

# Children's right to identity in Burkina Faso

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## 1 Creation of identity

### Birth registration:

- In 2021, 84.8 % of the children were registered, but only 73% had a birth certificate.<sup>1</sup>
- Zatu an VII 13 du 16 novembre 1989 portant institution et application d'un code des personnes et de la famille au Burkina Faso (Persons and Family Code) regulates birth registration.<sup>2</sup> Birth registration is compulsory within a two-month period after the birth. After this period, a judgment is required. *'In 2017, only 49.04% of births were registered within the legal two-month deadline.'*<sup>3</sup>
- Only paper registers are considered legal documents. On the initiative of the Direction générale de la modernisation de l'état civil (DGMEC), a revision of the Persons and Family Code (1989) is ongoing and both physical and digital registers would be considered legal bases (see *Preservation of identity below*).<sup>4</sup>
- The iCivil technology assigned pre-defined tags with a unique number to each newborn and used a mobile application for smartphones to communicate birth registration data directly to the records of birth declarations directly to the digital database of the civil registry; it was initially developed by a private company and then owned by the government. It started to be implemented in 2015<sup>5</sup> and led to an improvement in the civil status registration process.<sup>6</sup> However, iCivil was abandoned in January 2023 for political reasons and replaced by a national solution called VEENEM. This is an integrated civil registration management system. The VEENEM platform is a software application that is compatible with both computers and smartphones, enabling civil status events to be reported directly from health units or town halls.<sup>7</sup>
- The *2017–2021 Action Plan of the National Civil Status Strategy* identified challenges, such as *'political instability, inadequate budget, distance to registration centers, capacity and skills needed for registration, monitoring, and evaluation; and compilation and dissemination of vital statistics'*.<sup>8</sup>
- A new *National Civil Status Strategy for the period 2023–2027* was adopted with an *Action Plan 2023–2025*,<sup>9</sup> with the aim of modernising and securing civil status, strengthening communication and the production of civil status statistics, as well as governance and coordination of the civil status system, with the involvement of customary and religious leaders to ensure effective local communication/awareness-raising among the population.<sup>10</sup> The *2023–2027 Action Plan of the National Civil Status Strategy* identified challenges, such as digitising the production and management of the civil status system; consolidating the legal, institutional and organisational frameworks; strengthening communication and strengthening interoperability between stakeholders.<sup>11</sup>

### Potential considerations:

- **How is the State planning to effectively ensure universal birth registration through better coordination and modernisation?**
- **The great number of invisible children in Burkina Faso is also due to the lack of information to parents. How will the State inform the public of the importance of birth registration?**

## 2 Modification of identity

### Humanitarian situation:

- Burkina Faso is facing multiple crises – insecurity, political instability, internal conflicts, climate change – and a deteriorating humanitarian situation.<sup>12</sup> Children's basic rights and their right to identity are challenged in many situations.<sup>13</sup>
- Support to families and maintaining the child close to his or her family and community is lacking due to the country's very difficult humanitarian context and a high number of displaced people. In 2024, *'according to the Government, over 2 million people [were] internally displaced. The country also host[ed] 38,000 refugees, mostly of Malian origin'*.<sup>14</sup> UNICEF reports that children accounted for 58% of IDPs and that over 80% of internally displaced children do not have birth certificates.<sup>15</sup>

### Child marriage:

- Child marriage modifies children's identity, as child brides often lose contact with their own family at a young age and are at risk of losing their own identity. In 2022, *'569,100 women were married before 15 and 3 million before 18'* and *'Burkina Faso is home to around 3 million child brides; 1 in 2 young women were married in childhood'*.<sup>16</sup> However, *'considerable progress was made towards "Ending child marriage". The rate of child marriage dropped from 52 per cent in 2015 to 38 per cent in 2021 for girls aged 20–24 married before 18, and from 10 per cent to 7.8 per cent for those married before 15'*.<sup>17</sup>
- On 10 July 2024, the Council adopted a decree on the preliminary draft Personal and Family Code (CPF). According to the Minister of Justice, Edasso Rodrigue Bayala, this new Code includes major innovations that take into account the socio-cultural realities, habits and customs of Burkina Faso. The new CPF also proposes the recognition of customary and religious marriages through their entry in the civil register. *'There are conditions under which these marriages will be transcribed into the civil register, and from now on they will have the same effects and consequences as civil marriages currently celebrated at civil registry level'*, explained the Minister of Justice. The age of majority has also been reduced from 20 to 18. *'The age of marriage is also set at 18, but exceptionally at 16 with the authorisation of the judge'*, the Minister of Justice maintained.<sup>18</sup>

### Child labour:

- *'In 2022, Burkina Faso made moderate advancement in efforts to eliminate the worst forms of child labor. (...) The government also developed a mobile application for labor inspectors that will provide real-time data and information on child labor throughout the country and translated its hazardous work list for children into five local languages. Lastly, the government adopted the 2023–2027 Strategic Plan on Eliminating Child and*



Forced Labor in the Cotton, Textile, and Garment Value Chains. However, children in Burkina Faso are subjected to the worst forms of child labor, including in farming and commercial sexual exploitation, each sometimes as a result of human trafficking. Children also perform dangerous tasks in artisanal gold mining. The Labor Code does not identify the light work activities in which children may engage. The government also lacked resources for the enforcement of child labor laws and did not release information on its labor and criminal law enforcement efforts.’<sup>19</sup>

**Potential considerations:**

- How is the State planning to improve family support and reintegration programmes to promote the maintenance of family relations – a component of the child’s identity – in this difficult humanitarian situation?
- How will the State prevent child labour, trafficking and marriage, to avoid the possible undue change of identity linked to these abuses?
- While it is welcome that the country is moving towards prohibiting marriage under the age of 18, what actions and safeguards are being foreseen to ensure the prospective provisions of the CPF are truly implemented and respected in customary and civil marriages?

# 3

## Falsification of identity

**Trafficking:**

- Child victims of trafficking are vulnerable to falsification of identity and, due to the humanitarian context, children in Burkina Faso are at a great risk of being victims of both trafficking and falsification of identity.<sup>20</sup>

**Potential considerations:**

- How is the State planning to better prevent trafficking and falsification of identity?

# 4

## Preservation of identity and access to origins

**Civil registration:**

- Articles 72 and 73 of the Family Code note that ‘the registers are closed (...) at the end of each year by the civil registrar. An alphabetical table of the records drawn up during the year is drawn up and transcribed into the corresponding registers’. ‘In the month of closure, a copy of the registers kept in the main centers and in the secondary centers attached to them shall be deposited in the archives of the said centers. The duplicates shall be forwarded by the officers of the main centers to the Public Prosecutor of Faso at the civil court, who shall verify them and send them to the Court of Cassation, the civil court, who will check them and draw up a report before depositing them with the registry.’

- ‘The importance of securing civil status records has become increasingly apparent, and the process of digitizing civil status records has been timidly underway since 2015’.<sup>21</sup> The Agence belge de développement (Enabel) with the project ‘Appui à la digitalisation des services d’état civil’ helps the Direction générale de la Modernisation de l’Etat civil (DGMEC) in the digitisation of civil registers in the communes of Koupéla, Pouytenga, Ouargaye, Tenkodogo and Bittou. To this end, the DGMEC sent a team of more than 10 technicians to Tenkodogo from 15 to 26 May 2023 to scan the civil registers and visited the communes of Pouytenga and Koupéla.<sup>22</sup>
- ‘One of the aims of digitizing civil status records is also to be able to have, in the long term, a national civil status file implementing the unique identifier of the citizen in civil status (“identifiant unique du citoyen à l’état civil”, IUCEC) in coordination with other national initiatives in the field of personal identification. It is not possible, for example, to move a physical register from a civil registry center without the express authorization of the public prosecutor. On the other hand, once civil status data has been digitized, it can be centralized at national level. From this stage onwards, it will be possible to build up the national database and generate the IUCEC, which was created by decree in 2013.’<sup>23</sup>

**Adoption:**

- Both simple and full adoption exist in Burkina Faso. The Family Code mentions that ‘the decision granting the adoption is entered in the civil status registers of the adopted person’s place of birth. If the adopted person was born abroad or if the place of birth is unknown, the decision is transcribed into the civil status registers of the place where the court has its seat. The transcription states the date and place of birth, the child’s sex, surname and forenames and, if applicable, new forenames as they result from the adoption judgment, the surname, forenames, date and place of birth, occupation and place of residence of the adopter(s). The original birth certificate is marked “adoption” (Art. 507).
- According to the 2022 Hague Conference on Private International Law country profile, the Ministère du genre et de la famille keeps all information regarding the adoption. A time limit has not been decided yet. Adoptees can obtain information about their origins when they reach 18.<sup>24</sup>
- A manual clearly outlines the procedures for both domestic and intercountry adoptions. Although the adoption system is functional, delays are observed in assigning children to couples/individuals who apply. According to social services, the delays often occur at the judicial level, as court decisions take time to be issued. Additionally, a financial issue is affecting the sessions of the technical matching committee.<sup>25</sup>

**Potential considerations:**

- How will the State accelerate digitalisation of civil status records, necessary to implement a national civil status file, which would better ensure the preservation of birth certificates, whilst also ensuring data protection?
- What procedures will the State put in place to guarantee adoptees’ right to identity, especially the information which should be kept and the access to this information?



# 5 Restoration of identity

## Birth registration:

- According to Article 123 of the Family Code, if no records exist or are impossible to find, the registration/declaration may be substituted by a Court decision. *'The request for this Court decision could be filed by the interested child (if of legal age) or the person duly authorized or empowered to proceed, such as the parent(s) or guardian (if child is a minor). To obtain a declarative birth judgment, the following documents must be submitted (either the original or photocopy): (i) a stamped formal request from the interested child (if of legal age) or the father, mother or guardian (if child is a minor); (ii) a certificate of non-declaration or non-registration of birth issued by the Town Hall of the child's place of birth; (iii) the relevant birth book or, in its absence, a physiological age certificate issued by a doctor; and (iv) if child is of legal age, two duly identified witnesses. The application should be sent to the President of the District Court of the child's place of birth and, once the Court decision (declarative birth judgment) is issued (potentially after one or more hearings), it will be forwarded to the Town Hall of the child's place of birth to be registered, and the birth replacement or retroactive certificate will be issue'*.<sup>26</sup>

## Children and armed groups:

- Children in armed groups are a concern in Burkina Faso, as a total of 68 children, some as young as six, were recruited by armed groups in Burkina Faso.<sup>27</sup> 'On September 12, 2022, the government adopted a handover protocol in collaboration with the United Nations, which considers child soldiers as victims and directs officials to transfer them to social services by security forces if detained following military operations.'<sup>28</sup>

## Potential consideration:

- *What is the State undertaking to improve family reintegration of children in armed groups and victims of child labour and to restore their identities?*

## Sources:

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- <sup>2</sup> See: Zatu an VII 13 du 16 novembre 1989 portant institution et application d'un code des personnes et de la famille au Burkina Faso, <https://www.refworld.org/docid/3ae6b4da27.html>. Completed by: Decree No. 2017-0311/PRES/PM/MATDS of 12 May 2017, adopting the revised National Civil Status Strategy (SNEC); Decree No. 2017-0343/PRES/PM/MATDS of 12 May 2017, adopting the 2017–2021 Action Plan of the National Civil Status Strategy (PA-SN, Order No. 2006-009/MJ/SG/DACPS of 2 March 2006, establishing models for civil status records, [https://systemesec.ca/a-percus-de-pays/burkina-faso#:~:text=D%C3%A9cret%20no%202017%2D0311%2FPRES,%C3%A9tat%20civil%20\(PA%2DSNEC\)%3B](https://systemesec.ca/a-percus-de-pays/burkina-faso#:~:text=D%C3%A9cret%20no%202017%2D0311%2FPRES,%C3%A9tat%20civil%20(PA%2DSNEC)%3B).
- <sup>3</sup> *Ibid.*
- <sup>4</sup> Mitala, H. (2021). Snapshot of Civil Registration and Vital Statistics Systems of Burkina Faso. Centre of Excellence for CRVS Systems, <https://idl-bnc-idrc.dspacedirect.org/server/api/core/bitstreams/3e2029de-de51-4d28-891e-2ce97c798fd8/content>.
- <sup>5</sup> *Ibid.*
- <sup>6</sup> *Ibid.*
- <sup>7</sup> Information shared by a local contact.
- <sup>8</sup> Mitala, H. (2021). *Supra* 4.
- <sup>9</sup> 'Modernisation de l'état civil au Burkina Faso : une nouvelle stratégie pour renforcer l'accès à l'état civil'. *Civitas*. 2024, <https://civitas.org/spip.php?article3756>.
- <sup>10</sup> *Ibid.*
- <sup>11</sup> Information shared by a local contact.
- <sup>12</sup> UNICEF (n.d.). Child alert: Extreme jeopardy in the central Sahel, <https://www.unicef.org/child-alert/central-sahel-extreme-jeopardy>.
- <sup>13</sup> UNICEF (n.d.). *Ibid.*; and Human Rights Watch (2024). Burkina Faso: Army Massacres 223 Villagers, <https://www.hrw.org/news/2024/04/25/burkina-faso-army-massacres-223-villagers>.
- <sup>14</sup> UNHCR Global Focus (n.d.). Burkina Faso, <https://reporting.unhcr.org/operational/operations/burkina-faso#:~:text=According%20to%20the%20Government%2C%20over%20million%20to%20almost%204.7%20million>.
- <sup>15</sup> UNICEF (2024). Country Office Annual Report 2023, <https://www.unicef.org/media/152726/file/Burkina-Faso-2023-COAR.pdf>.
- <sup>16</sup> UNICEF (n.d.). Child marriage country profiles. Burkina Faso, <https://data.unicef.org/resources/child-marriage-country-profiles/>.
- <sup>17</sup> UNICEF (2024). *Supra* 15.
- <sup>18</sup> Présidence du Faso (2024). Code des Personnes et de la Famille : le gouvernement apporte des innovations majeures, <https://www.presidencedufaso.bf/code-des-personnes-et-de-la-famille-le-gouvernement-apporte-des-innovations-majeures/>.
- <sup>19</sup> US Department of Labor / Bureau of International Labor Affairs (2023). Child Labour and Forced Labor Reports. Burkina Faso, <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/burkina-faso>.
- <sup>20</sup> UNICEF (n.d.). *Supra* 12; and Human Rights Watch (2024). *Supra* 13.
- <sup>21</sup> Open.Enabel (2023). Au Burkina Faso, Enabel appuie la digitalisation des archives de l'état civil, <https://open.enabel.be/en/BFA/2539/2212/u/au-burkina-faso-enabel-appuie-la-digitalisation-des-archives-de-l-tat-civil.html>.
- <sup>22</sup> *Ibid.*
- <sup>23</sup> *Ibid.*
- <sup>24</sup> The Hague Conference on Private International Law (2022). Country Profile: Burkina Faso, <https://assets.hcch.net/docs/b540059d-d6b1-4927-adb4-52dfa108b399.pdf>.
- <sup>25</sup> Information shared by a local contact.
- <sup>26</sup> Code des personnes et de la famille, 1989, <https://www.refworld.org/legal/legislation/natlegbod/1989/fr/103276>.
- <sup>27</sup> General Assembly. Report of the Secretary-General on Children and armed Conflict, A/76/871-S/2022/493, 11 July 2022, <https://www.un.org/unispal/document/children-and-armed-conflict-report-of-the-secretary-general-a-76-871-s-2022-493-excerpts/>.
- <sup>28</sup> US Department of Labor / Bureau of International Labor Affairs (2023). *Supra* 19.

