administrative and Technical Staff of the Public Universities of Burkina Faso, their Secretary General Aristide Zoungrana was threatened over the phone by anonymous sources and warned to stop all trade union activities in October 2010.

3. (C) Concerns regarding freedom of expression and the harassment of journalists

3.1 Article 8 of the Constitution of Burkina Faso guarantees freedom of opinion and expression, press freedom and the right to information. Article 19 of the ICCPR guarantees freedom of expression and the right to hold opinions without interference.

3.2 Nonetheless, the operating environment for journalists and media representatives remains imperilled. Even though the print media has expanded over the last few years, journalists remain at risk of persecution and accusations of libel for carrying out their professional duties. Some media outlets reportedly indulge in self-censorship when reporting on sensitive issues in order to evade persecution. Threats and harassment of journalists remain a matter of concern.

3.3 In February 2009, journalists working for the *Reporter* magazine and the independent weekly newspaper *L'Événement* received death threats for citing an auditor's report which identified government officials as being involved in financial

misconduct in relation to the operation of the National Social Security Fund. The journalists received an email warning them that they would face the same fate as Norbert Zongo, publisher and editor of *L'Independent* newspaper, who was assassinated in 1998.

3.4 On 15 April 2011, soldiers involved in a mutiny vandalised Savane FM radio station, destroying equipment and the newsroom, reportedly because the station had been critical of the mutiny. Additionally, journalists critical of the long serving president and the state of governance in Burkina Faso risk intimidation. For example, Sama Karim, who hosts a programme that focuses on governance issues and the political dynamics in Burkina Faso for private radio station OUGA FM, has received a number of anonymous death threats. In April 2011 he was prevented from accessing his office after attending a meeting organised by the political opposition. In 2007 his car was set alight after he criticised the president.

3.5 There remain serious concerns about official interference in media reporting activities. Following widespread demonstrations after the death in police custody of student Justin Zongo in February 2011, the Superior Council of Communication, which exercises oversight on content released by the media for the purpose of meeting ethical standards, urged that journalists abstain from using phrases that might incite further demonstrations. Moreover, in March and April 2011, during demonstrations denouncing the death of Justin Zongo and calling for an end to impunity, the authorities impeded people's ability to communicate with each other and obtain information by placing limitations on text messages.

4. (D) Recommendations to the Government of Burkina Faso

4.1 CIVICUS and RESOCIDE call on the Government of Burkina Faso to create an enabling environment for civil society to operate in accordance with the ICCPR and the UN Declaration on Human Rights Defenders.

- The following minimum requirements in policy and practice for civil society to operate should be guaranteed: *freedom of association, freedom of expression, the right to operate free from unwarranted state interference, the right to communicate and cooperate, the right to seek and secure funding and the state's duty to protect.*

4.2 Concerns over suppression of freedom of association and assembly:

- A National Commission on Human Rights should be established, in line with the internationally accepted Paris Principles.

- Senior government officials should publicly declare their support for civil society to prevent harassment of activists.
- Clear directives should be given to members of the security forces on not impeding peaceful assemblies. They should be trained on the UN Basic Principles on the Use of Force and Firearms.
- Efforts should be made to ensure that assemblies are protected from criminal attacks by the military and other non-state actors.

4.3 Concerns regarding freedom of expression and the harassment of journalists:

- The practice of threatening and intimidating journalists and representatives of media outlets who report on official corruption should be ended. Relevant instructions should be given to security force members and other government officials in this regard.
- Criminal investigations by independent agencies should be carried out in cases of harassment of journalists.
- Police and security officials as well as other government representatives implicated in the abuse of journalists should be held accountable under the law.

4.4 Regarding Access to UN Special Procedures and Mandate Holders

- A standing invitation should be extended to the UN Special Procedures, particularly to the Special Rapporteur on Human Rights Defenders, Special Rapporteur on Freedom of Expression and the Special Rapporteur on Freedom of Peaceful Assembly and Association.