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Identifying Gaps in Protection Capacity Burkina Faso

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The views expressed in this report are those of its author and can in no way be taken to reflect the official opinion of UNHCR, the European Commission, Denmark, Germany, the Netherlands, or the United Kingdom

List of Abbreviations

AIDS	- Acquired Immune Deficiency Syndrome
CRRBF	- Communauté des Réfugiés Résidents au Burkina Faso
CAT	- Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment
CEDAW	- Convention on the Elimination of All Forms of Discrimination Against Women
COP	- Country Operation Plan
CONAREF	- Commission Nationale pour les Réfugiés
CONASUR	- Conseil National de Secours d'Urgence et de Rehabilitation
CRC	- Convention on the Rights of the Child
CTD	- Convention Travel Document
EC	- European Commission
ECOWAS	- Economic Community of West African States
FAO	- Food and Agricultural Organization
HIV	- Human Immunodeficiency Virus
ICCPR	- International Covenant on Civil and Political Rights
ICERD	- International Convention on the Elimination of All Forms of Racial Discrimination
ICESCR	- International Covenant on Economic, Social and Cultural Rights
IP	- Implementing Partner
MFI	- Micro-Finance Institution
NFI	- Non Food Items
NGO	- Non Governmental Organization
OAU	- Organization of African Unity
OP	- Operational Partner
PRSP	- Poverty Reduction Strategy Paper
RSD	- Refugee Status Determination
SGBV	- Sexual and Gender-Based Violence
UN	- United Nations
UNDP	- United Nations Development Programme
UNDAF	- United Nations Development Assistance Framework
UNHCR	- United Nations High Commissioner for Refugees
UNICEF	- United Nations Children's Fund
UNMIL	- United Nations Mission in Liberia
WFP	- World Food Programme

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Executive Summary

This report was prepared in the context of the Strengthening Protection Capacity (SPC) Project. Funded by the European Commission and the governments of Denmark, the Netherlands and the United Kingdom, the SPC project is aimed at devising tools and approaches to strengthen the capacity of States to receive and protect refugees, including enhancing their means of self-reliance and expanding opportunities for durable solutions.

Four countries initially are the focus of this project: Benin, Burkina Faso, Kenya, and Tanzania.

This report examines the protection capacity of Burkina Faso, a country that, according to available figures currently hosts approximately 1,000 refugees and asylum seekers.

While this report notes the important measures taken by the Government of Burkina Faso to protect refugees, it focuses primarily on current protection gaps and challenges so as to provide a working document for the national consultations to follow. The consultations will be designed to focus on prioritizing refugee needs and identifying appropriate measures to address them.

The following is a list of some of the key gaps in protection capacity identified in this report.

Lack of information on current size of refugee population

Figures for the number of refugees registered in Burkina Faso are available, but these are not regularly updated with the result that there are no firm figures of how many refugees who registered with UNHCR and the Burkinabé authorities over the past decade, actually remain in Burkina Faso.

Partnerships

Neither government authorities, UNHCR or NGO partners in Burkina Faso maintain an updated list of groups with whom they can co-operate on an *ad hoc* basis to meet the emergency needs of refugees and asylum-seekers; i.e. NGOs, or even individual families, who can be called upon at short notice to find shelter for particularly vulnerable cases.

Insufficient representation of Anglophones refugees

The refugee Committee in Burkina Faso, the CRRBF, is mainly comprised of Francophones and this limits the ability of Anglophone refugees and asylum seekers to be appropriately represented.

Negative attitudes towards refugees and asylum seekers

Refugees complain of low level harassment (including of children at school) and job discrimination. UNHCR's partners suggest this is because local communities often associate refugees with the war and violence that precipitated their flight.

Refugee empowerment not linked to national or local development strategies

Refugees are not included in national poverty reduction and development strategies, which tend to focus efforts on development of rural areas, whereas the vast majority of refugees in Burkina Faso live in urban areas.

To date efforts to improve the integration potential of refugees have not been anchored in overall economic empowerment and development strategies affecting host populations. Neither UNHCR nor its partners participate in the UN Development Assistance Framework for Burkina Faso (UNDAF) process.

Inadequate levels of assistance

Assistance is only provided to the most vulnerable refugees and asylum seekers in Burkina Faso. Numerous refugees have stated that they face difficulties in meeting basic subsistence needs, due to both the lack of employment, and the low level of assistance provided by UNHCR and partners.

No electronic registration system

Registration is undertaken by CONAREF, UNHCR's government partners in Burkina Faso. All information is recorded on paper, and there is no electronic system in place for recording, updating and sharing the information received.

Lack of sufficient information to monitor and assist refugee population

An important constraint on the capacity of UNHCR and partners to effectively monitor and address protection risks is the lack of centralised, updated and disaggregated data on the refugee population in Burkina Faso. This information gap negatively impacts on the ability to identify vulnerable refugees, provide necessary assistance, monitor the well being of refugees and seek effective means to enhance self-reliance strategies.

A number of new databases are planned to be installed for the use of partners in Burkina Faso, but as yet there is no assurance that these databases will be complementary and easily accessible by those responsible for the management of refugee affairs.

Refugee Status Determination: delays, absence of reasons and independent appeal

The Burkinabé Eligibility Committee is responsible for determining refugee status applications. It is made up of high ranking civil servants of several different Ministries, which makes it difficult to regularly secure a quorum. As a result, the Committee meets irregularly. Asylum seekers often have to wait in an uncertain situation for extended periods, their hardship exacerbated by the fact that they generally receive even less assistance than refugees.

In addition asylum applications from Cote d'Ivoire are not being processed.

Rejected applicants do not receive reasons for decision. There is no independent review of negative decisions: appeals are heard by the same Committee that made the decision in the first instance.

The Eligibility Committee has difficulty in accessing country of origin information in French.

Security risks for women and children

As a consequence of widespread economic difficulties, many refugees in Burkina Faso, in particular women and children, are being exposed to the risk of exploitation and abuse as they struggle to meet basic subsistence needs. Problems include prostitution, sexual exploitation and harassment. There are no standard operating procedures used by partners to respond to incidents of sexual and gender based violence (SGBV). Staff of CONAREF and CREDO have received limited training in SGBV issues.

Although child trafficking and exploitation is widespread in Burkina Faso, the absence of disaggregated and updated information on the refugee population makes it impossible to assess how and to what extent refugee children are similarly affected. Nevertheless, it is known that because of the difficult economic situation faced by their families, refugee children often have to look after themselves, or are forced to beg or required to work.

Inadequate monitoring of the refugee population

There is limited active monitoring of refugees and asylum seekers carried out by the Burkinabé government, UNHCR and partners in Burkina Faso. With few exceptions, partners are only made aware of urgent protection and/or assistance needs if these needs are brought to their attention by the refugees themselves. The mechanisms currently in place to identify those refugees or asylum seekers who may be in need but are less visible or vocal are insufficient.

Moreover, resource constraints mean that even those cases which have already been identified as vulnerable are not always monitored on a regular basis. Visits by multi-sectoral UNHCR teams to Burkina Faso are infrequent.

There are no standard forms or procedures for identifying protection concerns and recording the measures taken in response.

Absence of effective reporting system

Beyond monthly Situation Reports (SitReps) which are submitted jointly to UNHCR, there is only sporadic, *ad hoc* communication between UNHCR's partners in Burkina Faso, and no regular exchange of information.

Problems accessing health services

In practice, refugees' access to health care is restricted due to resource constraints and the lack of a coherent, cost-effective system for providing vulnerable refugees with financial assistance for health care. Moreover, precise information on refugee health indicators is not available at present.

There is also a need for a dispensary and/or a doctor to be identified in Ouagadougou specifically to deal with refugee health needs. Refugee women have encountered difficulties accessing gynaecological treatment, and there is a general need for greater psychological support for traumatised refugees.

There are no regular HIV/AIDS prevention programmes targeting refugee populations, nor is there statistical information available on the prevalence of HIV/AIDS among the refugee population.

No statistics on the proportion of refugee children enrolled in school

Refugee and asylum seeker children in Burkina Faso have access to education on the same terms as nationals. However there is no accurate and detailed information on rates of enrolment of refugee and asylum seeker children at primary or secondary level.

Economic constraints impact on school enrolment and performance

Refugee children who are in school have complained that they are given too many domestic chores, and that their schoolwork is often disrupted because they have not had sufficient to eat and cannot concentrate at school, and/or cannot complete their homework because there is no electricity at home. School attendance and performance also suffers when families use the education allowance provided by UNHCR (through CREDO) to meet basic subsistence needs.

There are insufficient secondary education grants to meet demand.

Insufficient assistance for third-level education of refugees

Many qualified refugees are unable to pursue higher education because they cannot afford the fees. Moreover, the only existing source for university grants for refugees in Burkina Faso, the DAFI programme, will not be providing any new grants from 2005 onwards.

Obstacles to local integration

The successful local integration of refugees is undoubtedly the most pressing challenge for UNHCR and its partners in Burkina Faso. Low economic development and high unemployment in Burkina Faso are major constraints, and refugees and nationals often face similar difficulties in finding employment.

While numerous attempts have been made to address this underlying problem – through vocational training, assistance for university education, apprenticeships and micro-credit schemes – the results of these initiatives have been disappointing, and have not been developed in an overall comprehensive and complementary strategy. Nor has there been an in-depth analysis of the job market in Burkina Faso to ascertain what skills/services are lacking, and what gaps refugees could potentially fill.

An additional obstacle to local integration is the lack of motivation on the part of many refugees. Many refugees wish to be resettled out of Burkina Faso and resist efforts to integrate there on the assumption that lack of integration will enhance their qualification for resettlement. In addition, partners report that those refugees who receive assistance often lack the motivation to take efforts to become self-reliant.

Limited efforts to become naturalized

There is a lack of awareness among refugees regarding the possibilities, the procedures and the criteria for naturalization. At the same time, some refugees are not keen on becoming naturalised and they would no longer receive assistance from UNHCR and partners. The strong desire to be resettled to a third country further limits the willingness of refugees to actively pursue naturalisation.

Legal, Political and Social Environment

Demographic Profile

- 1) Prior to the recent mass influx of Togolese refugees into Bénin, UNHCR's Regional Representation (RR) in Cotonou was responsible for approximately 19,000 refugees and asylum-seekers in four countries: Benin, Burkina Faso, Niger and Togo.
- 2) As of 1 January 2005, the total population of concern to UNHCR in Burkina Faso was 1010 persons. This includes 492 recognised refugees and 518 asylum-seekers. The main countries of origin of refugees in Burkina Faso are Chad (148 persons), Rwanda (96), Republic of Congo (RoC - 83), Burundi (62), the Democratic Republic of Congo (DRC - 43) and Togo (30).
- 3) Many persons registered as refugees in Burkina Faso arrived in the country six or more years ago. It is not known exactly how many of those registered have remained in Burkina Faso, as registration information is not systematically updated.
- 4) The vast majority of the population live in urban areas, in the main towns of Ouagadougou and Bobo-Dioulasso.

National and Administrative Framework

- 5) Burkina Faso has ratified both the 1951 Refugee Convention (and its 1967 Protocol), and the 1969 OAU Convention. Burkina Faso has also adopted national legislation in line with its international obligations to protect refugees. Article 9 of the Burkina Faso Constitution guarantees the right of asylum.
- 6) There are numerous instruments of domestic legislation which deal with refugee protection. Article 1 of *Zatu No. AN V-28/FP/PRES portant statut des réfugiés* (3 August 1998),¹ defines a refugee as a foreigner who falls within the mandate of UNHCR, or who fulfils the criteria in the 1951 Convention, as completed by the 1967 Protocol, or who fulfils the definition in the 1969 OAU Convention. Other relevant instruments regulating refugee affairs are listed in Annex 1.
- 7) Refugee protection is the responsibility of the *Commission Nationale pour les Réfugiés* (CONAREF), presided over by the Minister for Foreign Affairs and Regional Cooperation with the Minister for Territorial Administration and Security as Vice-President. CONAREF is comprised of an Eligibility Committee and a *Cellule de coordination*. CONAREF's tasks include: registration of asylum seekers; refugee status determination (RSD); the provision of identity documents and attestations for various purposes (employment, purchase of property).
- 8) CONAREF's Eligibility Committee hears asylum applications and all other functions are carried out by the *Cellule de Coordination*.
- 9) Burkina Faso's legislation meets international standards in most respects, with two exceptions. The principle of *non-refoulement*, though respected in practice, is not clearly articulated. In addition, the individual RSD procedure does not include an independent appeal.(see Access to Fair Asylum Procedures, below)

¹ In Burkina Faso, a 'Zatu' is the name given to an *Ordonnance*, a legislative instrument handed down by the President. A 'Kiti' is the term given to a Decree, that is, an instrument which provides for practical implementation of a 'Zatu'

- 10) Refugees and asylum seekers in Burkina Faso have the same rights as nationals with regard to education, access to health services, and access to certain jobs. In practice, however, the precarious economic conditions prevailing in Burkina Faso limits the extent to which refugees and asylum-seekers can benefit from these rights.
- 11) Also, in spite of the comprehensive range of rights conferred by national legislation, persons of concern to UNHCR are often prevented from fully benefiting from these rights, as the length of the refugee status determination (RSD) procedure means that they remain as asylum-seekers for long periods of time. This can effectively limit the access of such persons to vital social services, including education (see Education for Children, below).
- 12) According to CONAREF, the Burkinabé State is soon to undertake a review of existing national legislation relating to refugees. CONAREF has called on UNHCR to be involved in this process. Some government ministries have called for more restrictive refugee legislation although there is no clear indication that this concern will dominate the proposed review.

International Instruments that Have Been Ratified

- 13) In addition to the principal instruments of international refugee law, Burkina Faso has also acceded to/ratified: the ICCPR and the First Optional Protocol (with a declaration under Article 2); the ICERD (declaration under Article 14); the ICESCR; the CEDAW and its Optional Protocol; the African Charter on Human and People's Rights; the CAT (declaration under Article 22); the CRC and two optional protocols (on children in armed conflict, and on the sale of children, child prostitution and child pornography); the African Charter on the rights and well-being of the Child; and the 1990 Convention on the Rights of All Migrant Workers.
- 14) Moreover, Burkina Faso is one of the few African States to have adopted the Protocol to the African Charter, which creates the African Court of Human Rights. Burkina Faso is also the only country in Africa which accepts the compulsory jurisdiction of the African Court.
- 15) Burkina has not yet signed either of the Conventions relating to Statelessness (1954 and 1961). However, both of these instruments were taken into account in the development of the 1996 Burkina Faso *Code de la Famille et de la Nationalité*. Article 139 of this document defines 'statelessness' in the same terms as Article 1 of the 1954 Convention. In line with the international instruments, the provisions of this *Code* seek to reduce the prevalence of statelessness: Article 141, for example, provides that any child who is born in Burkina Faso and unable to claim any other nationality, is guaranteed Burkinabé nationality.

Partnerships to Strengthen Protection Capacity

- 16) Since the closing of the UNHCR office in Burkina Faso, on 31 December 2001, the country is covered by the Regional Representation in Cotonou.
- 17) UNHCR's principal partners in Burkina Faso are CONAREF and the Christian Relief and Development Organisation (CREDO), a non governmental organization which is responsible for social and community services.
- 18) Relations between UNHCR and CONAREF were strained for a period over administrative issues relating to the closure of the UNHCR office in December 2001

which were not resolved until early in 2005. Nevertheless UNHCR remained able to exercise its mandate to supervise the application of the 1951 Convention.

19) Neither CONAREF nor CREDO staff working with refugees have regular e mail access in their offices, and this negatively impacts their ability to communicate with partners and UNHCR in Cotonou.

20) These communication difficulties have complicated the coordination of joint activities between UNHCR and its partners in Burkina Faso, and have further hindered the regular monitoring and reporting of issues arising in terms of protection and assistance programmes (see Registration in International Standards, below).

21) Meetings have been held between UNHCR's regional office and organizations such as Amnesty International and the *Mouvement Burkinabé de défense des droits de l'Homme et des peuples* (MBDHP), however these agencies are not regularly involved in refugee protection.

22) In June 2004, as part of the follow-up to the African Parliamentary Conference on "Refugees in Africa: Challenges and Solutions" (held in Cotonou), UNHCR representatives met with the President of the Burkina Faso National Assembly Commission for Foreign Affairs and Defence, to discuss the possible creation of a parliamentary 'sub-commission' for refugees in Burkina Faso. As of yet, however, there have been no concrete results from these discussions.

23) There is a refugee committee in place in Burkina Faso, the *Communauté des Réfugiés Résidents au Burkina Faso* (CRRBF). UNHCR and partners see the CRRBF as a dynamic body and an important source of information on the refugee population.

24) It has been pointed out, however, that the CRRBF seems to be in practice limited to Francophones. This may reduce the opportunities for Anglophone refugees and asylum seekers, for example Liberians and Sierra Leoneans, to convey their concerns to UNHCR and partners in Burkina Faso.

Host Environment

25) Refugees and asylum-seekers have generally been well-received in Burkina Faso and co-habit peacefully with the local communities. There are however areas where refugees claim to have experienced discrimination and low level harassment.

26) Refugee children, for example, have complained that they suffer victimisation at school, and are marginalised because they are refugees. Partners suggest that this may in part be due to the fact that many nationals associate refugees with the war and violence which precipitated their flight.

27) Refugees also complain that they are discriminated in employment, with employers favouring family members and nationals over refugees. In this regard, the difficult socio-economic circumstances encountered by all, undermine the general receptivity to refugees on the part of the Burkinabé population.

28) The influx of some 398,000 Burkinabé from Cote d'Ivoire since the crisis of 2002 has further complicated the situation, increasing competition for jobs.

Refugee Issues and National and Regional Development Agendas

29) Refugee issues are not strongly incorporated into development agendas in Burkina Faso, and refugees remain largely unaffected by national poverty reduction

and development strategies, which tend to focus efforts on development of rural areas.

30) The vast majority of refugees in Burkina Faso live in urban areas, in particular in Ouagadougou and Bobo-Dioulasso, which are the most developed parts of the country and hence not a priority for development plans.

31) There are some examples of development actors contributing resources which help underpin the self-reliance of refugees in Burkina Faso; for example the DAFI scholarship programme for refugees studying at university is funded through voluntary contributions to UNHCR Headquarters from the German Ministry of Foreign Affairs (see Educational and Vocational Programmes, below; DAFI contributions are not earmarked by donors specifically for Burkina Faso, as the number of scholarships allocated to different UNHCR country programmes is decided by UNHCR Headquarters in Geneva).

32) UNHCR's Regional Representation in Cotonou rarely receives earmarked contributions for Burkina Faso from donors, and is generally not involved with the work of development actors in the country.

33) The priorities of the Burkinabé government in terms of development are clearly outlined in the country's Poverty Reduction Strategy Paper (PRSP).² The latest PRSP describes a Burkinabé economy which is growing at a modest rate, insufficient to create employment for a large part of the population, and which fails to provide enough resources for the State to guarantee basic economic and social services. Poverty now affects almost half of the population in Burkina Faso. The country is ranked 175th (of 177 countries) in UNDP's 2004 Human Development Report.³ The emphasis within the latest PRSP for Burkina Faso is very much placed on strategies to address poverty and underdevelopment in rural areas.

34) Complementing the Burkina government's PRSP, the UN Framework for Development Assistance for Burkina Faso (UNDAF) 2006-2010, developed through a consultative process involving various UN agencies, governmental ministries, NGOs and civil society representatives, was finalised in March 2005.⁴ An annual review will take place to assess activities of the previous year and programmes for the next.

35) Neither UNHCR, nor either of UNHCR's implementing partners (CONAREF and CREDO), participated in the development of the 2006-2010 UNDAF for Burkina Faso. The lack of UNHCR participation was in part due to the absence of a regular UNHCR presence in Burkina Faso but also due to the assumption that given the different (geographic) priorities for development actors, the extent to which refugees can realistically benefit from development projects in Burkina Faso is limited.

36) Since the closure of the UNHCR office in December 2001, CONAREF has been involved in activities of the Ministry of Foreign Affairs and Regional Cooperation, but has not participated actively in the activities of UN agencies in Burkina Faso and was not involved in the latest UNDAF process. Equally, CREDO was neither informed about, nor involved in, the UNDAF process for Burkina Faso.

² Ministère de l'économie et du développement, 'Burkina Faso : Cadre Stratégique de lutte contre la pauvreté', December 2003. Available at www.pnud.bf/CSLP.HTM

³ This ranking is based on Burkina Faso's Human Development Index (HDI) value as recorded in 2002. See http://hdr.undp.org/statistics/data/country_fact_sheets/cty_fs_BFA.html

⁴ Plan Cadre des Nations Unies pour l'Aide au Développement, Burkina Faso : 2006-2010, 4 March 2005

- 37) Throughout the UNDAF (a 110 page document which outlines plans for development co-operation in Burkina Faso for the next four years) no mention is made of refugees or asylum-seekers in Burkina Faso. Moreover, no mention is made of UNHCR, nor indeed of CONAREF or CREDO.
- 38) The UNDAF confirms the findings in the latest PRSP: while the incidence of urban poverty has increased markedly, still poverty in Burkina Faso remains a phenomenon which is essentially rural. At the same time, the economy of Burkina Faso is primarily agricultural. In light of the foregoing, and in line with the PRSP, the general orientation of the UNDAF for 2006-2010 is to focus on rural areas.
- 39) As regards the contribution of refugees to Burkina's economy, the small size of the refugee population (a total of 1010 individuals in a population of 12 million) limits the potential for impact at the national level. Nonetheless, at present there is insufficient information on the economic/professional profile of refugees in Burkina Faso for an accurate assessment of the economic impact which refugees have in practice. UNHCR hopes that the roll-out of the database of refugee CVs (see Access to Wage-earning Employment, below) will help address this information gap.
- 40) It is worth noting, however, that Burkina Faso's PRSP identifies 'migrants' in general (without distinguishing between refugees and other foreigners), together with women and young persons, as groups with limited productivity in the field of agriculture. The reasons given for the low productivity of migrants in this context include their limited access to land, materials, and training, as well as the fundamental security problems which they face.
- 41) Moreover, one of the reasons given in the PRSP for the growing pauperisation of urban areas is 'migratory flux'. The government's strategy document asserts that immigrant populations lack the training and competence necessary to access salaried employment.

Admission

Admission to the Territory

- 42) According to information received by UNHCR Cotonou, asylum seekers have not encountered difficulties at the borders when seeking admission to Burkinabé territory. The lack of visa restrictions on ECOWAS nationals, and the porous nature of the borders, facilitates admission of asylum-seekers from neighbouring countries.
- 43) There has however been one noteworthy incident of the refusal of Burkinabé authorities to permit 235 Liberian refugees who had been recognized in Ghana from transiting through the country. The refugees had moved from Ghana to Mali and in 2004 were seeking to return to Ghana to take advantage of a repatriation programme there. Amidst criticism that it had tolerated the presence of armed Liberian rebel groups, and despite the intervention of UNHCR, the Burkinabé authorities refused this group permission to transit the country. The refugees were eventually flown from Mali directly back to Liberia by the United Nations Mission in Liberia (UNMIL).
- 44) There are no standard operating procedures or guidelines for Burkinabé immigration officials in regard to admission of asylum seekers. However immigration officials have frequently participated in UNHCR training sessions in Ouagadougou, where the international obligations of the Burkinabé State and officials acting on behalf of the State are highlighted.
- 45) In practice, it is extremely difficult for the UNHCR office in Cotonou to monitor what happens at Burkina Faso's borders; all the more so considering that the border between Burkina Faso and crisis-ridden Côte d'Ivoire is thousands of kilometres long.

Non-Refoulement

- 46) In 2004, no case of *refoulement* was brought to the attention of UNHCR, either by partners, human rights NGOs, or the (dynamic) refugee committees there.
- 47) While Burkina Faso has acceded to the major international instruments of refugee law, the provisions of art. 33 of the 1951 Convention (which articulates the principle of *non-refoulement*), and those of art. 3(2) of the 1969 OAU Convention (which clarifies the scope of the principle to include non-rejection at the frontier, as well as return and expulsion), are not clearly articulated in Burkinabé national legislation.
- 48) However, both in practice and in communications with UNHCR (for example in recent discussions held to prepare a Contingency Plan for the potential influx of Ivorian refugees), the Burkinabé authorities have demonstrated their commitment to the respect of *non-refoulement* of refugees and asylum-seekers.
- 49) In addition, the 1988 *Zatu portant statut des réfugiés* is formulated in a manner broadly in line with the 1951 Convention. This instrument provides that holders of refugee status can only be expelled from the territory of Burkina for reasons of national security, or if they are involved in activities liable to disturb public order, or if they are convicted of a particularly serious crime and imprisoned as a result. With the exception of cases related to national security concerns, such expulsion can only be carried out after CONAREF has given its opinion. The individual concerned will be permitted to present a defence before CONAREF, and any subsequent expulsion

order will allow the individual a reasonable time to gain legal admittance into another country. In this respect, this legislation is broadly in line with the provisions of arts. 32 and 33(2) of the 1951 Refugee Convention.

50) The 1994 Decree (94-055/PRES/REX) provides that CONAREF can, at any moment and where reasonable, decide to withdraw refugee status from an individual (Article 13). This legislation provides no details as to what motivations would be considered 'reasonable'. However, an earlier article in the same Decree guarantees that refugees in Burkina Faso benefit from the same rights, and are subject to the same obligations, as provided in the relevant international conventions; this would indicate that 'reasonable' motivations would be in line with the situations envisaged by Article 1(C) of the 1951 Convention.

UNHCR Access

51) UNHCR does not have a regular presence in Burkina Faso, and as of yet the issue of access to new arrivals has not arisen. However UNHCR has received no reports, either from partners, human rights NGOs, or from refugee representatives, that asylum seekers encounter difficulties in accessing Burkinabé territory.

Identification, Assessment and Treatment of Urgent Protection Needs

52) Urgent protection needs are identified either by CREDO, or by the protection assistant at CONAREF. In the latter cases, CONAREF directs the persons concerned to CREDO, and follows-up by directly contacting the social assistant at CREDO to discuss the case.

53) RR Cotonou is informed when urgent protection cases arise, and partners often request advice from the RR on how to proceed. UNHCR is sometimes informed regarding follow-up actions taken. At present, these communications occur on an ad hoc, case-by-case basis. Some cases which have required particular attention are referred to in the Situation Reports (SitReps), monthly reports which both CREDO and CONAREF send to UNHCR.

54) In addition, some refugees contact the RR in Cotonou directly. In such cases, RR Cotonou advises the individual(s) concerned to contact either CREDO or CONAREF, as appropriate, and copies the relevant partner on the response.

Support to Meet Basic Necessities of Life

55) All asylum seekers in Burkina Faso receive a one-off settling grant upon registration.

56) Beyond this initial grant, and due to continuing budget constraints, subsistence allowances, food baskets, NFIs and full coverage for healthcare, are usually reserved for the most vulnerable cases.

57) UNHCR's Partners have repeatedly stressed that current resources are insufficient to meet the basic needs of even the most vulnerable cases, who receive only sporadic assistance.

58) Numerous refugees and asylum seekers have stated that they face difficulties in meeting basic subsistence needs. The reasons given for this include both the lack of employment, and the low level of assistance provided by UNHCR's partners. Refugee children (particularly those in one-parent families) have complained that these subsistence needs often negatively affect their education (see Education for Children, below), while refugee women have emphasised the increased risk of

exploitation as they struggle to meet basic needs (see Mechanisms to Prevent and Respond to SGBV, below).

59) Vulnerability assessments are carried out by CREDO, in line with UNHCR's standard vulnerability criteria. The UNHCR list of vulnerable categories include: single parents; single women; unaccompanied elderly persons; unaccompanied minors (UAMs); the physically disabled; mentally ill; chronically ill; parents who have reported missing children; pregnant women, and survivors of violence.

60) In practice, however, one-off assistance is often given to persons who would not normally meet the standard HCR vulnerability criteria. This is primarily because the caseload is largely urban and living in a difficult economic context; persons who might not normally be considered vulnerable upon entry (such as stable families) often become vulnerable in Burkina Faso because they face severe economic problems.

61) A large part of CREDO's time and resources goes to providing assistance in such individual cases. While certain categories of vulnerable groups (such as chronically ill refugees) receive regular assistance, for others the assistance is more ad hoc.

62) CREDO have emphasised the lack of clarity among refugees and asylum seekers regarding the vulnerability criteria, and have requested that UNHCR assist in raising awareness in this regard.

Registration

Individual Registration

- 63) Upon arrival in Burkina Faso, asylum-seekers must approach the office of the *Cellule de Coordination* of CONAREF in Ouagadougou, to fill out a registration form. All persons who arrive at CONAREF's office and declare that they have protection concerns in their country of origin, are immediately registered as asylum seekers by CONAREF.
- 64) Each asylum-seeker is received by CONAREF's protection/resettlement officer, who conducts an interview with the individual concerned to ascertain their reasons for coming to Burkina Faso. The protection/resettlement officer then explains the RSD process, takes photographs if necessary, and gives the individual a copy of a standard RSD application form. This form is completed by the asylum seeker at the CONAREF office, with the assistance of CONAREF staff as required.
- 65) The RSD application form comprises sections on bio-data, including family composition (accompanying family members only), education details and employment history (of both principal applicant and accompanying family members); details of any previous asylum claims; travel/identity documents; route to Burkina Faso. It also includes questions relating directly to the asylum claim: political/religious affiliations, reasons for flight, nature of fear, military service, previous arrests/detention. The form does not include sections addressing the individual's state of health.
- 66) On average it takes 2-3 days for CONAREF staff to re-read the submitted RSD application form, re-interview the asylum seeker to get additional information if necessary, and issue an attestation ('à qui de droit'), which is valid for six months. Each adult member of the asylum seeker's family receives an attestation, which allows them access to education, healthcare, financial assistance as outlined (see Support to Meet Basic Necessities of Life, Access to Health Care, Education for Children), and confirms their protected status in Burkina Faso (e.g. guards against refoulement).

Registration in International Standards

- 67) There are aspects of the registration process that appear to be in line with international standards: confidentiality is observed; the process is easily accessible; registration takes place in a secure environment (CONAREF's office) and is carried out in a non-intimidating manner by CONAREF staff who have received UNCHR training.
- 68) However, at present there is no electronic system in place for recording, updating, and sharing registration information. This makes it difficult for the Burkinabé government and UNHCR to efficiently monitor the actual number of refugees and asylum seekers present in Burkina Faso at any given time.

Information on the Refugee Population

- 69) Registration information concerning refugees recognised in Burkina Faso prior to the closure of the UNHCR office in Ouagadougou is kept in the UNHCR office in Cotonou. UNHCR plans to transfer these files to CONAREF to facilitate the

maintenance of updated statistical information on the refugee population in Burkina Faso.

- 70) Since 2002, UNHCR's partners have manually recorded statistical information on asylum-seekers and refugees in Burkina Faso. Not only is this system time-consuming for the partners, but the information recorded is not centralised or easily accessible as it tends to be kept in individual paper files dispersed in one of the offices of either CREDO or CONAREF.
- 71) This factor limits the capacity of the government, UNHCR and CREDO to provide aggregate data on the living conditions of refugees or to properly assess needs, effectively monitor, and develop self-reliance strategies.
- 72) In cases of births or deaths, for example, the head of the refugee or asylum-seeker family concerned informs CONAREF. However, to provide updates on the size of the refugee population in Burkina Faso, CONAREF staff have to go through each physical file individually to see if there have been any births/deaths and amend the numbers accordingly.
- 73) On the basis of the registration activities it carries out and records it maintains, CONAREF is supposed to submit statistics to UNHCR as part of the monthly Situation Reports (SitReps). This includes information on the number of newly-registered asylum-seekers, disaggregate by age group (0-4 years; 5-17; 18-59; 60+), by sex, and by nationality. Similarly disaggregated data is provided regarding any refugees who have repatriated, or been resettled out of or into Burkina Faso. However, UNHCR does not receive this data in a regular or systematised way; for example the statistical information for January and February 2005 was not received by UNHCR until mid-April 2005.
- 74) Both CONAREF and CREDO contribute to the monthly SitReps, which are first prepared by CONAREF and then forward to CREDO for additional contributions before being sent to UNHCR.
- 75) Beyond the monthly SitReps, there is little regular communication between the two partners, information is shared only sporadically, and the partners only meet on the occasion of UNHCR missions to Burkina Faso.
- 76) To facilitate updated and accessible information on the refugee population in Burkina Faso, UNHCR is currently seeking to introduce new databases.
- 77) A database for recording information on refugee skills and qualifications has been developed by UNHCR and installed with CREDO and CONAREF in Burkina Faso, but staff require further training on using this resource. UNHCR in Cotonou also intends to develop a Refugee Assistance Database for all four countries covered by the RR. This database will contain information on all individuals who have received assistance (of any kind), including details on the nature of the vulnerability, follow-up and action taken. With regard to Burkina Faso, the Assistance Database will be installed with CREDO. This will require a mission by UNHCR staff to both install the database and provide training to the CREDO staff who will be using it; to date no such mission has been planned.
- 78) Unless these new databases are complementary and easily accessible by those responsible for the management of refugee affairs, their value will be diminished.
- 79) A new standardised Profile Global Registration System, 'proGress', is being introduced into many UNHCR offices, including in the office in Cotonou. This is a

standardised refugee data collection tool designed to be continually updated – i.e. whenever a refugee’s file is opened for whatever reason. However at present the proposed mission to install ‘proGress’ with UNHCR in Cotonou (scheduled for September 2005) will not be covering Burkina Faso. UNHCR hopes to install a version of ‘proGress’ with partners in Burkina Faso by the end of 2005.

Legislative Framework for Determining Protected Status

Group Determination

80) The national legislation of Burkina Faso makes no allowance for group determination. In November 2004, however, in the face of heightened insecurity in northern Côte d'Ivoire, the Burkinabé authorities assured UNHCR of the State's commitment to respect the principle of *non-refoulement* in the case of a mass influx.

Access to Fair Asylum Procedures

81) As noted earlier, decisions to confer, or withdraw, refugee status in Burkina Faso are taken by CONAREF. UNHCR provides technical, financial and legal support to the procedure of refugee status determination.

82) At registration asylum seekers undergo an interview with CONAREF's protection/resettlement officer, who has regularly attended sessions on RSD organised by UNHCR Cotonou. Following the interview, the officer prepares a dossier which is forwarded to the co-ordinator of CONAREF and the Eligibility Committee for examination.

Composition of the Eligibility Committee

83) The Minister of Foreign Affairs and Regional Cooperation is the President of CONAREF; in practice, however, since 1999 he has delegated this role to his *Directeur de Cabinet*. In total there are seven members of the Eligibility Committee. In addition to the President and Vice-President, both the Ministry for Foreign Affairs and the Ministry for Territorial Administration have another representative on the Eligibility Committee. The other members of the Eligibility Committee are representatives from the following ministries: Ministry for Defence; Justice; and Health, Social Action and the Family.

84) The representatives of the various ministries on the Eligibility Committee are all high-ranking managers within their divisions. A representative from the *Cellule de coordination* of CONAREF also participates in the Eligibility Committee sessions. Two thirds of the members of the Committee represent a quorum.

85) As provided by the Décret no. 1994-055/PRES/REX *portant application du statut des réfugiés* (10 February 1994), the Eligibility Committee can request that the asylum-seeker attends the session to provide any supplementary information that may be required.

86) In practice, since February 2003, all asylum seekers are required to present themselves before the Eligibility Committee, to sign a document (*engagement*) committing themselves to respect the laws of Burkina Faso, and also to answer the questions of the Committee.

87) UNHCR is legislatively entitled to play a 'consultative role' on the Eligibility Committee. In practice, however, it rarely does so given limited resources and the heavy involvement of the RR Cotonou personnel in RSD activities in Bénin.

Eligibility Committee Sessions

88) According to the 1997 *Règlement intérieur de la CONAREF*, the Eligibility Committee is to meet every two months in ordinary session, as convened by the President, and can meet in extraordinary session as required.

- 89) Between 2000 and 2002 the Eligibility Committee suspended its work altogether in response to repeated protest action (including hunger strikes) by refugees and asylum-seekers demanding resettlement out of Burkina Faso (see Resettlement, below). Despite repeated requests by UNHCR during this period, the Eligibility Committee did not reconvene until February 2003. In the intervening period neither resettlement nor asylum application were processed by the Burkinabé authorities, leading to a large backlog of over 500 asylum applications.
- 90) In 2004, out of six sessions planned, only four sessions took place. This was an improvement on 2003.
- 91) One of the reasons for the failure to hold all the Eligibility Sessions planned is the difficulty in gathering the quorum. All the representatives from the Ministries who participate in the Eligibility Committee are high-ranking civil servants who are often occupied with other responsibilities. It has proven very difficult to bring all these members of the Eligibility Committee together at one given time.
- 92) According to UNHCR the average duration of the RSD process in Burkina Faso varies significantly not only because of irregular eligibility Committee Sessions but also due the lack of systematic processing of applications. At present, it is not unusual for asylum seekers in Burkina Faso to be waiting at least one year for a decision on their application.
- 93) UNHCR has proposed a system similar to that employed in Bénin, where high-ranking officials could be represented on the Eligibility Committee by a colleague with less responsibilities (even if the decisions are not to be taken by the latter). UNHCR Cotonou does not believe it would be problematic for the decision to be taken by someone other than the person who attended the Eligibility Committee session, so long as the decision-maker is effectively briefed by the latter.
- 94) CONAREF acknowledge that, for purposes of transparency and to ensure that each asylum seeker can fully present his/her claim, it would be possible for CONAREF to acquire the services of interpreters working with the Ministry of Foreign Affairs, so as to assist Anglophone asylum seekers. To date however, CONAREF reports that this problem has not arisen; since sessions restarted in early 2003, no asylum applications by Anglophones have come before the Eligibility Committee.
- 95) UNHCR has already informed its partners in Burkina Faso that there are funds available to support the presence of interpreters at oral hearings before the Eligibility Committee.

Decisions of the Eligibility Committee

- 96) The decisions of the Eligibility Committee are made known to the applicant concerned, by individual letter. In case of rejection at first instance, this letter does not give the reasons for rejection of the application, but does inform the applicant of their right to appeal (by presenting 'new elements' - see below).
- 97) While the rate of acceptance dropped from 64% in 2003 to 33% in 2004, UNHCR Cotonou reports that the decision making in Burkina Faso is generally of a reasonable standard. The acceptance rate of 33% for 2004 is more in line with what UNHCR would have expected.

Appeals

98) An important gap in the refugee status determination system in Burkina Faso at present is the absence of a distinct body to examine appeals. At present, appeals are examined by the same Eligibility Committee – in fact the very same people – who decide on first instance.

99) The 1988 *Zatu portant statut des réfugiés* provides that decisions of the Eligibility Committee are liable to revision where new elements come to light in a case which was rejected at first instance (Article 3(b)). In practice, however, a request for an appeal hearing is rarely turned down for failure to meet the ‘new elements’ requirement; i.e. in line with international standards the right of asylum seekers to appeal against negative first instance decisions is respected in Burkina Faso.

100) CONAREF acknowledge the need for an independent appeal body, but have highlighted the need for UNHCR’s support in this respect. In particular, CONAREF have called on UNHCR to provide legal assistance and training.

Rejected Applications

101) Letters informing asylum seekers that their application has been rejected also inform the applicant that they have the possibility of contacting the competent national authorities so as to regularize their stay in Burkina Faso. However it is rare for rejected asylum seekers to regularise their status in Burkina Faso. There are fees to be paid where a foreigner (including a rejected asylum seeker) wishes to regularise their stay in Burkina Faso, and this may discourage some rejected asylum seekers. Foreigners who regularise their stay can legally work in Burkina Faso, and there are many foreigners (including refugees) working within the *Fonction Publique* (civil service), particularly as doctors.

102) In 2004, CONAREF forwarded a list with the names of 45 rejected asylum seekers to the national immigration authorities. It is believed that these persons have remained within Burkina Faso, though their case was not followed up by either CREDO or CONAREF

Country and Legal Information and Analysis

103) UNHCR provides CONAREF with Country of Origin Information (COI), and other information related to RSD; UNHCR forwards new COI reports (e.g. IRIN, US Department of State documents) as these become available. On occasion, CONAREF contacts UNHCR regarding a specific issue/country as required.

104) CONAREF have confirmed that they do receive COI in paper form from RR Cotonou. The lack of internet access, however, means that neither the *Cellule* nor Eligibility Committee members can receive reports in this manner.

105) CONAREF staff have identified this difficulty in accessing information as a handicap to the work of the Eligibility Committee. Moreover, the absence of COI in French is sometimes a problem as some members of the Eligibility Committee are less comfortable with reports in English. UNHCR Cotonou relies heavily on UNHCR Paris to forward French language reports on the relevant countries of origin.

106) UNHCR can not verify the extent to which members of the Eligibility Committee actually rely on this COI as UNHCR does not regularly attend committee sessions in Burkina Faso.

107) Members of the Eligibility Committee in Burkina Faso were introduced to UNHCR's RefWorld CD-ROM during a UNHCR training session. However at present the Eligibility Committee members do not possess a copy of the CD-ROM; there appears to be little enthusiasm on the part of Committee members for RefWorld, which is primarily in English.

Complementary Forms of Protection

108) Burkina Faso's legislation allows for refugee status to be granted to persons who meet the definitions contained either in the 1951 Convention, or the expanded definition contained in the 1969 OAU Convention. There is no provision for according subsidiary/humanitarian status to persons who do not meet these refugee definitions.

Protection from Violence, Coercion or Deliberate Deprivation

Security in Refugee Hosting Areas

109) Overall refugees in Burkina Faso are treated in line with international standards and do not face security problems.

110) An underlying problem in Burkina Faso, however, is that precarious socio-economic circumstances can place some refugees, in particular women and children, at risk of physical insecurity and exploitation (see Mechanisms to Prevent and Respond to SGBV as well as Programmes to Protect Children from Abuse and Exploitation, below).

111) In general however asylum-seekers and refugees do not face the wide range of threats to security that characterise many other refugee situations. UNHCR and partners are of the view that of the complaints they receive to the contrary, many are unsubstantiated and are raised more by hopes of resettlement than serious security concerns. Indeed, many refugees themselves have acknowledged that in general refugees in Burkina Faso face the same 'security risks' as nationals.⁵

Reporting and Monitoring

112) Monitoring is done by CREDO and generally involves weekly visits to the homes of individuals already identified as vulnerable. CREDO also carries out monthly visits to refugee schools, to check on the participation of refugee students, their attentiveness, and any problems encountered. Limited resources is the reason given for the absence of more active monitoring.

113) CREDO is of the view that all refugees who have needs, come to them to seek assistance; i.e. refugees who do not come to see them do not have pressing needs. Others question whether this is accurate since often the most vulnerable cases within a refugee population are those very persons who are unable to bring their needs to the attention of UNCHR and partners.

114) UNHCR staff members also conduct home visits when on mission in Burkina Faso, though resources, and workload in Cotonou often limit capacity in this respect. In 2004 UNHCR conducted 7 missions to Burkina Faso (1 by programme staff, 2 by protection staff, 2 by the Representation, and 2 inter-sectoral missions). All stakeholders have underlined the need for more frequent inter-sectoral missions by UNHCR to Burkina Faso.

115) There are no standards forms or procedures for identifying protection concerns and recording the measures taken in response.

116) UNHCR acknowledges that the reporting and monitoring capacities of partners has been suboptimal in recent years due to resource constraints and the lack of communication between partners in Ouagadougou, and between partners and UNHCR.

⁵ One of the few exceptions to this pattern, according to the refugee population is that at times of big international summits in Ouagadougou, a limited number of "high profile" refugees feel that they have to adopt a very low profile to avoid any encounter with the delegations of their respective countries of origin. Even in these cases, however, UNHCR feels that such claims tend to be unsubstantiated.

117) RR Cotonou hopes that the progressive withdrawal of UNHCR staff from RSD activities in Bénin, will allow staff to allocate more time to following-up individual cases in Burkina Faso which are in need of particular attention.

Civilian Character of Refugee Hosting Areas

118) Currently the presence of armed elements within the refugee population is not an issue. No threats to the civilian character of the (primarily urban) refugee-hosting areas in Burkina Faso have been brought to the attention of UNHCR, either by partners, human rights NGOs, or indeed by the refugees themselves.

Mechanisms to Prevent and Respond to SGBV

119) Notwithstanding the lack of formal reports, UNHCR and partners acknowledge that, due largely to the difficult economic conditions in Burkina Faso, many refugee women and girls are being put at risk of sexual exploitation and violence. Interviews conducted with individual refugees and with groups of refugees have indicated that such problems may be far more widespread than previously thought.

120) Particularly in the case of single-parent families, refugee women and girls are often exposed to the risk of exploitation and/or prostitution. When looking for work, and even when they manage to find paid employment, refugee women are exposed to the risk of sexual exploitation and harassment. Those who do not find work are sometimes forced into prostitution.

121) Refugee women in Burkina Faso are encouraged to undertake income-generating activities so as to achieve self-sufficiency. CONAREF believes that many refugee women in Burkina Faso have the requisite skills and qualifications to find work, but need to be assisted to find the gaps in the market. Through providing micro-credits, and vocational training to refugee women, the main objective of UNHCR and partners is to lead refugee women to an economic autonomy to protect them against the risks of sexual exploitation. However, as discussed below (section 10), these initiatives have not always been successful.

122) Women are represented in the *Communauté des réfugiés résidant au Burkina Faso* (CRRBF, see Partnerships the Strengthen Protection Capacity, above). While their participation did not meet the quota of 50%, the few meetings which UNHCR held with this organisation indicated an active participation by the female members.

123) In regard to specific mechanisms to respond to SGBV in Burkina Faso, until very recently there was very little in place.

124) CREDO carries out campaigns to raise awareness on SGBV issues, and CREDO staff have been trained in identification of SGBV victims. UNHCR has also shared copies of the standard SGBV guidelines with both CONAREF and CREDO.

125) However, there is no efficient structure in place to clearly outline procedures for responding to SGBV, and there is insufficient coordination between UNHCR and CREDO regarding follow-up. CREDO tends to respond to SGBV issues locally rather than report these issues to UNHCR.

126) RR Cotonou also hopes that CONAREF will progressively take on more responsibility for the prevention of and response to SGBV in Burkina Faso.

127) In March 2005, upon UNHCR's request, CREDO identified a focal-point for SGBV (one of the social assistants). UNHCR plans to provide further training to the

SGBV focal-point, either during subsequent missions to Burkina Faso or, if necessary, by email. When this training has been carried out, the SGBV focal-point will assist refugees from the various communities in Burkina Faso to appoint their own focal point for SGBV issues. The latter will be a refugee woman who is considered approachable for other refugees, and who will also receive training on SGBV issues.

128) The task of the refugee focal-point will be to report to the CREDO focal-point, any issues which come to her attention. The CREDO focal-point will be responsible for responding to these incidents. Cases arising, as well as action taken in response, will be reported to UNHCR (as cases arise rather than merely as part of a monthly report).

129) CREDO believes that the introduction of the SGBV focal-point system could help, but are currently waiting for follow-up from UNHCR.

130) It is also essential that SGBV matters are mainstreamed throughout the programmes of CONAREF and CREDO; i.e. that SGBV is not merely the concern of the 'focal point' but is prioritised at all levels. For this reason SGBV training needs to be provided to all members of CREDO and CONAREF staff who deal with refugees and asylum seekers on a regular basis.

131) UNHCR's partners have emphasised that the problems faced by refugee women should be viewed in the national context; it is not only refugee women who encounter these difficulties, but nationals also. The difficult conditions facing Burkinabé women are reflected in the 'Gender-related Development Index', which is compiled by UNDP and ranks countries on the basis of inequalities in living standards between women and men. On the latest Index, out of 144 countries Burkina Faso is ranked in 143rd place. ⁶

132) At present, UNHCR's interventions focus on incidents of SGBV rather than structural SGBV. Raising awareness of SGBV issues is important, but cannot alter the socio-economic reality that many women in Burkina Faso, nationals as well as refugees, are placed at risk of SGBV because of their precarious economic situation. This highlights once again the need for concerted action to help all refugees and asylum seekers in Burkina Faso, in particular refugee women, attain economic self-sufficiency.

Programmers to Protect Children from Abuse and Exploitation

133) Child trafficking, and general exploitation of children, is widespread in Burkina Faso and throughout the region. There have been no reports that refugee children have been involved. In mid-2004, UNHCR established contact with the UNICEF Protection Officer, to exchange information on activities in favour of children in Burkina Faso.

134) UNHCR's partners believe that, were any refugee children involved in child trafficking, the partners would have been informed.

135) However, the absence of centralised, updated and disaggregated information on the refugee population in Burkina Faso, added to ongoing resource problems, limits the abilities of UNHCR and partners to effectively monitor the well-being of refugee

⁶ This ranking is based on Gender-related Development Index (GDI) figures for 2002, and focuses on the dimensions of a long and healthy life, education and literacy, and standard of living (see UNDP's Human Development Report 2004, at http://hdr.undp.org/reports/global/2004/pdf/hdr04_HDI.pdf)

children and ensure that they are not affected by the widespread phenomenon of child-trafficking.

136) Economic problems for refugees in Burkina have exposed many refugee children to the risk of exploitation. Children of a very young age are often forced to look after themselves, or forced into begging or manual or household labour to help their parents meet basic subsistence needs. This is particularly true of one-parent families.

137) Apart from increasing the risk of child labour and/or child trafficking (the more desperate the situation, the more likely families will feel obliged to send their children to work away from home so as to help support the family), the precarious economic situation also has detrimental effects on education. Refugee children have themselves complained that they are given too many domestic chores, and that their schoolwork is often disrupted because they have not had sufficient to eat and cannot concentrate at school, and/or cannot complete their homework because there is no electricity at home.

138) Refugee families with no other source of income often use the education allowances provided for refugee children by UNHCR (through CREDO) to meet their basic subsistence needs. As a consequence, refugee children often report that they do not have the necessary school materials to adequately perform at school (see Education for Children, below).

139) Refugees have also pointed out that limited means often force refugee families to live in certain areas of Ouagadougou or Bobo-Dioulasso where rents are low but where refugee children may be exposed to general security risks existing in these areas. Equally, economic problems are often cited as increasing the risk of refugee adolescents becoming involved in illegal activities or delinquency.

Legally Recognition and Protected Status

Protected Status Recognised in Law

140) Asylum seekers and refugees in Burkina Faso have a recognised, and protected, legal status. Refugee status is conferred by CONAREF, and the protected status of refugees is recognised in a range of legislative instruments (see International Instruments that Have Been Ratified, above).

141) In addition, the Constitution of Burkina Faso protects the fundamental rights of all persons, without discrimination. These include equal protection of the law (art. 4), right to be protected against arbitrary interference in private life, home, and family (art. 6(1)). In principle, refugees also benefit from these protections.

142) Asylum seekers from Côte d'Ivoire, however, appear to face discrimination in so far as their claims for asylum have not been processed. The crisis in Côte d'Ivoire precipitated the return of 398,000 Burkinabés from that country, as well as Ivorian asylum seekers. Burkina Faso had already been accused in some quarters of supporting (and harbouring) rebels from Côte d'Ivoire, and was therefore reluctant to grant refugee status to Ivorian asylum seekers. As a result asylum applications from Ivorian nationals remain blocked and have not been brought before the Eligibility Committee.⁷ While Ivorian asylum seekers have not been threatened with refoulement, they remain in an insecure situation in Burkina Faso, without the additional protection that comes with recognised refugee status.

Documents Confirming Legal Status

143) When an asylum-seeker registers at CONAREF, an *attestation (à qui de droit - 'to whom it may concern')* is issued, and serves as provisional identity document pending examination of the asylum claim. These certificates are initially valid for six months, and renewable.

144) Asylum seekers who are determined to be refugees are provided with a refugee identity card. These are provided to heads of family and spouses, and confirm the refugees' right of residence in Burkina Faso. Where necessary, minor children of recognised refugees are provided with additional *attestations* by CONAREF.

Documents Necessary for Civil Status

145) Refugees do not encounter difficulties in obtaining documents related to their civil status, and follow similar procedures to nationals to acquire birth, marriage, and death certificates.

Information Dissemination on Rights and Responsibilities

146) Information for refugees and asylum-seekers is posted on notice-boards outside the CONAREF office in Ouagadougou, with regard to registration, assistance programmes, and resettlement.

147) Refugees are not informed of the specific rights or responsibilities of refugees in Burkina Faso.

⁷ Officially, applications from Ivorians were not being processed because the Burkinabé authorities expected the crisis in Côte d'Ivoire to quickly resolve itself

148) RR Cotonou has recently deepened its co-operation with *La Chaire UNESCO des droits de la personne*,⁸ within the Law Faculty of the *Université d'Abomey-Calavi* outside Cotonou. UNHCR delivers lectures as part of the annual summer course on Human Rights, the refugee law component of which has been strengthened; the summer 2005 course brought together 70 representatives from civil society, government institutions and the judiciary from 15 countries across Francophone Africa, including the Deputy Secretary-General from the *Mouvement Burkinabé de défense des droits de l'Homme et des peuples* (MBDHP) RR Cotonou sees this co-operation as a means to strengthen national and regional protection capacities by training governmental and NGOs partners on refugee rights and responsibilities.

⁸ This is a leading academic institution within the region, specialising in human rights issues.

Free movement

Restrictions on Freedom of Movement

149) Refugees benefit from the same treatment as nationals with regard to free movement, and access to social benefits. In 2004, UNHCR did not receive any reports that the movement of refugees within Burkina Faso was being arbitrarily restricted.

Travel Documents

150) The 1994 Décret provides that, following the opinion of UNHCR, a refugee can be provided with a travel document to enable travel outside Burkina Faso (Article. 10). On a case-by-case basis, refugees can be issued with Convention Travel Documents (CTDs).

151) CTDs are issued by CONAREF, who are provided with these documents by UNHCR and who submit reports to RR Cotonou regarding issuance of CTDs to refugees in Burkina Faso.

152) Asylum-seekers cannot be provided with Convention Travel Documents, irrespective of how long they have been waiting for a decision on their asylum application. Asylum-seekers in Burkina Faso can be given a laissez-passer, confirming their status as asylum-seekers, and valid for travel to ECOWAS States only.

153) CONAREF have been advised by UNHCR Cotonou that CTDs should generally not be granted to those refugees who come from countries where in UNHCR's view conditions have significantly improved. It must be ascertained that the refugee applying for the CTD would *still* be eligible for refugee status at that point in time, and has reasonable grounds for needing a CTD. These procedures are followed so as to monitor the issuance of CTDs and prevent fraud.

Arbitrarily Arrest and Detention

154) Refugees and asylum seekers are not subject to arbitrary arrest and/or detention in Burkina Faso.

Assistance in Meeting Protection Needs

Provision of Food, Water, and Clothing

155) The incidence of poverty in Burkina Faso results in widespread food insecurity among nationals, with women and children most at risk of malnutrition.⁹ Malnutrition rates are higher in rural areas. While the availability of drinking water for nationals has increased in recent years, nevertheless limited access remains a serious problem in rural areas.

156) Numerous refugees have stated that they face difficulties in meeting basic subsistence needs. The reasons given for this include both the lack of employment, and the low level of assistance provided by UNHCR and partners.

157) As a result of the difficult economic conditions for many families, some refugees and asylum-seekers, in particular women and children, are forced into insecure environments or situations when attempting to meet basic subsistence needs (see Mechanisms to Prevent and Respond to SGBV as well as Programmes to Protect Children from Abuse and Exploitation, above)

158) Beyond anecdotal evidence, however, UNHCR's partners do not have detailed information on the food, clothing and water needs of refugees and asylum seekers in Burkina Faso. Nor is there precise information on the extent to which current assistance programmes do or do not meet these needs in practice.

159) Information on, for example, malnutrition rates among refugees, is not available. The reason given by CREDO is that refugees in Burkina Faso use a range of health centres, so that information on refugee health indicators is dispersed among different health centres and neither centralised nor rigorously monitored

160) At present, due to budget constraints, subsistence allowances, food baskets, non-food items (NFIs), are reserved for the most vulnerable cases (see Support to Meet Basic Necessities of Life, above). There appears to be a lack of clarity among refugees regarding the criteria for deciding who should receive assistance, and UNHCR's partners have indicated that an information campaign is required in this respect.

Immediate Shelter and Longer Term Housing

161) UNHCR's partners do not have detailed information on the housing needs of refugees and asylum seekers in Burkina Faso, nor on the extent to which current assistance programmes do or do not meet these needs in practice.

162) There are no existing agreements between UNHCR, partners and third parties to provide emergency shelter and/or longer-term housing to vulnerable refugees and asylum seekers.

163) Moreover, neither CONAREF, CREDO or UNHCR maintain an updated list of groups with whom to co-operate on an *ad hoc* basis to meet the emergency needs of refugees and asylum-seekers; i.e. NGOs, individual families, who can be called upon at short notice when UNHCR or Partners need to find shelter for particularly vulnerable cases.

⁹ 44.5% of Burkinabé children of 0-5 years suffer from retarded growth, while 13% of women of reproductive age suffer from chronic malnutrition. (Ministère de l'économie et du développement, 'Burkina Faso : Cadre Stratégique de lutte contre la pauvreté', December 2003 : 4)

Access to Health Care

- 164) Refugees and asylum seekers in Burkina Faso have access to health care on the same terms as nationals. A June 2004 UNHCR Report ¹⁰ confirms that the medical assistance of refugees is well integrated into the national health system in Burkina Faso. There does not appear to be any discrimination in the quality of health care provided to refugees.
- 165) In practice, however, resource constraints, exacerbated by the problematic implementation of a coherent, cost-effective system, have negatively affected the access of refugees and asylum seekers to quality health care in Burkina Faso.
- 166) According to UN reports, and despite recent efforts and notable progress, the health situation of the national population in Burkina Faso remains characterised by generally high morbidity and mortality rates, particularly in rural areas. These have been traced to the persistence and proliferation of parasitic and infectious illnesses, as well as a low rate of access to, and use of, health services.
- 167) Use of curative health service by the Burkinabé population remains low, with on average 0.2 visits per person per year. Again, this negative trend is more marked in rural areas of the country. As of 2003, there were 4 physicians for every 100,000 people in Burkina Faso.¹¹ Despite marked improvement in recent years, vaccination coverage for nationals remains weak, particularly for children in rural areas.
- 168) Relatively few refugees in Burkina Faso live in rural areas; nonetheless there is no accurate information on the extent to which these national trends affect refugees in Burkina Faso.
- 169) CREDO carries out weekly visits to sick refugees, and those in hospital. The reason given for the lack of precise information on refugee health is that refugees in Burkina Faso currently use a range of health centres, so the precise information on refugee health indicators is dispersed among these different centres.
- 170) A reference system which had previously been put in place to regulate refugees' access to health care in Burkina Faso was neither rigorous, nor respected in practice. Refugees were supposed to approach local health centres first, and only approach hospitals and/or specialised clinics if they were referred by local centres. However, a high proportion of refugees ignored the reference system, and went directly to the urban dispensary in Ouagadougou or indeed to the central national hospital. Patients who approach these institutions directly, without having been referred, are liable to be charged higher consultation fees.
- 171) CREDO feel that this tendency was due both to an inefficient system wherein adequate healthcare providers were not clearly identified, but also due to bad faith on the part of some refugees who deliberately ignored the reference system in place.
- 172) The UNHCR report also points out that the absence of 'securities', namely contribution by refugees to their own health treatments, had facilitated the abuse of the system then in place. Added to the failure to abide by the reference system, this meant that yearly budgets for refugee health care were exhausted long before the end of the year, penalising in particular the most vulnerable cases.

¹⁰ « Rapport de Mission en République du Burkina Faso », Dr. M-C Bottineau, UNHCR Senior Regional Health Co-ordinator, 17-21 June 2004

¹¹ 2004 Human Development Report, see http://hdr.undp.org/reports/global/2004/pdf/hdr04_HDI.pdf

- 173) In light of the above, the 2004 report recommended changes to the refugee health system in Burkina Faso. Initially, there was to be a period of transition during which awareness campaigns (on the reference system and also on the issue of generic medication, which refugees remain reluctant to use) were to be carried out. Following this transition period, a new system would be introduced, whereby refugees would have to contribute to the costs of their health care. Vulnerable persons and newly arriving refugees would be exempt from financial contributions. The costs of specialised medications would not be covered by UNHCR's partners unless in clearly justified cases, and medical charges incurred outside of the reference system would only be covered in emergency cases.
- 174) The report stressed the need for a strict reference system to be implemented by CREDO. Only in exceptional cases, and having exhausted other avenues, should refugees seek treatment in specialised private clinics.
- 175) CREDO is in the process of implementing the recommendations of the UNHCR report. To this end, they have identified health centres in each area of Ouagadougou, with whom they are developing contracts. Campaigns to raise awareness are currently being carried out, and it is envisaged that under the new system the initial rate of contribution for refugees will be 10% of costs.
- 176) However the new system is not yet in place, and in the interim there do not appear to be clear guidelines to determine which refugees should pay for what medication, and at what rate of contribution. At present, the health costs of cases identified as vulnerable are covered 100% by CREDO. For other cases, where the costs of medication is less than 1500FCFA, CREDO will cover the costs; where the medication exceeds this price, the refugee concerned will have to contribute 20% of the costs. However it appears that the exact level of contribution will itself depend on perceived vulnerability; i.e. different levels of 'vulnerability' leading to different rates of contribution.
- 177) This system is not ideal, and will not create clarity among refugees regarding their obligations and entitlements in respect of health care. The CRRBF has requested that the current system be better explained to refugees in Burkina Faso.
- 178) From recent interviews with refugees and asylum-seekers in Burkina Faso, it is clear that health care is a primary concern of many refugees. A range of issues were identified, including the difficulty refugees in Ouagadougou face in acquiring vouchers to cover health costs on weekends and during public holidays (when the CREDO offices are closed).
- 179) Refugees also expressed concern regarding the limited availability of specialised medication, the perceived over-reliance on generic medication, and the inadequate system for vaccination. Refugees also recommended that a dispensary and/or doctor be identified in Ouagadougou, to specifically deal with the needs of refugees.
- 180) Refugee women identified some specific concerns related to health care. These included: the difficulty in accessing gynaecological treatment; the risk of sexually-transmitted diseases (STDs); the need for a psychologist to be identified and made available for refugee women.
- 181) According to CONAREF, there is also a general need for psychological support for refugees, as some arrive in Burkina Faso in a traumatised state.

HIV/AIDS

182) In Burkina Faso, HIV/AIDS is considered a problem not just for public health, but also a problem for long-term development as it affects all sectors of the population. In 2002, almost 250,000 persons in Burkina Faso were living with HIV/AIDS.

183) According to UNAIDS, the rate of HIV/AIDS for the general national population is 1.8%; this fluctuates between rural areas (1.3%), and urban areas (3.7%). The overall rate of prevalence among nationals aged between 15 and 49 is 4.2% (figures from 2003).¹²

184) According to CREDO, refugees living with HIV/AIDS receive similar treatment to nationals; i.e. they receive equal care, and face similar difficulties.

185) The UNHCR Mission Report from June 2004 report points out that the rate of HIV/AIDS in Burkina Faso is below the average rate across Africa, and notably lower than the rate in the countries of origin of many refugees.

186) However, the Report highlights the fact that refugees were, as yet, not incorporated into the Burkinabé government's national program for fighting HIV/AIDS. Under this programme a range of preventive activities are being carried out in Burkina Faso. Also, the price of anti-retroviral treatment (ARV) has been noticeably reduced in Burkina Faso; however ARVs are still not widely and easily available.

187) In light of the above, the Mission Report called for the development of partnerships to facilitate access to anti-retroviral treatments (ARV) for refugees, to be incorporated into the national programme on HIV/AIDS.

188) CREDO does not have statistical information as to the prevalence of HIV/AIDS among the refugee population. However, CREDO recalls 8 deaths in recent years (involving 3 asylum seekers and five refugees) which were believed to have been caused by HIV/AIDS.

189) CREDO have reported that, in spite of attempts at raising awareness, in most cases refugees either refuse to undergo screening for HIV/AIDS, and/or refuse to share the results of screening with CREDO. Contact has already been established with one association, and one health centre, which provide care to HIV/AIDS patients in Ouagadougou. These organisations have confirmed that refugees do indeed use their services, however again no exact figures are available.

Education for Children

190) In Burkina Faso, the net enrolment ratio for nationals is 35% at primary level, and 8% at secondary level.¹³

191) Schooling rates also show marked discrepancies between different regions, with rates markedly lower in rural areas. Completion rates of nationals are higher for boys than for girls.¹⁴

¹² « Plan Cadre des Nations Unies pour l'Aide au Développement, Burkina Faso : 2006-2010 », 4 March 2005 : 28

¹³ The latest figures for Burkina Faso are for the academic year 2000-01. 'Net enrolment ratio' is the ratio of enrolled children of official age for the education level indicated to the total population of that age (2004 Human Development Report, see http://hdr.undp.org/reports/global/2004/pdf/hdr04_HDI.pdf)

192) Much of the recent improvements in the education sector have been traced to the actions of government and partners in developing a range of initiatives, elaborated in the *Plan Décennal de Développement de l'Éducation de Base* (PDDEB) for 2001-2010.

193) Refugee and asylum seeker children in Burkina Faso have access to education on the same terms as nationals. However, due to common constraints (passive monitoring and limited resources) there is no definite and detailed information on rates of enrolment of refugee and asylum seeker children at primary or secondary level.

Primary Education of Refugees

194) UNHCR and partners aim to guarantee the basic education of refugee children and provide assistance to refugee and asylum seeker children at both primary and secondary level. The vast majority of these children are enrolled in public schools; while there are officially no enrolment fees, parents of children are often required to pay 'contributions'.

195) The assistance allocated by CREDO is intended to cover the 'contributions', stationary, and school uniforms. CREDO has stated that all needs relating to primary education which have been brought to its attention are being covered.

196) CREDO carries out monthly visits to public schools attended by refugee children, to check on the participation of refugee students, their attentiveness, and any problems encountered. This is an active form of monitoring, in that refugees who have not yet been identified as vulnerable, are the target of regular visits; i.e. to address potential problems before they get out of hand. CREDO had hoped to carry out such visits on a weekly basis, but this has not been possible due to resource constraints.

197) Through information gathered during these visits, and communication with the refugee committee in Burkina Faso and parents, CREDO has confirmed that, as of May 2005, none of these 57 refugee children currently being assisted at primary level have abandoned their schooling.

198) However, CREDO can only verify the participation of those refugee children whose enrolment it is aware of: i.e. CREDO has no information on refugee children who may have been enrolled at primary school without assistance from CREDO. As a result there is no definite information on the rates of enrolment of refugees at primary level.

Secondary education of refugees

199) For the academic year 2004-5, 25 refugees are benefiting from grants from CREDO to attend secondary school. Each student receives grants to cover school books, uniforms, stationary plus a fixed amount to cover enrolment fees. In addition to these 25 persons, CREDO knows of seven other refugees who receive sporadic assistance to enable them to attend secondary school.

200) CREDO faces difficulties meeting needs at secondary level. In principle only recognised refugees can benefit from grants at secondary school level; however there

¹⁴ « Plan Cadre des Nations Unies pour l'Aide au Développement, Burkina Faso : 2006-2010 », 4 March 2005 : 17-18

are individual cases where the criteria need to be applied flexibly and so, in practice, a limited number of asylum seekers do receive assistance at secondary level.

201) Information on the applicable criteria used to be posted on notice boards outside CREDO and CONAREF in Ouagadougou; however this is no longer the case.

202) Due to resource constraints UNHCR's partners have had to introduce extra criteria (i.e. supplementing UNHCR's criteria). For example, UNHCR's partners introduced the criteria of 'one family, one grant', irrespective of how many children in that family are at secondary level. The partners also added new criteria to ensure an equal gender balance among grant recipients. CONAREF feel that the refugee population are aware of the UNHCR criteria, but are not aware of the additional criteria which the partners introduced.

203) As of yet, none of the 25 refugees receiving CREDO grants to attend secondary education in 2004-05 have abandoned the schools.

204) Information gathered by CREDO on refugee education (i.e. from the CRRBF) is included in the monthly SitRep which is forwarded to UNHCR in Cotonou. CREDO and CONAREF also share information, but on an *ad hoc* basis (see Registration in International Standards, above).

205) Notwithstanding the information provided by the CRRBF, and the monthly visits to schools, however, CREDO does not have accurate figures on the total number of refugees attending secondary school in Burkina Faso. There is no information on those refugees who are not receiving assistance from CREDO to enable them to attend secondary school. As a result there is no definite information on the rates of enrolment of refugees at secondary level.

206) Again, however, CREDO believes that all refugees who have needs relating to education come to them to seek assistance, and that refugees who don't come to see them do not have pressing needs.

Difficulties encountered by refugees at primary and secondary level

207) Numerous refugees have highlighted the impact of economic difficulties on the education of refugee children. Often refugee children do not have sufficient school-books, either because the education assistance they receive is insufficient, and/or because this money is being used to meet their families' basic subsistence needs.

208) The CRRBF has deplored the limited funds being provided for schooling grants to refugees in Burkina Faso.

209) Refugee children in Burkina Faso have themselves complained that they sometimes have difficulties concentrating at school because they are not eating enough food (or enough food of adequate quality) at home.

210) In addition, refugee children often live far from their schools. Some young girls have to travel up to two hours (by foot, alone) to get to school every morning, exposing them to security risks.

211) Other refugee children complained that they suffer victimisation at school, and are marginalised because they are refugees. Partners have called on UNHCR to help address the issue of stigmatisation of refugees by promoting positive images of refugees, particularly in schools.

212) Some refugee children and adolescents have also called for more information regarding the criteria for according education grants.

Equal Benefit and Protection of the Law

Access to Effective Remedies

213) The Burkina Constitution protects the fundamental rights of all persons, without discrimination. Article 4 provides that all Burkinabé and all persons living in Burkina Faso benefit from equal protection of the law. All have the right to be heard by an independent and impartial court of law.

214) No instances of refugees' access to court being restricted were brought to the attention of UNHCR in 2004. Equally, CREDO have not yet been asked to provide assistance to refugees who lack the means to access justice in Burkina Faso.

215) CONAREF sometimes intervenes informally in cases of (non-judicial) disputes between nationals and refugees, and states that such disputes tend to be settled amicably. However CONAREF does not know of any cases where such a dispute has come before a Burkinabé court. In light of current resource constraints, CONAREF would not be able to assist refugees in meeting legal costs if such a situation were to arise.

216) Refugees who claim that their human rights have been violated in Burkina Faso, have received legal advice from Amnesty International and also from the *Mouvement Burkinabé de défense des droits de l'Homme et des peuples* (MBDHP).

Fair and Public Hearings without Discrimination

217) In 2004 there were no registered cases of refugees being involved in court proceedings. According to UNHCR, during recent years there have been no official complaints by refugees that they suffer discrimination with regard to the justice system in Burkina Faso.

218) Equally, CREDO are not aware of any problems for refugees or asylum seekers regarding the Burkinabé justice system.

Traditional Forms of Justice

219) UNHCR does not know of any cases where refugees have relied on traditional forms of justice in Burkina Faso.

Self-reliance

Educational and Vocational Programmes

220) In 2004 and 2005, through individual communications as well as in group discussions and through the CRRBF, the refugee population in Burkina Faso (the majority of whom are young people looking for support to complete secondary education, university education, or vocational training) deplored the lack of resources allocated by UNHCR to this sector.

University education

221) Refugees in Burkina Faso are entitled to enrol in tertiary education on the same terms as nationals, however many lack the funds to avail themselves of the opportunity.

222) There is a clear need for additional scholarships at tertiary level. From 2004, the only program remaining for university scholarships for refugees in Burkina Faso was the DAFI scholarship program,¹⁵ and this is now being phased out.

223) This has greatly reduced the opportunities for refugees with demonstrated aptitude, to undertake further study. The need for additional scholarships, and assistance in the field of vocational training, has been stressed by all stakeholders.

224) Out of 26 applications, only two students were awarded DAFI scholarships in Burkina Faso for the academic year 2004-2005. Moreover, according to CREDO the DAFI project will not be granting any new scholarships to refugee students in Burkina Faso after the current academic year.

225) According to UNHCR's partners in Burkina Faso, in the past refugees whose applications have been rejected often complained about the criteria for awarding DAFI scholarships. Partners have requested UNHCR to carry out an information campaign, confirming both the applicable criteria and the lack of resources. Now that new DAFI scholarships are no longer available for Burkina Faso, however, the complaints by refugee students seeking assistance have multiplied.

226) Refugee students who are not receiving a standard DAFI grant are accorded a one-off assistance (of 20,000FCFA - 40USD) at the beginning of the school year. A second payment can also be accorded during the academic year on a case-by-case basis, depending on individual need.

227) CREDO do not have exact figures as to the total number of refugee students enrolled in University in Ouagadougou, and only have details on those refugee students who approach the office for assistance.

228) Some refugees have claimed that certain domestic grant programmes for university education and/or for vocational training, are reserved for Burkinabé nationals. CONAREF dispute that grants are officially reserved for nationals, though accept that, in practice, it is likely that nationals will be favoured over refugees.

229) CONAREF has approached the Ministry for Education regarding the possibility of setting aside a certain quota of national grants to be given to refugees each year.

¹⁵ The 'Albert Einstein German Academic Refugee Initiative Fund', a trust provided annually by the foreign office of the Federal Government of Germany to UNHCR. Its purpose is to provide scholarships to needy refugee students in developing countries.

This request was turned down, though CONAREF feels that intervention by UNHCR could help in this regard.

230) In principle, recognised refugees who study in public institutions pay fees at the same level as nationals. For those refugees who do not benefit from DAFI scholarships, CONAREF provides an attestation as to their status, so that the universities charge them the same enrolment fees as nationals, rather than the rate for foreigners which is far higher. Following recent negotiations, the University of Ouagadougou has agreed to again accept asylum seekers in possession of an attestation in the same way as refugees, who pay fees at the same level as nationals.

231) Even for those refugees who do manage to complete university education, however, their chances of finding permanent employment remain limited. The high rate of unemployment (in particular the extremely rate among young qualified persons living in urban areas, see Access to Wage-earning Employment, below), greatly reduces the chances of finding work, for nationals as well as for refugees.

232) All three refugees who completed their studies in 2004 have so far failed to obtain permanent remunerated employment. Two of the ex-DAFI students are currently doing *stages* (see below).

Vocational Training

233) As with university education, UNHCR and partners encourage and assist refugees in Burkina Faso to undertake vocational training as a way to increase their chances of finding paid employment and thereby attaining economic self-sufficiency.

234) For 2004-05, 35 refugees in Burkina Faso benefited from support for vocational training programmes (covering enrolment costs and a subsistence allowance for the purchase of books, clothing and stationery).

235) The type of vocational training undertaken is the choice of the refugee concerned. CREDO's education division provides orientation to refugees in this respect.

236) One of the refugees enrolled in vocational training for 2004-05 has already left the school; CREDO was informed by the CRRBF that this individual left Burkina Faso in January 2005 in an attempt to reach Europe.

237) UNHCR and partners have pointed out that a market needs assessment is required to help guide the vocational training of refugees in Burkina Faso. This would allow UNHCR and partners to better orient the programmes so that refugees are being taught skills which they need, and which they can use to find work in Burkina Faso. In 2005, UNHCR planned to collaborate with the relevant government departments, as well as UNDP, to obtain the necessary information. However as of June 2005 there have been no concrete developments in this regard.

238) UNHCR's partners also try to identify *stages* (apprenticeship or internship placements) to help refugees find permanent work. Even those refugees who have benefited from vocational training and/or university education, often struggle to find permanent remunerated employment once their studies are finished, and are forced to undertake a *stage*. These often involve contracts for six months with an employer (patron) who, in case of mutual satisfaction, has the option to recruit the refugee after the 6-month period.

239) With the exception of refugees who have to undertake a stage as part of their university or vocational training programme, refugees undertaking stages no longer receive financial assistance from CREDO

240) In 2004, from 17 dossiers requesting a stage which were forwarded to employers, only 3 stages were offered.

241) UNHCR's partners have confirmed that some *stagiaires* do manage to find permanent employment, though this tends to be limited to certain sectors where skills are needed (particularly in the health sector; one refugee is currently working at the public hospital in Ouagadougou).

242) In general, finding permanent jobs once the stage has finished is particularly difficult, even for those who have completed a university degree. Again the obstacle is the job market in Burkina Faso, where there are too many qualified persons applying for a limited number of jobs.

Access to Wage-earning Employment

243) Access to employment is the most frequently highlighted problem facing refugees in Burkina Faso. With the exception of jobs in the civil service, which are in principle reserved for nationals, refugees have the same access to jobs as nationals. In practice, however, widespread poverty and high rates of unemployment throughout Burkinabé society has made it extremely difficult for most refugees to find work.

244) Unemployment and under-employment affect all social groups in Burkina Faso. However women, young persons, and persons with physical disabilities are subject to further marginalisation in the job market because of their physical condition, their inexperience, and prejudices.

245) Some national trends in Burkina Faso are particularly relevant for the employment possibilities of the refugee population, which is concentrated in urban areas and is generally young and educated/qualified.

246) The UNDAF confirms that in urban areas the problems of unemployment and under-employment are striking: in Ouagadougou and Bobo-Dioulasso the average rate of unemployment is twice the rate recorded in smaller towns. Significantly, considering the profile of many refugees in Burkina Faso, 65% of all unemployed persons living in urban areas are under 24 years old, while the rate of unemployment among young qualified persons living in urban areas is strikingly high at 97.6%.¹⁶

247) The actual rate of unemployment for refugees in Burkina Faso is difficult to verify; many refugees are employed informally, as day workers, while some refugees who are employed may claim that they are not so as not to jeopardise any assistance they may be receiving, or indeed their chances of being resettled out of Burkina Faso.

248) There are also many reported cases of under-employment, where highly qualified/professional refugees are forced to take jobs as security guards or taxi drivers, to provide for their family. Again, this also applies to nationals.

¹⁶ « Plan Cadre des Nations Unies pour l'Aide au Développement, Burkina Faso : 2006-2010 », 4 March 2005 : 13

- 249) While in principle jobs in the *Fonction Publique* (civil service) are reserved for nationals, in practice refugees can apply for most posts and can be employed where there is no national to fill the post, and they have the requisite experience/skills.
- 250) Notices relating to such jobs frequently specify that candidates must have Burkinabé nationality, however, and so refugees may be reluctant to apply. CONAREF feel that this tendency needs to be addressed through raising awareness of potential employers, as well as the offices which publish vacancy notices.
- 251) Another obstacle is the fact that many persons of concern to UNHCR remain as asylum seekers for extended periods. Without documentation confirming their refugee status, employers can be reluctant to hire asylum seekers for fear that they may not remain in Burkina Faso. UNHCR's partners suggest that a greater problem is the mentality of many asylum seekers, who feel that once they are recognised as refugees they will automatically receive assistance and so need not pursue economic self-sufficiency in the interim.
- 252) Nonetheless, UNHCR has come across individual cases where employers have been unwilling to hire asylum seekers specifically because they had not (yet) been accorded refugee status.
- 253) An important complicating factor is the apparent lack of motivation on the part of many refugees. The majority of refugees want to be resettled out of Burkina Faso, and some feel that if they find full-time employment and appear to be fully integrated in Burkina Faso, they will not be chosen for resettlement. This factor also appears to limit refugees' willingness to pursue naturalisation in Burkina Faso (see Local Integration, below).
- 254) In the face of these obstacles, the interventions of UNHCR and partners in Burkina Faso have emphasised university education, vocational training and micro-credits (see Education and Vocational Programmes as well as Self-employment Opportunities) as a way for refugees to attain economic self-sufficiency. As discussed elsewhere, however, to date these interventions have not always been well coordinated and the results have generally been disappointing.
- 255) Another initiative by UNHCR has been to prepare a 'Refugee Skills' database. Information on individual refugees' qualifications and work experience will be collated and shared with potential employers. The RR has developed this database, and tried to ensure that it will be easily searchable. The database has been installed with CREDO and CONAREF, who will be responsible for entering data and forwarding the information to local and international companies. However at present there is a need for further training for partners in Burkina Faso on using these databases.
- 256) UNHCR's partners delivered 57 recommendation letters to refugees and asylum-seekers during 2004 in order to maximise their chance of obtaining a job; in particular, to inform potential employers that refugees have the same right to work as nationals. CREDO does not have any information on whether these letters helped the persons concerned find a job. Equally, until recently CONAREF had little definite information of the impact of these letters.
- 257) In fact, CONAREF feels that refugees who have found permanent jobs are often reluctant to inform UNHCR and partners of this. It was only during a recent UNHCR mission in March 2005 that CONAREF was able to identify nine refugees who have recently found employment.

Self-employment Opportunities

258) The informal sector in Burkina Faso involves 70% of the active urban population, and consists primarily of artisans, small businessmen, and persons working in haulage. This sector is characterised by weak productivity, and limited access to financing.

259) Bearing in mind this limited access to financing within the informal sector, UNHCR and CREDO administered a micro-credit scheme in Burkina Faso to provide refugees with an opportunity to become self-employed by receiving a loan which would have to be reimbursed. Refugees were to use this loan to undertake income-generating activity so as to facilitate their socio-economic integration

260) In 2004, 18 refugees (including six women) benefited from micro-credit to finance their projects. The projects financed were in various sectors including dress-making, small businesses, hairdressing. To date none of these micro-credits have been reimbursed.

261) The provision of micro-credits to refugees by CREDO has now been suspended for 2005. UNHCR feels that the flaws in the micro-credit programmes in Bénin and Togo (as identified in a 2004 external evaluation),¹⁷ were also in evidence in Burkina Faso. The micro-credit programme in Burkina Faso was administered by CREDO – that is, as was the case in Bénin, the IP which is also responsible for providing assistance to refugees. This, plus the fact that the micro-credit scheme was implemented around the time that assistance was being phased out for many refugees, led to an extremely low level of reimbursement.

262) The said evaluation underlined the fact that the loans granted were often too large (even if certain refugees felt that the loans were too small). Also, no feasibility study or market/needs assessment was carried out in advance of the programme. Again, these flaws were in evidence in Burkina Faso as well as in Bénin and Togo.

263) The evaluation questions the logic of providing micro-credit to refugees purely on the basis of vulnerability, and suggests that vulnerable refugees should in future receive smaller loans.¹⁸ It also questions the decision not to provide credit to refugees who had already benefited from vocational training.

264) While some Micro-Projects clearly did not work, CREDO has stressed that even the persons whose projects did work reasonably well, failed to reimburse the credit they had received. CREDO feels that, having seen other refugees fail to reimburse, many beneficiaries of micro-credit were themselves encouraged not to reimburse the money they had received.

265) One problem identified by the partners is that the refugees knew the money they were receiving was coming from UNHCR (albeit via CREDO), and so they took it to be another form of assistance. Also, many of the micro-projects proposed (and approved) were not consistent with the experience and skills of the refugees concerned; many refugees sought to develop micro-projects in fields which were completely new to them.

¹⁷ “Evaluation of UNHCR’s Micro-credit Programs in Bénin and Togo”, Global Microenterprise Initiatives, LLC, November 2004

¹⁸ With regard to vulnerable refugees, recent discussions with groups of refugees in Burkina Faso indicated that future initiatives to facilitate self-sufficiency could seek to associate vulnerable refugees with non-vulnerable refugees; e.g. for purposes of joint income-generation activities.

266) Refugees have themselves acknowledged that areas of activity were chosen for certain micro-projects without an adequate understanding of the market in Burkina Faso, and have called for a more effective system for evaluation: both before and after micro-credit is provided

267) Another factor was the return en masse of thousands of Burkinabés from Côte d'Ivoire, which further saturated local markets and limited the opportunities for income generation by refugees.

268) Refugees receiving micro-credits must have already attained a basic level of subsistence if their projects are to have any real prospects; otherwise the loans they receive will be used to meet their basic (food, housing) needs. CONAREF is currently attempting a pilot project with one refugee, who is accommodated (with his family) on the CONAREF site and in March 2005 was given a micro-credit to fund his carpentry business.

269) An important issue which arises in the evaluation, and in discussions with partners and refugees, is the question of punitive measures for refugees who fail to pay back the loans. UNHCR has stressed that any measures undertaken must not jeopardise the healthcare or education of refugees. The evaluation on micro-credit in Bénin and Togo suggests that some refugees may own property which can be used as a guarantee, and seized in cases of non-payment. However this may not be appropriate in all cases, and there is no consensus on how best to penalise non-payment and ensure the recovery of funds so as to allow the continuation of the Micro-Credit scheme. Moreover, UNHCR's previous experience with local micro-finance institutions in Burkina Faso was problematic.¹⁹

270) UNHCR is currently looking at the possibilities of agreements with local Micro Finance Institutions (MFIs), where refugees will be able to approach individually and apply for credit. In particular the RR hopes to reach agreement with some MFIs who cater especially for vulnerable women.

271) Most of the private or semi-State Micro Finance Institutions (MFIs) in Burkina Faso which CREDO is aware of require strong dossiers, and often endorsements for applicants. Refugees can rarely meet these requirements, and the low level of micro-credit repayments by refugees in the past has not helped foster confidence on the part of local MFIs in Burkina Faso.

272) Refugees themselves have also highlighted the problems of providing guarantees to Micro Finance Institutions when they approach independently; the institutions concerned often fear that the refugees will leave Burkina Faso before repaying any credit received.

273) In the context of income-generating activities for refugees in Burkina Faso, attention has also been given to agricultural projects. Through the intervention of UNHCR's partners, the Burkinabé State agreed to provide 5 hectares of cultivable land for 2004-2006, specifically for refugees. This land was provided in the Niéma Donkélé plain, in Houet province. This initiative began in 2003, and was encouraged by UNHCR; the initial response from refugees, however, was not favourable.

¹⁹ An earlier UNHCR micro-credit programme for refugees was implemented by a local micro-finance institution in Ouagadougou, *le Réseau des Caisses Populaires du Burkina Faso* (RCPB). This programme had been intended to support refugees resettled into Burkina Faso (see 11.3, below), but by the time the programme was brought to an end with the closure of the UNHCR Ouagadougou office in December 2001 the RCPB had only dispensed funds for two micro-projects, both of which failed

274) Clearly, some refugees are not strongly motivated to pursue local integration in Burkina Faso (see Local Integration, below). At the same time, the urban background of many refugees in Burkina Faso may also mean that they lack experience working in agriculture and are therefore less enthusiastic about this kind of opportunity.

275) Nonetheless, according to CONAREF some refugees did indeed express a desire to undertake this kind of agricultural activity in early 2004, however there was a lack of equipment (tractors, seeds, fertiliser) and accommodation to support the initiative. Similarly, CREDO feels that the suspension of the micro-credit programme for refugees for 2005 has limited the capacity of some refugees to take advantage of the land provided by the Burkinabé State.

276) To date, one (Rwandan) refugee (who *had* received a micro-credit) has undertaken agricultural activity on the land provided.

Recognition of Foreign Diplomas

277) No general problems regarding the recognition of the foreign qualifications of refugees have been brought to the attention of CREDO. While there are occasions when certain foreign institutions are not considered by employers to be credible or of a sufficient standard, nationals who have studied abroad are also confronted with such obstacles and there is no evidence of discriminatory treatment of refugees in this regard.

278) In some cases, however, the recognition of diplomas from Anglophone institutions can be problematic.

Social security and Just and Favourable Conditions of Work

279) For those refugees who do manage to find employment, there have been no cases brought to the attention of UNHCR's partners where refugees being paid less than nationals. Wages vary depending on experience and qualifications, but there have been no reports of discriminatory treatment of refugees in this regard.

Right to Own Property

280) Refugees wishing to purchase property in Burkina Faso follow the same procedures as nationals; i.e. they have to approach the *Ministère de l'Habitat et de l'Urbanisme* to have their purchase authorised.

281) CONAREF often provides recommendations to help refugees in this respect, and have not received any reports of refugees encountering any difficulties when seeking to purchase property.

Durable Solutions

Voluntary Repatriation

282) In 2004, a range of awareness-raising campaigns on the subject of voluntary repatriation were conducted for different refugee communities in Burkina Faso. The majority of refugees, however, did not want to return to their countries of origin as they felt that the factors which had caused their initial departure still existed. In 2004, a total of 9 refugees were assisted for repatriation from Burkina Faso. This included three refugees returning to RoC, 2 to Rwanda and 4 to Burundi.

283) Co-ordinating voluntary repatriation requires rigorous planning and follow-up. Virtually all repatriation is done by plane. Disruptions to flights and lack of direct links to destinations have complicated co-ordination of voluntary repatriation activities. One out of only three UNHCR protection staff in RR Cotonou spends 90% of her time co-ordinating these activities for the four countries covered by the RR.

Local Integration

284) The successful local integration of refugees is undoubtedly the most pressing challenge for UNHCR and its partners in Burkina Faso.

285) In general, asylum-seekers and refugees are well received in Burkina Faso, and co-habit peacefully with the local population. However, the majority of refugees underline the difficulties they find in integrating themselves economically. Low economic development and high unemployment in Burkina Faso are major constraints.

286) It has been pointed out that many refugees rely heavily on remittances from friends and family abroad, and that without this source of income many would be unable to survive.

287) UNHCR hopes that an improved micro-credit scheme, greater resources for third-level education and vocational training for refugees, will help remedy this situation. The different integration activities need to be used in a complementary manner, however, so that a refugee can be awarded both a vocational training grant, as well as micro-credit, to allow him/her to put the newly acquired skills to work.

288) Given the underlying economic problems in the country, it is also seen as essential that refugees' needs are incorporated more directly into longer-term development strategies.

289) According to CONAREF, some refugees arrive in Burkina Faso in a traumatised state and the absence of adequate psychological support for refugees can limit the possibility of their successful local integration.

290) At present, the absence of updated and accurate data on the education and professional qualifications/skills of individual refugees, limits the capacity of RR Cotonou to assist refugees to become economically self-sufficient in Burkina Faso. This is one information gap which the RR hopes to fill by implementing the Refugee Skills database (above).

Naturalisation of refugees

291) One issue seen as important with regard to local integration of refugees is naturalisation.

292) The 1996 *Code de la famille et de la nationalité* provides that Burkinabé nationality can be accorded at birth to children who are not entitled to any other nationality (see International Instruments that Have Been Ratified, above), while foreign nationals who marry a Burkinabé national are themselves entitled to Burkinabé nationality (article 151). In principle, refugees can benefit from both of these provisions.

293) Normally, naturalization is only possible where the individual in question has been resident in Burkina Faso for the preceding ten years (art. 165). However this waiting period can be reduced if the foreigner has been born in Burkina Faso (this is potentially relevant for children of refugees), and/or for such persons who could give 'important services' to Burkina Faso (arts. 166, 167). Any minor child whose parent is naturalized, automatically becomes Burkinabé with full rights (art. 181).

294) This Code specifies that naturalized persons will automatically acquire the rights of a Burkinabé, with the notable exception of the right to assume public functions or an elected mandate (for which s/he must wait three years from the date of naturalization), and the right to vote (again the waiting period is three years). While refugees resident in Burkina Faso are not specifically mentioned, again refugees should be able to benefit from the provisions of this legislation.

295) It appears that two factors limit the extent to which refugees in Burkina Faso benefit from the opportunities for naturalization. Firstly there is a lack of awareness among refugees as regards the possibilities, the procedures and the criteria for naturalization. At the same time, certain refugees who could in principle apply for naturalization (as a result of marriage, for example), have been reluctant to do so for fear of losing the assistance they receive as refugees; as naturalised Burkinabés they would no longer be persons deemed to be in need of international protection and so would no longer receive assistance from UNHCR and partners. The strong desire to be resettled to a third country further limits the willingness of refugees to actively pursue naturalisation in Burkina Faso.

Returning Burkinabés

296) Since the start of the Ivorian crises in September 2002, almost 400,000 Burkinabé (out of an estimated total of 2 million Burkinabé living in Côte d'Ivoire) returned to their country of origin. This mass return further restricted resources, including jobs, in Burkina Faso, thereby further limiting the opportunities for refugees to attain economic self-sufficiency. The mass return also led to a significant drop in remittances to Burkina Faso, and added to an already difficult economic situation.

297) The Burkinabé *Conseil National de Secours d'Urgence et de Rehabilitation* (CONASUR) has been charged with assisting the returning Burkinabés. CONASUR is an inter-ministerial governmental body, whose work in this respect involved receiving returning Burkinabés and providing for their immediate needs (in terms of accommodation, food, transport) and then overseeing their socio-economic re-integration. The work of CONASUR is funded by the Burkinabé State, as well as by individual NGOs and UN agencies (including UNICEF, WFP, WHO).

298) CONASUR estimates that 370-400,000 Burkinabé have repatriated since September 2002. Of these, however, CONASUR believes that approximately 250,000 have once again returned to Côte d'Ivoire (reportedly because they were unable to support themselves in Burkina Faso), leaving 100-150,000 persons remaining in Burkina Faso. The majority of the *rapatriés* (returnees) are farmers, who were living in rural areas in Côte d'Ivoire.

299) The problems the returnees face in Burkina Faso are numerous and mirror those of many refugees: lack of employment, lack of land; insufficient educational opportunities, particularly for women and children (not enough teachers, places or books); and restricted access to health care (insufficient funds to pay for their own health care).

300) CONAREF is a partner agency of CONASUR. According to CONASUR both agencies have similar activities, and their beneficiaries face similar problems. However, while the resources given to CONASUR primarily come from the State budget, CONAREF relies more heavily on external funding (in particular from UNHCR). During the initial mass influx, CONAREF and CONASUR worked together, to identify the refugees fleeing Côte d'Ivoire, caught up in the influx of returning Burkinabés.

Absence of motivation

301) Notwithstanding the constraints identified, it is clear that some refugees are not motivated to actively pursue local integration in Burkina Faso. While the economic constraints are severe, national legislation currently in place should in principle allow for the successful local integration of refugees.

302) UNHCR's partners feel that many refugees have become too accustomed to receiving assistance, and expect to keep receiving this on a permanent basis. Above and beyond the fact that (due to resource constraints) one-off assistance is often all that is possible, UNHCR's partners feel that this attitude on the part of some refugees limits their motivation to actively seek economic self-sufficiency.

303) Another, closely related constraint is the desire of many refugees to be resettled out of Burkina Faso. Many refugees view Burkina Faso as a temporary destination, and this has limited the extent to which certain refugees have been willing to participate in local integration activities facilitated by UNHCR and partners.

Resettlement

Resettlement into Burkina Faso

304) Between 1997 and 2000, 75 refugees (25 cases), were resettled into Burkina Faso under the auspices of a UNHCR Pilot Project. The majority of these refugees came from the Great Lakes region.

305) An independent Evaluation Report of the Resettlement Pilot Project was completed in April 2004.²⁰ This Report concludes that the Pilot Project cannot be considered a success, for a number of reasons. The Report highlights the failed local integration, and precarious economic situation, of many of the refugees resettled to Burkina Faso. By March 2005, only 39 of the 75 resettled refugees remained in Burkina Faso, the rest having left the country of their own accord.

306) The report highlights, *inter alia*, the absence of a feasibility study in advance of the Pilot Project, inappropriate criteria for selecting refugees to be resettled to Burkina Faso, inadequate briefing of the refugees prior to departure, and the limited capacity of UNHCR's implementing partners.

²⁰ Sperl, S. & Bradisteanu, I., "Refugee resettlement in developing countries: The experience of Bénin and Burkina Faso, 1997-2003 – An independent evaluation", UNHCR Evaluation and Policy Analysis Unit and Resettlement and Special Cases Section, April 2004

- 307) Overall, shortcomings in assistance and local integration programmes aimed at all refugees in Burkina Faso, negatively affected the resettled refugees. Resettled refugees encountered similar problems regarding the ineffective and poorly managed micro-credit programme in Burkina Faso (see Self-employment Opportunities, above).
- 308) UNHCR had intended the resettlement Pilot Project to have a significant development component; that is, assistance provided to the resettled refugees should have been integrated into Burkina Faso's national development programme in a way that could benefit the communities hosting these persons. While a series of discussions to this end were arranged between UNHCR and partners, donor representatives, UN agencies and NGOs in 1999, there was no concrete follow-up to these discussions.
- 309) In addition, UNHCR and partners felt that some of the resettled refugees were reluctant to actively pursue their local integration in Burkina Faso; many had expected to be resettled instead to the USA, Canada or Europe.
- 310) The dissatisfaction of some of these resettled refugees was accentuated by the fact that, while they were being resettled *into* Burkina Faso, other refugees were simultaneously being resettled *out of* Burkina Faso, to the USA and Canada in particular. In an attempt to avoid further undermining the Resettlement Pilot Project, opportunities for resettlement *out of* Burkina Faso fell rapidly between 1998 and 1999 (from 90 to 8 cases), and ceased altogether in 2001.
- 311) The reduced opportunities for resettlement out of Burkina Faso heightened the sense of frustration among the refugee community at large, and precipitated a hunger strike and the occupation of the cathedral of Ouagadougou by a group of 86 refugees in mid-2000. The participants in these actions were mostly 'first-asylum' refugees, however the group did include some resettled refugees who were dissatisfied with their living conditions in Burkina Faso and the lack of information they had received prior to their resettlement, and who demanded that they be resettled to one of the 'traditional' countries of resettlement. In September 2000, 56 refugees from this group, including one resettled refugee, left Burkina Faso and went to Accra where they applied for asylum. However all have since returned to Burkina Faso.
- 312) These widely publicised incidents resulted in the two-year suspension of the Eligibility Committee (see Access to Fair Asylum Procedures, above), and also the suspension of resettlement into Burkina Faso.
- 313) The Evaluation Report indicates that the challenge of resettling refugees to developing countries is primarily a challenge for local integration strategies. Comprehensive, multi-faceted integration programmes must be in place, and should be equipped with a long-term development component to benefit both resettled refugees, as well as 'first asylum' refugees.
- 314) In particular, the report stresses that a resettlement project can only succeed where there are socio-economic conditions with enough potential to allow for the attainment of self-reliance by *all* able-bodied refugees in the country; i.e. both 'first asylum' refugees as well as resettled refugees.
- 315) CONAREF and CREDO have stressed that the conditions for resettlement into Burkina Faso were not right when the Pilot Project was implemented. Partners also feel that the levels of assistance initially given to resettled refugees were too high,

and made the refugees accustomed to a standard of living they could not hope to maintain once that assistance was withdrawn.

316) Refugees who are resettled to a third country (be it a developing country or not) yet who do not successfully locally integrate in that country, cannot be said to have benefited from a durable solution. As such, while resettlement into Burkina Faso may have functioned as a tool of international protection and a burden-sharing mechanism, in the majority of cases it did not provide a durable solution for the refugees concerned.

317) In light of the above, resettlement into Burkina Faso is currently on hold. In coordination with the Bureau for Africa and the Resettlement Section within UNHCR's Department of International Protection (DIP), RR Cotonou is seeking to implement the recommendations of the evaluation report.

318) During 2004 UNHCR assisted many of the refugees who had been resettled into Burkina Faso, with regard to education, access to health care, and attestation letters for potential employers.

319) Of the 39 resettled refugees (13 cases) who remain in Burkina Faso as of March 2005, six persons have indicated a desire to voluntarily repatriate. Eight other individuals (3 different cases) are judged to be in vulnerable situations by partners.

320) One of the resettled refugees has been provided with 8 hectares of cultivable land near Bobo-Dioulasso (see Self-employment Opportunities, above). Seven of the 39 persons have benefited from a micro-credit; three of the resulting micro-projects are declared to have failed, while another was abandoned when the refugee concerned obtained employment. In addition to this individual, three other resettled refugees have obtained employment in Ouagadougou while one refugee is currently working as a *stagiaire*.

321) Two resettled refugees received vocational training in Burkina Faso, but neither is currently working (in fact both are now deemed to be among those in vulnerable situations).

322) With regard to the possibility of future resettlement into Burkina Faso, UNHCR's partners have stressed that criteria for selecting candidates must take into account realities in Burkina Faso, and the preferences of the refugees, and that a wider group of UN/NGO agencies as well as government ministries need to be involved to facilitate the local integration of these refugees.

323) In light of current resource constraints which affect many areas of refugee protection in Burkina Faso, however, partners do not feel that the conditions are yet right for further resettlement into Burkina Faso.

Resettlement out of Burkina Faso

324) Resettlement out of Burkina Faso continues to be an option for individual cases, with the emphasis on urgent protection and medical cases, rather than those cases falling under UNHCR resettlement criterion 4.9 (lack of local integration prospects).²¹ In other countries UNHCR has begun facilitating returns to certain areas of DRC, and there is an increasing emphasis put on repatriation and local integration rather than resettlement for refugees from Rwanda.

²¹ See "Resettlement Handbook", UNHCR Department of International Protection, November 2004 (available at www.unhcr.org).

325) During 2004, 4 (Burundian) refugees were resettled out of Burkina Faso. There is a perception on the part of some refugees that UNHCR has limited resettlement opportunities to medical cases, and that there is insufficient understanding on the part of UNHCR as to the daily life of refugees.

Comprehensive Approach

326) It is clear from discussions with both refugees and UNHCR's partners that the desire of many refugees to access one durable solution - resettlement - is a major obstacle in their willingness to actively pursue another durable solution - local integration.

327) Resettlement is certainly a high priority for the vast majority of refugees in Burkina Faso, and it is felt by UNHCR that many refugees (including those resettled into the country) view Burkina Faso as merely a transit point on the way to Europe or North America.

328) This has been confirmed in recent discussions with refugees (in both one-on-one and group discussions). In fact, the extent to which refugees in Burkina Faso prioritise resettlement was reflected in comments made by numerous refugee children that they want to leave Burkina Faso and go to America or Europe.

Annex 1: Burkinabé Instruments Regulating Refugee Affairs

- Zatu No. AN V-28/FP/PRES portant statut des réfugiés (3 August 1998)
- Kiti No. AN V-360/FP/REX du 03 août 1988 relatif à la Commission National pour les Réfugiés;
- Kiti No. AN VI-229/FP/REX du 7 avril 1989 portant additive au Kiti No. ANV-360/FP/REX du 3 août 1988 relatif à la Commission National pour les Réfugiés ;
- Décret No. 93-241/PRES/REX du 2 août 1993 modifiant et complétant le Kiti No. AN V-360/FP/REX of 3rd August 1988;
- Décret No. 94-055/PRES/REX du 10 février 1994 portant application du statut des réfugiés;
- Décret No. 97-026/PRES/PM/MAET du 24 janvier 1997 modifiant et complétant le Décret No. 93-241/PRES/REX du 03 août 1993 ainsi que le Kiti No. AN V -360/FP/REX du 03 août 1988 relatifs à la Commission Nationale pour les Réfugiés;
- Arrêté No. 97-001/MAET/CONAREF/PRES du 7 février 1997 portant sur les attributions de la coordination de la CONAREF;
- Le Règlement intérieur de la Commission Nationale pour les Réfugiés, le 19 juin 1997