

Burkina Faso - Le ministère public contre Diallo Talato & 18 autres (2017)

Challenging a culture of impunity: Burkina Faso

Introduction

In 2017, a landmark criminal trial was held in Ziniaré, Burkina Faso, marking one of the country's most high-profile prosecutions of FGM. The case involved Diallo Talato, who had travelled to the Central Plateau Region, specifically Ziniaré, in Burkina Faso, to cut girls during the school holidays. Her involvement in performing FGM, carried out for small payments and with community support, had continued unchallenged.

Even after several convictions, Diallo Talato persisted in continuing to practice FGM until local volunteers, supported by the women's rights organisation Voix de Femmes, documented evidence of a new round of mass cutting.

Equality Now was partnering with Voix de Femmes (VdF) on another project and was introduced to the case through these reports. What began as a grassroots alert evolved into a major criminal case and a civil lawsuit, catalysing legal, social, and policy shifts in Burkina Faso's approach to FGM. The case marked a turning point for the anti-FGM movement in the country. While FGM has been banned in Burkina Faso since 1996, the practice remained widespread, despite significant reductions in prevalence. Legal frameworks and awareness campaigns struggled to drive accountability and adequately address the culture of impunity for those practising FGM. Strategic litigation became an important lever to demonstrate that the law would be applied, and continuing the practice carried serious legal consequences.

Legal coordination and strategy

Equality Now provided technical and financial support for the case, including hiring a local lawyer, supporting the drafting of pleadings, and coordinating legal strategy. Voix de Femmes led evidence collection and local coordination, working closely with community volunteers to trace and map girls who had been taken between homesteads to be cut. Both Equality Now and Voix de Femmes supported investigations, engaged judicial actors, and facilitated media coverage. Strategic litigation training was provided to local legal professionals, and journalists were trained to cover the case sensitively and accurately.

Voix de Femmes also sought, through a civil suit, damages for survivors which could be used to fund reconstructive surgeries and awareness-raising campaigns in practising communities. However, the court rejected this application, finding that Voix de Femmes had not personally suffered damage and could not represent the victims.¹ Despite this, the case helped to trigger

1 Le Ministère Public contre Diallo Talato & 18 autres (No 136/2017), Judgment No 141 of the Tribunal de Grande Instance de Ziniare dated 29 November 2017, judgment available [here](#).

a national policy change and Burkina Faso's law was amended to allow CSOs to represent victims of FGM and gender-based violence in future civil proceedings.²

The criminal proceedings

The trial involved the prosecution of 19 individuals - Diallo Talato and 18 others (who were mainly parents and relatives of the girls) who had facilitated or commissioned FGM. Talato, who had previously been convicted of performing FGM in 2015 by the same court and received a 12-month custodial sentence, admitted to cutting at least 13 girls in this case. The court found her guilty and sentenced her to four years in prison; the increased sentence was due to the fact that this was a repeat offence, so Talato was sentenced as a recidivist under the Burkina Faso penal code. Her co-defendants received sentences ranging from fines to 30 months in prison for aiding and abetting the practice.

The girls subjected to FGM did not testify in court, but the evidence presented by the police and witnesses was sufficient for convictions. The judge allowed VdF to speak in court to raise awareness about the illegality and harms of FGM - a rare opportunity that was facilitated by Equality Now's prior engagement with the judiciary.

"Equality Now, thanks to the engagement it had had with the magistrate and the justice actors, requested the court for VdF to speak on FGM and why it was illegal... and it was at this point that the perpetrators understood what was going on."

Jean-Paul Murunga, Program Officer, End Sexual Violence, Equality Now

The court proceedings revealed a widespread lack of legal awareness about FGM in the wider community in Burkina Faso. Many of the accused appeared to be genuinely unaware that FGM was criminalised under national law. Many of them thought that after the former President Blaise Compaoré left power in 2014, they could continue to practice FGM as they wished. He was the then African Union (AU) Presidential Champion against FGM, and his wife, Chantal Compaoré, was the Goodwill Ambassador of the Inter-African Committee on Traditional Practices Affecting the Health of Women and Children, as well as the Coordinator of the International Ban FGM Campaign. Their confusion during sentencing highlighted widespread ignorance of the law and the importance of legal literacy efforts, both for communities and for those involved in the justice system.

² Law No 39/2017 on the Protection of Human Rights Defenders in Burkina Faso; <https://www.focus-obs.org/documents/law-n-039-2017-an-on-the-protection-of-human-rights-defenders-in-burkina-faso-the-national-assembly/>.

Survivor protection and challenges

The litigation process presented significant challenges, particularly in ensuring the wellbeing of the girls affected by the cutting. Many were minors, and when their parents or guardians were prosecuted, they were left without primary care. Voix de Femmes stepped in to provide emergency shelter, counselling, and education support, but the costs were high and unsustainable. The case also sparked community debate and dissent because some viewed the prosecution of parents as further harming the children by leaving them destitute. These dynamics underscore the importance of integrating child protection measures and social support planning into litigation strategies, particularly when legal action involves the parents or guardians as the defendants.

Security was also a concern. The case took place in a conflict-affected region of northern Burkina Faso, with limited public infrastructure and ongoing threats from militia groups. Furthermore, there was concern that the community might attack the team due to the case, but fortunately, that did not happen. The Equality Now team travelled within VdF's team, who were the public face of the case, and accompanied journalists to help act as a shield against violence. To minimise risk, the team was constantly made aware of where cars were parked in case of any emergency.

Communications and public engagement

A robust media strategy was deployed from the outset of the case, involving both traditional and community media. Voix de Femmes and Equality Now mapped key journalists, provided training, and facilitated their access to court proceedings. Through these efforts, journalists conducted sensitive and informed interviews with families, legal actors, and the community.

During the two-week hearing, Voix de Femmes hosted media briefings to help contextualise the proceedings. Coverage was widespread, and one journalist later received an international award for her reporting. Following the ruling, Voix de Femmes made an appeal to the decision and continued to foster public engagement through radio and newspaper interviews. The high-profile nature of the case attracted attention from key political figures, including the First Lady and the wife of the Speaker of the National Assembly, who participated in CSO forums convened during the trial. In addition, this media coverage, along with the media and communication work implemented by Voix de Femmes and Equality Now, contributed to the establishment of a framework promoting the elimination of gender-based violence. This framework brought together the wives of ministers, the First Lady, and the wife of the President of the National Assembly. Called the Advocacy and Lobbying Action Group, this body conducted advocacy efforts in several regions of the country targeting political, administrative, traditional, and religious authorities in order to accelerate the move toward zero tolerance for FGM, and it continues to take action today.

Outcomes and reflections

This case marked a major turning point in the legal and advocacy landscape for FGM in Burkina Faso, leading to tangible legal reforms and strategic shifts in how FGM is addressed.

Most notably, the case and the advocacy surrounding the case contributed to a legislative amendment. The Penal Code of Burkina Faso was significantly revised in 2018, and the amendments included strengthening the provisions against FGM, including increasing the maximum sentence for practising FGM from three to eleven years.³ This was a significant escalation in legal consequences that sends a strong signal of the state's commitment to ending the harmful practice. It also led to a policy reform to allow civil society organisations to participate as civil parties in FGM and gender-based violence cases, removing a barrier that previously limited survivors' access to justice and collective representation.

These outcomes reflect not only stronger enforcement but also a growing judicial awareness and willingness to collaborate with rights-based organisations, fostered through sustained engagement by Voix de Femmes and Equality Now.

Shifting perceptions of strategic litigation

The case catalysed a reframing of strategic litigation within Burkina Faso, from being perceived as adversarial or politically sensitive, to being recognised as a legitimate and effective mechanism for social justice. While few national CSOs visibly engaged with the litigation during the proceedings (with hesitation seemingly deriving from concerns about State backlash), the case helped demonstrate that litigation could strengthen rather than undermine legal systems and public accountability.

Since the conclusion of the case, Voix de Femmes has integrated strategic litigation into its core programming and is working with other legal actors to support cases beyond FGM, including those addressing sexual violence.

“CSOs in Burkina Faso are now more receptive to strategic litigation as one of the key strategies to advocate for women’s rights... Since then, Voix de Femmes has integrated strategic litigation into its organisational strategy on the promotion of women’s rights and the fight against SGBV.” - **Raphael Zongonaba, Executive Director, Voix de Femmes**

³ Burkina Faso: Loi N° 025-2018/AN, Portant Code Pénal, <https://www.refworld.org/legal/legislation/natlegbod/1996/fr/122706>

Impact beyond the courtroom

The case also prompted shifts in the health sector. Prior to the trial, many medical professionals were reluctant to report FGM due to community pressure and weak enforcement. After the ruling, health workers became more willing to collaborate with the legal system, and reporting increased, indicating a growing alignment between justice and health institutions.

Despite these successes, the broader impact was limited by inconsistent government follow-through, with greater emphasis placed on awareness-raising rather than prosecution in the aftermath. In addition, political instability and conflict (particularly the expansion of militia-controlled regions) further constrained the possibility of replicating similar legal interventions elsewhere in the country.

Conclusion

The Burkina Faso case illustrates the power of strategic litigation to disrupt impunity and generate systemic change. Through partnership, persistence, and media-savvy advocacy, Voix de Femmes, with the support of Equality Now, successfully transformed a grassroots report on FGM into a national legal milestone. The case reinforced the need for survivor-centred approaches, coordinated legal action, and long-term support systems that extend beyond the courtroom.

It serves as a reminder that legal victories alone are insufficient and must be complemented by ongoing engagement, law reform, and community education to achieve a lasting impact. This requires flexible funding to support long-running strategic litigation cases, especially those that extend beyond a single grant cycle or involve comprehensive support needs for survivors.

“Often the budget is limited to the legal aspect... many things that come up in the process relating to the care of the victims... need to also be addressed as a matter of emergency.” - **Jean Paul Murunga, Program Officer, End Sexual Violence, Equality Now**



A just world for all women and girls



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Read the full report, “Towards justice: Global challenges and opportunities in litigating cases of female genital mutilation”

