



BURKINA FASO

Women, Business and the Law (WBL), in collaboration with the Global Financing Facility (GFF), has collected data on laws affecting women's and girls' access to sexual and reproductive health (SRH), as well as frameworks supporting their implementation. Data were collected through desk research and a questionnaire administered to country experts. The analysis is organized around five indicators. For each indicator, the legal framework is assessed based on domestic laws and regulations. The supportive framework is assessed based on instruments—such as national policies, strategies, and guidelines—that are currently in effect and support the implementation of these laws.

INDICATOR		WHAT DOES IT MEASURE?	
		<i>Legal Frameworks</i>	<i>Supportive Frameworks</i>
	SRH rights	Right to SRH; guaranteed access to free SRH services without discrimination	Existence and contents of an operational SRH policy or strategy
	Violence against women and girls (VAWG)	Prohibition of female genital mutilations (FGM)	Adoption of measures to eradicate FGM
	Family planning	Absence of legal restrictions on SRH services, such as the need for consent from a husband, male guardian, parent or third party	Family planning guidelines or protocols
	Comprehensive sexuality education (CSE)	Legal mandates for CSE in schools	Guidelines for delivery of CSE in schools
	Right to education	Girls' legal right to attend school during pregnancy and after childbirth	Policies to keep girls in school and allow pregnant and parenting students to attend school

LEGAL AND SUPPORTIVE FRAMEWORKS

Burkina Faso has a comprehensive and defined framework for:

SRH RIGHTS

The legal right to SRH is guaranteed under *Loi N° 049-2005 portant Santé de la Reproduction*, which also prohibits discrimination in access to SRH services based on sex or gender, age, or marital status. Additionally, the law guarantees free access to SRH services through *Décret N° 2019-040-MINEFID portant gratuite des soins et des services de planification familiale au Burkina Faso*.

The *Plan National de Planification Familiale 2021-2025* includes the provision of SRH services and awareness campaigns among its targets and allocates a specific budget for their implementation.

VIOLENCE AGAINST WOMEN AND GIRLS

FGM is a criminal offense, triggering monetary penalties and up to ten years of imprisonment.

The *Stratégie Nationale pour l'Élimination des Mutilations Génitales Féminines au Burkina Faso (SN/MGF) 2022-2026* includes measures to prevent and eradicate FGM, support women and girls affected by FGM, and strengthen the support and management system for combating FGM.

FAMILY PLANNING

No provisions in the law require women to obtain consent from their husband or male guardian, or adolescents to obtain parental or a legal guardian's consent to access SRH services. Similarly, the law does not require any third-party consent that may restrict access to SRH.

The Ministry of Health has issued and published guidelines for health professionals and policy makers to improve access to SRH services. The *Protocoles de la Santé de la Reproduction: Composantes Communes* guide professionals in providing counseling on contraceptive options, while the *Politique et Normes en Matière de Santé de la Reproduction* provide the overall policy direction and guidance on reproductive and maternal health service provision.

COMPREHENSIVE SEXUALITY EDUCATION

The *Directives Nationales sur la Santé Scolaire et Universitaire au Burkina Faso* outline the responsibility of school and university health centers to raise awareness on SRH rights through edutainment activities.

RIGHT TO EDUCATION

Girls have the legal right to attend school during pregnancy.

POLICY OPPORTUNITIES

The data reveal gaps in Burkina Faso's legal and supportive frameworks across four of the indicators assessed. Strengthening these frameworks can help accelerate the country's progress toward gender equality and to improve health outcomes for women, children, and adolescents.

Burkina Faso may wish to consider translating the following gaps into policy opportunities:

VIOLENCE AGAINST WOMEN AND GIRLS

While FGM is a criminal offense, the law does not specifically criminalize parents or guardians for allowing their children to undergo FGM, nor does it address cross-border FGM.

FAMILY PLANNING

No provisions in the law guarantee access to SRH services in case practitioners raise conscientious objections.

COMPREHENSIVE SEXUALITY EDUCATION

The law does not mandate the provision of CSE in schools.

RIGHT TO EDUCATION

The reinstatement of girls in school after childbirth is subject to the approval of the school administration.

No policy to promote girls' education or to allow pregnant or parenting students to attend school has been adopted.

WBL SRH LEGAL FRAMEWORKS DATA

	QUESTION	ANSWER	LEGAL BASIS
SRH Rights	1.1 Does the law provide for the right to sexual and reproductive health?	Yes	Loi N° 049-2005 portant Santé de la Reproduction, Art. 8
	1.2 Does the law guarantee access to sexual and reproductive health services?	Yes	Loi N° 049-2005 portant Santé de la Reproduction, Arts. 7 et 12
	1.2.1 If the answer to question 1.2 is Yes, does the law guarantee access to sexual and reproductive health services free of cost?	Yes	Décret N° 2019-040-MINEFID portant gratuité des soins et des services de planification familiale au Burkina Faso, Art. 1
	1.3 Does the law prohibit discrimination in access to sexual and reproductive health services based on sex/gender?	Yes	Loi N° 049-2005 portant Santé de la Reproduction, Art. 8
	1.4 Does the law prohibit discrimination in access to sexual and reproductive health services based on age?	Yes	Loi N° 049-2005 portant Santé de la Reproduction, Art. 8
	1.5 Does the law prohibit discrimination in access to sexual and reproductive health services based on marital status?	Yes	Loi N° 049-2005 portant Santé de la Reproduction, Art. 8
VAWG	2.1 Does the law criminalize FGM?	Yes	Loi N° 025/2018/AN portant Code Pénal, Art. 513-7; Loi N° 049-2005 portant Santé de la Reproduction, Art. 22
	2.1.1 If the answer to question 2.1 is Yes, is the individual performing the FGM procedure criminally responsible?	Yes	Loi N° 025/2018/AN portant Code Pénal, Art. 513-7; Loi N° 049-2005 portant Santé de la Reproduction, Art. 22
	2.1.2 Is a parent or legal guardian criminally responsible for allowing FGM to be performed on a minor under their legal custody?	No	No applicable provisions could be located
	2.2 Does the law criminalize cross-border FGM?	No	No applicable provisions could be located
Family Planning	3.1 Is the law free of provisions requiring a husband or male guardian to consent for a woman to access sexual and reproductive health services?	Yes	Loi N° 049-2005 portant Santé de la Reproduction, Art. 10
	3.2. Is the law free of provisions requiring parental or a legal guardian's consent for an adolescent to access sexual and reproductive health services?	Yes	Loi N° 049-2005 portant Santé de la Reproduction, Art. 10
	3.3 Is the law free of provisions requiring any other form of third-party consent to access sexual and reproductive health services?	Yes	Loi N° 049-2005 portant Santé de la Reproduction, Art. 10
	3.4 Does the law guarantee sexual and reproductive service delivery in case practitioners raise conscientious objections?	No	No applicable provisions could be located
CSE	4.1 Does the law mandate comprehensive sexuality education (CSE) in schools?	No	No applicable provisions could be located
Right to Education	5.1 Does the law provide for the right of pregnant girls to attend school?	Yes	Décret N° 74 465 du 1974 Règlementant les Conditions de Fréquentation Scolaire des Elèves en Grossesse, Art. 1
	5.2 Does the law provide for the right of adolescent girls to attend school after childbirth?	No	Décret N° 74 465 du 1974 Règlementant les Conditions de Fréquentation Scolaire des Elèves en Grossesse, Art. 4

WBL SRH SUPPORTIVE FRAMEWORKS DATA

	QUESTION	ANSWER	SOURCE
SRH Rights	1.1 Has the government adopted a sexual and reproductive health policy or strategy?	Yes	Plan National de Planification Familiale 2021-2025 du Burkina Faso
	1.1.1 If the answer to question 1.1 is Yes, does the policy or strategy include the provision of sexual and reproductive health services among its targets/strategic actions?	Yes	Plan National de Planification Familiale 2021-2025 du Burkina Faso
	1.1.2 If the answer to question 1.1 is Yes, does the policy or strategy include awareness campaigns among its targets/strategic actions?	Yes	Plan National de Planification Familiale 2021-2025 du Burkina Faso
VAWG	2.1 Has the government adopted measures aimed at eradicating FGM?	Yes	Stratégie Nationale pour l'Élimination des Mutilations Génitales Féminines au Burkina Faso (SN/MGF) 2022-2026
Family Planning	3.1. Has the government published guidelines on family planning?	Yes	Protocoles de Santé de la Reproduction: Santé du Nourrisson, de l'Enfant, de l'Adolescent et du Jeune 2018; Protocoles de la Santé de la Reproduction: Composantes Communes 2018 ; Politique et Normes en Matière de Santé de la Reproduction
CSE	4.1 Has the government published guidelines for the delivery of CSE in schools?	Yes	Directives Nationales sur la Santé Scolaire et Universitaire au Burkina Faso
Right to Education	5.1 Has the government adopted policies to keep girls in schools?	No	Insufficient evidence located
	5.2 Has the government adopted policies to allow pregnant students to attend school?	No	Insufficient evidence located
	5.3 Has the government adopted policies to allow adolescent parenting students to attend school?	No	Insufficient evidence located

