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**COMPILATION PREPARED BY THE OFFICE OF THE HIGH COMMISSIONER  
FOR HUMAN RIGHTS, IN ACCORDANCE WITH PARAGRAPH 15 (B) OF THE  
ANNEX TO HUMAN RIGHTS COUNCIL RESOLUTION 5/1**

**Burkina Faso**

This report is a compilation of the information contained in the reports of treaty bodies, special procedures, including observations and comments by the State concerned, and other relevant official United Nations documents. It does not contain any opinions, views or suggestions on the part of the Office of the High Commissioner for Human Rights (OHCHR), other than those contained in public reports issued by OHCHR. It follows the structure of the general guidelines adopted by the Human Rights Council. Information included herein has been systematically referenced in endnotes. The periodicity of the review for the first cycle being four years, most documents are dated after 1 January 2004. In the absence of recent information, the latest available reports and documents have been taken into consideration, unless they are outdated. Since this report only compiles information contained in official United Nations documents, lack of information or focus on specific issues may be due to non-ratification of a treaty and/or to a low level of interaction or cooperation with international human rights mechanisms.

## I. BACKGROUND AND FRAMEWORK

### A. Scope of international obligations<sup>1</sup>

<i>Core universal human rights treaties<sup>2</sup></i>	<i>Date of ratification, accession or succession</i>	<i>Declarations/reservations</i>	<i>Recognition of specific competences of treaty bodies</i>
ICERD	18 July 1974	None	Individual complaints (art. 14): No
ICESCR	4 January 1999	None	-
ICCPR	4 January 1999	None	Inter-State complaints (art. 41): No
ICCPR-OP 1	4 January 1999	None	-
CEDAW	14 October 1987	None	-
OP-CEDAW	10 October 2005	None	Inquiry procedure (arts. 8 and 9): Yes
CAT	4 January 1999	None	Inter-State complaints (art. 21): No Individual complaints (art. 22): No Inquiry procedure (art. 20): Yes
CRC	31 August 1990	None	-
OP-CRC-AC	6 July 2007	Yes (art. 3) <sup>3</sup>	-
OP-CRC-SC	31 March 2006	None	-
ICRMW	26 November 2003	None	Inter-State complaints (art. 76): No Individual complaints (art. 77): No
<i>Core treaties to which Burkina Faso is not a party: ICCPR-OP 2, OP-CAT (signature only, 2005), CPD (signature only, 2007), CPD-OP (signature only, 2007) and CED (signature only, 2007).</i>			
<i>Other main relevant international instruments<sup>4</sup></i>		<i>Ratification, accession or succession</i>	
Convention on the Prevention and Punishment of the Crime of Genocide		Yes	
Rome Statute of the International Criminal Court		Yes	
Palermo Protocol <sup>5</sup>		Yes	
Refugees and stateless persons <sup>6</sup>		Yes, except the Convention on the Status of Stateless Persons and the Convention on the Reduction of Statelessness	
Geneva Conventions of 12 August 1949 and Additional Protocols thereto <sup>7</sup>		Yes, except AP III	
ILO fundamental conventions <sup>8</sup>		Yes	
UNESCO Convention against Discrimination in Education		No	

1. In 2008, Burkina Faso noted in its pledges and commitments to the Human Rights Council that it had signed, and pledged to ratify, the Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto, and the International Convention for the Protection of All Persons from Enforced Disappearance.<sup>9</sup>

### B. Constitutional and legislative framework

2. In 2002, the Committee on the Rights of the Child (CRC) recommended that Burkina Faso take all necessary steps to harmonize existing domestic legislation and customary law with the Convention.<sup>10</sup>

### C. Institutional and human rights infrastructure

3. In 2002, CRC welcomed the establishment, in 2001, of the National Commission on Human Rights but was concerned that it was not yet fully operational and that its mandate did not include the power to receive and address individual complaints of violations of the rights of the child.<sup>11</sup> CRC encouraged Burkina Faso to consider the structure and functions of the Commission, in

accordance with the Paris Principles.<sup>12</sup> The Commission was granted “B” accreditation status as a National Human Rights Institution by the International Coordinating Committee of National Institutions (ICC) in 2007.<sup>13</sup>

4. CRC also noted with appreciation the establishment of a Ministry for the Promotion of Human Rights,<sup>14</sup> of a Children’s Parliament, of a National Council for the Promotion of Children,<sup>15</sup> of the National Committee to Combat Female Circumcision,<sup>16</sup> and the establishment of an Inter-Ministerial Technical Committee for the implementation of the new National Plan of Action for children.<sup>17</sup> In 2005, the Committee on the Elimination of Discrimination against Women (CEDAW) welcomed the establishment of the National Committee to Combat Discrimination.<sup>18</sup>

5. A 2005 UNESCO report informed about the establishment of a Ministry for Literacy and Non-formal Education in 2002, and of a national fund for literacy and non-formal education in 2001.<sup>19</sup>

#### D. Policy measures

6. In 2002, CRC welcomed the adoption of a two-phase National Plan of Action for children (phase I 2000-2005 and phase II 2005-2010).<sup>20</sup> CRC recommended that Burkina Faso take all necessary steps for the full implementation of this Plan.<sup>21</sup>

7. In line with its previous recommendations, CRC recommended that Burkina Faso undertake systematic education and training in the provisions of the Convention for all professional groups working for and with children.<sup>22</sup>

8. A 2008 International Monetary Fund (IMF) report noted the adoption of a 2006-2007 priority programme to promote human rights education; however, the introduction of human rights in primary and secondary education curricula was not yet effective.<sup>23</sup>

## II. PROMOTION AND PROTECTION OF HUMAN RIGHTS ON THE GROUND

### A. Cooperation with human rights mechanisms

#### 1. Cooperation with treaty bodies

<i>Treaty body<sup>24</sup></i>	<i>Latest report considered</i>	<i>Latest concluding observations</i>	<i>Follow-up response</i>	<i>Reporting status</i>
CERD	1996	August 1997	-	Twelfth to seventeenth reports overdue from 1997 to 2007 respectively
CESCR	-	-	-	Initial and second reports overdue from 2000 to 2005 respectively
HR Committee	-	-	-	Initial and second reports overdue from 2000 to 2005 respectively
CEDAW	2003	July 2005	-	Sixth report due on November 2008
CAT	-	-	-	Initial to third reports overdue from 2000 to 2008 respectively
CRC	1999	September 2002	-	Combined third and fourth reports submitted in March 2008
OP-CRC-AC	-	-	-	Initial report due on August 2009
OP-CRC-SC	-	-	-	Initial report overdue since April 2008
ICRMW	-	-	-	Initial report overdue since 2005

9. In 2005, CEDAW was concerned that adequate steps were not taken to implement previous recommendations, in particular, recommendations to give priority to education of girls, to enforce women's rights to property and provide women with access to credit, and to enforce labour laws to eliminate discrimination in employment.<sup>25</sup>

10. In 2007, the independent expert on foreign debt was assured that the first two government reports to the Committee on Economic, Social and Cultural Rights were being prepared at the time of his visit and would be submitted in the near future.<sup>26</sup>

## 2. Cooperation with special procedures

<i>Standing invitation issued</i>	No
<i>Latest visits or mission reports</i>	Special Rapporteur on the human rights of migrants (2-9 February 2005); <sup>27</sup> Independent expert on the effects of economic reform policies and foreign debt on the full enjoyment of all human rights (23-27 April 2007) <sup>28</sup>
<i>Visits agreed upon in principle</i>	None
<i>Visits requested and not yet agreed upon</i>	None
<i>Facilitation/cooperation during missions</i>	The Special Rapporteur on the human rights of migrants thanked the Ministry for the Promotion of Human Rights which organized her visit. <sup>29</sup> The independent expert on foreign debt thanked Burkina Faso and in particular the Ministry for the Promotion of Human Rights for the assistance and support provided and for its indispensable coordination role. <sup>30</sup>
<i>Follow-up to visits</i>	None
<i>Responses to letters of allegations and urgent appeals</i>	A total of one communication was sent between 1 July 2004 and 30 June 2008. In addition to communications sent for particular groups, one male was covered by this communication. Between 1 July 2004 and 30 June 2008, the Government replied to one communication, representing replies to 100 per cent of communications sent.
<i>Responses to questionnaires on thematic issue<sup>31</sup></i>	Burkina Faso responded to none of the 12 questionnaires sent by special procedures mandate-holders <sup>32</sup> between 1 July 2004 and 30 June 2008, within the deadlines.

## 3. Cooperation with the Office of the High Commissioner for Human Rights

11. Burkina Faso is covered by the OHCHR West Africa Regional Office established in early 2008.<sup>33</sup> The High Commissioner visited the country in November 2004 during the summit of the International Organisation of La Francophonie. A subregional workshop organized by OHCHR in Burkina Faso in 2007 on recommendations of the Convention on the Rights of the Child helped emphasize the importance of implementation of treaty body recommendations.<sup>34</sup>

### B. Implementation of international human rights obligations

#### 1. Equality and non-discrimination

12. CEDAW remained concerned about the continuing strong prevalence of patriarchal attitudes and deep-rooted stereotypes and of customs and traditions that discriminate against women, particularly women in rural areas, and constitute violations of their human rights.<sup>35</sup> CEDAW called upon Burkina Faso to take all necessary measures to ensure full compliance with the provisions of the Convention, the Individual and Family Code, the Penal Code and other laws in regard to harmful traditional or customary practices that violate women's rights.

13. CEDAW called upon Burkina Faso to ensure that rural women have full access to education, health services and credit facilities, and can fully participate in decision-making processes. CEDAW also urged Burkina Faso to implement provisions giving women equal access to arable land and housing and to put into operation the principle of gender equality as a key factor in eradicating poverty.<sup>36</sup>

14. In 2002, CRC noted that discrimination is prohibited under the Constitution, that acts of discrimination are an offence under the new Penal Code and that several measures have been taken to promote the rights of girls and women (establishment of the Ministry for the Advancement of Women and of the Department for the Promotion of Girl's Education, etc).<sup>37</sup> However, CRC was concerned at the persistence of de facto discrimination and was particularly concerned at the disparities in the enjoyment of rights, e.g. in education, experienced by children belonging to the most vulnerable groups, among others, girls, children with disabilities, born out of wedlock, born of incest, and living in rural areas,<sup>38</sup> and reiterated its previous recommendations in this regard.<sup>39</sup> CRC also recommended that Burkina Faso review the situation of children with physical and mental disabilities in terms of their access to suitable health care and education services; strengthen policies and programmes of inclusion in regular education, train teachers and make schools accessible; and sensitize the population to the human rights of children with disabilities.<sup>40</sup>

15. CEDAW was concerned about the persistence of several discriminatory provisions in the Individual and Family Code, particularly in relation to the minimum age of marriage, which is 17 years for girls and 20 years for boys, and the legality of polygamy under the Code.<sup>41</sup> The Committee urged Burkina Faso to accelerate the process of legal reform to raise the minimum age of marriage of girls and to prohibit polygamy.<sup>42</sup>

16. In 2006, an ILO Committee of Experts noted with satisfaction that section 3 of the new Labour Code (2004) reproduced almost identically article 1 of the ILO Discrimination (Employment and Occupation) Convention, 1958 (No. 111). It noted in particular that "colour" and "national extraction", which were excluded under the 1992 Labour Code, are now covered by section 3 of the new Labour Code.<sup>43</sup>

## **2. Right to life, liberty and security of the person**

17. CRC urged Burkina Faso to take all necessary measures to improve the conditions of detention of children, which in many instances amount to cruel, inhuman or degrading treatment,<sup>44</sup> particularly in police and gendarmerie stations, and to ensure that each case of violence and abuse is duly investigated, that perpetrators are brought to justice without undue delay and that victims receive compensation.<sup>45</sup> In particular, CRC recommended that Burkina Faso establish special prisons for children with conditions suitable to their age and needs and by ensuring the presence of social services in all detention centres in the country, and in the meantime by ensuring that they are separated from adults in all prisons and in pretrial detention places.<sup>46</sup>

18. CRC was concerned at the incidence of abuse, including sexual abuse, and neglect of children and that insufficient efforts had been made to protect children.<sup>47</sup> CRC recommended that all necessary steps be taken to introduce the legal prohibition of the use of corporal punishment in schools and other institutions; properly investigate cases of violence; establish an appropriate complaint procedure and inform children about this mechanism; provide services for recovery and social reintegration of victims of rape, abuse, neglect, ill-treatment, violence or exploitation, and take measures to prevent the criminalization and stigmatization of victims.<sup>48</sup>

19. In 2005, CEDAW called upon Burkina Faso to enact, as soon as possible, legislation on violence against women, including domestic violence, so as to ensure that violence against women constitutes a criminal offence, that women and girls who are victims of violence have access to immediate means of redress and protection and that perpetrators are prosecuted and punished. CEDAW recommended that Burkina Faso also implement educational and awareness-raising measures. While noting Burkina Faso's contention that victims of violence receive medical and legal services, CEDAW was concerned that no details about such services nor about their accessibility to women were provided.<sup>49</sup>

20. CEDAW welcomed legislation prohibiting female genital mutilation.<sup>50</sup> A 2005 UNICEF report noted that with regard to efforts to reduce female genital mutilation, the very strong lead taken by the Government over a 13-year period seemed to be making a difference. Burkina Faso started major public education campaigning against the practice in the mid-1990s and then formally outlawed female genital mutilation in 1996. Before the practice was outlawed, around two thirds of girls were being mutilated. Burkina Faso succeeded in reducing the incidence to 32 per cent, according to UNICEF estimates.<sup>51</sup> The law stipulates that anyone performing female genital mutilation risks a prison term of up to 3 years, which can rise to 10 years if the victim dies of the procedure. A national telephone hotline was established that people can phone anonymously to report violations or when a girl is threatened with being cut.<sup>52</sup>

21. CRC was concerned about the still widespread practice of forced and early marriage<sup>53</sup> and recommended that Burkina Faso develop sensitization programmes involving community and traditional leaders and society at large, including children themselves, to curb the practice.<sup>54</sup>

22. CRC expressed its concern about the number of trafficked children who are exploited in Burkina Faso and in neighbouring countries.<sup>55</sup> The Special Rapporteur on the human rights of migrants noted that it was a major phenomenon, and that many children left their families "in search of a better life", either of their own free choice or driven by their parents. She noted that most of them started by working in plantations, taking up domestic service or were placed with Koranic teachers and that in most cases they were exposed to the danger of trafficking and ended up being exploited. Despite positive results of watchdog committees she recommended that these individual measures be backed by more determined structural actions.<sup>56</sup> In 2008, an ILO Committee of Experts noted with interest the Government's information to the effect that, since the adoption and implementation of the 2003 Act defining and repressing the trafficking of children, 31 cases of trafficking have been prosecuted in the higher courts and 18 persons have been sentenced to terms of imprisonment ranging from one to three years.<sup>57</sup>

23. CRC recommended that Burkina Faso undertake studies with a view to assessing the scope of commercial sexual exploitation of children.<sup>58</sup> For CEDAW, it was unclear whether legislation adopted to prevent and combat trafficking for purposes of exploitation of labour, also covered trafficking of children, especially girls, for sexual exploitation.<sup>59</sup> The Committee urged Burkina Faso to intensify its efforts to combat trafficking in girls and women for sexual exploitation, and recommended the implementation of a national strategy to combat this issue, which should include the prosecution and punishment of offenders and measures aimed at improving the economic situation of girls and women, educational and social support measures and rehabilitation and reintegration measures for girls and women victims of trafficking.<sup>60</sup>

24. CRC was deeply concerned at the fact that child labour is widespread and that children may be working long hours at young ages.<sup>61</sup> Concerned at the difference between the minimum age of employment (14 years) and the age for the end of compulsory education (16 years),<sup>62</sup>

CRC encouraged Burkina Faso to continue its collaboration with ILO International Programme for the Elimination of Child Labour<sup>63</sup> and to take all necessary measures to ensure that employment of children does not interfere with their right to education.<sup>64</sup>

25. CRC noted the pilot project involving UNICEF and non-governmental organizations to deal with the issue of street children, but expressed its concern at the increasing number of street children and at the lack of a strategy to address this situation.<sup>65</sup> CRC recommended various concrete measures in this regard.<sup>66</sup>

26. The Working Group on Enforced or Involuntary Disappearances noted in 2006 that the three outstanding cases of disappearances it had transmitted to the Government had been clarified by the Government.<sup>67</sup>

### **3. Administration of justice and the rule of law**

27. The independent expert on foreign debt noted the limits of the formal legal system with regard to the enforcement of human rights norms. For example, he stated that parts of society, in particular in rural areas, did not recognize the formal law promoting the equality of men and women in the area of land ownership, as it was seen to be in contradiction with cultural traditions. Related cases were rarely brought to justice, but were dealt with by traditional chiefs. When cases were brought to justice, court decisions were often not well received by the majority of society, thus putting social pressure on the complainant. The need for continued efforts to redress the situation was emphasized by all his interlocutors, including through the translation of relevant legal provisions into local languages.<sup>68</sup> The independent expert also noted that most interlocutors considered Burkina Faso's legal codes to be progressive in that rights holders can institute proceedings for redress before a court regarding economic, social and cultural human rights. He highlighted, however, that at the time of his visit, there were no cases before local courts in this area which referred to international human rights law.<sup>69</sup>

28. CRC recommended that Burkina Faso take the necessary steps to reform the legislation concerning the system of juvenile justice in line with the Convention, and other United Nations standards in the field of juvenile justice. As part of this reform, CRC particularly recommended that Burkina Faso undertake all necessary measures to ensure the establishment of juvenile courts, the appointment of trained juvenile judges in all regions; to consider deprivation of liberty only as a measure of last resort and for the shortest possible period of time, limit by law the length of pretrial detention; and, make every effort to establish a programme of rehabilitation and reintegration of juveniles following judicial proceedings.<sup>70</sup>

29. CEDAW urged Burkina Faso to improve women's access to remedies, including through awareness-raising efforts and measures to enhance women's legal literacy.<sup>71</sup>

### **4. Right to privacy, marriage and family life**

30. While noting the ratification of certain international instruments on abduction and adoption, CRC was concerned at the very little interest in formal adoption in Burkina Faso, which may lead to the practices of *confiage* and customary adoption and to an increase in intercountry adoptions with no adequate monitoring mechanism.<sup>72</sup>

31. In August 2006, according to a 2008 IMF Report,<sup>73</sup> Burkina Faso put in place a special procedure to deliver birth certificates to those children who did not have one in four *départements* of the country.

## **5. Freedom of expression and right to participate in public and political life**

32. The Special Rapporteur on torture, in a joint communication with the Working Group on arbitrary detention and the Special Rapporteur on freedom of opinion and expression sent in 2005, wrote about the director of a weekly magazine who was allegedly arrested by members of national security at Ouagadougou airport upon returning from another country, where he was monitoring the situation between the parties to a conflict and was allegedly detained without charges.<sup>74</sup>

33. In 2005, CEDAW remained concerned about the low level of representation of women in public and political life and in decision-making positions, including in the foreign service. CEDAW noted with concern the absence of temporary special measures in this regard.<sup>75</sup> A 2008 United Nations Statistics Division source indicated that the proportion of seats held by women in the national parliament increased from 11.7 per cent in 2004 to 15.3 per cent in 2008.<sup>76</sup>

## **6. Right to work and to just and favourable conditions of work**

34. In 2008, an ILO Committee of Experts indicated, with regard to section 353 of the Labour Code, that the powers of the public authorities to requisition workers should be restricted to cases in which the right to strike may be limited or even prohibited. In response, the Government stated that Act No. 45-60/AN of 25 July 1960 is still in force and that its revision is envisaged following revision of section 353 of the Labour Code.<sup>77</sup> In 2008, an ILO Committee of Experts noted that it would be important in the course of the revision of the Labour Code to clarify the principle of equal pay for work of equal value.<sup>78</sup>

35. In 2005, CEDAW congratulated Burkina Faso for, inter alia, the amendment to the Labour Code to prohibit sexual harassment.<sup>79</sup>

## **7. Right to social security and to an adequate standard of living**

36. A 2005 World Bank report noted an estimated 8 per cent decline in the poverty headcount between 1998 and 2003, and that recent progress is in marked contrast to previous decades that have left Burkina Faso one of the poorest countries in Africa.<sup>80</sup>

37. The independent expert on foreign debt noted that while the Government had identified health as a priority area, its commitment to invest 15 per cent of the national budget in health had not yet been achieved.<sup>81</sup>

38. A 2006 UNAIDS/WHO report stated that the HIV epidemic in Burkina Faso continues to decline in urban areas, and that among young pregnant women attending antenatal clinics in urban areas, HIV prevalence fell by half in 2001-2003 to below 2 per cent.<sup>82</sup> A 2008 United Nations Statistics Division source indicated that the proportion of people living with HIV, 15-49 year olds, decreased from 2.10 in 2001 to 1.60 in 2007.<sup>83</sup> While noting the establishment of a National Anti-AIDS Committee and of the National Youth Forum to Fight against HIV/AIDS, and the efforts made in that respect, CRC remained concerned at the number of children orphaned by HIV/AIDS.<sup>84</sup> A 2004 UNICEF report informed that in Burkina Faso 260,000 children had been orphaned as a result of HIV/AIDS by 2003.<sup>85</sup>

39. CEDAW called for improvements in the availability of sexual and reproductive health services, including family planning, also with the aim of preventing clandestine abortions.<sup>86</sup> In 2002, CRC recommended that Burkina Faso undertake a comprehensive study to assess the nature and extent of adolescent health problems, with the full participation of children and adolescents, and use this study as a basis for the formulation of adolescent health policies and programmes, paying



particular attention to adolescent girls; strengthen sexual and reproductive health education, mental health and adolescent-sensitive counselling services and make them accessible to adolescents.<sup>87</sup>

40. CRC was deeply concerned at the high infant and under-five mortality rates and low life expectancy in Burkina Faso, and that the survival and development of children in Burkina Faso continued to be threatened by early childhood diseases, infectious diseases, diarrhoea and malnutrition,<sup>88</sup> and made recommendations in this regard.<sup>89</sup> For its part, CEDAW was also concerned about high rates of infant and maternal mortality.<sup>90</sup> A 2007 World Food Programme report referred to the latest Demographic and Health Survey which showed that 90 per cent of children under 5 are affected by anaemia. It also noted that acute undernutrition has increased from 13.0 per cent to an alarming 18.6 per cent, well above the WHO emergency threshold.<sup>91</sup> FAO informed that Burkina Faso in 2007, with other West African countries, adopted recommendations to integrate the right to food in national strategies against malnutrition and food insecurity, taking into consideration the FAO Right to Food Guidelines.<sup>92</sup>

41. A 2007 UN-HABITAT report noted that in 2001 76.5 per cent of the urban population in Burkina Faso was living in slums.<sup>93</sup> Burkina Faso has shown growing political support for slum upgrading and prevention and is working to adopt frameworks for the progressive realization of land and housing rights.<sup>94</sup>

42. CRC was concerned at the poor state of sanitation and at the insufficient access to safe drinking water, especially in rural areas.<sup>95</sup> A 2006 UNDP report noted that in Ouagadougou, fewer than 30 per cent of households are connected and have access to clean water by the utility that maintains the network.<sup>96</sup>

43. The independent expert on foreign debt gained the overall impression that Heavily-Indebted Poor Country (HIPC) resources had been used in areas relevant for economic, social and cultural rights.<sup>97</sup> Since 2003, the scope of priority sectors for HIPC fund expenditure had been extended from health and education to include the promotion of women's rights, employment, social action, justice, mines, quarries and energy, as well as economy and development.<sup>98</sup> For example, the construction of *maisons des femmes*, autonomous places where women can meet without permission of their husbands, was among the main priorities identified by the beneficiaries themselves.<sup>99</sup>

## **8. Right to education and to participate in the cultural life of the community**

44. The independent expert on foreign debt stated that efforts undertaken had led to an impressive increase in net enrolment rates for basic education<sup>100</sup> but that it had not been sustainable in all cases. Noting high dropout rates during the first month of the school year, he stated that it could mainly be attributed to poverty.<sup>101</sup> Also noted as problems were the quality of basic education.<sup>102</sup> A 2007 UNESCO report noted rapid progress towards universal enrolment and gender parity at the primary level in Burkina Faso;<sup>103</sup> the independent expert however noted that gender equality in basic education had not yet been fully achieved, mostly due to cultural traditions and mentality.<sup>104</sup> The Government's objective was to reach parity, within the framework of obligatory, free and universal basic education, by 2015.<sup>105</sup>

45. A 2007 United Nations Development Group (UNDG) report noted the Government's decision in 2007 to provide free basic education until 16 years of age, and the significant performances recorded in primary education including for the girl child.<sup>106</sup> According to a 2006 World Bank report, Burkina Faso allows for more liberal re-entry policies and allow pregnant girls to remain in school during pregnancy and that this is an improvement from the 1990s.<sup>107</sup>

## **9. Migrants, refugees and asylum-seekers**

46. The Special Rapporteur on the human rights of migrants noted that the unrest in a neighbouring country had taken on enormous proportions, causing, for Burkina Faso, a humanitarian and economic crisis and serious impact on the human rights situation of returnees from that country and for the communities to which they had returned.<sup>108</sup> She stated that the returnees were deprived of some of their fundamental rights, such as entitlements with respect to employment, social security, health, housing, food and education. Most returnees were faced with conditions of extreme insecurity, which encouraged men especially to return to the neighbouring country, despite insecure conditions. Women who were left alone with their children were most affected.<sup>109</sup>

47. The Special Rapporteur on the human rights of migrants welcomed the decision to pursue a policy of encouraging socio-economic reintegration in the communities of origin, but that a considerable effort still had to be made to ensure the effectiveness of these measures.<sup>110</sup> She stated that the consular protection afforded to Burkina Faso nationals in the neighbouring country was inadequate.<sup>111</sup>

48. She noted that Burkina Faso was also tending to become a country of origin and transit to western countries. This issue required a framework of regional consultations and bilateral agreements with key countries to ensure that irregular migrants were repatriated in dignified and humane conditions.<sup>112</sup> She added that a migration policy needed to be established, in order to manage irregular migration flows (including those transiting by Burkina Faso), and to optimize the benefits which international migration could bring to the country's development.<sup>113</sup>

### **III. ACHIEVEMENTS, BEST PRACTICES, CHALLENGES AND CONSTRAINTS**

49. CEDAW commended Burkina Faso for its campaign against female genital mutilation, which has resulted in a significant decrease in this practice.<sup>114</sup> CEDAW congratulated Burkina Faso for policy measures promoting the role of women in development and in the agricultural sector.<sup>115</sup>

50. A 2005 UNDP report noted that in Burkina Faso more than 40 per cent of budget spending is financed through development assistance.<sup>116</sup> CRC acknowledged that the external debt and the limited availability of skilled human resources have had a negative impact on the social welfare and on the situation of children and have impeded the full implementation of the Convention.<sup>117</sup>

### **IV. KEY NATIONAL PRIORITIES, INITIATIVES AND COMMITMENTS**

#### **A. Pledges by the State**

51. In 2008, Burkina Faso pledged the following, among others: continued efforts to stop trafficking in children and child labour; an ongoing commitment to the campaign to prevent the involvement of children in armed conflict; intensified efforts at the national level to combat the practice of female genital mutilation; measures to strengthen its policy for protecting the rights of specific groups; continued efforts to carry out widespread educational initiatives on human rights and fundamental freedoms; and increased efforts to ensure that perpetrators of human rights violations do not go unpunished.<sup>118</sup>

#### **B. Specific recommendations for follow-up**

52. In addition to those already mentioned, the Special Rapporteur on the human rights of migrants made several recommendations regarding, inter alia, addressing the situation of repatriated

women and children; giving particular support to projects promoting income-generating activities for women returnees; considering the possibility of establishing a returnee assistance fund;<sup>119</sup> the introduction of transparent procedures and training for security personnel to cover the human rights of migrants.<sup>120</sup>

## V. CAPACITY-BUILDING AND TECHNICAL ASSISTANCE

53. CRC encouraged Burkina Faso to seek technical and other assistance from UNICEF, the World Bank and international non-governmental organizations,<sup>121</sup> and to pursue additional avenues of cooperation and assistance for the improvement of child health with, among others, WHO.<sup>122</sup>

54. The United Nations Development Assistance Framework (UNDAF) 2006-2010 listed the following seven effects, within five priority areas, to be achieved by 2010: (i) enlarged employment opportunities and income-generating activities in particular for youth and women; (ii) improved access to qualitative medical care in particular for women and children; (iii) improved access to basic education for children and youth; (iv) reinforcement of the four components of good governance in respect of human rights; (v) a reinforced culture of peace; (vi) improved food security for vulnerable groups and the management of natural resources; and (vii) a reinforced and intensified national response to HIV/AIDS.<sup>123</sup>

55. The United Nations Office on Drugs and Crime (UNODC) informed of its assistance in the areas of money laundering, anti-terrorism and trafficking in persons, including train-the-trainers workshops, especially with regard to the international and national legal frameworks against trafficking in persons, on prevention, and investigation techniques, as well as prosecution of traffickers, protection of victims and international cooperation, and in capacity-building of the anti-corruption commission.<sup>124</sup>

### Notes

<sup>1</sup> Unless indicated otherwise, the status of ratifications of instruments listed in the table may be found in *Multilateral Treaties Deposited with the Secretary-General: Status as at 31 December 2006* (ST/LEG/SER.E.25), supplemented by the official website of the United Nations Treaty Collection database, Office of Legal Affairs of the United Nations Secretariat, <http://untreaty.un.org/>.

<sup>2</sup> The following abbreviations have been used in this document:

ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICCPR	International Covenant on Civil and Political Rights
ICCPR-OP 1	Optional Protocol to ICCPR
ICCPR-OP 2	Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
OP-CEDAW	Optional Protocol to CEDAW
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
OP-CAT	Optional Protocol to CAT
CRC	Convention on the Rights of the Child
OP-CRC-AC	Optional Protocol to CRC on the involvement of children in armed conflict
OP-CRC-SC	Optional Protocol to CRC on the sale of children, child prostitution and child pornography
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
CPD	Convention on the Rights of Persons with Disabilities
OP-CPD	Optional Protocol to the Convention on the Rights of Persons with Disabilities
CED	International Convention for the Protection of All Persons from Enforced Disappearance

<sup>3</sup> Declaration on minimum age for voluntary recruitment (18 years old).

<sup>4</sup> Information relating to other relevant international human rights instruments, including regional instruments, may be found in the pledges and commitments undertaken by Burkina Faso before the Human Rights Council, as contained in the note verbale dated 9 May 2008 sent by the Permanent Mission of Burkina Faso to the United Nations addressed to the President of the General Assembly (A/62/837).

<sup>5</sup> Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

<sup>6</sup> 1951 Convention relating to the Status of Refugees and its 1967 Protocol, 1954 Convention relating to the status of Stateless Persons and 1961 Convention on the Reduction of Statelessness.

<sup>7</sup> Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (First Convention); Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea (Second Convention); Convention relative to the Treatment of Prisoners of War (Third Convention); Convention relative to the Protection of Civilian Persons in Time of War (Fourth Convention); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II); Protocol additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem (Protocol III). For the official status of ratifications, see Federal Department of Foreign Affairs of Switzerland, at [www.eda.admin.ch/eda/fr/home/topics/intla/intrea/chdep/warvic.html](http://www.eda.admin.ch/eda/fr/home/topics/intla/intrea/chdep/warvic.html).

<sup>8</sup> International Labour Organization Convention No. 29 concerning Forced or Compulsory Labour; Convention No. 105 concerning the Abolition of Forced Labour, Convention No. 87 concerning Freedom of Association and Protection of the Right to Organize; Convention No. 98 concerning the Application of the Principles of the Right to Organize and to Bargain Collectively; Convention No. 100 concerning Equal Remuneration for Men and Women Workers for Work of Equal Value; Convention No. 111 concerning Discrimination in Respect of Employment and Occupation; Convention No. 138 concerning Minimum Age for Admission to Employment; Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.

<sup>9</sup> Burkina Faso's voluntary pledges submitted in support of its candidacy to the membership of the Human Rights Council, New York, 1 May 2008, (A/62/837, p. 3). Document available at [http://www.un.org/ga/search/view\\_doc.asp?symbol=A/62/837&Lang=E](http://www.un.org/ga/search/view_doc.asp?symbol=A/62/837&Lang=E).

<sup>10</sup> CRC, concluding observations (CRC/C/15/Add.193, para. 8).

<sup>11</sup> Ibid., para. 13. See also A/HRC/7/9/Add.1, para. 12.

<sup>12</sup> CRC/C/15/Add.193, para. 14.

<sup>13</sup> For the list of national human rights institutions with accreditation status granted by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC), see A/HRC/7/69, annex VIII, and A/HRC/7/70, annex I.

<sup>14</sup> See also A/HRC/7/9/Add.1, para. 13.

<sup>15</sup> CRC/C/15/Add.193, para. 3 (b).

<sup>16</sup> Ibid., para. 3 (e).

<sup>17</sup> Ibid., para. 9.

<sup>18</sup> CEDAW, concluding comments (CEDAW/C/BFA/CO/4-5, para. 18).

<sup>19</sup> UNESCO, Education For All. Global Monitoring Report 2006, Paris, 2005, p. 32.

<sup>20</sup> CRC/C/15/Add.193, para. 9.

<sup>21</sup> Ibid., para. 10.

<sup>22</sup> Ibid., para. 20 (c).

<sup>23</sup> IMF, Burkina Faso Country Report No. 08/212, July 2008, Washington, p. 56. Report available at [www.imf.org/external/pubs/ft/scr/2008/cr08212.pdf](http://www.imf.org/external/pubs/ft/scr/2008/cr08212.pdf).

<sup>24</sup> The following abbreviations have been used in this document:

CERD	Committee on the Elimination of Racial Discrimination
CEDAW	Committee on the Elimination of Discrimination against Women
CRC	Committee on the Rights of the Child

<sup>25</sup> CEDAW/C/BFA/CO/4-5, para. 21.

<sup>26</sup> A/HRC/7/9/Add.1, para. 17.

<sup>27</sup> Report of the Special Rapporteur on the human rights of migrants (E/CN.4/2006/73/Add.2).

<sup>28</sup> A/HRC/7/9/Add.1.

<sup>29</sup> E/CN.4/2006/73/Add.2, para. 2.

<sup>30</sup> A/HRC/7/9/Add.1, para. 7.

<sup>31</sup> The questionnaires included in this section are those which have been reflected in an official report by a special procedure mandate-holder.

<sup>32</sup> See (i) report of the Special Rapporteur on the right to education (A/HRC/4/29): questionnaire on the right to education of persons with disabilities sent in 2006; (ii) report of the Special Rapporteur on the human rights of migrants (A/HRC/4/24): questionnaire on the impact of certain laws and administrative measures on migrants sent in 2006; (iii) report of the Special Rapporteur on trafficking in persons, especially women and children (A/HRC/4/23): questionnaire on issues related to forced marriages and trafficking in persons sent in 2006; (iv) report of the Special Representative of the Secretary-General on human rights defenders (E/CN.4/2006/95 and Add.5): questionnaire on the implementation of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms sent in June 2005; (v) report of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people (A/HRC/6/15): questionnaire on the human rights of indigenous people sent in August 2007; (vi) report of the Special Rapporteur on trafficking in persons, especially in women and children (E/CN.4/2006/62) and the Special Rapporteur on the sale of children, child prostitution and child pornography (E/CN.4/2006/67): joint questionnaire on the relationship between trafficking and the demand for commercial sexual exploitation sent in July 2005; (vii) report of the Special Rapporteur on the right to education (E/CN.4/2006/45): questionnaire on the right to education for girls sent in 2005; (viii) report of the Working Group on mercenaries (A/61/341): questionnaire concerning its mandate and activities sent in November 2005; (ix) report of the Special Rapporteur on the sale of children, child prostitution and child pornography (A/HRC/4/31): questionnaire on the sale of children's organs sent on July 2006; (x) report of the Special Rapporteur on the sale of children, child prostitution and child pornography (E/CN.4/2005/78): questionnaire on child pornography on the Internet sent in July 2004; (xi) report of the Special Rapporteur on the sale of children, child prostitution and child pornography (A/HRC/7/8): questionnaire on assistance and rehabilitation programmes for child victims of trafficking and sexual commercial exploitation sent in July 2007; (xii) report of the Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises (A/HRC/4/35/Add.3): questionnaire on human rights policies and management practices.

<sup>33</sup> High Commissioner's Strategic Management Plan 2008-2009, pp. 50-51.

<sup>34</sup> OHCHR 2007 Report - Activities and Results, p. 25. See also the 2008 report of the Secretary-General (A/HRC/7/58, para. 16).

<sup>35</sup> CEDAW/C/BFA/CO/4-5, para. 27.

<sup>36</sup> Ibid. para. 34.

<sup>37</sup> CRC/C/15/Add.193, para. 23.

<sup>38</sup> Ibid.

<sup>39</sup> Ibid., para. 24.

<sup>40</sup> Ibid., para 47.

<sup>41</sup> Ibid., para. 25.

<sup>42</sup> Ibid., para. 26.

<sup>43</sup> ILO Committee of Experts on the Application of Conventions and Recommendations, 2008, Geneva (062006BFA111).

- <sup>44</sup> CRC/C/15/Add.193, para. 30.
- <sup>45</sup> Ibid., para. 31.
- <sup>46</sup> Ibid., para. 61.
- <sup>47</sup> Ibid., para. 36.
- <sup>48</sup> Ibid., para. 37.
- <sup>49</sup> CEDAW/C/BFA/CO/4-5, para. 23.
- <sup>50</sup> Ibid., para. 27.
- <sup>51</sup> UNICEF, *The State of the World's Children 2006*, New York, 2005, p. 65.
- <sup>52</sup> Ibid.
- <sup>53</sup> Ibid., para. 21.
- <sup>54</sup> Ibid., para. 22.
- <sup>55</sup> Ibid., para. 54.
- <sup>56</sup> E/CN.4/2006/73/Add.2, para. 91.
- <sup>57</sup> CRC/C/15/Add.193, para. 59.
- <sup>58</sup> ILO Committee of Experts on the Application of Conventions and Recommendations, 2008, Geneva (062008BFA182).
- <sup>59</sup> CEDAW/C/BFA/CO/4-5, para. 29.
- <sup>60</sup> Ibid., para. 30.
- <sup>61</sup> CRC/C/15/Add.193, para. 52.
- <sup>62</sup> Ibid., para. 21.
- <sup>63</sup> Ibid., para. 53.
- <sup>64</sup> Ibid., para. 22 (a).
- <sup>65</sup> Ibid., para. 56.
- <sup>66</sup> Ibid., para. 57.
- <sup>67</sup> Report of the Working Group (E/CN.4/2006/56, para. 115).
- <sup>68</sup> A/HRC/7/9/Add.1, para. 11.
- <sup>69</sup> Ibid., para. 10.
- <sup>70</sup> CRC/C/15/Add.193, para. 61.
- <sup>71</sup> CEDAW/C/BFA/CO/4-5, para. 28.
- <sup>72</sup> CRC/C/15/Add.193, para. 34.
- <sup>73</sup> IMF, *Burkina Faso Country Report No. 08/212*, July 2008, Washington, p. 57. For the website, see note 23.
- <sup>74</sup> Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment (E/CN.4/2005/62/Add.1, para. 164).
- <sup>75</sup> CEDAW/C/BFA/CO/4-5, para. 37.
- <sup>76</sup> United Nations Statistics Division, *Coordinated data and analyses by country*. Data available at <http://mdgs.un.org/unsd/mdg>.
- <sup>77</sup> ILO Committee of Experts on the Application of Conventions and Recommendations, 2008, Geneva (062008BFA087).
- <sup>78</sup> Ibid., 062008BFA100.
- <sup>79</sup> CEDAW/C/BFA/CO/4-5, para. 16.

- <sup>80</sup> The World Bank, Country Assistance Strategy for Burkina Faso, Washington, 2005, p. iii. Report available at [www-wds.worldbank.org/servlet/WDSContentServer/WDSP/IB/2005/06/03/000090341\\_20050603143937/Rendered/PDF/32187a.pdf](http://www-wds.worldbank.org/servlet/WDSContentServer/WDSP/IB/2005/06/03/000090341_20050603143937/Rendered/PDF/32187a.pdf).
- <sup>81</sup> A/HRC/7/9/Add.1, para. 25.
- <sup>82</sup> UNAIDS/WHO, 07 AIDS Epidemic Update, Geneva, 2007, p. 19.
- <sup>83</sup> United Nations Statistics Division, Coordinated data and analyses by country. Data available at <http://mdgs.un.org/unsd/mdg/Data.aspx>.
- <sup>84</sup> CRC/C/15/Add.193, para. 42.
- <sup>85</sup> UNICEF, The State of the World's Children 2005, New York, 2004, p. 84.
- <sup>86</sup> CEDAW/C/BFA/CO/4-5, para. 36.
- <sup>87</sup> CRC/C/15/Add.193, para. 41.
- <sup>88</sup> Ibid., para. 38.
- <sup>89</sup> Ibid., para. 39.
- <sup>90</sup> CEDAW/C/BFA/CO/4-5, para. 35.
- <sup>91</sup> WFP, Protracted Relief and Recovery Operations approved by the Executive Director (1 July-31 December 2006), Burkina Faso, 10541.0 (WFP/EB.A/2007/10-B/3, p. 3). Report available at <http://www.wfp.org/eb/docs/2007/wfp124323~1.pdf>.
- <sup>92</sup> FAO submission, p. 2.
- <sup>93</sup> UN-HABITAT, Global Report on Human Settlements 2007, p. 352.
- <sup>94</sup> UN-HABITAT, Annual Report 2006, Nairobi, 2007, p. 15.
- <sup>95</sup> CRC/C/15/Add.193, para. 38.
- <sup>96</sup> UNDP, Human Development Report 2006, New York, 2006, p. 9.
- <sup>97</sup> A/HRC/7/9/Add.1, para. 41.
- <sup>98</sup> Ibid., para. 37.
- <sup>99</sup> Ibid., para. 40.
- <sup>100</sup> Ibid., para. 20.
- <sup>101</sup> Ibid., para. 21.
- <sup>102</sup> Ibid., para. 22.
- <sup>103</sup> UNESCO, Education For All. Global Monitoring Report 2008, Paris, 2007, p. 4.
- <sup>104</sup> A/HRC/7/9/Add.1, para. 23.
- <sup>105</sup> Ibid.
- <sup>106</sup> UNDG, 2007 Resident Coordinator Annual Report; Burkina Faso, p. 2. Report available at [http://www.undg.org/RCAR/07/finalized/pdfs/RCAR\\_2007\\_BKF\\_NAR.pdf](http://www.undg.org/RCAR/07/finalized/pdfs/RCAR_2007_BKF_NAR.pdf).
- <sup>107</sup> World Bank, World Development Report 2007, Washington D.C., 2006, pp. 156-157.
- <sup>108</sup> E/CN.4/2006/73/Add.2, para. 85.
- <sup>109</sup> Ibid., para. 86.
- <sup>110</sup> Ibid., para. 87.
- <sup>111</sup> Ibid., para. 88.
- <sup>112</sup> Ibid., para. 89.
- <sup>113</sup> Ibid., para. 90.

<sup>114</sup> CEDAW/C/BFA/CO/4-5, para. 19.

<sup>115</sup> *Ibid.*, para. 16.

<sup>116</sup> UNDP, Human Development Report 2005, New York, 2005, p. 98.

<sup>117</sup> CRC/C/15/Add.193, para. 4.

<sup>118</sup> Burkina Faso's voluntary pledges submitted in support of its candidacy to the membership of the Human Rights Council, New York, 1 May 2008 (A/62/837, pp. 3-4). For the website, see note 9.

<sup>119</sup> E/CN.4/2006/73/Add.2, para. 92.

<sup>120</sup> *Ibid.*, para. 93.

<sup>121</sup> CRC/C/15/Add.193, para. 10.

<sup>122</sup> *Ibid.*, para. 39 (d).

<sup>123</sup> UNDAF, Burkina Faso 2006-2010, p. 8, available at <http://www.undg.org/docs/7720/UNDAF%20document%20finalisé.doc>.

<sup>124</sup> UNODC submission, pp. 2-3. See also UNODC, Annual Report 2008, Vienna, 2008, p. 48.

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