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**NATIONAL REPORT SUBMITTED IN ACCORDANCE WITH PARAGRAPH 15 (A)  
OF THE ANNEX TO HUMAN RIGHTS COUNCIL RESOLUTION 5/1\***

**Burkina Faso**

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\* The present document was not edited before being sent to the United Nations translation services.

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## **Introduction**

### **A. Context**

1. The present national report has been prepared in accordance with the provisions of paragraph 5 (e) of resolution 60/251, adopted by the United Nations General Assembly on 15 March 2006, concerning the establishment of the Human Rights Council, and in accordance with the general guidelines set out in resolution 5/1 adopted by the Human Rights Council on 18 June 2007. The procedure followed in preparing Burkina Faso's report for the universal periodic review consisted of the following stages:

(a) A coordination and working meeting was held with representatives of the government departments concerned and with representatives of Burkina Faso institutions such as the Independent National Electoral Commission, the National Human Rights Commission, the Higher Council for Communication and the Commission on Information Technology and Freedoms;

(b) A second meeting brought together civil society organizations working in the area of human rights. The organizations spontaneously split up into three groups based on fields of activity in order to produce their contribution;

(c) A small-scale technical team was set up in the Ministry for the Promotion of Human Rights to draft the national report;

(d) Concurrently, information and awareness-raising activities were undertaken to familiarize the general public with the universal periodic review mechanism and to invite contributions. For instance, publicity clips were broadcast on national radio and television, articles were published in a variety of newspapers and journals, and television programmes were broadcast on the national television channel;

(e) The report was consolidated at an endorsement workshop run by the Ministry for the Promotion of Human Rights, in which representatives of the ministries and institutions concerned, civil society, parliament and the judiciary actively participated;

(f) Following its endorsement, the draft report was submitted to the Inter-Ministerial Committee on Human Rights and International Humanitarian Law before being finally adopted by the Council of Ministers.

### **B. Introduction to the country**

2. Burkina Faso is a Sahelian country situated in the heart of West Africa. It has an area of 274,122 km<sup>2</sup>. It is bordered to the south-west by Côte d'Ivoire, to the south by Ghana and Togo, to the south-east by Benin, to the east and north-east by the Niger, and to the west and north by Mali.

3. The population of Burkina Faso is estimated at 13,730,258 inhabitants, of whom 51.7 per cent are women, according to preliminary results from the 2006 general population and housing census. The population is extremely young and mostly rural. The annual population growth rate is 2.4 per cent. Burkina Faso's economy is based primarily on agriculture and stockbreeding, which account for 32 per cent of GDP and employ about 80 per cent of the economically active population.

4. Since gaining independence on 5 August 1960, Burkina Faso has experienced a succession of constitutional and emergency regimes. The last Constitution, adopted by referendum on 2 June 1991 and promulgated on 11 June 1991, established the Fourth Republic and laid the basis for a democratic, unitary and secular State.

## **I. NORMATIVE AND INSTITUTIONAL HUMAN RIGHTS FRAMEWORK**

### **A. Normative framework**

#### **1. National level**

5. The Constitution proclaims in its preamble that the people of Burkina Faso are determined “to build a State based on the rule of law that guarantees the exercise of collective and individual rights”. It also sets forth basic human rights and duties in Title 1 (arts. 1 to 30). These are, among others, the right to life, liberty, security and integrity of the human person; equal rights and duties for all, in particular equality before the law and in terms of public office and justice; the prohibition of all forms of discrimination based on social origin, colour, language, race, sex, religion and political opinion; the prohibition of torture, abuse or inhuman, cruel, degrading or humiliating treatment; the right to freedom of thought, conscience, religion, worship, opinion, expression and creation; the right to education, tuition, training, work, housing, leisure, health, social protection and a healthy environment.

6. The country’s laws and regulations establish the conditions in which these constitutional rights and fundamental freedoms can be enjoyed and implemented. The principal legal instruments are the Code of the Individual and the Family, the Criminal Code, the Code of Criminal Procedure, the Civil Code, the Code of Civil Procedure, the Labour Code, the Social Security Code, the Information Code, the Electoral Code, the Investment Code, the Environment Code, the Charter of Political Parties Act, the Freedom of Association Act, the Freedom of Assembly and Public Demonstration Act, the Education Policy Act and the Act concerning the Fight against HIV/AIDS. The purpose of all these legal instruments is to ensure that citizens enjoy civil and political rights, economic, social and cultural rights, and sectoral rights.

#### **2. International level**

7. Article 151 of the Constitution stipulates that “duly ratified or approved treaties and agreements shall have primacy, once promulgated, over laws, provided that the agreement or treaty concerned is implemented by the other party”.

8. Burkina Faso has ratified or acceded to most human rights instruments.

#### **3. Regional and subregional level**

9. At the regional and subregional level, treaties enshrining human rights or establishing special machinery for the protection of such rights have been ratified by Burkina Faso in the framework of the African Union, the Economic Community of West African States and the West African Economic and Monetary Union. They consist essentially of the African Charter on Human and Peoples’ Rights, the African Charter on the Rights and Welfare of the African Child, the Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa, the Organization of African Unity Convention Governing the Specific Aspects of Refugee Problems in Africa, the Protocol to the African Charter on Human and Peoples’ Rights on the Establishment of an African Court on Human and Peoples’ Rights, and treaties of the Economic Community of West African States and of the West African Economic and Monetary Union.

10. Burkina Faso has submitted itself to the African Peer Review Mechanism established in the context of the New Partnership for Africa's Development in order to promote cooperation among African States in guaranteeing the promotion and protection of human rights through an assessment of States' compliance with the obligations they have incurred.

11. Mention should be made of Burkina Faso's Francophonie-related human rights undertakings, in particular the Bamako Declaration and the Declaration of the Tenth Summit of Heads of State and Government held in Ouagadougou in November 2004.

## **B. Institutional framework**

### **1. The three powers of government**

#### **(a) The executive**

12. Pursuant to the Constitution (parts III and IV), executive authority is exercised by the President of Burkina Faso and the Government. The President is entrusted under article 36 of the Constitution with the task of guaranteeing respect for the basic law and for international agreements.

13. The Government is responsible for implementing the national policy for the protection and promotion of human rights. The Ministry for the Promotion of Human Rights is entrusted with policy implementation and oversight. Its action to promote and protect human rights is based on the document setting out the policy and action plan and guidelines for the promotion and protection of human rights adopted by a decree of 28 December 2001.

#### **(b) The legislature**

14. Legislative authority is exercised by parliament, which plays a cardinal role in guaranteeing human rights in Burkina Faso. It seeks to establish a legal framework conducive to human rights protection by enacting laws and supervising government action. The single-chamber parliament has 111 members, who are elected by direct universal suffrage.

#### **(c) The judiciary**

15. Judicial authority is vested in the judges and exercised by the courts and tribunals throughout the national territory with a view to ensuring respect for the law. Pursuant to article 125 of the Constitution, it is the custodian of individual and collective freedoms. The Supreme Court was abolished by a constitutional amendment of 11 April 2000 and replaced by the Constitutional Council, the Court of Cassation, the Council of State and the Audit Court. The Court of Cassation, the Council of State and the Audit Court became the highest courts in the systems of ordinary courts, administrative courts and control of public finances respectively.

16. To these courts may be added the Military Court and the High Court of Justice.

17. Article 129 of the Constitution formally recognizes the independence of the judiciary. Article 130 states that judges are subject, in the exercise of their functions, to no authority other than the law. They are appointed for life.

## **2. Other public institutions**

### **(a) The Constitutional Council**

18. The Constitutional Council, which was established following the revision of the Constitution in 2000, assesses the constitutionality of laws and interprets constitutional provisions. It oversees the proper conduct, transparency and fairness of referendums and presidential and parliamentary elections. It rules on disputes regarding presidential and parliamentary elections. It announces the results of presidential, parliamentary and local elections. Its decisions are unappealable.

### **(b) The Ombudsman of Burkina Faso**

19. Article 2 of Institutional Act No. 22-94/ADP of 17 May 1994 establishes the office of the Ombudsman of Burkina Faso as “an independent authority”. The Ombudsman is authorized to handle disputes between the administration and the general public, thereby promoting human rights protection by administrative institutions. He or she is a non-contentious mediator entitled to deal with all complaints from the public regarding “the functioning of the central administrative authorities, local authorities, public establishments and any other public-service body”. The Ombudsman of Burkina Faso has further been directed by the legislature to assist in maintaining and safeguarding social peace.

### **(c) The Economic and Social Council**

20. The Economic and Social Council, established by article 141 of the Constitution, is an advisory body that delivers opinions on economic, social or cultural matters referred to it by the President of Burkina Faso or the Government. It can be consulted on any draft plan or programme of an economic, social or cultural character. It may undertake an analysis of any economic and social development problem.

### **(d) The Higher Council for Communication**

21. The Higher Council for Communication was established by Act No. 028-2005/AN of 14 June 2005. It is a regulatory body responsible for upholding press freedom and ensuring respect for moral and ethical rules in the area of information.

### **(e) The Independent National Electoral Commission**

22. The Independent National Electoral Commission was established by Act No. 014-2001/AN of 3 July 2001 concerning the Electoral Code. Its tasks and responsibilities are to organize and supervise elections and referendums, and to compile, manage and maintain the electoral register. It promotes civic education for citizens in electoral matters.

### **(f) The National Human Rights Commission**

23. The Commission was set up by a decree of 21 November 2001, in keeping with the recommendations of the United Nations General Assembly and relevant recommendations of the African Commission on Human and Peoples’ Rights. It has 34 members representing trade union organizations, civil society organizations active in the area of human rights, religious and traditional communities, academic circles, public institutions and government departments. Its principal task is to assist the Government by providing advice on human rights situations at the latter’s request or on its own motion. It also constitutes a framework for coordination among civil society actors and State actors working in the field of human rights.

**(g) The Commission on Information Technology and Freedoms**

24. Established in 2007, this Commission is tasked with implementing Act No. 10/AN of 20 April 2004 concerning the protection of personal data. The Act was adopted with a view to averting risks and prosecuting offences relating to aspects of information technology and digital data that lend themselves to abuse, diverse breaches of privacy and interference with citizens' personal lives.

**(h) Higher State Supervisory Authority**

25. The Authority's mandate includes monitoring of compliance with laws and regulations governing administrative, financial and accounting operations conducted by all public services of the State, the local authorities, public establishments and any other national body entrusted with a public-service mandate. It also assesses the quality of the running and management of such services.

**3. Non-State actors**

26. Other actors, apart from public institutions, assist in promoting human rights. They include the media, associations, trade unions and political parties. It should be noted in the case of the media that they operate on the basis of freedom of the press, as guaranteed by the Constitution (art. 8), and the regulations established by the Information Code. They play a tangible role in the area of human rights by serving as a countervailing influence and a channel for the exercise of freedom of opinion. They also play an effective role in generating public awareness, disseminating information on human rights and publicizing violations of such rights.

27. The creation of associations and trade unions in Burkina Faso is facilitated by the constitutional guarantees of freedom of association and trade union freedom (art. 21) and by Act No. 10/92/ADP of 15 December 1992 concerning freedom of association. A large number of such associations collaborate with the Ministry for the Promotion of Human Rights. They make a significant contribution to the promotion of human rights. Their goals are the promotion and defence of basic rights. Trade unions, for their part, focus on defending the social rights of workers.

28. The political parties, of which there are more than 140, engage in political activities, inform and educate the people and promote the exercise of the right to vote.

**II. PROMOTION AND PROTECTION OF HUMAN RIGHTS**

**A. Civil and political rights**

**1. Civil liberties**

29. The Constitution enshrines civil liberties as basic rights of citizens. Article 7 stipulates that "freedom of belief, non-belief, conscience, religious and philosophical opinion, worship, freedom of assembly, free practice of custom, and freedom of procession and demonstration are guaranteed by the present Constitution subject to respect for the law, public order (*ordre public*), morals and the human person". In addition, article 8 guarantees freedom of opinion, press freedom and the right to information. Everyone has the right to express and propagate his or her views within the limits set by the laws and regulations in force.



30. With regard to freedom of opinion and expression, Act No. 56/93/ADP of 30 December 1993 concerning the Information Code is a liberal piece of legislation. Article 1 of the Code reaffirms that the right to information is a fundamental right of every citizen of Burkina Faso. Private radio stations and print media have been booming in the country since the beginning of the democratic process. In view of the financial and material difficulties with which the media have to contend, the Government grants them an annual subsidy. The country has 143 media outlets, including 119 radio stations and 24 television channels with broadcasting licences. The print media sector consists of over 100 publications.

31. A legislative and regulatory framework conducive to freedom of assembly and demonstration has been enacted. Act No. 022-97/AN of 21 October 1997 concerning freedom of assembly and public demonstration lays down the conditions in which such freedoms may be exercised.

32. The Constitution (art. 21) guarantees freedom of association and Act No. 10-92/ADP of 15 December 1992 concerning freedom of association specifies the conditions in which it may be exercised. A simple declaration is sufficient to establish an association. Freedom of association serves as a means of protecting certain sectoral rights such as the rights of women, children, the sick, people with disabilities, consumers and users of public services.

33. Trade union freedom is guaranteed. The country has seven trade union congresses and numerous independent trade unions which operate freely and without any hindrance save those prescribed by law. They are simply required to make a prior declaration to the minister responsible for civil liberties.

34. All citizens of Burkina Faso, without distinction, are entitled to take part in the conduct of public and social affairs. They are entitled to vote and to be elected in accordance with the conditions prescribed by law. Details of the organization and conduct of the various categories of elections and the conditions governing participation are set out in a number of constitutional and legislative provisions.

35. To ensure effective citizen participation and to lay a firm basis for democracy and sustainable development at the local level, the Government launched a wide-ranging decentralization process in 1993 which led to the adoption of the General Local Authorities Code in December 2004 (Act No. 055-2004/AN). The 2006 municipal elections consolidated the countrywide system of local government. The tools used to implement the process are the strategic framework for the implementation of decentralization and the national conference on decentralization. The local authorities are the 13 regions and the 351 communes. Their actions are supported by the administrative constituencies: the region, province and department.

36. The right to take part in public affairs is supported at the communal level by the creation of village development councils, which promote community accountability and participation in development initiatives.

## **2. The principle of non-discrimination and equality before the law**

37. The principles of equality between persons and of non-discrimination are laid down in the Constitution, article 1 of which stipulates that “all citizens of Burkina Faso are born free and equal in terms of rights”. Many legislative and regulatory instruments also prohibit discrimination in a variety of fields.

### **3. The principle of access to justice**

38. Article 4 of the Constitution stipulates that: “All citizens of Burkina Faso and all persons living in Burkina Faso enjoy equal protection before the law. Everyone is entitled to have his or her case heard by an independent and impartial tribunal. The right to a defence, including the right to counsel of one’s own choosing, is guaranteed before the courts.”

39. Access to justice in Burkina Faso is ensured through the ordinary courts (two appeal courts, one in Ouagadougou and the other in Bobo-Dioulasso, 20 regional courts, 2 district courts, 2 juvenile courts, 2 juvenile judges, 3 labour courts, 350 departmental courts and 8 local courts) and the administrative courts (20 administrative courts).

40. With a view to ensuring a fair trial for citizens, the courts are bound to respect the basic principles enshrined in the Constitution, international instruments and the law, including equality before the law, the presumption of innocence, legal definition of offences and non-retroactivity of criminal law, the lawfulness of prosecution, arrest and detention, the statement of reasons for legal decisions and their announcement in public, two-tier proceedings, protection of defendants against abuse, and recognition of the right to a defence.

41. As at 31 December 2007, Burkina Faso had 338 magistrates, 37 chief registrars, 67 registrars, 127 secretaries attached to registries and prosecutors’ offices, 127 lawyers, 32 bailiffs and 7 notaries. The ratio of judges to inhabitants has increased from one judge for every 73,000 inhabitants in 2001 to 1 judge for every 55,000 inhabitants in 2007.

42. With regard to the financial accessibility of justice, legal aid for the needy was introduced by Zatu (Act) No. AN VIII of 11 January 1991 concerning the organization of legal assistance. It is currently organized by the provisions of Decree No. 2001-593/PRES/PM/MJPDH of 6 November 2001.

### **4. Protection of personal integrity and security of person**

43. To cause a person any physical or mental harm is an offence by law. To better protect the population as a whole, the Government has taken a number of positive measures under its national security policy. These measures include increased staffing levels in the security forces, the provision of adequate operational resources for the police and gendarmerie, and the establishment of neighbourhood police forces that involve local communities closely through local security committees.

44. With regard to protection against assault or abuse by State employees, it is important to note that the codes of conduct and ethics of the various parts of the public service formally prohibit public employees from assaulting or abusing citizens.

45. Under article 141 of the Criminal Code, any official or other representative of the administration who orders, or causes to be ordered, an arbitrary act or one prejudicial to individual freedom, to the civil rights of one or more persons or to the laws in effect is liable to a prison sentence of 5 to 10 years. The Code also provides punishments for judicial officials who engage in any arbitrary acts against citizens.

## **B. Economic, social and cultural rights**

### **1. The right to education**

46. The right to education is enshrined in article 18 of the Constitution. Act No. 13-2007/AN of 30 July 2007, on education policy, gives effect to this right. The overall aim of the Act is to make the educational system more coherent, more functional and better adapted to the social, economic and cultural needs of Burkina Faso. To this end, a reform of the educational system is under way. Its purpose is to achieve, by 2015, universal basic education, expanded educational provision and greater professionalism at all levels. Moreover, the changes to the curriculum will allow human rights and civic education to be introduced in schools. The reform should have an impact at all levels of education.

47. To implement the right to education at the level of basic education, 3,000 teachers a year are being recruited; educational provision is being expanded by building and equipping schools; steps are being taken to encourage girls to attend school; children who have dropped out or have had no schooling are admitted to informal education centres; “satellite” schools are being set up to bring schools closer to children; and free textbooks and school supplies are being distributed. Thanks to these efforts, preschool attendance rose from 27,192 children in 2005/06 to 40,659 in 2006/07. Primary-school attendance rose from 1,390,571 pupils in 2005/06 to 1,542,662 in 2006/07 (44.8 per cent of them girls) and to 1,742,439 in 2007/08 (45.6 per cent of them girls). These increases reflect a rise of 7.4 points in the gross enrolment rate, from 78.3 per cent in 2006/07 to 85.7 per cent in 2007/08. At the same time, the gross school attendance rate was 72.5 per cent in 2007/08, up from 60.7 per cent in 2006/07.

48. At the secondary level, the implementation of the right to education is demonstrated by the steady expansion of educational provision. Thus, the number of general and technical secondary schools rose from 564 in 2003/04 to 1,018 in 2007/08, providing education for 266,057 pupils and 423,520 pupils respectively - an increase of 59.18 per cent. However, the gross attendance rate remains low, despite having increased by 44.25 per cent in three years, from 14.35 per cent in 2003/04 to 20.7 per cent in 2007/08.

49. There have been significant developments in terms of numbers of students and facilities in higher education since the 2001/02 academic year. The number of students rose from 15,535 in 2001/02 to 41,779 in 2007/08, an increase of 169.93 per cent. While facilities have already been expanded, future expansion will feature the establishment of new universities.

50. Technical education and vocational training are not very highly developed, and current policy aims to expand and diversify them. Under this policy, there are plans to raise the number of new students from 6,084 in 2007/08 to 155,550 in 2014/15. The following are among the initiatives for implementing this programme: the establishment of a stable funding mechanism for vocational training, with the creation of a vocational training and apprenticeship fund; the setting up of a group of technical education institutions offering ongoing training; the establishment of an engineering training facility in the form of a support unit for vocational training; and the establishment of a national certification system for vocational qualifications.

51. Non-formal education refers to all educational and training activities organized outside a school setting. It is available to anyone who wishes to receive training in a specific area and who

had no access to, or dropped out of, the formal education system. Non-formal education is provided in permanent literacy and training centres and non-formal education centres. Literacy centres for young people and adults aim to raise the gross literacy rate to 70 per cent by 2015, reduce the gender gap in literacy by 2010, and raise the literacy rate to 40 per cent by 2011.

## **2. Right to health**

52. The right to health is a right enjoyed by every person living in Burkina Faso without exception. It is one of the social rights enshrined in article 18 of the Constitution. This constitutional provision is implemented by the Hospitals Act (No. 034/98/AN) of 18 May 1998, article 6 of which provides that hospitals, be they public or private, profit-making or not, must guarantee equal access for all to the care they provide.

53. Burkina Faso has one doctor per 32,496 inhabitants. The Ministry of Health has drawn up policies and strategies and taken steps to facilitate access to health care for the people of Burkina Faso, including:

- (a) The adoption of a 10-year health development plan for 2001-2010;
- (b) The establishment of the National Council to Combat AIDS and Sexually Transmissible Infections, which reports directly to the President of Burkina Faso (the head of State), and which has offices in local authorities, ministries and enterprises. Grass-roots organizations and traditional and religious leaders are closely involved in this undertaking;
- (c) A reduction in the price of antiretrovirals from 5,000 to 1,500 CFA francs since 1 December 2007;
- (d) An increase in the health budget to 15 per cent of the State budget as from 2008;
- (e) The establishment of a strategy to subsidize birth care and emergency obstetric or neonatal care;
- (f) An annual review and steady reduction of the prices of essential generic medicines;
- (g) Improvements in access to health facilities;
- (h) Steps to reduce infant mortality and improve maternal health.

## **3. Right to work, collective bargaining, freedom of association and social protection**

54. The right to work in Burkina Faso is guaranteed by the Constitution and implemented by various laws and regulations. It is currently the subject of a major reform aimed at introducing more flexibility and productivity considerations into labour legislation, with a view to encouraging job creation and the development of human capital and extending social protection to the maximum number of workers. So far, several laws have been adopted for this purpose, including the Labour Code and Act No. 015-2006/AN of 11 May 2006, on social security for salaried and similar workers.

55. As part of the efforts to implement the right to work, the following have been organized:
- (a) An annual meeting between the Government and trade unions to consider workers' concerns;
  - (b) An annual meeting between the Government and the private sector to improve the business environment and labour market;
  - (c) A meeting between the Government and the private sector to consider, sector-by-sector, the concerns of the private sector;
  - (d) An annual meeting between employers and trade unions on salary negotiations in the private sector;
  - (e) An annual grant to professional employers' organizations and trade unions in order to build their capacities;
  - (f) A fund to promote self-employment among young people, and "single windows".

#### **4. Right to housing and access to property**

56. The right to housing in Burkina Faso is put into practice through the application of the Urban Development and Construction Code; a profile of towns in Burkina Faso is also being drawn up in order to better understand the characteristics of urbanization. In addition, a national policy on the urban environment and development has been adopted to ensure consistency in all action in this sector and to enable priorities for such action to be set.

57. A programme entitled "10,000 good-value social housing units", launched in 2008, is one response to people's need for decent housing. The programme covers the whole country and will mainly give low-wage earners access to housing.

58. More generally, article 62 of Act No. 014-96/ADP of 23 May 1996, on agrarian and land reform, stipulates that urban or rural land in national territory shall be allocated to individuals regardless of their sex or marital status, which gives every citizen a chance to become a property-owner.

#### **5. Right to a healthy environment**

59. Article 29 of the Constitution recognizes the right to a healthy environment and imposes a duty on all citizens to protect, defend and promote the environment. This right is implemented through the Environment Code, national programmes and action plans, and the promotion of "green citizenship".

### **C. Rights of specific groups**

#### **1. Rights of the child**

60. Articles 2 and 18 of the Constitution prohibit the ill-treatment of children and afford them protection. A number of other legal instruments also guarantee the protection of children and punish violations of the rights of the child. These include the Code of the Individual and the Family, the Criminal Code and various conventions ratified by Burkina Faso.

61. To ensure that children's rights are taken into account in the national development strategy, a strategic policy framework for the promotion of children's rights was drawn up for the period 2006-2015. The policy framework is to be put into operation by a national action plan for the survival, protection and development of children for the period 2006-2010, which seeks to provide a national response to children's problems on the basis of a cross-sectoral and decentralized approach.

62. The following action has been taken by State bodies and civil society organizations to combat the evils that afflict children in Burkina Faso:

(a) To combat forced or early marriages, non-governmental organizations, civil society associations, religious groups and State bodies have organized awareness-raising campaigns. Girls fleeing forced marriages are taken in and looked after;

(b) Civil marriages, that is, those celebrated by a registrar, respect the minimum ages provided for in the Code of the Individual and the Family (17 years for girls and 20 for boys). The discrepancy in ages for girls and boys reflects social realities; when girls do not go to school, or leave school very early, they tend to get married. With this in mind, registrars have received training to help them better apply the Code of the Individual and Family;

(c) A solidarity fund for orphans and AIDS-sufferers has been set up;

(d) School attendance is encouraged by providing school stationery for orphans and other vulnerable children in the context of AIDS;

(e) Institutions that take in and take care of orphans and abandoned children receive grants from the State;

(f) Special free registration events are organized in registry offices;

(g) A children's parliament consisting of children from various groups was set up in June 1997. It has provincial branches and receives technical, material and financial support from the State and sponsors.

63. Burkina Faso has made a special effort to improve the birth registration rate. The following actions are worth noting:

(a) The establishment of a national steering committee on birth registration in 2003, which was formally recognized in 2005 by Order No. 2005-009 of 18 April 2005;

(b) The adoption and implementation of annual action plans on birth registration;

(c) Technical support (training) and material support (various supplies) for key players in birth registration (prefects and mayors);

(d) Free registration of births declared within two months of the birth, and a cut in the cost of obtaining a birth certificate from the courts from 1,500 to 600 CFA francs.

64. Legislative efforts have also been made to promote and protect the rights of the child. As a result of a rereading of the Labour Code, the minimum age for admission to employment was raised from 15 to 16 years. Laws on adoption and placement of children have also been applied and

observed. In addition, the Ministry for the Promotion of Human Rights has drafted a child protection code, which is a compilation of all treaty, legislative and regulatory provisions that contribute to the protection of the rights of the child. The Ministry for the Promotion of Human Rights continues to carry out activities to publicize and promote children's rights.

65. Ever since Burkina Faso ratified the Convention on the Rights of the Child, efforts have been made to implement it. When the Committee on the Rights of the Child considered Burkina Faso's report to it in 2002, it made a number of recommendations to the Government, which has already acted on several of them, while continuing with its work in this area. In this respect, it should be noted that Burkina Faso hosted, from 6 to 8 November 2007, a regional workshop on the follow-up to the concluding observations of the Committee on the Rights of the Child. The meeting was organized jointly by the Office of the United Nations High Commissioner for Human Rights, the Committee on the Rights of the Child and the Government of Burkina Faso, in cooperation with Plan International, the United Nations Children's Fund (UNICEF) and the International Organization of la Francophonie, with the aim of strengthening governments' capacity to act on the Committee's concluding observations and to set up a network of partners ready to help them in this task.

## **2. Women's rights**

66. The implementation of women's rights is a priority for the State, which has set up a special government department, the Ministry for the Advancement of Women, to be responsible for implementing and following up on government policy on the social and economic advancement of women.

67. Considerable efforts have therefore been made in terms of setting up bodies and organs that pay special attention to the situation of women in Burkina Faso. These efforts include:

(a) Identifying focal points in all ministries responsible for following up on national policies and programmes for women, in order to integrate gender issues in the analysis and evaluation of results;

(b) Defining a strategy and action plan to strengthen the role of women, not only in the development process but also in public life;

(c) Establishing a national commission to monitor implementation of the Convention on the Elimination of All Forms of Discrimination against Women;

(d) Providing a panoply of legal measures to advance and protect women (Constitution, Code of the Individual and the Family, Labour Code, agrarian and land reform, Criminal Code, etc.);

(e) Setting up the National Commission for the Advancement of Women;

(f) Celebrating International Women's Day (8 March), World Rural Women's Day (15 October), the International Day for the Elimination of Violence against Women (25 November) and Pan-African Women's Day (31 July);

(g) Drawing up a national policy on the advancement of women and an action plan for the advancement of women for 2006-2010;

(h) Holding annual sessions of the national committee on the action plan for the advancement of women;

(i) Raising awareness of violence against women.

68. Other actors are working at the national level to defend and protect women in Burkina Faso. They include many non-governmental organizations and associations working in the field to improve women's living conditions.

69. Notwithstanding the legal, institutional and structural arrangements and the firm political will to combat any form of discrimination against women, the main obstacles to the implementation of the relevant laws and the Convention on the Elimination of All Forms of Discrimination against Women are economic problems, the persistence of customary and traditional practices that discriminate against women, and the high illiteracy rate among women.

70. Articles 257 and 267 of the Code of the Individual and Family permit polygamy. A number of measures have been adopted to bring about equality between men and women, but it is often difficult to implement them because of the lack of financial and material resources, the persistence of social and cultural pressures, and ignorance of the rights and duties of women. This is why the State has stepped up its efforts to raise awareness and promote the image of women in order to change people's way of thinking. In this connection, it should be noted that great progress has been made towards greater participation by women in public life and politics.

71. As far as trafficking in women is concerned, Burkina Faso has acceded to the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others.

### **3. Rights of disabled persons**

72. The rights of disabled persons are implemented on behalf of the State by two government departments, namely, the Ministry for the Promotion of Human Rights and the Ministry of Social Action and Solidarity. These departments have operational programmes devoted to the rights of the disabled.

73. Burkina Faso has signed the Convention on the Rights of Persons with Disabilities, and the ratification process will be completed very shortly. Already, support has been provided to ensure the mobility and autonomy of disabled persons, and the operational capacities of organizations for the disabled have been strengthened.

### **4. Rights of older persons**

74. In addition to a number of actions and measures taken to provide assistance to older persons (gifts, home visits, organization of a day for older persons, etc.), the social and cultural environment is by nature conducive to the well-being and care of every person in this category.

## **III. COOPERATION WITH HUMAN RIGHTS MECHANISMS**

75. At the national level, all the bodies set up to ensure good governance in the field of human rights undertake promotional, awareness-raising and educational activities.



76. At the regional level, Burkina Faso has ratified most of the human rights instruments and takes part in the work of the African Commission on Human and Peoples' Rights. It should be mentioned that the Commission undertook a mission to Burkina Faso in March 2007 to evaluate the human rights situation in the country. Burkina Faso is also a member of the African Peer Review Mechanism.

77. At the interregional level, Burkina Faso subscribes to the commitments undertaken within the International Organization of la Francophonie.

78. At the international level, Burkina Faso acknowledges that it has not fulfilled all its commitments to submit reports to the treaty bodies, but this is due to a lack of resources, which continues to hamper its ability to comply with its international obligations in the field of human rights. Burkina Faso acknowledges delays in this respect, but it has nevertheless submitted, in implementation of the international legal instruments, its reports on the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child and the International Convention on the Elimination of All Forms of Racial Discrimination. It intends to submit a formal request for technical assistance in this regard, with a view to training national officials in the drafting of reports to the treaty bodies.

79. With regard to cooperation with the special procedures, Burkina Faso hosted visits from:

(a) The independent expert on the effects of economic reform policies and foreign debt on the full enjoyment of all human rights, particularly economic, social and cultural rights (April 2007);

(b) The Special Rapporteur on the human rights of migrants (February 2005); and

(c) The international commission of inquiry of the Office of the United Nations High Commissioner for Refugees set up to investigate human rights violations in Côte d'Ivoire and to assess the harm suffered by nationals of Burkina Faso (August 2004).

## **IV. PROGRESS AND GOOD PRACTICE**

### **A. Institutional innovations**

#### **1. Establishment of the Ministry for the Promotion of Human Rights**

80. Article 24 of the decree of 13 July 2007 on the duties of members of the Government gives the Ministry for the Promotion of Human Rights the task of monitoring and implementing the Government's general policy on the promotion and protection of human rights. Most of these duties are of a cross-cutting nature and mean that the ministry has to cooperate with other government departments and, in particular, with the ministries responsible for local government, the advancement of women, social action and national solidarity, basic education and literacy, secondary and higher education and scientific research, justice and health.

#### **2. Ministry for the Advancement of Women**

81. This government department has the following tasks, among others: to draw up, follow up and evaluate strategies for the advancement of women and girls and a national policy on gender; to promote equal rights for women; to inform the public and raise awareness of women's rights; to coordinate action to help women; and to monitor and assess the impact of the work of non-governmental organizations and women's associations.

### **3. Establishment of the Independent National Electoral Commission**

82. The organization of elections is entrusted to the Independent National Electoral Commission, which draws up lists and electoral maps, and organizes the whole electoral process up to the declaration of the provisional results of the ballot. The commission consists of representatives of the political parties and civil society.

### **4. Establishment of the National Human Rights Commission**

83. The establishment of a national human rights institution provides a national framework for consultations between, on the one hand, public bodies concerned with human rights issues and, on the other, representatives of associations, groups and non-governmental organizations engaged in the protection and promotion of human rights.

### **5. Day of Remembrance**

84. On 30 March 2001 the President of Burkina Faso, with three former heads of State by his side, officially apologized to the nation, on behalf of all his predecessors as head of State, for all crimes committed against the citizens of Burkina Faso in the name of, or purportedly on behalf of, the State. He expressed sympathy for the victims and families of the victims of political violence, and vowed to ensure that it would “never again” come to that in Burkina Faso. March 30th was designated as the “Day of Remembrance, Promotion of Human Rights and Democracy”.

### **6. Establishment of a compensation fund for the victims of political violence**

85. On the occasion of the National Day of Forgiveness, the President of Burkina Faso promised that the State would compensate the victims or families of the victims of political violence committed in Burkina Faso from 1960 to 30 March 2001. In fulfilment of this promise, the Government set up, by Decree No. 2001-275/PRES/PM of 8 June 2001, a compensation fund for the victims of political violence, endowing it with a budget of 6 billion CFA francs. Of 1,768 dossiers received and processed, 476 had a favourable outcome. A committee has been set up to follow up on the commitments undertaken by the Head of State on 30 March 2001.

### **7. Establishment of the National Ethics Committee**

86. The establishment of the National Ethics Committee gives effect to the commitments undertaken by the President of Burkina Faso on 30 March 2001. Set up on 14 March 2002, this institution, consisting of distinguished individuals with a reputation for high moral standards, has the task of observing ethics in Burkina Faso society with a view to forestalling conflict. As part of this task, the committee submits an annual report on the state of ethics in Burkina Faso. These reports are reference points for the political authorities.

### **8. Social cohesion**

87. *La parenté à plaisanterie* (a tradition that allows members of certain groups to mock each other without harming their relationship): in Burkina Faso, about 60 ethnic groups live side by side in harmony. This cohesion is strengthened by the existence of social practices such as *la parenté à plaisanterie*.

88. A “day of foreign communities” is organized every year.

## **B. Other innovations**

### **1. Access to human rights instruments**

89. Access to human rights instruments is promoted by government departments and civil society organizations, which have had some instruments translated into the country's national languages. These include the Convention on the Rights of the Child, the Convention on the Elimination of All Forms of Discrimination against Women, the Universal Declaration of Human Rights, the Constitution, and the Code of the Individual and the Family. Similarly, bilingual glossaries have been prepared on the most important human rights terms and concepts.

### **2. Access to education**

90. The Government considers basic education to be a national priority. The measures and action taken in this area are set out in the 10-year basic education development plan for 2001-2010. Action to provide education for all includes the introduction of human rights education, the opening of bilingual schools, free school textbooks and supplies (initially on a small scale, from 2001 to 2006, but on a larger scale as from 2007), exemption from parental contributions for orphans and vulnerable children, payment of parental contributions for girls, and the collection of foodstuffs to nourish pupils.

### **3. State subsidies for human rights work**

91. The State grants subsidies to political parties to finance their electoral campaigns and activities. Subsidies are also allocated to employers' organizations, trade unions, private media outlets and civil society organizations working in the field of human rights.

### **4. Establishment of a parliamentary committee on general, institutional and human rights affairs**

92. To ensure that greater attention is paid to human rights issues, the parliamentary committee on general and institutional affairs changed its name to the "parliamentary committee on general, institutional and human rights affairs". In addition, a seminar was held in Ouagadougou in October 2007 on the role of parliaments in the implementation of international human rights instruments. The seminar was jointly organized by the Inter-Parliamentary Union, the Office of the United Nations High Commissioner for Human Rights and the National Assembly of Burkina Faso. It gave parliamentarians the opportunity to learn more about the operational mechanisms of the human rights treaty-monitoring bodies.

### **5. Establishment of neighbourhood police**

93. Since 2005, Burkina Faso has been putting into practice a new policy on public security which relies on neighbourhood police. The new policy depends on the involvement of all sectors of society. Without withdrawing the security forces, which continue to guarantee internal security, the neighbourhood police involves citizens in handling security matters, through local security committees consisting of 10 members. The committee's tasks include giving guidance to the security forces on which activities to carry out, and organizing cooperation between the security services and the local population to prevent breakdowns in security.

## **V. CONSTRAINTS AND CHALLENGES IN THE REALIZATION OF UNIVERSALLY RECOGNIZED RIGHTS**

94. In Burkina Faso, a country classed as one of the least developed countries, 42.1 per cent of the population lives below the poverty threshold. In this context, there are many difficulties and constraints to be faced in realizing human rights. Clearly, the precarious situation facing a large part of the population tends to render ineffective fundamental individual rights such as the right to food, the right to education, the right to housing, the right to health and even some civil rights. Poverty thus constitutes a negation of fundamental rights and, consequently, human dignity.

### **A. Specific constraints in the fields of education, health and employment**

95. While underdevelopment should not be considered an excuse for a State not fulfilling its responsibility to realize human rights, it must be acknowledged as a real brake and genuine constraint on the realization of many rights. The effective enjoyment of economic, social and cultural rights in particular requires positive action by the State, which has to build, for example, schools to enable all children in the country to go to school, or hospitals and health centres to enable all citizens to receive health care. It is also for the State to take the necessary steps to enable the population to feed and house itself, dress decently, etc. However, the country does not have sufficient resources to meet these requirements.

### **B. Constraints on access to justice**

96. Despite the efforts and progress made with regard to access to justice, constraints remain. The problems include a public that is inadequately informed about judicial procedures; inadequate geographical coverage by the courts; inadequate material resources and the poor state of the infrastructure, which handicap the efficient operation of judicial services; lack of qualified personnel; legislative shortcomings; and a public crisis of confidence in the justice system.

### **C. Illiteracy**

97. The substance and scope of human rights are a mystery to the vast majority of Burkina Faso citizens. Indeed, few of them know their rights and duties. This situation undoubtedly stems from the high illiteracy rate; according to several studies, only 28.3 per cent of the population is literate. However, it is also explained by the fact that human rights are expressed in complex language that is virtually inaccessible to the vast majority of citizens. Given that the exercise of human rights implies a knowledge of those rights by the individuals concerned, this situation not only hampers their exercise, but is also a real obstacle to the realization of a State governed by the rule of law and to the construction of democracy. Indeed, such ignorance paves the way for many abuses of fundamental rights, such as abuses of rights and power, taking the law into one's own hands, or a decline in public-spiritedness.

### **D. Constraints related to social and cultural pressures**

98. Despite the pervasiveness of the modern State, the lives of the vast majority of citizens are governed by rules handed down by ancestral tradition. While these traditional rules generally underlie social cohesion and are therefore people's first point of reference, some of them are nonetheless barely compatible with officially guaranteed rights. This is the case with the practices

of forced marriage, wife inheritance (where a widow is forced to marry a brother of her deceased husband) or female circumcision, which impose real restrictions on the rights specific to women. The same goes for caste systems and accusations of witchcraft (accusing some women of being *mangeuses d'âmes*), which are a direct breach of the principle of non-discrimination. Although these practices have become less common in the past few years, thanks in particular to the many activities undertaken to raise public awareness, they are far from obsolete and thus constitute serious obstacles to the effective enjoyment of certain rights.

## **VI. PRIORITIES, INITIATIVES AND COMMITMENTS**

### **A. Expanding activities in human rights and civics education**

99. Human rights education for the general public is one of the State's priorities in the promotion of human rights in Burkina Faso. It is one of the main themes of national human rights policy and aims to inform and make citizens aware of their rights and duties. Burkina Faso would appreciate technical and financial support from international mechanisms for the promotion and protection of human rights in this area.

100. The need to strengthen the defence and security forces (the army, gendarmerie, police and prison guards), who play an important role in the protection of human rights, was strongly emphasized during the drafting of this report. Special programmes would undoubtedly improve their knowledge in this area.

### **B. Human rights education**

101. The government departments responsible for education, in cooperation with the department responsible for the promotion of human rights, have begun to incorporate human rights education in the official school curricula. Burkina Faso sees this initiative as a priority and consequently draws attention to the need for technical and financial support to train teachers and develop teaching aids.

### **C. Strengthening the operational capacities of bodies involved in implementing human rights policy**

102. With the aim of expanding activities to promote and protect human rights throughout the country, there are plans to decentralize the Ministry for the Promotion of Human Rights. The expansion of its regional network will strengthen the ministry's operational capacities in its efforts to inform the public and raise awareness of human rights and citizenship, and also, more generally, in its efforts to protect human rights.

103. Generally speaking, the capacities of public and private bodies involved in implementing human rights need to be strengthened.

### **D. Strengthening the capacities of local authorities to promote human rights**

104. Burkina Faso has undertaken a decentralization process that has led to the establishment of local authorities throughout the country. These local authorities, which have legal personality, financial autonomy and their own jurisdictions, work to develop and promote local governance. The major challenge at the moment is to strengthen their capacity to promote and protect human rights.

### **E. Strengthening the justice system**

105. A national action plan to reform the justice system was adopted by the State for the period 2002-2006. Five years on, some progress has been made. However, several activities could not be completed. Accordingly, a consolidation plan has been prepared for the period 2007-2009. The general objectives of the consolidation plan include improving output in the public sector, improving public access to the justice system, improving management and making prisons and the prison service more humane.

### **F. Strengthening the National Human Rights Commission**

106. Burkina Faso intends to introduce a law on the organization of the National Human Rights Commission, to replace the current decree establishing and organizing it.

### **G. Other approaches**

107. Several other approaches can be taken to improving the human rights situation, including:

- (a) Consolidation of the rights of specific groups, particularly the rights of the child, disabled persons and older persons, and the greater involvement of women in running public affairs;
- (b) Tackling unemployment and encouraging job creation;
- (c) The implementation of strengthened community-based health services following the preparation of a national community-based action strategy backed up by a communication plan;
- (d) Financing the national deployment of rapid results initiatives, to achieve the millennium development goals related to maternal, neonatal and under-five mortality;
- (e) The adoption by the Government of a strategic framework to combat poverty, and of a programme of priority action for 2007-2009;
- (f) The study carried out on the problem of financing private basic education, with a view to reducing school fees;
- (g) The preparation of a national strategy to promote a culture of tolerance and peace;
- (h) The project to set up a national health insurance system for all workers;
- (i) Free malaria treatment for pregnant women and under-fives;
- (j) Emergency health care with no upfront payments;
- (k) Reform of the education system.

## **VII. WISHES EXPRESSED BY BURKINA FASO WITH REGARD TO CAPACITY-BUILDING AND REQUESTS FOR TECHNICAL ASSISTANCE**

108. Despite the progress made, the sheer volume of the problems and constraints facing Burkina Faso is holding up the fulfilment of commitments and implementation of initiatives undertaken

earlier. Thus, appropriate technical assistance from the international community, and in particular from the Office of the United Nations High Commissioner for Human Rights, is vital for strengthening national capacities in the field of human rights in the following areas:

- (a) Training of trainers in drafting reports for submission to treaty bodies;
- (b) Support for the harmonization of national legislation with the provisions of international instruments;
- (c) Organization of training seminars on human rights and humanitarian law for the security forces;
- (d) Support for a training course for teachers on the preparation of training modules in the field of human rights and humanitarian law;
- (e) Strengthening the National Human Rights Commission;
- (f) Strengthening the Commission on Information Technology and Freedoms;
- (g) Preparation and dissemination of publicity material in the main national languages;
- (h) Organization of seminars and workshops for judges, law-enforcement officials and parliamentarians;
- (i) Support for the implementation of education programmes on human rights and on a culture of tolerance and peace;
- (j) Support for efforts to strengthen the civil registration system;
- (k) Support for human rights training for local elected representatives;
- (l) Strengthening the operational capacities of the Ministry for the Promotion of Human Rights;
- (m) Support for the implementation of the strategic framework for combating AIDS.

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