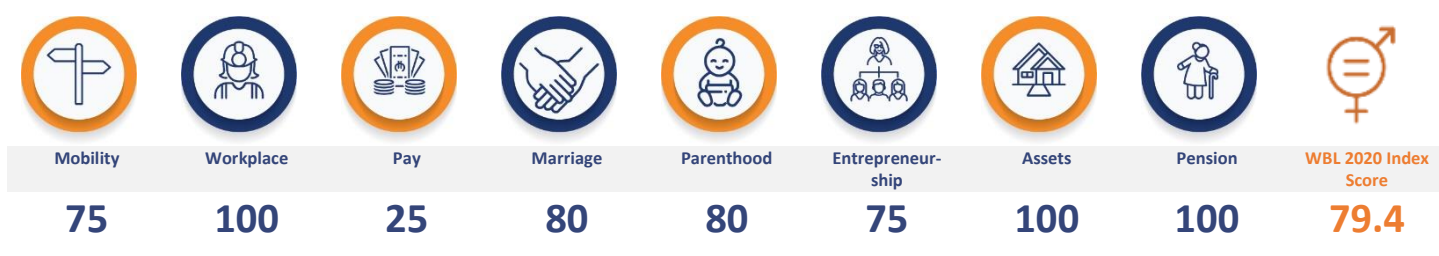


# Burkina Faso

*Women, Business and the Law 2020* presents an index covering 190 economies and structured around the life cycle of a working woman. In total, 35 questions are scored across the eight indicators. Overall scores are then calculated by taking the average of each indicator, with 100 representing the highest possible score. Data refer to the laws and regulations that are applicable to the main business city (Ouagadougou). Different rules may apply in other jurisdictions so local legislation should be reviewed. Based on this approach, **Burkina Faso scores 79.4 out of 100**. The overall score for Burkina Faso is higher than the regional average observed across Sub-Saharan Africa (69.9).

## Burkina Faso - Scores for Women, Business and the Law 2020



### Relative Strengths

When it comes to laws affecting women’s decisions to work, gender differences in property and inheritance, and laws affecting the size of a women’s pension, Burkina Faso gets a perfect score.

### Areas for Improvement

However, when it comes to constraints on freedom of movement, laws affecting women’s pay, constraints related to marriage, laws affecting women’s work after having children, and constraints on women’s starting and running a business, Burkina Faso could consider reforms to improve legal equality for women.

For example, one of the lowest scores for Burkina Faso is on the indicator related to laws affecting women’s pay (the WBL2020 Pay Indicator). To improve on the Pay Indicator, Burkina Faso may wish to consider mandating equal remuneration for work of equal value, allowing women to work in jobs deemed dangerous in the same way as men, and allowing women to work in all the same industries as men.

### Recent Reforms (2018-2019)

Marriage: Burkina Faso enacted legislation protecting women from domestic violence.

|            | QUESTION   | ANSWER | LEGAL BASIS   |
|------------|--|--------|---|
| Mobility   | Can a woman choose where to live in the same way as a man?                             | No     | Code des Personnes et de la Famille, Art. 294   |
|            | Can a woman travel outside her home in the same way as a man?                          | Yes    | No restrictions could be located  |
|            | Can a woman apply for a passport in the same way as a man?                             | Yes    | Décret No. 98-293 du 14 Juillet 2018 instituant des Titres de Voyages, Art. 5; Passport application form  |
|            | Can a woman travel outside the country in the same way as a man?                       | Yes    | No restrictions could be located  |
| Workplace  | Can a woman get a job in the same way as a man?  | Yes    | Code des Personnes et de la Famille, Art. 295 ; Code Civil, Art. 1123   |
|            | Does the law prohibit discrimination in employment based on gender?                    | Yes    | Code du Travail, Art. 4   |
|            | Is there legislation on sexual harassment in employment?                               | Yes    | Code du Travail, Arts. 37 et 422; Loi n°061-2015/CNT portant prévention, répression et réparation des violences à l'égard des femmes et des filles et prise en charge des victimes, Arts. 11 et 36  |
|            | Are there criminal penalties or civil remedies for sexual harassment in employment?    | Yes    | <i>Criminal:</i> Code du Travail, Arts. 37 et 422<br><i>Civil:</i> Loi n°061-2015/CNT portant prévention, répression et réparation des violences à l'égard des femmes et des filles et prise en charge des victimes, Arts. 11 et 36   |
| Pay        | Does the law mandate equal remuneration for work of equal value?                       | No     | No applicable provisions could be located   |
|            | Can women work the same night hours as men?  | Yes    | No restrictions could be located  |
|            | Can women work in jobs dangerous in the same way as men?                               | No     | Jobs deemed hazardous: Code du Travail, Art. 142<br>Jobs deemed arduous: No restrictions could be located<br>Jobs deemed morally inappropriate: No restrictions could be located  |
|            | Are women able to work in the same industries as men?                                  | No     | Mining: No restrictions could be located<br>Construction: Code du Travail, Art. 142<br>Factories: No restrictions could be located<br>Agriculture: No restrictions could be located<br>Energy: No restrictions could be located<br>Water: No restrictions could be located<br>Transportation: No restrictions could be located<br>Other: No restrictions could be located |
| Marriage   | Is there no legal provision that requires a married woman to obey her husband?         | Yes    | Code des Personnes et de la Famille, Art. 292   |
|            | Can a woman be head of household in the same way as a man?                             | Yes    | No restrictions could be located  |
|            | Is there legislation specifically addressing domestic violence?                        | Yes    | Loi N°025-2018/AN Portant Code Pénal, Art. 531-8 - 531-11   |
|            | Can a woman obtain a judgment of divorce in the same way as a man?                     | Yes    | No restrictions could be located  |
|            | Does a woman have the same rights to remarry as a man?                                 | No     | Code des Personnes et de la Famille, Arts. 246 et 393   |
| Parenthood | Is paid leave of at least 14 weeks available to mothers?                               | Yes    | Code du Travail, Arts. 145 et 146   |
|            | Does the government pay 100% of maternity leave benefits?                              | Yes    | Code du Travail, Art. 146   |
|            | Is there paid paternity leave?   | Yes    | Convention Collective Interprofessionnelle de 1974, Art. 6  |
|            | Is there paid parental leave?  | No     | No applicable provisions could be located   |
|            | Is dismissal of pregnant workers prohibited?   | Yes    | Code du Travail, Art. 71  |
| Entrepre.  | Does the law prohibit discrimination in access to credit based on gender?              | No     | No applicable provisions could be located   |
|            | Can a woman sign a contract in the same way as a man?                                  | Yes    | Code Civil, Art. 1123; Code des Personnes et de la Famille, Art. 298  |
|            | Can a woman register a business in the same way as a man?                              | Yes    | No restrictions could be located  |
|            | Can a woman open a bank account in the same way as man?                                | Yes    | Code des Personnes et de la Famille, Art. 300   |
| Assets     | Do men and women have equal ownership rights to immovable property?                    | Yes    | Code des Personnes et de la Famille, Art. 331   |
|            | Do sons and daughters have equal rights to inherit assets from their parents?          | Yes    | Code des Personnes et de la Famille, Art. 733   |
|            | Do female and male surviving spouses have equal rights to inherit assets?              | Yes    | Code des Personnes et de la Famille, Art. 744   |
|            | Does the law grant spouses equal administrative authority over assets during marriage? | Yes    | Code des Personnes et de la Famille, Art. 331   |
|            | Does the law provide for the valuation of nonmonetary contributions?                   | Yes    | Code des Personnes et de la Famille, Arts. 309, 319 et 320  |
| Pension    | Are the ages at which men and women can retire with full pension benefits equal?       | Yes    | Women: Code de Sécurité Sociale, Art. 85<br>Men: Code de Sécurité Sociale, Art. 85  |
|            | Are the ages at which men and women can retire with partial pension benefits equal?    | Yes    | Women: No applicable provisions could be located<br>Men: No applicable provisions could be located  |
|            | Are the mandatory retirement ages for men and women equal?                             | Yes    | Women: No applicable provisions could be located<br>Men: No applicable provisions could be located  |
|            | Are periods of absence due to child care accounted for in pension benefits?            | Yes    | Code de Sécurité Sociale, Arts. 84 et 1   |