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PLATFORM TO PROTECT WHISTLEBLOWERS IN AFRICA

WHISTLEBLOWERS IN BURKINA FASO:

Overview of the Legal Framework and
Practices

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Whistleblowers in Burkina Faso: Overview of the legal framework and practices

The publication of this report was funded by the [European Union](#) as part of the [OCWAR-M](#) project, the West African response to money laundering and the financing of terrorism. The 5-year project started in 2019 and covers ECOWAS Member States and Mauritania. Its main objective is to contribute to the understanding and effective implementation of international anti-money laundering and countering the financing of terrorism (AML/CFT) standards.

To this end, OCWAR-M works with civil society actors involved in the AML/CFT field. In partnership with PPLAAF, the project is implementing a training activity for investigative journalists and lawyers on whistleblower protection and cooperation with these key actors in the fight against financial crime, as part of which this report is published.

● List of acronyms

ADP: Assembly of People's Deputies

AML/CFT: Anti-Money Laundering/ Countering the Financing of Terrorism

AN: National Assembly

ANAGRASC: National Agency for the Management and Recovery of Seized or Confiscated Assets

ANAIP: National Authority for Access to Public Information

ASCE-LC: Supreme State Audit and Anti-corruption Authority

BCEAO: Central Bank of West African States

CNT: National Transitional Council

CPI: Corruption Perception Index

ECOWAS: Economic Community of West African States

FATF: Financial Action Task Force

GIABA: Intergovernmental Action Group against Money Laundering in West Africa

JNRC: National Day for The Rejection of Corruption

MFWA: Media Foundation for West Africa

OCWAR-M: Organised Crime: West African Response to Money Laundering and the Financing of Terrorism

NGO: Non-Governmental Organisation

UNODC: United Nations Office on Drugs and Crime

OSC: Civil Society Organisation

PPLAAF: Platform to Protect Whistleblowers in Africa

RBJLI: Burkinabe Network of Young Leaders for Integrity

REN-LAC: National Anti-Corruption Network

RFI: Radio France International

RSF: Reporters sans Frontières

WAEMU: West Africa Economic and Monetary Union

WAMU: West Africa Monetary Union

- **Legal sources**

- [Constitution](#)

- [United Nations Convention against Corruption of 2005](#)

- [Law No. 004-2015/CNT on the prevention and repression of corruption in Burkina Faso](#)

- [Law No. 025-2018/AN on the Penal Code](#)

- [Law No. 044-2019/AN amending Law No. 025-2018/AN of May 31, 2018, on the Penal Code](#)

- [Law No. 033-2018/AN amending Law No. 004-2015/CNT of March 3, 2015, on the prevention and repression of corruption in Burkina Faso](#)

- [Law No. 28-2008/AN of May 13, 2008, on the Labour Code](#)

- [Law No. 56-93/ADP of December 30, 1993, on the Information Code](#)

- [Law No. 057-2015/CNT of December 4, 2015, on the legal regime of the written press](#)

- [Decree No. 2008-891/PRES/PM/MEF of December 31, 2008, on the remuneration of the Prime Minister, Presidents of institutions, and government members](#)

- [Law No. 016-2016/AN on the fight against money laundering and the financing of terrorism in Burkina Faso](#)

- [Law No. 051-2015/CNT on the right of access to public information and administrative documents](#)

- Decree No. 2023-0263/PRES-TRANS/PM/MEFP/MJDHRI of March 21, 2023, approving the statutes of the National Agency for the Management and Recovery of Seized or Confiscated Assets (ANAGRASC)

- **Executive summary**

Burkina Faso ratified the [United Nations Convention against Corruption](#), committing to incorporate protective legislation for whistleblowers into its national law. While the country has a legal framework that could apply to whistleblowers, efforts to make it effective are largely insufficient.

Indeed, the [law on the prevention and repression of corruption](#) is a relevant instrument in the fight against corruption and promoting good governance. The [willingness to establish a draft law on the protection of whistleblowers](#) is also an encouraging development.

Unfortunately, the contexts of democratic and security transition since the successive military coup in January and September 2022 have negatively impacted certain public freedoms, such as freedom of the press, and are not conducive, in this first semester of 2023, to the introduction of a system for protecting whistleblowers.

1. ANALYSIS OF THE LEGAL FRAMEWORK

1.1 Whistleblower laws and policies

Whistleblower protection is a crucial aspect of the fight against financial crime. This section explores the laws, measures, and mechanisms implemented in Burkina Faso to ensure the protection of whistleblowers. It examines the rights and guarantees afforded to whistleblowers, the protection mechanisms in place, as well as the persistent challenges related to this protection.

- **Protection under laws and mechanisms related to the fight against corruption**

Burkina Faso ratified the [United Nations Convention against Corruption](#) on October 10, 2006, whose Articles 32 and 33 establish the need for effective protection against reprisals, intimidation, and threats to witnesses, victims, or experts, notably through the establishment of a comprehensive and effective internal legal framework to ensure this protection.

In 2015, the Burkinabe government adopted [Law No. 004-2015/CNT on the prevention and repression of corruption](#). This law guarantees protection against reprisals for witnesses,

experts, whistleblowers, and victims, which is detailed in Section 2, Article 76, and Article 77.

In this regard, Article 76 states that “no person may be excluded from a recruitment procedure or from access to an internship or period of training in a company, no employee may be penalised, dismissed or subjected to a direct or indirect discriminatory measure, in particular with regard to remuneration, training, reclassification, assignment, qualification, classification, professional promotion, transfer or renewal of contract for having reported or witnessed, either to his employer or to the judicial or administrative authorities, facts qualified as an offence within the meaning of this Law, qualification, classification, professional promotion, transfer or renewal of contract for having reported or testified, either to his employer or to the judicial or administrative authorities, to facts qualified as an offence within the meaning of this law of which they became aware in the exercise or on the occasion of the exercise of their duties.”

Article 77 protects against acts of reprisal that use physical or moral violence, revenge, intimidation, and threat without detailing the modalities for implementing this protection. Thus, any person who is guilty of such acts is punishable by imprisonment for six months to five years and a fine of five hundred thousand (500,000) to two million (2,000,000) CFA francs. Furthermore, any person who reveals the identity or address of a witness is punishable by the same penalties.

Article 78 of Law No. 004-2015/CNT, however, condemns any slanderous or abusive denunciation of corruption by stating: "Anyone who knowingly, and by any means whatsoever, makes a slanderous or abusive denunciation of offences provided for by this law is punishable by imprisonment for six months to five years and a fine of five hundred thousand (500,000) to two million (2,000,000) CFA francs."

Through Organic Law No. 082-2015/CNT of November 24, 2015, Burkina Faso established the [Supreme State Audit and Anti-Corruption Authority \(ASCE-LC\)](#), which replaces the Supreme State Audit Authority. This administrative authority is considered independent, has financial autonomy, and is tasked with preventing and combating corruption and related offences. The ASCE-LC is also responsible for overseeing public services and is empowered

to receive complaints and reports on actions or practices contrary to current laws, including cases of corruption and misappropriation of public funds.

Burkina Faso is currently drafting a bill on the protection of whistleblowers and has requested support from the United Nations Office on Drugs and Crime (UNODC) to aid in the drafting process through the organisation of a national workshop. PPLAAF was invited to participate in this workshop, which was held in July 2023.

The objectives of this national workshop were to discuss the concept of whistleblower protection and the international standards applicable to the definition of "whistleblowers," analyse the ongoing draft bill, define the scope of the future law, and engage in discussions and exchanges regarding the practical implementation of reporting and protection measures.

- **Protection under other legal instruments**

The Burkinabe [Constitution](#) enshrines freedoms of opinion, press, and the right to information by affirming that "every person has the right to express and disseminate their opinions within the framework of laws and regulations in force" (Article 8). Article 138 specifies that the High Court of Justice has jurisdiction over acts of embezzlement of public funds committed by the President of Burkina Faso in the exercise of his functions as well as by members of the government, but does not mention the sanctions provided in case of commission of these acts.

The [Penal Code](#) contains provisions that may apply to whistleblowers. Indeed, it dedicates a section to denunciations (Articles 335-6 and 335-7) and another to the protection of witnesses, experts, and victims (Articles 335-6 to 335-9). Regarding denunciations, Article 335-6 of the Penal Code provides for imprisonment and a fine for "any person, who, by virtue of their function or profession, permanent or temporary, has knowledge of one or more offences provided for in chapters 1 to 4 of Title III of Book III of this code, and does not inform the competent public authorities in a timely manner." However, Article 335-7 penalises any slanderous or abusive denunciation by any means. Finally, Article 335-9 establishes the protection of whistleblowers, witnesses, experts, and victims against any form of reprisal and retaliation.

Law No. 28-2008/AN of May 13, 2008, establishing the [Labor Code](#), does not provide any provisions for whistleblowers. However, Article 71 stipulates that dismissal is abusive "(...) 5. when motivated by the filing of a complaint by the worker or any recourse against the employer and/or administrative authorities."

[Law No. 004-2015/CNT on the prevention and repression of corruption](#), in its Article 76, also establishes protection for employees and trainees against sanctions, dismissal, discriminatory measures of any kind for having reported or testified to their employer or judicial or administrative authorities about offences provided for by law, of which they would have become aware in the exercise of their functions.

- **Protection under laws and mechanisms to combat money laundering and terrorism financing**

[Law No. 016-2016/AN on the fight against money laundering and terrorism financing](#) in Burkina Faso provides certain protection against civil and criminal proceedings for breach of professional secrecy to individuals or executives who make good faith suspicious activity reports. Indeed, Article 83 of the law states: "Persons or executives (...) who, in good faith, have transmitted information or made any declaration, in accordance with the provisions of this law, are exempt from any sanctions for breach of professional secrecy (...)." Article 95 of the law establishes protection for witnesses and anonymous testimony: "The investigating judge may, ex officio or at the request of a witness or a private party aggrieved, decide that: 1. certain identity data will not be mentioned in the minutes of the hearing, if there is a reasonable presumption that the witness could suffer serious harm following the disclosure of certain information; 2. the identity of a witness will remain confidential if the competent authority concludes that the witness, a member of their family, or one of their associates could reasonably be endangered by the testimony (...)."

1.2 Laws and measures related to combating financial crime

This section focuses on the measures taken by the government of Burkina Faso to combat financial crime. It examines legislative reforms, policies, and initiatives aimed at promoting transparency, integrity, and accountability in the management of public affairs. While

acknowledging the efforts made, it also highlights persistent challenges and prospects for improvement in the fight against financial crime in Burkina Faso.

- **Fight against corruption**
 - **Influence of recent political developments in the fight against corruption**

In Burkina Faso, corruption has been on the rise since 2017, according to a survey by the [National Anti-Corruption Network \(REN-LAC\)](#) in its [2020 report](#). Since 2017, actors have explained this progression for [four reasons](#): impunity, insufficient means and resources of structures, lack of political will, and the inadequacy of laws that refer to decrees that have mostly never been adopted.

The former government of President Roch Marc Christian Kaboré, in power from December 2015 to January 2022, did not take sufficiently strong measures to eradicate corruption even though he had announced a "zero tolerance" policy against it shortly after his election. Indeed, in the last three years, numerous corruption scandals have disrupted the management of public affairs, including the [case of magistrates accused of corruption by the Supreme Judicial Council](#), [the fine coal scandal](#), [fraudulent recruitments in the public service](#), etc.

Upon seizing power on September 30, 2022, through a military coup and after removing his predecessor, Lieutenant Colonel Paul-Henri Sandaogo Damiba, who also came to power through the use of force, [Captain Ibrahim Traoré promised to tackle corruption](#). He particularly accused the country's elites of being responsible for Burkina Faso's situation and affirmed that the economic battle manifested in the fight against corruption. Upon assuming power, Captain Traoré instructed the ASCE-LC to audit the management of around a hundred public administration structures, including the Army.

In its 2022 activity report, the ASCE-LC claims to have achieved positive results in the fight against corruption and related offences despite the situation faced by Burkina Faso. This was accomplished through "the completion of several control missions, awareness-raising activities, follow-up on recommendations, and the questioning of political and administrative authorities about measures to conform public management to the standards governing them." The ASCE-LC and the judiciary also indicated that they have implemented ["actions that have led to the questioning of actors from various backgrounds, at various levels of responsibility"](#)

[without complacency or regard for rank.](#)" The Minister of State in charge of public service, Bassolma Bazié, even stated that the government gave "a blank check to the ASCE-LC to track down those involved in mismanagement of public finances, whether they are ministers or [deputies.](#)"

These recent events seem to reflect a willingness on the part of the new authorities in power to pursue and sanction perpetrators of acts of corruption. This willingness will only be confirmed when concrete actions are taken in the fight against corruption.

In its [2022 report](#) on the Corruption Perceptions Index, Transparency International ranks Burkina Faso 77th out of 180 countries surveyed, with a score of 42/100.

- **Anti-corruption laws**

However, Burkina Faso benefits from a legal and institutional framework related to the repression of corruption and related offences. Indeed, [Law °004/2015/CNT on the prevention and repression of corruption](#), in its Articles 42 to 70, addresses and punishes cases of corruption and misappropriation of public funds.

In Articles 44 and 77, the Burkinabe Constitution requires the President of Faso and other public figures (government members, presidents of institutions established by the Constitution, etc.) to declare their assets at the beginning and end of their mandate. The declaration of interest and assets is governed by Law No. 004-2015/CNT of March 3, 2015, on the prevention and repression of corruption and its amending [Law No. 033-2018/AN of July 26, 2018](#). The [Penal Code](#) condemns the failure or false declaration of interest or assets in Articles 332-26.

The Penal Code unequivocally condemns corruption by devoting an entire Title to the corruption of public officials, providing a broad definition of a public official. The Penal Code also condemns the laundering of proceeds from corruption and related offences (Articles 331-2 to 332-25). It provides additional penalties in cases of corruption and related offences under Article 335-3, such as the prohibition from holding public functions or positions for a maximum period of five years and the prohibition from receiving any distinction or decoration awarded by the State or its agencies.

- **Fight against Money Laundering and Terrorism Financing**

The fight against money laundering and terrorism financing has been strengthened with [Law No. 016-2016/AN on the fight against money laundering and terrorism financing](#) in Burkina Faso. The law outlines measures to identify and prevent money laundering and terrorism financing. Its objective is also to facilitate investigations and prosecutions by the relevant authorities.

On 2 July 2015, the Council of Ministers of the WAMU zone adopted the draft uniform law on the fight against money laundering and terrorist financing. The eight member countries of WAMU and WAEMU had six months to internalise the law into their domestic legal order. In fact, internalisation took place in various countries between December 2015 and December 2018.

The 2015 Uniform Act, which replaced the previous 2008 Uniform Act, incorporated the new 2012 revisions of the FATF standards. The new law made it possible to merge the texts relating to the fight against money laundering and terrorist financing and to take into account aspects relating to the proliferation of weapons of mass destruction.

Furthermore, the current law introduced the prohibition of cash transactions for amounts exceeding 10 million francs, and expanded the category of designated non-financial professional entities (DNFPEs), which are essentially non-financial institutions that could be used for money laundering or terrorism financing purposes due to their nature.

The AML/CFT law requires the country to establish a national AML/CFT framework covering several aspects, including:

1. The country must conduct its national risk assessment and identify vulnerabilities to money laundering (ML) and terrorist financing (TF).
2. Obligated entities (financial institutions and DNFBPs) must conduct their risk assessments.
3. Obligated entities must implement an effective AML/CFT framework to significantly mitigate ML/TF activities and submit suspicious transaction reports to the financial intelligence unit (CENTIF).

4. Obligated entities failing to meet their obligations must face administrative and disciplinary sanctions.
5. To fulfil its mission, CENTIF must be autonomous, operational, and adequately resourced with technical, financial, and human resources. CENTIF is an independent administrative authority under the supervision of the Minister of Finance. Its mission includes processing and transmitting information for the fight against ML and TF. CENTIF also handles suspicious transaction reports and can oppose the execution of a transaction based on serious, consistent, and reliable information. When operations reveal facts that may constitute the offence of money laundering or terrorist financing, CENTIF submits a report to the Public Prosecutor, who must refer the case to the investigating judge.
6. The country must establish mechanisms to freeze the assets of terrorist individuals and organisations.
7. Both individuals and legal entities can be held criminally liable for offences related to money laundering and/or terrorist financing.
8. The country establishes mechanisms to seize, manage, and confiscate the assets of criminals. In this regard, Burkina Faso has established, since decree No. 2023-0263/PRES-TRANS/PM/MEFP/MJDHRI of March 21, 2023, a National Agency for the Management and Recovery of Seized or Confiscated Assets (ANAGRASC).

Following the country's mutual evaluation conducted by the Intergovernmental Action Group against Money Laundering in West Africa (GIABA), the FATF placed the country on its "grey list" in February 2021. This list aims to publicly list countries whose AML/CFT regimes are considered weak and have implemented ongoing enhanced monitoring.

1.3 Media rights and freedom of expression

Freedom of expression, press freedom, and media rights play a crucial role in whistleblowing. These fundamental rights enable whistleblowers and journalists to disclose sensitive information safely, shed light on wrongdoing, and protect the public interest. Respecting

these rights promotes an environment conducive to transparency, accountability, and the disclosure of information in the public interest.

- **Laws regarding freedom of expression**

In Burkina Faso, the right to freedom of expression and freedom of the press is protected by Article 19 of the [International Covenant on Civil and Political Rights](#) and by Article 9 of the [African Charter on Human and Peoples' Rights](#), which the country ratified in 1984 and 1999 respectively.

The right to freedom of expression, freedom of the press, and the right to information are guaranteed by Article 8 of the [Constitution](#).

[Law No. 56/93/ADP of December 30, 1993, establishing the Information Code](#) in Burkina Faso, enshrines the right of professional journalists to have free access to sources of information (Article 49). However, the law specifies that journalists may be refused access to information if it "undermines the internal and external security of the State, if it discloses a military or economic secret of strategic interest, if it thwarts, deflects or compromises an investigation or legal proceeding actually under way, if it undermines the dignity or privacy of a citizen" (Article 51).

The adoption of a [new Press Code](#) in 2015 modifies the penalty incurred by journalists in the case of defamation offences. Defamation no longer leads to imprisonment but is punishable by heavy fines.

[Law No. 057-2015/CNT of September 4, 2015, on online press](#), defines the status of professional journalists (Article 33), guarantees the protection of journalists' sources, and the right of access to information (Article 47). This law lists the penalties incurred for committing offences through the written press, including defamation and the publication of information covered by military secrecy.

[Article 40 of Law No. 004-2015/CNT on the prevention and repression of corruption](#) guarantees "effective access by the media and the public to information concerning corruption, subject to the protection of the privacy, honour, dignity of individuals, and reasons of national security, public order, as well as the secrecy of the investigation".

- **Press freedom: a concerning situation**

According to Reporters Sans Frontières (RSF), Burkina Faso was considered until recently as one of the successes in the African continent regarding press freedom. However, the rise of insecurity and political instability linked to the military coups in January and September 2022 pose serious risks to journalists regarding security and access to information.

Burkina Faso enjoys a dynamic, professional, and plural media landscape; RSF counts 80 newspapers, 185 radios, 32 television channels, and 161 online press sites, noting that "the culture of investigative journalism is quite widespread" there. However, RSF notes an increase in self-censorship and pressure due to the deterioration of the security context. In [2023](#), the organisation ranked the country at 58th, representing a significant deterioration compared to the year 2022, when it was positioned 41st.

In its [2023 report](#), Freedom House considers Burkina Faso as "not free", with a score of 30/100. This represents an alarming deterioration compared to previous years. This is explained by the two successive military coups, the suspension of the Constitution, and the dissolution of the National Assembly.

In previous years, the country was classified as "partly free": the 2022 and 2021 annual reports scored it 53 and 54/100. Some events negatively influenced the score, such [as the restriction on internet](#) connectivity operated for eight days in November 2021 by the government in the context of popular protests. Journalists also face security risks due to terrorist attacks, as evidenced by the tragic fate of [Spanish and Irish journalists killed in April 2021](#) by terrorists on Burkinabe territory.

In 2019, the Parliament reviewed a bill amending the Penal Code aimed at regulating social networks and online press and notably targeting cyber-activists. Certain media outlets in Burkina Faso have voiced criticism against the bill, viewing it as [draconian and a significant regression for press freedom](#), freedom of expression, and citizens' access to information. This bill has led to amendments to the Penal Code, which now criminalises the dissemination of information on military operations (Article 312-13, Article 312-14, Article 312-15). Amnesty International has also called for [the rejection of this bill](#) by the National Assembly. The organisation has particularly highlighted the risk of criminalising the activities of human

rights defenders, journalists, social media actors, or anyone else disseminating such information. The organisation notably asserts that the fight against armed groups should not come at the expense of individual liberties.

To illustrate the difficulties activists face in the country, one can consider the example of Naim Touré. This activist, deeply involved in issues related to mismanagement and corruption, has revealed a number of scandals involving Burkinabé authorities and is often subjected to intimidation and threats. In 2019, for example, [Naim Touré was abducted from his home](#). On June 7, 2022, he was sentenced by the Ouagadougou High Court to 12 months' imprisonment for [defamation](#) for accusing the director-general of the National Health Insurance Fund on his Facebook page of misappropriating funds from the organisation.

[The Media Foundation for West Africa \(MFWA\)](#) expressed concern over heavy penalties imposed on the media and called on authorities to preserve press freedom against attempts to muzzle it. Media outlets reporting on corruption are regularly sued for defamation and face criminal penalties and/or fines.

On December 3, 2022, the Burkina Faso government ordered the [suspension of Radio France International \(RFI\) programs nationwide](#), following its neighbour Mali's example. According to RSF, the government accuses RFI of disseminating "a message of intimidation to the populations attributed to a terrorist leader" and of spreading "false information that the transitional president, Captain Ibrahim Traoré, claimed to have been targeted by a coup attempt." This suspension is strongly criticised by observers in Burkina Faso and occurs against a backdrop of increased threats against journalists in the country, even though the junta had claimed to be committed to ensuring press freedom.

1.4 The Access to Information Act and Secrecy Laws

In this section, we will discuss the importance of access to public information for whistleblowers and journalists. These individuals who expose illicit behaviours within the public administration require reliable information to support their disclosures. The right to access public information ensures transparency and accountability, providing enhanced protection to whistleblowers and journalists who can rely on concrete facts when disclosing sensitive information.

- **Law n°051-2015/CNT on the right of access to public information and administrative documents**

[Law No. 051-2015/CNT on the right of access to public information and administrative documents](#) regulates the right to access information in Burkina Faso. Its objective is to make the right of access to public information and administrative documents effective, to create mechanisms and procedures to ensure the effectiveness of the right of access and to contribute to transparency, accountability, and good governance (Article 2).

Access to public information and administrative documents is free (Article 6), except for information relating to "national defence; state security; the security of persons; freedoms and fundamental rights enshrined in the Constitution; deliberations of the Council of Ministers regarding the exceptions mentioned above." Also excluded are information whose disclosure causes harm "to foreign policy; to industrial property rights, copyright, and related rights; to sources of information" (Article 31).

Information or administrative documents that cannot be immediately disclosed due to their nature or purpose are subject to classification for a specified period (Article 32). However, "no information or administrative document may be classified when the investigation concerns violations of fundamental human rights or crimes against humanity" (Article 33), and likewise, "no reservation may be invoked when the requested information relates to violations of human rights or is relevant to investigating, preventing, or avoiding violations of these rights" (Article 34).

Some documents and information may be disclosed after a specified period as determined by law (Article 35): "fifty years from the date of retirement of the person concerned for personal files; - fifty years from the date of the act for documents containing industrial and commercial secrets; - fifty years from the date of census or survey for documents, statistics containing personal information; - twenty years from the date of closure for judicial investigation files; - fifteen years from the date of the act for documents relating to monetary policy and credit."

Information, objects, documents, data, or files related to national defence, state security, and foreign policy are subject to classification measures to restrict their dissemination or access. They include three levels of protection: "- very secret defence; - secret defence; - confidential

defence" (Article 36). These pieces of information become communicable fifty years later for those classified as very secret defence, forty years later for those classified as secret defence, and thirty years later for those classified as confidential defence (Article 40).

According to this law, "information or documents that do not have, by their nature and purpose, an administrative character and information whose disclosure may compromise the proper functioning of the administration" are not communicable (Article 47). Similarly, those that concern "activities falling under the sovereign powers of the State and involve the general interest" (Article 48).

A public service organisation may refuse to disclose information it holds if it is likely to "impede the progress of a procedure before a person or structure exercising judicial functions; - impede a future, ongoing, or suspended investigation; - reveal an investigative method (...); - jeopardise the safety of a person; - cause harm to the person who is the author of the information or who is the subject of it; - reveal the components of a communication system intended for use by a person responsible for ensuring compliance with the law; - reveal information transmitted in confidence by a police body (...); - facilitate the escape of a detainee; - infringe upon a person's right to be judged impartially" (Article 49).

The State General Inspectorate may refuse to confirm the existence of information or disclose information the disclosure of which would likely "impede the progress of an audit operation; - reveal a program or plan of audit activity; reveal a confidential source of information relating to an audit; - undermine the control power granted to the State General Inspectorate" (Article 50).

Article 51 of the Act specifies that information and documents that may not be disclosed also include any public information whose disclosure is prohibited by legislative provisions.

- **National Authority for Access to Public Information (ANAIP)**

Law No. 051-2015/CNT on the right of access to public information and administrative documents establishes the National Authority for Access to Public Information (ANAIP), a regulatory body tasked with implementing the right of access to information and administrative documents. It has the status of an independent administrative authority.

Among its responsibilities, it has the power to resolve disputes related to the right of access to information through negotiation, conciliation, or mediation.

[It is clear that this law struggles to become operational, as journalists and civil society actors already pointed out in 2020.](#) deciding to develop an advocacy strategy to improve the situation. To date, no information is available online to determine whether the law's measures are being effectively implemented.

2. ANALYSIS OF THE FACTS: WHISTLEBLOWER CASES

This section lists known and public cases of whistleblowers to assess the treatment afforded to whistleblowers in the country.

There are no known cases of public whistleblowers in Burkina Faso.

3. RECOMMENDATIONS: WEAKNESSES AND NEEDED REFORMS

In this section, the focus will be on suggesting areas for improvement for the State regarding the protection of whistleblowers, current legislation against financial crime, the government's commitment to combating this problem, and the respect for individual liberties, including the right to information, freedom of the press and expression, as well as media rights.

● Strengthening legislation protecting whistleblowers

Burkina Faso benefits from a legal and institutional framework to combat corruption, money laundering, terrorist financing, and illicit financial flows. However, its effectiveness is subject to the political will to implement it.

Moreover, Burkina Faso has established a legislative arsenal that can be applied to whistleblowers, but specific measures to protect them could be beneficially introduced into its legislation.

- It is appropriate to continue the work initiated in this direction in 2023.

- **Preservation of individual freedoms and press freedom in a tense political and security context**

The current political and security context presents challenges for the preservation of individual freedoms and press freedom. The emergence of a whistleblower culture requires an environment that guarantees these freedoms.

- In this regard, the state must enhance the freedom of expression of journalists and cyber-activists by protecting these actors against repression and the attacks they face daily. This could facilitate the establishment of an environment conducive to whistleblowing.

4. KNOWLEDGE, SUPPORT, AND ACTION CENTRES

This section will explore the landscape of civil society organisations, NGOs, and citizen movements that promote good governance. These entities represent valuable sources of knowledge and expertise, playing a crucial role in strengthening democratic practices.

The [National Network for Anti-Corruption \(REN-LAC\)](#) is a non-governmental organisation created by about twenty civil society organisations. Its mission is to ensure good morality and transparency in the management of public affairs in Burkina Faso.

It organises awareness-raising campaigns on corruption, monitors the application of existing legislation in this regard, receives and investigates complaints from citizens who are victims of acts of corruption, and ensures the adoption by the State of any measures aimed at combating this phenomenon.

Each year, the NGO presents a report on corruption in the country. Since 2003, it has also organised a national campaign called the "National Day for the Rejection of Corruption (JNRC)". This day aims to raise public awareness of the scourge of corruption.

The primary mission of the [Burkinabe Network of Young Leaders for Integrity \(RBJLI\)](#) is to promote integrity among young people and to fight against corruption. The RBJLI works mainly to raise awareness and denounce corruption.

[Balai Citoyen](#) is a civil society movement whose objectives are to "ensure the responsible and conscious involvement of the people in the management of public affairs, the accountability of those in power to the people and the principle of democratic alternation". The movement's preferred means of action are mobilisations.

Finally, the [Semfilms Burkina](#) Association aims to promote human rights and freedom of expression through film screenings. It organises an annual film festival, the Festival Ciné Droit Libre.



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