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Consideration of Reports submitted by State Parties under the Terms of Article 62 of the African Charter on Human and Peoples' Rights

Concluding Observations and Recommendations on the Seventh and Eighth Periodic Report of the Republic of Burkina Faso

I- Introduction

1. The Republic of Burkina Faso (Burkina Faso) is a State Party to the African Charter on Human and Peoples' Rights (the African Charter) having ratified it on 6 July 1984. Burkina Faso presented its initial report in April 1999, during the 25th Ordinary Session of the African Commission on Human and Peoples' Rights (the African Commission). This periodic report was submitted to the Secretariat of the African Commission on Human and Peoples' Rights (the Secretariat) in October 2003.
2. These Concluding Observations follow from the presentation of the periodic report of Burkina Faso. The report was considered by the 35th Ordinary Session of the African Commission held in Banjul, The Gambia, from 21 May to 4 June 2004.

3. The report was presented by a delegation led by HE Mrs Monique Ilboudo, Minister for Human Rights of Burkina Faso.
4. These Concluding Observations give an account of the positive aspects identified in the report as well as those factors that restrict the enjoyment of human and peoples' rights guaranteed by the African Charter.
5. They also highlight the concerns expressed with regard to the contents of the report and the relevant recommendations made by the African Commission.
6. The African Commission notes with satisfaction the constructive manner in which the dialogue was conducted with the Delegation during the presentation of the report. It accordingly thanks Mrs Monique Ilboudo and her delegation for the comprehensive replies and information they provided in response to the questions and requests for clarification from the Members of the African Commission.

II- Positive Aspects

The African Commission:

7. Congratulates Burkina Faso for presenting its periodic report in accordance with Article 62 of the African Charter, and for complying with the African Commission Guidelines for the Preparation of Periodic Reports.
8. Is particularly pleased to learn that the periodic report was prepared by all the Ministries, in collaboration with human rights NGOs operating in the country.

9. Appreciates the efforts of the Government of Burkina Faso in implementing the rights and freedoms guaranteed by the African Charter. In this connection, the African Commission has noted that Burkina Faso has:

- Ratified several regional and international human rights instruments and endeavours to implement them;
- Put in place legislative and regulatory systems as well as institutional mechanisms for the promotion and protection of human rights, including a Ministry for the Promotion of Human Rights and a National Human Rights Commission;
- Introduced a quota system with a view to involve women in the running of government;
- Made significant and continued efforts to support the African Union, the African Commission, NGOs, other actors and partners, for the improvement of the situation of the people of Burkina Faso, particularly women and children;
- Taken significant measures for the strengthening and the independence of the legal system;
- Adopted concrete measures, in collaboration with civil societies to enhance peace and security.

III- Factors Restricting the Enjoyment of the Rights Guaranteed by the African Charter

10. In spite of the commendable efforts made by the Government, lack of resources is still a major handicap for the full realisation of the rights and freedoms guaranteed by the African Charter.
11. The African Commission has noted that certain harmful traditional practices persist and contribute to the violation of human rights, and that the fight against these practices has not yielded the expected results.
12. The high level of illiteracy (70%) and inadequate measures taken to increase the percentage of children in full-time education, particularly the girl-child, represent serious handicaps.
13. Notwithstanding the significant progress achieved in improving the situation of women and the national legal framework which theoretically makes them equal to men in conformity with the national laws and international commitments made by Burkina Faso, women in the country are still marginalized politically, economically and socially.

IV- Areas of Concern

While recognising the efforts of Burkina Faso to promote and protect human rights and to create awareness on the principles and provisions of the African Charter, the African Commission remains concerned that:

14. The rights of women and the child are not adequately protected, and there are no adequate provisions for legal assistance, particularly with regard to vulnerable or destitute persons and groups.

15. The report does not sufficiently and exhaustively cover the efforts made by Burkina Faso in the implementation of the provisions of the African Charter.
16. There is no mention in the report of the existence of minorities and any possible action taken to support these groups.
17. Nomadic groups and some minority/indigenous populations living in Burkina Faso in need of special facilities for their education do not receive appropriate assistance.
18. The report does not mention activities carried out by the National Human Rights Commission of Burkina Faso, which is an institution responsible for the promotion and protection of human and peoples' rights in the country.
19. The report does not mention measures taken by the authorities to punish the perpetrators of women's rights abuses.
20. In carrying out their duties, it frequently happens that law enforcement agents indulge in extra-judicial killings.
21. The report does not give information on the prison conditions and places of detentions, and yet this constitutes a major concern in the country.
22. The report does not give any information on the situation of refugees who arrived in large numbers from Ivory Coast following the recent events in that neighbouring State.

23. Although the judicial system has recently undergone reforms, it does not yet enjoy the State's necessary attention that enables it to function smoothly.
24. Individuals suffering from HIV/AIDS do not receive adequate medical attention.
25. The persistence of traditional practices, which are harmful particularly to women, continue to be of concern in spite of the significant efforts made by the authorities in this regard, in collaboration with human rights Non-Governmental Organisations (NGOs).
26. The percentage of children in full-time education is still very low in Burkina Faso, especially with regard to women.

V- Recommendations

The African Commission recommends that the Government of Burkina Faso should:

27. Continue and enhance the collaboration between the State and NGOs in order to find adequate and common answers to the problems related to human rights;
28. Continue to implement the African Charter, particularly by ensuring that the gender dimension is integrated in all its programmes, structures and related activities;
29. Ensure that measures are taken to specifically protect the rights of the child, in particular by increasing efforts in the fight against child trafficking;

30. Take, implement and monitor measures against the violation of the specific rights of women and the child in Burkina Faso;
31. Involve more NGOs and other stakeholders in the process of implementing regional and international instruments to which Burkina Faso is a party, particularly the African Charter;
32. Make the necessary arrangements for prompt ratification of regional and international instruments relating to human rights, particularly the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa;
33. Ensure, without prejudice to the quota policy introduced in favour of women, that women take a more significant part in the running of government;
34. Requests that Burkina Faso, in its next Periodic Report in May 2006 (on the 39th Ordinary Session of the African Commission), inform the African Commission of the steps it has taken to address the areas of concern, as well as how it has implemented the recommendations in this Concluding Observations.

Done in Banjul, The Gambia on 4 June 2004