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BURKINA FASO

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I. LAND AND PEOPLE

A. Land

1. Burkina Faso is a land-locked country of 274,000 km<sup>2</sup> in the heart of western Africa. It is bounded on the north and west by Mali, on the east by the Niger, on the south-east by Benin and on the south by Benin, Togo, Ghana and Côte d'Ivoire.
2. Its terrain is uniform and flat, comprising a central plateau over three-quarters of the territory and two lateral plateaux rising above it. Its highest point is the Tena-Kourou (747 metres) in the west of the country.
3. Burkina Faso has a relatively substantial hydrological network, which comprises several rivers:
  - (a) The Mouhoun, the Nazinon and the Nakambé flow from the north to the south of the country and join in Ghana, before flowing into the Gulf of Guinea;
  - (b) The Comoé has its source in the Banfora region and crosses Côte d'Ivoire before flowing into the Atlantic Ocean.
4. Burkina Faso's Sudano-Sahelian tropical climate has two alternating and unequal seasons: a long dry season and a short rainy season.
5. Burkina Faso is divided into 30 provinces, 300 departments and 7,200 villages.

B. People

6. The population according to the 1985 census stood at 7,964,705. It was estimated at 9,539,990 in 1992. Women make up 52 per cent of the population. The annual growth rate is 2.68 per cent.

7. It is characterized by:

Its youth (50 per cent of the population are under 15 years of age);

Its essentially rural nature (85 per cent live in rural areas);

Uneven distribution throughout the territory and substantial internal and external migration flows (internal towards the south and south-west, external primarily towards Côte d'Ivoire and Ghana);

The infant mortality rate is 134 per thousand; 1/

The maternal mortality rate is 6.5 per thousand;

The juvenile mortality rate is 98 per thousand;

The fertility rate is 223 births per thousand women of child-bearing age;

Life expectancy at birth is 48 to 50 years.

In 1985, there were 1,265,246 households (INSD), 90.82 per cent of which were headed by men and 9.18 per cent by women.

(a) Ethnic groups

8. There are about 60 ethnic groups and national languages throughout the country. Besides the Mossi ethnic group, the largest (48 per cent of the population), there are Peuhls in the Sahelian strip in the northern part of the country, Grunshis, Lobi-Dagara, Bissa, etc. in the south, Bobo-Mande, Senufo, etc. in the west and Gourmanché, etc. in the east.

(b) Languages

9. French is the official language. Among the 60 or so national languages, the most widely spoken are Moré, Dyula and Fulfuldé.

(c) Religion

10. The inhabitants of Burkina Faso practise three religions: animism, Islam and Christianity, but in fact many Muslims and Christians sometimes refer back to their animist rituals.

(d) Economic indicators

11. With a national per capita income of US\$ 300 in 1990, 2/ Burkina Faso is among the least developed countries. During the 1980s, the gross domestic product (in real terms) rose slightly faster than the population (1979-1985:

2 per cent; 1985-1990: 3.5 per cent), but at the cost of appreciable financial imbalances and a deterioration in land assets.

(e) Jobs and incomes 3/

12. The agricultural sector is the main provider of jobs and incomes. Because of low agricultural productivity, however, household income is low and savings minimal.

(i) Employment:

The employment situation shows that most people working in rural areas experience long periods of unemployment, approximately 30 to 40 per cent of each year, because of the very short rainy season and the long dry season.

(ii) Incomes:

Household incomes, which represent a significant share of GDP, are derived from the following sources:

Wages from the modern sector;

Net surpluses from farms and businesses in the informal sector;

Remittances from emigrants.

Generally speaking, household incomes are not high; each inhabitant has an average disposable income of the equivalent of 9,000 CFA francs per month;

(f) Public finance

13. Public finance as an instrument of State economic policy occupies an important place in the national economy. The soundness of public finance therefore has an influence on economic development. Budgetary expenditure, which represents 21.1 per cent of GDP, is made up essentially of current expenditure (53.7 per cent) and capital expenditure (46.3 per cent). Wages and salaries represent 32.9 per cent of total budgetary expenditure or 61.2 per cent of current expenditure.

14. Because of the difficult situation of public finance, the State is not able to commit its own resources to finance development projects. It therefore makes use of external loans from foreign development partners. Burkina Faso receives four types of loans: multilateral, bilateral, bank loans and supplier credits.

15. Burkina Faso's outstanding external debt stood at 196.5 billion 4/ CFA francs in 1990. It is basically composed of 63.5 per cent of multilateral loans, 35.8 per cent of bilateral loans, and 0.7 per cent of bank loans and supplier credits. At the end of 1990, total multilateral loans stood at 124.78 billion CFA francs as against 119.76 billion in 1985, for a growth rate of 4.2 per cent in six years.

16. External assistance in its numerous forms has been in the region of US\$ 300 million a year in recent years, approximately 60 per cent of which has been capital investment and 40 per cent technical cooperation.

## II. GENERAL POLITICAL STRUCTURE

### Historical outline

17. Towards the end of the nineteenth century, Portugal, Great Britain, Germany and France became interested in what is currently Burkina Faso (formerly Upper Volta).

In 1896/97, France began its conquest of the country.

In 1904, the conquered territories of the Volta were attached to the colony of Upper Senegal-Niger.

In 1919, the territory of Upper Volta was constituted.

In 1932, Upper Volta was abolished and partitioned between French Sudan (modern-day Mali), the Niger and Côte d'Ivoire.

In 1947, Upper Volta was reconstituted within its territorial limits.

On 11 December 1958, the Republic of Upper Volta was proclaimed.

On 5 August 1960, Upper Volta acceded to independence.

The First Republic lasted from 1960 to 1966. On 3 January 1966, following a crisis in social conditions, the people came out into the streets to call on the army to take over the conduct of State affairs.

That date, 3 January 1966, marked the beginning of a period of instability.

On 18 June 1970, a new Constitution was adopted, thus initiating the Second Republic.

On 8 February 1974, the army seized power.

On 27 November 1977, the Third Republic was ushered in with the adoption of a new Constitution.

On 25 November 1980, the army again seized power. The Military Committee for Recovery and National Progress (CMRPN) took control of the Government.

On 7 November 1982, young military officers seized power in a putsch and formed the People's Salvation Council.

On 4 August 1983, following another putsch, the National Revolutionary Council conducted an experiment in revolution, with Committees for the Defence of the Revolution.

On 4 August 1984, the name of the country was changed, together with its flag and national anthem.

On 15 November 1987, another putsch ushered in a process of rectification (the Popular Front).

On 2 June 1991, a new Constitution was adopted and the Fourth Republic came into being. The country developed republican institutions. The Constitution of 2 June 1991 lays down a republican structure for State authority in both form and content, with clear separation between the legislative, executive and judicial powers.

### III. GENERAL LEGAL FRAMEWORK WITHIN WHICH HUMAN RIGHTS ARE PROTECTED IN BURKINA FASO

#### A. The Constitution

18. In Burkina Faso, the Constitution makes the judiciary responsible for guaranteeing fundamental human rights and citizens' rights. The judge is, inter alia, the guardian of individual and collective rights in that he is the citizens' last defence against arbitrary acts and injustice.

#### B. Remedies

19. Any person who claims that his rights have been violated can seize the competent court.

20. The judge of general jurisdiction acts as the court of first instance, competent in civil, commercial and criminal matters. At the same level, the Labour Tribunal has been given competence to hear individual disputes between employers and employees.

21. In administrative matters, a specialized division of the Supreme Court is the sole competent body, at both first and last instance.

22. The Court of Appeal hears civil, commercial, criminal and social cases referred to it by litigants who were not satisfied at first instance. It is also competent at the second degree of arbitration in collective disputes. In its special form, the Assize Court, it is competent to try criminal cases at first and last instance.

23. At the top of the pyramid is the Supreme Court, which monitors and harmonizes enforcement of the law in all areas. In addition to administrative disputes, which it settles at first and last instance, it is the sole court competent in electoral and constitutional matters.

24. In all matters when it is materially impossible to restore a right, redress is made through the award of damages.

#### C. Rights referred to in the international human rights instruments

25. The rights referred to in the international human rights instruments are also set out in the preamble to the Constitution as an integral part of the

Constitution. Provision is made for derogations, which can be governed only by organizational laws and may only be exceptional in nature. Examples are the judicial police laws and the laws on expropriations for reasons of public interest.

D. Human rights instruments and national legislation

26. The national legislation is largely based on the human rights instruments, even though explicit reference is not made to them.

E. Human rights instruments and the national judicial bodies and/or administrative authorities

27. The provisions of the human rights instruments may be invoked before the courts or administrative authorities. Although they are not reiterated in domestic legislation, they may nevertheless serve as a basis for the Court's decision through the adoption of the grounds underlying them.

F. National machinery

28. The following national bodies are responsible for overseeing the observance of human rights:

(a) The Burkina Faso Human and Peoples' Rights Movement (MBDHP), founded on 19 February 1989; its objectives are the protection, promotion and defence of human and peoples' rights;

(b) The Burkina Faso Association for the Promotion of the Rule of Law and the Defence of Freedoms (APED Libertés), established on 18 May 1991, works alongside the MBDHP in the same field;

(c) The Study and Research Group on Democracy and Economic and Social Development in Burkina Faso (GERDES-Burkina), founded on 14 May 1992, aims to:

Promote democratic ideals and principles in Burkina Faso through research, studies and analysis;

Defend individuals' rights by fostering their full development;

Cooperate with national and international organizations pursuing the same goal.

IV. INFORMATION AND PUBLICITY

29. In Burkina Faso, the family remains the essential structure for preparing the child to live in society. It is the family that instils the basic rules for living in children and prepares them for their future responsibilities. Nowadays schools provide children with a considerable amount of information on their environment and the world in which they live. With the emergence of the mass media (television, press, cinema, video, etc.), some children have increasing access to information. Regrettably, however, this form of information is not systematically aimed at teaching children their rights and duties.

30. Several associations for the defence of children's rights and the development of children have emerged and are currently working to fill these gaps. There is a growing convergence of goals between them and the various radio stations, which now willingly organize talks with children on their rights and duties.

Note

1/ Data from National Institute of Statistics and Demography (INSD), 1985.

2/ National Plan of Action (PAN) for the Survival, Protection and Development of the Child, November 1992.

3/ PAN, Enfance, November 1992.

4/ PAN, Enfance, November 1992 (source: Central Bank of West African States).

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