



**USAID**  
FROM THE AMERICAN PEOPLE

**ABA**  
AMERICAN BAR ASSOCIATION  
Rule of Law Initiative

**Freedom House**



**PROGRESS**  
PROTECTING GLOBAL RIGHTS

## The Human Rights Support Mechanism

The HRSM is a global, multi-year, USAID-funded program implemented by the PROGRESS consortium composed of Freedom House, ABA ROLI, Pact, Search for Common Ground, and Internews. To learn more about HRSM visit: <https://freedomhouse.org/programs/emergency-assistance-and-thematic-programs/human-rights-support-mechanism-program>

## Objectives of the Study

The Study is in line with the [HRSM Learning Plan](#) and was conducted by the ABA ROLI in collaboration with Freedom House with the aim of filling the evidence gaps in the growing academic literature on the role of National Human Rights Institutions in pursuing justice.

## Scope and Method

The study in Burkina Faso was completed using literature review, 25 key informant interviews, 15,683 online survey responses, and a stakeholder workshop to address the research questions below:

1. How does interaction with an NHRI or CSO change the way individuals move through their justice pathway?
2. Are there different points in an individual's justice journey that show where trust in state is increased or decreased?
3. What actionable strategies can NHRIs or CSOs take to strengthen the ability of NHRIs to seek justice for individuals who experience rights violations?

# National Human Rights Institutions (NHRI) and their Interactions with Civil Society Organizations (CSOs)

## Summary of Findings: Burkina Faso



### Human Rights Conditions

Since 2015, Burkina Faso has been the target of unprecedented terrorist attacks and is still struggling to find the right way out. These attacks have caused internal displacement of populations in several regions of the country and threatens respect for the basic principles of a democratic state.

The deleterious security situation favors the commission of numerous violations and/or abuses affecting all human rights. The Burkina Faso Commission Nationale des Droit Humains (CNDH) reports that closure of schools, attacks directed against health infrastructures, destruction of depots of generic essential drugs, closure of numerous administrative services (town halls, gendarmeries, police, high courts, etc.), disruption of economic activities due to threats and other acts of terrorist groups have severely tested the effectiveness and enjoyment of economic, social and cultural rights, especially in areas where the terrorist attacks occur.

### The Commission Nationale des Droit Humains (CNDH)

The Burkina Faso National Human Rights Commission was first established in 2001 and was updated in line with international standards by law in 2016. The CNDH is an autonomous and national entity, mandated to promote, protect, and defend human rights. With its headquarters in Ouagadougou, the capital city, it has so far one field representation in Bobo-Dioulasso, covering several administrative regions in the western part of the country.

### Core Functions

- Receive individual or collective complaints on allegation of human rights violations
- Investigate human rights violations
- Hear and facilitate conciliation proceedings
- File complaints to competent bodies
- Guide complainants and victims and provide legal assistance to those requesting it
- Visit detention facilities
- Raise public awareness on human rights
- Monitor/ report human rights conditions
- Monitor and contribute to Burkina Faso's compliance with commitments to the signed international human rights instruments
- Participate in discussions on and recommend human rights policies and ratification of international human rights instruments
- Conduct research and studies on human rights
- Strengthen awareness and capacities of public authorities and actors intervening in human rights

## The Role of CNDH in Addressing Justice Needs

Complaints may be reported or filed at the CNDH by phone, through the Commission's hotline, WhatsApp, the CNDH portal, or by reporting or filing of written complaints in-person. While there are many venues for filing complaints or reports, there are only two CNDH offices in the country servicing 22.1 million people.

According to CNDH, most cases they receive concern abduction, individuals in forced hiding, disappearance, and extrajudicial killing.

Complaints or reports received by the CNDH are assessed upon receipt based on completeness of filing. Once a case is received, the CNDH may investigate the case or provide legal assistance if or when requested. Should the CNDH determine that the case is a human rights violation for which criminal action must be initiated, the type of offense is determined and the case may be filed with a competent authority. The CNDH may also issue a report on the case and recommend to State institutions specific and appropriate actions considering the abuse discovered. The case may also be heard and conciliation proceedings may be initiated to arrive at a settlement agreement. The bounds for when conciliation is initiated are not clearly defined and specific procedures are not set in any standard procedural guidance.

The CNDH conducts its own monitoring of general human rights conditions and may issue public reports and file recommendations to international or regional authorities. It also conducts monitoring of detention facilities and may initiate a report based on observations in these facilities.

## The Role of CSOs in Addressing Justice Needs

In most cases, CSOs inform individuals filing complaints and victims of all options available to them in order to arrive at a legal outcome for their case. To this end, some institutional arrangements with law firms or with the Legal Assistance Fund allow litigants in need to find professional assistance in solving their legal problems. Interviewed CSO members shared that their organizations sometimes, if not often, receive cases that require services that are beyond their mandate and scope of expertise.

The most recurrent human rights violations received by the CSOs interviewed are cases of gender-based violence (GBV), cases of child custody, alimony, violation of freedoms of expression, assembly, and association, and partner-based and domestic violence.

### CNDH and CSO Interactions

The CNDH refers cases to CSOs when cases need judicial accompaniment and where the CSOs have thematic expertise relevant to the case. Most of these interactions are based on cooperation agreements. Both the CNDH and CSOs interviewed during the study were appreciative of existing collaborative mechanisms and indicated that there is a further need to widen the areas of collaboration.

Currently, most collaboration between the CNDH and CSOs are facilitated through working groups. Two new working groups have been organized with support from the USAID HRSM Program, the working group for conflict prevention and the working group for victim services, which meet regularly to examine the various victim service mechanisms. These form venues for sharing experience and good practices across institutions.

While these mechanisms provide suitable venues for sharing and exchanges, interviewees from the CNDH and CSOs indicated that collaboration may still strengthened particularly in ensuring wholistic support for victims, investigation and legal assistance.



## Individual Responses to Human Rights Violations

In an online survey fielded by the study team, 23% of those surveyed from Burkina Faso reported that they or someone in their household experienced human rights violation/s in the last two years (1456 people). The most common violated rights reported include the right to security, right to equal pay, right to protest, and freedom of speech. Female respondents were more likely to report that they or someone in their household experienced a human rights violation.

Most respondents who have experienced human rights violations in Burkina Faso alleged that their perpetrators were employers (16%), armed groups (15%), government entities (14%), and police (13%). 22% indicated that they could not identify the perpetrator.

When asked how they responded to experiencing a human rights violation, respondents indicated many varied responses with no clear consensus on a typical response. 9% of respondents indicated they had reached out to family or friends (9%), 7% indicated they had moved out of their homes, and another 7% indicated they had reached out to non-governmental organizations. 7% reached out to the CNDH, and 7% reached out to or governmental armed forces. 9% reported no follow up action on the human rights violation they experienced. Only a minority of respondents reach out to CSOs or the CNDH directly in response to human rights violations.

Of those who took action based on the human rights violation they experienced, only a third indicated that their situation has improved.

In contrast, 39% of respondents indicated that their situation had stayed the same or gotten worse, indicating that individuals who experience rights violations view the existing resolution mechanisms as insufficient. 23% indicated that their response was the only safe option and 15% said that it had previously been effective for them or someone they know.

The online survey also asked respondents to contemplate hypothetical scenarios to identify corresponding actions individuals should take in specific situations and the possible factors they may consider in making those choices. When reading about hypothetical scenarios, respondents indicated that individuals should seek help from the CNDH (15%), the police (11%), and free legal assistance providers (11%). This relatively even distribution across answer categories is similar to how respondents who had experienced a human rights violation in their household actually responded. Respondents indicated that their choices were based on the following reasons: likelihood of actionable help (22%), openness to listening (13%), ability to provide safety (11%), higher likelihood for a fair outcome (11%), and higher likelihood for a timely outcome (11%).

While female respondents were more likely to indicate that they or someone in their household experienced a human rights violation, respondents felt that scenarios with female victims were less likely to happen in their country than scenarios with male victims, indicating a gender gap in perceptions of human rights violation. When responding to scenarios with a female victim, respondents were less likely to suggest that the victim go to lawyers or the court for help. Instead, respondents reading scenarios with a female victim were more likely to suggest that the victim seek help from friends and family and the police. Responses to these scenarios suggest that the gender of the victim impacts potential justice pathways. Scenarios also varied whether the perpetrator was a state or non-state actor, and found no difference in course of action. This is a heartening finding that implies individuals likely believe their cases would be treated similarly at the various formal and informal mechanisms for help, regardless of whether the perpetrator was state or non-state.



## Trust in the CNDH

Most of the individuals that participated in the online survey in Burkina Faso trust the CNDH irrespective of whether they live in an urban or rural area. The difference between urban (84% ) and rural area (79%) residents trust of the CNDH is only 4%. Personal or household experience of human rights violations in the past two years does not seem to significantly affect trust either. Based on the online survey, 79% of individuals reporting human rights violation experience, think that the CNDH is trustworthy, while 88% without this experience report trust of the NHRI. Also based on the online survey, there is no marked difference among the respondents' trust based on their gender.

Individuals who were interviewed shared that they trust the CNDH more than other state institutions to address their justice needs, especially in human rights violation cases. Individuals also noted that citizens may start from a general distrust in the CNDH because of the typical distrust of the state institutions. Individuals interviewed also shared that they were not aware of the services the CNDH provides until they were referred. Despite concerns of being a state institution, the CNDH feels that litigants trust them because their procedures are simple and clear.

## Trust in CSOs

While the majority of respondents find CSOs trustworthy, that rate is higher among people who live in urban areas (80%) compared to those who live in rural areas (73%) and respondents who experienced a human rights violation in their household trust CSOs less than those who have not experienced a human rights violation (76% and 84% respectively). Among people who have experienced a human rights violation in their household, the decrease in trust of CSOs is higher among people who live in rural areas – close to one-third of respondents in rural areas who experienced a rights violation find CSOs to be not trustworthy, compared to 22% of urban respondents who experienced a rights violation.

## Individual Experiences in Interacting with CNDH and CSOs

The study also interviewed individuals who approached the CNDH based on referral when they experienced case delay or were unfairly treated in courts. Prior to the referral, individuals did not know about the CNDH. This is consistent with survey findings that show only a small minority of people who experienced a rights violation within their household turn to the CNDH for help.

Respondents felt that their trust in the CNDH grew as they received assistance primarily because of the constant communication of case status and other information provided by the institution. Continuous interaction with litigants in the processing of their case files reassured them that their problem was taken seriously and thus strengthened their confidence in the CNDH.

Respondents were also not aware of legal assistance and support CSOs provide in human rights violation cases. This is also consistent with survey findings that show very few people who experienced a rights violation in their household reached out to CSOs for help. CSOs were thought to focus only on public denunciation of human rights violations. The CSOs were also observed to provide meaningful information that helped ease the worries of interviewees when they filed a human rights violation case in court. CSO assistance, according to interviewees, also hastened proceeding in their cases.





**USAID**  
FROM THE AMERICAN PEOPLE

**ABA**  
AMERICAN BAR ASSOCIATION  
Rule of Law Initiative



**PROGRESS**  
PROTECTING GLOBAL RIGHTS

## Recommendations Based on Findings

1

### **Strengthen CSO collaboration to improve accessibility of services needed by human rights violation victim**

Increasing satellite offices and strengthening collaboration with free legal assistance providers and CSOs may help reach the farthest localities in Burkina Faso and double the staff strength for the provision of essential services.

2

### **Awareness raising on CNDH and CSO services**

To ensure that the public is able to address their justice needs if and when they experience a human rights violation. The development of a communication strategy that focuses on far flung areas may help in bridging access issues.

3

### **Capacity building for CSOs and the CNDH**

Capacity building could strengthen the referrals and receipt processes in the CNDH and with CSOs. A client-centered reception process may improve the confidence of litigants in investigations and legal assistance provided by both the CNDH and CSOs.

4

### **Establish a framework for periodic exchange between the CNDH and CSOs**

A framework for knowledge and lessons learned sharing through regular meetings between the CNDH and CSOs may improve on service delivery and help build standard practices that is more tuned to the needs of Burkina Faso citizens. These may be focused on legal assistance provision, referral systems, and other support mechanisms, sharing of networks and materials developed, as well as cutting edge research that could support in formal and informal justice proceedings.

5

### **Define standard practices or procedures for addressing justice and other needs in human rights violation complaints**

While procedures for filing are clearly defined by the CNDH, the processes after receipt or initiation are not clear. CSO and CNDH collaborative processes and the practices for major support functions like legal assistance and investigation are not described in any document. Standard operating procedures will help in expansion of services and in ensuring the principles for service provision are maintained.

*This study is made possible by the generous support of the American people through the United States Agency for International Development (USAID) and the American Bar Association (ABA). The contents are the responsibility of PROGRESS and do not necessarily reflect the views of USAID or the United States Government.*

*The materials contained herein represent the opinions of the authors and editors and should not be construed to be those of either the American Bar Association (ABA) or the ABA Rule of Law Initiative unless adopted pursuant to the bylaws of the Association. Nothing contained herein is to be considered as the rendering of legal advice for specific cases, and readers are responsible for obtaining such advice from their own legal counsel. These materials and any forms and agreements herein are intended for educational and informational purposes only.*

