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Just Atonement Inc. is a legal non-profit that trains new human rights defenders to address threats to human rights, a livable planet, and the international rule of law.

JAI was founded in the United States of America in 2017.

JAI was founded to address the challenges arising from the intersection of climate change, global peace, and threats to the rule of law and the habitability of the planet.

JAI submits this written submission with respect to the Universal Periodic Review of Burkina Faso.

### **SUMMARY OF CONCLUSIONS**

**1. Climate change poses a significant threat to health, livelihoods, and infrastructure in Burkina Faso.** The agricultural sector, which is a key employer and source of food for the majority of people in Burkina Faso, has already been impacted negatively by higher temperatures, variable rainfall, and natural disasters. Lower agricultural yields will continue to exacerbate the food crisis and malnutrition. Climate change threatens Burkinabes' right to food and right to an adequate standard of living.

**2. These climate impacts compound the rising political instability, violence, and other challenges faced by the country.** A surge of violence from armed militant groups and two coups caused major instability in Burkina Faso in recent years. Climate change heightens the potential for violence due to conflict over increasingly scarce resources. The combination of violence and climate impacts has already displaced many residents of the country. We encourage the government of Burkina Faso to move to democratic elections as soon as possible so that the country can regain stability and focus on addressing the broader problems of violence, climate change, and internal displacement, and to ensure and protect the fundamental right of self-determination of peoples in Burkina Faso.

**3. Climate change impacts have implications for human rights.** Marginalized and vulnerable groups, like women, children, people displaced by violence, and people facing poverty, disproportionately face environmental stressors and have fewer resources to quickly



adapt.

**4. Burkina Faso has set ambitious climate adaptation and mitigation goals but faces difficulties with financing and other institutional barriers.** We commend Burkina Faso for setting robust climate goals. Burkina Faso should continue collaborating with international partners to implement these goals and strive to be a regional leader in addressing climate change.

## CLIMATE CHANGE

### *Impacts of Climate Change*

#### Agriculture

**5. Changing temperature and weather patterns are and will continue to negatively impact agriculture in Burkina Faso.** The agricultural sector “employs and is a means of subsistence” for over 70% of the population and is therefore a crucial part of Burkina Faso’s economy.<sup>1</sup> The sector is also extremely vulnerable and responsive to climate change. The country is already experiencing variable rainfall,<sup>2</sup> droughts and flooding,<sup>3</sup> and temperature changes,<sup>4</sup> each of which impact agricultural yield. These changes are predicted to decrease cotton yield,<sup>5</sup> which is the main export of Burkina Faso, as well as the yield of cereals<sup>6</sup> such as millet and sorghum.<sup>7</sup> Heat waves also impact the physical capacity of farmers to work.<sup>8</sup>

**6. Floods and droughts are intensifying in the Sahel and harm agriculture.** Floods and droughts have increased in Burkina Faso and the surrounding region in recent years. These disasters, as well as deforestation and desertification, can degrade productive land and harm soil composition.<sup>9</sup> Many farmers, unable to farm, have been forced to flee to find more productive land, leading to many displaced people in a country that already faces significant displacement due to violence in and out of the country. For example, in Fall 2020, over 12 thousand households were left without shelter due to extreme flooding, including refugees and others who had already fled violence elsewhere.<sup>10</sup>

**7. Rural communities and smallholder farms are particularly vulnerable to these climactic changes.** Almost 70% of the population of Burkina Faso lives in rural areas.<sup>11</sup> Many are small-scale farmers who rely on rainfed agriculture that is threatened by climate change<sup>12</sup> and who often do not have the resources to quickly adapt to the climatic impacts to their livelihood.

**8. Changes in agricultural yields due to climate change exacerbate the food shortage crisis.** In 2021, around 3.3 million people in Burkina Faso were facing a food crisis due to a combination of displacement due to violence in rural areas,<sup>13</sup> severe flooding,<sup>14</sup> poverty, and other factors. Further, prices of food and fertilizer<sup>15</sup> have almost tripled because of floods and the war in Ukraine.<sup>16</sup> Many people who are already food insecure because of these factors will be put more at risk as climate change continues to reduce agricultural yields.

**9. The decrease in food production will contribute to malnutrition.** For example, changes in rainfall and agricultural yields have been shown to increase child undernutrition and



mortality.<sup>17</sup>

**10. The climate change impacts described above will have consequences for the right to food, the right to development, and the right to life in Burkina Faso.**

### **Water, Sanitation, and Health**

**11. Flooding and other natural disasters damage critical sanitation infrastructure and facilitate the spread of disease.** For example, the 2020 flooding seriously damaged medical facilities and other infrastructure across the Sahel, inhibiting the ability to fight COVID-19, malaria, and other illnesses.<sup>18</sup> Since water sources were contaminated and latrines flooded, there was concern that cholera would spread.<sup>19</sup> Higher temperatures and rainfall variability are expected to increase the rates of other diseases like malaria and meningitis, putting further pressure on medical infrastructure.<sup>20</sup>

**12. Heat waves and stress lead to medical conditions and death in vulnerable populations, like the elderly.**<sup>21</sup> This will have implications on the right to health and the right to life.

### **Security and Displacement**

**13. Burkina Faso has faced a surge of violence in recent years.** Since 2016, the country has seen intercommunal conflict escalating to armed violence.<sup>22</sup> Now, Islamist armed groups reportedly have control of around 40 percent of the country and have committed many atrocities, including killing hundreds of civilians and raping dozens of women and girls.<sup>23</sup> This violence, combined with other factors, has led to significant internal displacement and instability.<sup>24</sup>

**14. This violence in the region could be exacerbated by climate change.** Conflict over increasingly scarce resources, like pasture and water, has contributed to outbreaks of violence among communities of marginalized herders and farmers.<sup>25</sup> As natural disasters become more frequent and intense, it will impact the availability of natural resources and contribute to this conflict.<sup>26</sup> Other natural resources-based conflict also has spilled over from other countries like Mali, and may continue to do so.<sup>27</sup>

**15. Climate change exacerbates internal displacement and the refugee crisis in Burkina Faso.** There are an estimated 1.8 million internally displaced people in Burkina Faso due to a complex combination of food insecurity, climate impacts on agriculture, conflict, and more.<sup>28</sup> For example, as drought and flooding destroy soil and agricultural land, farmers and herders are forced to leave in search of more productive land.<sup>29</sup> Burkina Faso also has a significant number of refugees from Mali and other neighboring countries.<sup>30</sup>

**16. Displacement will impact a variety of human rights, including the right to adequate shelter and housing, the right to dignified work, and the right to self-determination.** Displacement will also expose persons to human trafficking.



## *Contribution to Climate Change*

**17. Burkina Faso contributes very little to climate change but is disproportionately harmed by it.** The country contributes just 0.08% of the world's total emissions, and like many similarly situated countries, it faces disproportionate impacts of climate change compared to its relatively low contribution.<sup>31</sup> It is ranked one of the most climate vulnerable countries globally.<sup>32</sup> Deeper questions of climate justice and the need for loss and damage funding and/or reparations<sup>33</sup> should be explored by Burkina Faso.

**18. Deforestation and land use change has contributed and will continue to impact Burkina Faso's overall emissions.** From 2001 to 2021, Burkina Faso lost 131 hectares of tree cover, which is a 99% decrease and equivalent to 32.5kt of CO<sub>2</sub>e emissions.<sup>34</sup>

## *Climate Change Policies*

**19. We commend Burkina Faso for setting ambitious Nationally Determined Contributions under the Paris Agreement.** Burkina Faso has been very active in implementing the United Nations Framework Convention on Climate Change. It submitted its first Nationally Determined Contribution ("NDC") in 2015 and submitted a more ambitious updated NDC in 2021 with an emissions reduction target of 29.42% by 2050, an increase of 11.22% from its 2015 NDC.<sup>35</sup>

**20. Burkina Faso has created a variety of domestic policies and institutions to supplement and implement its commitments.** In May 2015, Burkina Faso created its National Climate Change Adaptation Plan which focuses on strategies for improved public health and sustainable development in the country.<sup>36</sup> The Adaptation Plan and NDCs built on previous policies including the Framework Law on Sustainable Development<sup>37</sup> and the National Multi-Risk Plan for Disaster Preparedness and Response.<sup>38</sup> Most recently, in 2016, the country established a Ministry of Environment, Green Economy, and Climate Change.<sup>39</sup> It also has integrated environmental education modules into the education curriculum.<sup>40</sup>

**21. While Burkina Faso's policies and institutions have clear objectives, it faces many barriers to implementation and adaptation.** Insufficient financial resources, lack of political will, weak structural support, and national insecurity constrain Burkina Faso's ability to adapt to and mitigate the effects of climate change.<sup>41</sup> These factors are exacerbated by the recent coups and violence in the country. With 40% of the country out of control of the state, climate adaptation may not be a priority.<sup>42</sup>

## **DEMOCRACY AND RULE OF LAW**

**22. Since the last UPR cycle, Burkina Faso's Global Freedom Score by Freedom House decreased by seven points from 60/100 in 2018 to 53/100 in 2022.** The political rights score decreased remained the same, but the civil liberties score decreased.<sup>43</sup> Overall, Burkina Faso is described as "partly free." We urge Burkina Faso to reverse these trends and to consider its obligations under the ICCPR, which it has ratified.



### *Political Rights*

**23. The political situation in Burkina Faso has rapidly deteriorated in recent years, particularly in 2022.** Violence has been worsening in the country as armed Islamist groups have killed, injured, and raped hundreds of civilians.<sup>44</sup> This violence and the government's inability to address it spurred protests towards the end of 2021 and two military coups in January and September of 2022.<sup>45</sup> The current leader in power, Captain Ibrahim Traoré, has reportedly agreed to hold an election by 2024.<sup>46</sup> The African Union and the Economic Community as well as the United Nations, have denounced the coups, and the continuing violence.<sup>47</sup>

### *Civil Liberties*

**24. The growing violence and political instability threaten the civil liberties of many in Burkina Faso.** For example, journalists' security and access to information may be impacted,<sup>48</sup> and civilians are often unprotected from the illegal use of force.

**25. Burkina Faso attempted to control and restrict communication and expression by shutting down the internet multiple times in recent years.** The government shut down internet access over mobile phone networks, reportedly in the interest of "national defense" and "public security," multiple times in late 2021 and early 2022. This occurred during the anti-government protests over the government's handling of the increasing violence and insecurity in the country.<sup>49</sup> Internet shutdowns are a violation of the right to freedom of expression and to information.

## HUMAN RIGHTS VIOLATIONS

### *Abuses by Militant Groups and State Security Forces*

**26. Burkina Faso has seen a dramatic increase in attacks by armed militant groups.** These groups conduct regular attacks on civilians, killing hundreds and raping dozens of women and girls.<sup>50</sup> They also have damaged infrastructure, like health clinics and schools.

**27. State security forces and allied militias have also committed violent abuses.** Groups affiliated with the government also have reportedly committed atrocities including illegal executions and forced disappearances. A 2021 decree created a special force to counter terrorism but grants the force immunity from prosecution for any acts taken as part of their role.<sup>51</sup> Abuses by state forces violate various human rights including the right not to be subjected to enforced disappearance and the right to justice.

### *Gender Violence and Discrimination*



**28. Gender-based violence remains a problem in Burkina Faso.** One in three women in Burkina Faso is estimated to have experienced domestic violence.<sup>52</sup> Girls and women are also subject to harmful illegal traditional practices such as female genital mutilation<sup>53</sup> and early and forced marriage,<sup>54</sup> which have decreased in practice but still occur. These practices implicate core human rights principles including the right to liberty and security, the right to the highest attainable standards of physical and mental health, and the right to be free from gendered violence, among others.

**29. We commend Burkina Faso for taking steps to address gender-based violence.** The country has adopted laws identifying and penalizing certain types of gender violence like child marriage and female genital mutilation. It also has established several bodies to implement these commitments like the Centre for Information, Training and Action Research on Women (CIFRAF), a National Council for the Promotion of Gender (CONAP Genre) and a national council on female genital mutilation.<sup>55</sup>

### *Child Labor*

**30. Children remain subject to child labor in key industries.** Around 20,000 children are working in gold mining in Burkina Faso, which is one of its main exports.<sup>56</sup> Armed militant groups also increased their recruitment and use of children in violent attacks.<sup>57</sup> While Burkina Faso has ratified all the relevant international laws surrounding child labor and created their own, enforcement is a challenge.

## RECOMMENDATIONS

**31. Work with ECOWAS and other bodies to hold democratic elections as soon as possible.** Burkina Faso should respect its commitment to ECOWAS to transition to democratic elections as soon as possible, in order to uphold the rights of its people to take part in the governing of the country. The government should work with ECOWAS to ensure adequate monitoring and evaluation during the transition process to a constitutional democracy.<sup>58</sup> Democratic stability will allow the government to better address the other problems it is facing today, including violence and climate change.

**32. Take action to protect people from state sponsored violence.** We urge Burkina Faso to renounce its 2021 decree granting immunity to special counterterrorism forces and to prosecute soldiers, police, and other officials who conduct illegal executions and forced disappearances.

**33. Ratify the interstate communication procedure under the International Convention for the Protection of All Persons from Enforced Disappearance.**

**34. Work with regional bodies such as ECOWAS and/or the African Union to understand and coordinate responses the cross-border impacts of climate change.** These conversations should include implications for conflict and the need to build robust climate security on a regional basis, with a recognition of the impacts of migration due to climate change



and conflict.

**35. Continue leading and collaborating regionally to combat climate change.**

Burkina Faso has been a leader in promoting sustainable development and setting ambitious climate goals, even under financial and institutional constraints.

**36. Promote climate-smart agricultural solutions.** In order to support the agriculture sector and farmers' livelihoods, while protecting natural resources, innovative agricultural solutions and local-value chains, like updated planting schedules, should be prioritized while continuing to center farmers' perspectives and indigenous knowledge and farming practices.

**37. Continue efforts to combat child labor.** We encourage Burkina Faso to build on its efforts and continue collaborating regionally to combat and enforce against illegal child labor. We also urge Burkina Faso release data on child labor in the country and information on its work to fight it.

**38. Continue to combat gendered violence.** We commend Burkina Faso's efforts to combat gendered violence and encourage Burkina Faso to continue these efforts.

### Acknowledgements

*This submission was prepared by Dave Inder Comar (Stanford 2001, Stanford 2002, NYU School of Law 2005) and Olivia den Dulk (Calvin University 2020, Harvard Law School 2024).*

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<sup>19</sup> *Id.*

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