

BURKINA FASO

Unity – Progress – Justice

PERIODIC REPORT OF BURKINA FASO TO THE AFRICAN COMMISSION ON HUMAN AND PEOPLES' RIGHTS

(A.C.H.P.R)

ON THE IMPLEMENTATION OF THE AFRICAN CHARTER ON HUMAN AND PEOPLES' RIGHTS

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TABLE OF ACRONYMS AND ABBREVIATIONS

Acronyms and abbreviations	Meaning
ADF/RDA	Alliance for Democracy and Federation, African Democratic Rally
ODA	Official Development Aid
AZIMMO	Aliz Real Estate
ADB	African Development Bank
ABEDA	African Bank for the Economic Development of Africa
BBDA	Burkinabe Copyright Office
WB	World Bank
ACHPR	African Commission on Human and Peoples' Rights
CAPA	Certificate of Aptitude to exercise the profession of lawyer
CARFO	Civil Servants' independent pension fund
CBC	Burkinabe Shippers' Council
CCIAB	Chamber of Commerce, Industry and Crafts of Burkina
CDP	Congress for Democracy and Progress
ECOWAS	Economic Community of West African States
CEI	Independent Commission of Enquiry
CENATRIN	National centre for the processing of information
CENI	Independent National Electoral Commission
CES	Economic and Social Council
CNSS	National Social Security Fund
CND	National decentralisation Commission
CNDH	National Human Rights Commission
African Court	African Court on Human and Peoples' Rights
CSI	Higher Council on Information
CSLP	Strategic Framework for Poverty control
CSM	Higher Council of the Magistrature
CPS	Convention of Socialist Parties
DELGI	General Department of Information Systems
ENAM	National School of Administration and the Magistrature
ENEP	National Training College for Primary School Teachers
ENS	Koudougou Teacher Training College
EVF	Education for Family Life
FAARF	Support fund for income-generating activities for Women
FILO	Ouagadougou International Book Fair
IMF	International Monetary Fund
FITD	International Festival of Theatre for Development
FITMO	Ouagadougou Theatre and Puppet Festival
GERDDES-Burkina	Research and Study Group on Democracy and Economic and Social Development/Burkina Faso

LIDEJEL	League for the Defence of Justice and Liberty
LPDHD	Letter of Intent on Policy of Sustainable Human Development
LUMASSAN	Wrestling and Masks of the San land
MBDHP	Burkinabe Movement for Human and Peoples' Rights
MBEJUS	Burkinabe Movement for the Emergence of Justice
MEBA	Ministry of Basic Education and Literacy
MESSRS	Ministry of Secondary and Higher Education and Scientific Research
MJPDH	Ministry of Justice and the Promotion of Human Rights
MPDH	Ministry for the Promotion of Human Rights
MPF	Ministry for the Promotion of Women
MTP	Movement for Tolerance and Progress
NAK	Koudougou's Atypical Nights
NICT	New Information and Communication Technologies
OHADA	Organisation for the Harmonisation of Business Law in Africa
OIE	Independent Observatory for Elections
ONAC	National Bureau for External Trade
ONATEL	National Telecommunications Office
NGO	Non-governmental organisation
ONPE	National Bureau for the Promotion of Employment
UN	United Nations
OAU	Organisation of African Unity
PANE	National Action Plan for the Environment
PAN-RJ	National Action Plan for the Reform of the Judiciary
PDP/PS	Party for Democracy and Progress, Socialist Party
GDP	Gross Domestic Product
SMEs	Small and Medium-sized Enterprises
SMIs	Small and Medium-sized Industries
GNP	Gross National Product
RDA	African Democratic Rally
SBMC	Burkinabe Leather Manufacturing Company
SEPDH	State Secretariat in charge of the Promotion of Human Rights
SIAO	Ouagadougou International Crafts Fair
SNC	National Week of Culture
SOCOGIB	Real estate Construction and Management Company
SOFITEX	Textile Fibre Company
SYSCOA	West African Accounting System
TGI	High Court
TOD	Guidelines on decentralisation
UEMOA	West African Economic and Monetary Union
UFR	Training and Research Unit
UIDH	Inter-African Human Rights Union

INTRODUCTION

Article 62 of the African Charter on Human and Peoples' Rights stipulates that each State Party shall undertake to submit every two years, a report on the legislative or other measures taken with a view to giving effect to the rights and freedoms recognised and guaranteed by the Charter. Burkina Faso, which ratified the Charter on July 6, 1984, fulfilled this obligation by submitting its initial report to the African Commission on Human and Peoples' Rights in October 1998 and presenting it in April 1999 in Bujumbura, during the 25th Ordinary Session of the ACHPR.

The initial report was considered by the Commission to be "amply documented, clear in its presentation, objective in its evaluations" and "an example of the sort of report that the Commission expects from States Parties, for constructive dialogue between the Commission and those States".

The current report is being submitted four years after the initial report. It seeks to be exhaustive in presenting developments in the rule of law in Burkina Faso and the new measures adopted in the area of protecting and promoting the rights provided for under the African Charter. It was drafted in line with the following basic principles:

- Compliance with the general guidelines of the ACHPR concerning the drafting of periodic reports, with a view to improving the legibility and understanding of such reports for all readers.
- Consultation with various parties involved in the promotion and protection of human rights. Indeed, this report was prepared by the Ministry for the Promotion of Human Rights, in collaboration with other ministerial departments dealing with human rights issues and after broad consultation with human rights defence organisations. An initial document was drafted using data collected from ministerial departments and civil society organisations. The views of associations working in the human rights area were gathered by correspondence to flesh out this report. The Study and Research Group on Democracy and Economic and Social Development (G.E.R.D.D.E.S.-Burkina) and the League for the defence of Justice and Liberty (LI.DE.J.E.L) expressed their concerns in brief, general reports on human rights in Burkina Faso. These were taken into account in the draft report. Subsequently, on December 9 and 10, as part of the commemoration of the 54th anniversary of the Universal Declaration of Human Rights, a workshop was held to validate the draft report. The workshop brought together various government agents and civil society representatives and enabled amendments to the initial document. The present report is therefore the result of the different contributions made by both the public authorities and civil society.

- Transparency and relevance of the information concerning the general and specific framework of human rights in Burkina Faso.

The present report flows on from the initial report and should enable the African Commission on Human and Peoples' Rights to assess the significant developments that have taken place in Burkina Faso in the area of respect of human rights and in particular the rights stipulated in the African Charter. It sums up the most recent political, social and institutional developments relating to the protection and promotion of human rights. It endeavours to report on the progress made in Burkina Faso in protecting, guaranteeing and promoting human rights during the period covered, by showing to what extent the political and administrative authorities have given effect to the fundamental freedoms set out in the African Charter on Human and Peoples' Rights.

This report covers the period from October 1998 to December 2002. It is divided into four parts:

- Part I: Civil and political rights.
- Part II: Economic, social and cultural rights.
- Part III: Peoples' rights.
- Part IV: Duties stipulated by the Charter.

PART ONE: CIVIL AND POLITICAL RIGHTS

Any assessment of civil and political rights in Burkina Faso requires an introduction of the general framework within which these rights exist (Chapter I) and an analysis of the implementation of fundamental rights and freedoms (Chapter II).

CHAPTER 1: GENERAL FRAMEWORK OF IMPLEMENTATION OF CIVIL AND POLITICAL RIGHTS

Between 1998 and 2002, the general framework of civil and political rights in Burkina Faso underwent major changes. These were characterised by a rise in demands by citizens for the protection of human rights, and the political commitment of the national authorities to improving the human rights situation in Burkina Faso. This gave rise to a strengthening of the rule of law and of institutional guarantees for human rights.

I. RULE OF LAW AND POLITICAL LIFE OF THE NATION

The 1991 Constitution set up a constitutional state in Burkina Faso, based on republican institutions, the principles of political pluralism, the separation of powers and the supremacy of the law. The objective was to ensure the respect of the fundamental rights of individuals. Since 1998, the process of setting up this constitutional state has been strengthened further, thus leading on the one hand to an appeasement of the political life of the nation and, on the other hand, to the development of political institutions.

1. Political life of the nation

Soon after the initial report of Burkina Faso was submitted in November 1998, the country held the second presidential elections of the fourth republic. The out-going president, Mr. Blaise COMPAORE was re-elected, ahead of two other candidates, Mr. Ram OUEDRAOGO of the *Parti des verts du Burkina* and Mr. Frédéric GUIRMA of the *Front de Refus RDA*. Certain opposition parties had decided to boycott these elections, alleging that all the conditions were not in place to ensure transparent elections. Their main demand was for the setting up of an independent national electoral commission whose membership would be the result of a consensus.

Despite this achievement, the death of the journalist Norbert ZONGO sparked off a national socio-political crisis.

1.1. The Norbert ZONGO affair

The Norbert ZONGO affair started with the assassination on December 13, 1998 of the journalist and three of his companions on the Léo-Sapouy-Ouagadougou inter-urban road, south of the capital.

By decree n° 98-090/PRES/PM/MEF/DEF/MJ-GS/MATS of December 18 1998, amended by decree n° 99-001/PRES/PM/MEF/MJ-GS/MATS of January 7 1999, the government set up an independent Commission of Enquiry (CEI). The commission was chaired by Mr. Kassoum KAMBOU a magistrate and member of the Burkinabe Movement for Human and Peoples' rights (MBDHP) The commission had broad-ranging powers. Indeed, under the provisions of articles 7 and 8 of the abovementioned decree, it could receive complaints, organise hearings, request all documents, summon all persons, demand any searches or seizures as could serve to preserve proof and transport such proof, as well as demand any expertise that it considered useful. Persons coming before the commission could not refuse to speak by citing "professional secrecy or defence secrets".

Alongside the CEI, a judicial enquiry was also launched against a person or persons unknown by investigation bureau n° 1 of the High Court of Ouagadougou. The conclusions of the CEI were included in the findings of that investigation. At the present time, the person unknown has now been identified as Marcel KAFANDO, who was also the object of suspicion in the report of the CEI. On February 2 2002, he was charged by the examining magistrate of murder with malice aforethought and deliberate arson. The case is on-going. It must be noted, that in this specific case, the state of Burkina Faso made exceptional and substantial financial and logistic means available to the magistrate, in order to enable him carry out his work. This is an illustration of the will of the authorities to ensure that the investigation is satisfactorily concluded.

1.2. The group of popular democratic organisations and political parties.

The Norbert ZONGO case was used as a reason for exacerbating political debate, with new political demands from opposition parties, human rights associations and other civil society associations. Political debate became bipolar, with the presidential majority confronted against a group calling itself the "Group of popular democratic organisations and political parties".

The group demanded that light be shed on the murder of Norbert ZONGO and the "blood" crimes and "economic crimes" that had taken place in Burkina Faso under the fourth republic.

1.3. Events in the socio-political crisis

The socio-political crisis that followed was illustrated by a series of events. The dialogue between opposition parties and parties of the presidential movement broke down and the number of demonstrations increased. These were accompanied by destruction and vandalism and required the intervention of law and order forces. A series of strikes and sit-ins paralysed certain sectors of the economy. Violence on the university campus was followed by the closure of the University of Ouagadougou and the 1999-2000 academic year was declared invalid, while schools in Ouagadougou, Bobo-Dioulasso and other towns were closed down.

Faced with this situation, the public authorities adopted a series of measures that made it possible to halt the crisis.

1.4. Action taken by the public authorities in the face of the national crisis

The political debate led the government to adopt a number of political measures in order to contribute to resolving the crisis, and restoring peace within the society and entrenching democracy in Burkina Faso.

1.4.1. The Council of Elders

A number of institutional measures were taken to restore peace within the society. On June 1 1999, the President of the Republic, by decree n° 99-158/PRES, created a Council of Elders. The general mission of this council was to work to bring about reconciliation of hearts and to seek social peace. It was made up of three (3) former Heads of State who had steered the affairs of the country between 1960 and 1983, traditional and religious leaders, and resource persons. Although many were sceptical when it was set up, the Council of Elders managed to obtain unanimous approval for the quality of its work, once the results were made known. The Elders examined all the pending difficulties that had underpinned the crisis, proposed solutions and made recommendations.

Those recommendations led to ministerial reshuffles and the setting up of two other commissions, the Consultative Commission on Political Reforms and the National Reconciliation Commission.

1.4.2. Governments of alliance

The desire to seek the right solutions to bring an end to the crisis led the majority party to engage in political dialogue with the opposition parties, in particular through concessions and signs of openness.

This political dialogue between the government and political parties resulted in the forming of a government of alliance on October 12 1999, with representatives of the opposition entering the government. The political dialogue continued and resulted in the setting up of a broad-based government headed by a new Prime Minister in November 2000, following the municipal elections of September 24 2000. The distinguishing feature of this new government was the massive representation of opposition parties, some of whom, such as ADF/RDA and the CPS, had been members of the Group of peoples' organisations and political parties, and had been considered members of the radical opposition.

1.4.4. Organisation of the national day of forgiveness

The process of appeasing the heart of the nation culminated in the organisation of the national day of forgiveness on March 30 2001. That day, at the Fourth August Stadium, which was almost filled to capacity, the President of the Republic, in the company of the three surviving Heads of State, officially asked for the forgiveness of the nation, on behalf of all the successive Heads of State, for all crimes that had been committed against Burkinabe citizens in the name of or under cover of the State, from the time of independence in 1960 to the present day. He expressed his compassion for the victims and families of victims of political violence and undertook to ensure that "never again" would such acts happen in Burkina Faso.

It must be pointed out that the group of peoples' organisations and political parties refused to take part in the national day of forgiveness, demanding as a pre-condition that all the legal procedures in reported crimes be finalised.

The national day of forgiveness marked the beginning of an improvement in national politics. This shows that the people of Burkina Faso are capable of resolving crises through dialogue. It also illustrates the will of the authorities to guarantee civil and political rights at all cost. The political debate that had already started continued and gave rise to certain results.

2. Changes in political institutions

With the resolution of the crisis, it became possible to undertake political reforms, which served to strengthen the democratic process.

2.1. Political changes

These involved the amendment of the Constitution, reform of the Electoral Code, reform of Parliament and further developments in decentralisation.

2.1.1. Constitutional amendment

The constitution had been amended in 1997. In particular, article 37, stipulated that "the President of the Republic shall be elected for a term of seven years by universal, direct, equal and secret suffrage. He may be re-elected once." This article was amended to read: "the President of the Republic shall be elected for a term of seven years by universal, direct, equal and secret suffrage. He may be re-elected." At the time, opposition parties and a part of civil society had disapproved this amendment, seeing in it the idea of a lifetime presidency.

The political debate that started as a result of the crisis led to another amendment of the constitution. Thus, on the basis of its resolution n°001/2000/AN of April 6 2000, outlining the decision to amend the constitution, the National Assembly deliberated at its session of April 11 2000 and adopted law n° 003-2000/AN, amending the constitution. This law amended a number of articles including article 37, which now stipulates that "the President of the Republic shall be elected for a term of five years by universal, direct, equal and secret suffrage. He may be re-elected once." It thus restricts not only the number of terms of office, but also the duration, which is reduced from seven to five years. This constitutional amendment garnered the approval of all the political class.

2.1.2. Revision of the electoral code and legal status accorded to the opposition

The electoral code set up by law n° 014-2001/AN of January 23 2002 provided for the creation of an independent National Electoral Commission (CENI). The law gives this commission much broader powers than those of previous commissions. The

Administration is no longer involved in organising elections, as it is the CENI that is now in charge of drawing up voters' lists and electoral maps, and publishing voting results. The Commission is made up of equal numbers of representatives of political parties and civil society representatives and played a vital role in organising the parliamentary election of May 5 2002.

Other innovations introduced by the new electoral code involve the mode of voting, the distribution of constituencies and a reduction in costs for political parties as a result of the new division of constituencies and the introduction of a single ballot paper, aimed at preventing or minimising fraud.

Highest average proportional representation has been replaced by largest remainder proportional representation. All these measures favour the smaller parties and thus allow a broader representation of the various categories of the population, as well as different political trends.

For its part, the law instituting the "status of political opposition" provides for the existence of an opposition leader, who is the leading authority of the opposition party with the largest number of seats in the National Assembly. In case of equality of representation, this role falls to the leader of the party that won the greatest number "of valid votes in the most recent parliamentary elections." Article 13 of the law instituting the status of political opposition gives the leader of the opposition a specific place within the State protocol during official ceremonies and receptions.

Following the adoption of these two texts, all political parties participated in the parliamentary elections of May 5 2002.

2.1.3. Parliamentary reform

Up to December 2001, the parliament in Burkina had been made up of two houses, the National Assembly and the House of Representatives. However, the National Assembly, whose members were elected by direct universal suffrage, held the monopoly of legislative power. The House of Representatives played a purely advisory role and was composed of representatives elected by indirect suffrage and appointed in such a way as to represent all of the nation's society and socio-professional categories.

In practice, the high running costs of this house and the fact that it was not indispensable in the legislative process led to it being purely and simply closed down.

2.1.4. Developments in decentralisation

The basis for decentralisation was set by the constitution of June 2 1991 whose article 143 states that "Burkina Faso is organised into regional bodies." Articles 144 and 145 nevertheless leave it up to the legislative power to organise the creation of these regional bodies, as well as the democratic participation of the population in the free administration of their communities. It was on this constitutional foundation that

the decentralisation process was initiated in 1993 with the setting up of the National Decentralisation Commission (CND). The work of this commission led to the adoption in 1994 of the first laws on decentralisation, which enabled the organisation of the first municipal elections in 1995.

Decentralisation is being implemented according to the rules of gradual deployment, as set out in the law programming the implementation of decentralisation. The State must devolve power and transfer resources to the local communities, in compliance with the principle of subsidiarity.

This process is now under the responsibility of the ministry in charge of Territorial Administration and Decentralisation (MATD), which is part of the CND. The ministry has already submitted to the National Assembly a law creating the regions of Burkina Faso, which was passed. The regions are also at the same time administrative constituencies, decentralised regional bodies and electoral constituencies for parliamentary elections. Burkina Faso is therefore now divided into 13 regions, which will each be headed by a regional governor.

The decentralisation process has enabled Burkina Faso to institute a dynamic movement of community based democracy and local development. There are currently 49 urban communes that hold the power to resolve problems locally.

2. 2. Effects of political reform

The political reforms that have taken place constitute progress in the democratic process in Burkina Faso. They have resulted in the recomposing of the National Assembly.

The parliamentary elections of May 5 2002 took place in a calm and transparent atmosphere that was praised by all observers. There were almost 2000 national observers from 15 associations as part of the independent election observatory, as well as 11 observers sent by the European Observatory for Democracy and Development and the Francophone Alliance. Despite a few lapses, the report of the mission of the European observatory felt that there had been a real "desire for transparency in the democratic process."

The method of calculation used was the system of largest remainder proportional representation, set up by the electoral code that was adopted in January 2001. The results were as follows: out of a total of 111 seats to be filled, the Congress for Democracy and Progress (CDP), the party of the presidential majority, obtained 57 seats. The Alliance for Democracy and the Federation/African Democratic Rally (ADF/RDA) obtained 17 seats, the Party for Democracy and Progress/Socialist Party (PDP/PS) obtained 10 seats, and the 27 remaining seats are held by ten other parties, each of which has between one and five seats.

Thirteen parties are thus now represented in the new National Assembly, compared to three in the out-going Assembly. This has led to a strengthening of the institutional guarantees for human rights.

II. STRENGTHENING OF INSTITUTIONAL GUARANTEES FOR HUMAN RIGHTS

There have been a number of important developments in Burkina Faso in the area of human rights promotion and protection. In addition to the reform of legal institutions, the setting up of specific bodies for human rights promotion and protection has strengthened institutional guarantees.

1. Reform of legal institutions

The texts in force date from 2000, but in 1998 a national forum on the justice system had been organised. During this forum, an uncompromising diagnosis of the legal system in Burkina was carried out. Among the findings of the forum was the fact that justice was inaccessible to citizens because of the expense and the distance to its establishments. It was also found that there was a lack of confidence in the system, that applicable procedures were inadequate and that there were insufficient numbers of legal personnel. Bearing in mind these most relevant findings of the forum, the authorities undertook an overhaul of the justice system. For example, the constitutional reform of April 11 2000 provided for the splitting up of the Supreme Court, which appeared to be more of an institution than a superior court. It was replaced by the Constitutional Court, the Court of Cassation, the Council of State and the Court of Accounts, which are all superior jurisdictions in the legal, administrative and financial areas, respectively. Alongside this institutional reform, the government adopted a national action plan for the reform of the judiciary (PAN-RJ) in April 2000.

1.1. The Constitutional Council

The Constitutional Council is the successor to the former Constitutional chamber of the Supreme Court. It is a republican institution that plays an advisory role but also hears disputes and serves as a court in electoral matters. It is in charge of ruling on the constitutionality of laws and ordinances and of ensuring that international treaties and agreements comply with the constitution (article 152 of the constitution).

It interprets the provisions of the constitution and verifies that all referenda and presidential and parliamentary elections are regular, transparent and fair. It hears electoral disputes.

In addition to its president, the Constitutional Council is made up of three judges appointed by the President of the Republic on the recommendation of the Ministry of Justice; three eminent personalities, also appointed by the President of the Republic, and three eminent personalities appointed by the Speaker of the National Assembly, making a total of nine members for a single term of nine years.

The organisation and functioning of the Constitutional Council, as well as the procedures in force when applying to it are set out in its constitution. Members of the council were appointed in October 2002 and took office in December of the same year. The council has been fully functional since then.

1.2. The Court of Cassation

The Court of Cassation is the highest jurisdiction in the judicial hierarchy. Its organisation and mode of functioning are governed by organic law n° 013-2000/AN, amended by organic law n° 035-2000/AN of December 13 2000. It replaces the previous judicial chamber of the former Supreme Court.

The court comprises four divisions; the criminal division, the civil division, the social division and the commercial division.

It has competence to hear appeals for cassation lodged against decisions and rulings of a last resort handed down by the courts within the judicial order. In addition, it may deal with the following cases:

- Appeals for reconsideration in criminal affairs.
- Referrals to competent lower courts.
- Challenges or objections.
- Contradictions in decisions or rulings of a last resort involving the same parties, on the same grounds, from different jurisdictions.
- Any cases for which the law confers competence upon it.

The Court of Cassation was set up officially in July 2002, following the appointment of its members. It has been functioning fully since the 2002-2003 legal year, which began on October 1 2002.

1.3. The Council of State

This body replaced the former administrative division of the Supreme Court and is the highest court in the administrative hierarchy. Under the terms of article 2 of law n° 015-2000/AN of May 23 2000 governing the organisation, competence and functions of the Council of State, amended by the law of December 23 2000, the Council of State comprises a disputes division, an advisory division and a registry.

It has competence to hear disputes, as well as to give opinions. In the area of disputes, the Council of State may hear appeals lodged against rulings handed down by administrative courts of a first and last resort. It also issues judgments without appeal on actions for cancellation brought on grounds of action *ultra vires*, against administrative decrees and decisions whose scope of implementation extends beyond the jurisdiction of a single administrative court. Finally, it may also hear petitions for interpretation or assessment of the legality of acts for which it has competence in case of disputes.

In its advisory role, the Council of State gives its opinion on draft decrees that are submitted to it by the government and generally on all questions for which legislative or regulatory provisions require that it intervene.

Like the Court of Cassation, the Council of State was set up officially in July 2002 and has been running fully since October 2002.

1.4. Court of Accounts

The structure, competence and functions of the Court of Accounts are set by law n° 014-2000/AN of May 16 2000, amended by law n° 036-2000/AN of December 13 2000. The Court was set in place in July 2002 and has been fully functional since October 2000.

There are three divisions within the Court of Accounts:

- A division in charge of auditing State operations.
- A division in charge of auditing the operations of regional bodies.
- A division in charge of auditing public enterprises, social security institutions, development projects financed by external resources and all other bodies that may be subject to the control of the Court.

The Court of Accounts is the highest jurisdiction of control for public finances. It plays both a jurisdictional and non-jurisdictional role. In its jurisdictional role, it rules on the accounts of public accountants, imposes fines, reports on unauthorised management, and sanctions errors in management. The court also audits public finances.

In its non-jurisdictional role, the Government may request the court to examine draft laws, ordinances and decrees relating to the structure and function of the State's financial departments, regional bodies or public services. Furthermore, the court plays an administrative role in budgetary and management control, as well as providing information to certain national authorities.

1.5. The national action plan for the reform of the judiciary (PAN-RJ)

In its desire to bring justice closer to citizens, the government has gone further than simply establishing these superior courts. In April 2000, it adopted the national plan of action for the reform of the judiciary (PAN-RJ), which is aimed at making the system of justice more accessible to citizens and allow it to play its rightful role in a State governed by law. This action plan, which is expected to cover a period of five years from 2001 to 2005 provides for a number of activities including the construction of major infrastructure, providing required equipment to courts and recruiting more magistrates. Where infrastructure is concerned, the action plan provides for the creation of a third Court of Appeal and 15 high courts over the next five years.

In the area of human resources, since 1995, Burkina Faso, with the help of development partners, has been recruiting 15 new magistrates each year. From 2001, this number was increased to 30, as part of a project extending over a period of five years. At the same time, incumbent magistrates are receiving continued training, in order to ensure greater efficiency in judicial decision-making.

The main objective in this area is to restore a feeling of confidence in the judiciary in the minds of citizens. To this end, the government has sought to strengthen the independence of the magistrature by submitting two draft laws to the National Assembly. One of these laws concerns the status of the corps of judges and the other concerns the higher council of the magistrature.

1.6. Status of the magistrature

The principle of the independence of the magistrature is enshrined in article 129 of the Constitution, which stipulates that “the judicial power shall be independent.” This independence is particularly illustrated in the fact that judges of the Bench are irremovable and that all other magistrates are required to obey only the law and their conscience.

In order to guaranteeing the independence of the magistrature, the corps of judges is now governed by law n° 036-2001/AN of December 13 2001, which introduces a number of major innovations as compared to ordinance n° 91-0050/PRES of August 26 1991, relating to the status of the magistrature. For example, a hierarchy of functions has been introduced. Certain functions may now only be carried out by magistrates of a given rank. In addition, the principle of depoliticising the magistrature is clearly stated: “It is forbidden for incumbent judges to be members of a political party and/or to carry out political activities.” “Nevertheless, an incumbent judge who wishes to stand for political elected office shall, at least three months before the date of elections, obtain leave of absence, or resign.” This is a fulfilment of one of the recommendations of the national forum on justice that was held in October 1998.

The official ceremony marking the start of the new legal year, which had in the past been organised on a rotating basis by the various appeal courts, is now organised jointly by the Court of Cassation, the Council of State and the Court of accounts. Magistrates no longer have the right to go on strike. They do however have the right to form unions.

1.7. The Higher Council of the Magistrature (CSM)

The membership, competence, organisation and functions of the Council are governed by law n° 035-2001/AN of December 12 2001. The constitution of Burkina Faso charges this council, jointly with the Head of State, with the task of guaranteeing the independence of the magistrature. Like the law on the status of the magistrature, the law of December 12 2001 includes a number of major innovations aimed at ensuring the autonomy of the council, in line with the new arrangements following the splitting up of the Supreme Court.

The three presidents of the three superior courts are ex-officio members of the Council, as well as the Chief Public Prosecutor of the Court of Cassation. Another member, from outside the magistrature, is appointed by the President of the Republic. Each grade also selects two representatives, whereas in the former text,

the third grade was represented by four representatives and the second and first grades by three respectively.

In addition to ensuring the independence of the magistrature, the CSM also supervises the promotion of judges and acts as a disciplinary body. With its current membership, its independence is assured. There are nine ex-officio members, eight elected members and four appointed members, three of whom represent magistrates' unions.

In the light of the reforms undertaken in the legal sector, it is clear that the State, which has the right to render justice, is determined to create the right conditions for a healthy, efficient, accessible and humane system of justice. This has led to a significant strengthening of the judicial power, which had gradually become aware of its role as the principal guardian of the respect of the rights of citizens, and as the cornerstone of democratic institutions.

Nevertheless, although human rights must be guaranteed first and foremost by the justice system, other institutions may also ensure the promotion and protection of human rights. It is for this reason that certain institutions have been created in the recent past, specifically for the promotion and protection of human rights.

2. Emergence of specific institutions for the promotion and protection of human rights

In order to strengthen the institutional guarantees of human rights, the government has over the past two years set up specific institutions in charge of contributing to the promotion and protection of human rights. These include the State Secretariat in charge of the Promotion and Protection of human rights, which in June 2002 became a full-fledged ministerial department; the National Human Rights Commission, and the Compensation Fund for the Victims of Political Violence.

2.1. State Secretariat in charge of the Promotion and Protection of Human Rights

In response to the demands of the population for enhanced protection of human rights, and to reaffirm the prime role of the State in the promotion and protection of the rights of citizens, the nation's highest authorities set up a specific government body, in the form of a State Secretariat in charge of the Promotion and Protection of Human Rights (SEPDH).

The Secretariat, which was attached to the Ministry of Justice, was established in November 2000 and, although understaffed, immediately began to make the promotion of human rights more visible in Burkina Faso. Upon proposal from the Secretariat, the government adopted, in December 2001, a general policy declaration on human rights, as well as an action and orientation plan for the promotion and protection of human rights. The Secretariat was also at the origin of the setting up of the National Human Rights Commission.

Bearing in mind the fact that the work of promoting and protecting human rights requires close collaboration with all governmental and non-governmental actors, the Secretariat undertook a number of initiatives to establish lasting relations with all

partners in the promotion of human rights. Where civil society actors are concerned, it has always sought dialogue and created the necessary enabling environment for discussion. As an example, on April 13 2001, a day of consultation was held, bringing together the Secretariat and other governmental agents on one hand, and civil society organisation working in the area of human rights on the other. On this occasion, the mission of the Secretariat was explained and it was indicated that the Secretariat wished to work in concert with all those involved in the protection of human rights. Participants also recognised the need to create a permanent framework for dialogue in our country, through the setting up of a National Human Rights Commission (CNDH).

Since its inception, the Secretariat has participated in other activities, in particular attending national and international human rights events. In the country, these events have been organised with human rights defence associations. On the international scene, the Secretariat attended the ordinary sessions of the African Commission on Human and Peoples' Rights held in Tripoli and Banjul respectively in April and October 2001. It also attended the World Conference on Racism, Racial Discrimination, Xenophobia and other forms of Intolerance in Durban, South Africa in August-September 2001 and has participated in regional and international scientific symposia, training seminars and workshops.

2.2. The National Human Rights Commission (CNDH)

The Commission was created by decree n° 2001-628 PRES/MJPDH of November 20 2001. It is a national framework for dialogue between public agents involved in human rights issues on the one hand and representatives of non-governmental, human rights protection associations, movements and organisations on the other. The Commission is a human rights advisory body, working for the promotion of human rights in Burkina Faso.

Its membership is mixed and pluralist. It is made up of **ten** representatives of human rights associations/NGOs, **three** representatives of trade union federations, **two** representatives of autonomous unions, **six** moral, religious and traditional leaders, **two** personalities selected for their expertise in the area of human rights, **two** qualified experts from the medical and communication fields, and **one** representative of the Ombudsman. These members have voting rights. The other **eight** members of the Commission, who represent various ministerial departments including those for the Promotion of Human Rights, Social Action, Promotion of Women, Foreign Affairs, Health, Basic Education and Territorial Administration, are present in an advisory capacity.

The Commission was established officially on December 10 2001. The budget for its annual activities is provided by the State. It is administered by a bureau comprising a President, Vice-president and a Secretary-General.

2.3. The Ministry for the Promotion of Human Rights

The Ministry for the Promotion of Human Rights was established by decree n° 2002-205/PRES/PM of June 10 2002, outlining the composition of the government of Burkina Faso. It took over from the State Secretariat in charge of the promotion of Human Rights.

Because of its specific missions, it acts as an interface between the public authorities and civil society. It is therefore a new agent of democracy and the rule of law, which is required to play a vital role in ensuring the entrenchment of democratic governance, particularly with a view to instituting a culture of peace and human rights in the country.

The Ministry for the Promotion of Human Rights is in charge of implementing and monitoring government policy in the area of human rights. Its human rights promotion and protection activities are set out in the guidelines and plan of action adopted by the government in December 2001.

2.4. The compensation fund for the victims of political violence

On the occasion of the national day of forgiveness, the President of the Republic had undertaken to compensate the victims or families of victims of acts of political violence committed in the country from 1960 to date.

Pursuant to that undertaking, on June 8 2001, the government established a compensation fund for the victims of political violence, by passing decree n° 2001-275/PRES/PM. The fund is managed by a board of directors that is chaired by the Prime Minister and administered by a director. The objective of the fund is to provide compensation to the victims or families of victims of political violence, upon submission by them of a request to the fund.

The fund was effectively established in September 2001 and after several months spent collecting the applications for compensation, in March 2002, it was provided with a budget of six billion (6 000 000 000) CFA francs for a period of five years.

The activities of the compensation fund for the victims of political violence have also contributed to an appeasement of the political and social life of the country and thus contributed to the strengthening of the rule of law.

The rule of law and political life witnessed positive developments in Burkina Faso between 1998 and 2002. Far from undermining republican institutions, the difficulties encountered have served to strengthen the democratic process and the foundation of a constitutional State. This has led to a consolidation of the situation of rights, duties and freedoms.

CHAPTER 2: APPLICATION OF RIGHTS, DUTIES AND FUNDAMENTAL FREEDOMS

Numerous reforms have made the democratic process more effective and given greater reality to civil and political rights.

I. DEVELOPMENTS IN LEGAL FOUNDATIONS

The initial report had indicated the whole of the institutional structure of the rule of law in Burkina Faso. This structure remains the same in many ways, but has been somewhat strengthened both in its constitutional and legislative framework, and in its framework of agreements.

1. Strengthening of the constitutional and legislative framework

Under article 124 la constitution, “judicial power shall lie with judges; it shall be exercised throughout the territory of Burkina Faso by the judicial and administrative jurisdictions as defined by law”. The constitution thus consecrates the principle of the independence of judicial power.

Article 13 of the constitution guarantees a multiparty system. Since 1991, a multitude of political parties have been in existence. With the recomposing and groupings that have taken place, however, certain major political groups have been created. These include the CDP (Congress for Democracy and Progress), the ruling party; the PDP/PS (Party for Democracy and Progress/Socialist Party), and the ADF-RDA (Alliance for Democracy and Federation-African Democratic Rally). The 2001 reform of the electoral law also contributed to consolidating political pluralism. Thirteen (13) political parties and groups are currently represented in the National Assembly.

Article 8 of the constitution guarantees freedom of opinion, freedom of the press, and the right to information. Pluralism is a reality, where the press and the media are concerned. The information bill that was adopted in 1992 and amended in 1993 is one of the most liberal in Africa. Private radio stations and newspapers have been flourishing in Burkina Faso since the beginning of the democratic process.

Local private newspapers and radio stations are faced with financial difficulties. For this reason, the government provides an annual subsidy of 150 million CFA francs for the development of the press. The main daily newspapers are *Sidwaya*, *l'Observateur Paalga*, *Le Pays*, and *l'Express du Faso*. The main weeklies include *l'Indépendant*, the *Journal du Jeudi*, *l'Opinion*, *l'Hebdomadaire du Burkina*, and *San Fina*.

The constitution guarantees all public freedoms. Article 7 states that “*freedom of faith or non-faith, of conscience, religious or philosophical opinion, freedom of worship and of assembly, the free practice of custom, as well as the freedom of procession and demonstration shall be guaranteed by the present Constitution, subject to respect of the law, of public order, of good moral standards and of the individual.*”

Article 21 of the constitution states that “freedom of association shall be guaranteed.” This freedom is governed by law n° 10/92/ADP. Article 22 of the constitution guarantees the right to go on strike.

Where public meetings and demonstrations are concerned, law n° 22/97/II/AN of October 21 1997, governing the freedom to meet and hold public demonstrations states that these “shall be free in Burkina Faso” (art. 1).

Public freedoms are thus set within the institutional framework, at the same time as the guarantees for human rights.

2. Consolidation of the institutional framework

The institutional environment in the country has changed since the initial report in 1998, as a result of the following measures:

- Adoption of a national plan on good governance, with the bodies to manage it.
- Adoption of a new electoral code.
- Creation of a new version of the independent electoral commission.
- Adoption of the charter of political parties and the statute of the opposition.
- Creation of the National Committee on Ethics
- Drafting of a framework document on capacity building for civil society organisations.
- Adoption and implementation of guidelines on decentralisation.
- Setting up of an office for the control of corruption.
- Adoption of a strategic framework to fight against poverty.

3. Consolidation of the framework of agreements

As far as such agreements are concerned, the initial report of Burkina Faso to the African Commission on Human and Peoples’ rights in 1998 drew up a list of all conventions to which Burkina Faso had subscribed. Since that date, that structure has been further strengthened with the ratification of new regional and international instruments for the protection and promotion of human rights.

Within the region, Burkina Faso on December 31 1998 ratified the Additional Protocol to the African Charter on Human and Peoples’ Rights on the Establishment of an African Court on Human and Peoples’ Rights.

On the international scene, Burkina Faso has strengthened its protection of human rights with the ratification of the United Nations convention against torture and all forms of cruel, inhuman or degrading treatment or punishment, of January 4 1999.

The process of ratification of the Rome Statute on the International Criminal Court is underway.

Almost all international conventions and agreements of the UN and OAU systems have thus been signed and ratified by Burkina Faso, which is now striving to make them effective within the country, in particular through transposing them better within the domestic arsenal of instruments, and by better fulfilling the obligations attendant to them.

II. DEVELOPMENTS IN THE PROTECTION OF CIVIL AND POLITICAL RIGHTS

Changes in the political and institutional framework of civil and political rights have led to certain changes in the way in which specific rights are dealt with. These involve new regulations, new policies and actions and the effective enjoyment of these rights.

The African Charter on Human and Peoples' Rights speaks of the following rights:

- **The right to life and physical integrity:**

The adoption of the constitution in 1991 marked the beginning of a democratic process, which is now a reality. This process made it possible to guarantee the right to life for each and every citizen. Generally speaking, the right to life is respected in Burkina Faso. Nevertheless, it must be acknowledged that over the last four years, there have been certain flagrant violations of the right to life that have particularly affected public opinion in the country. One example is the assassination on December 13 1998 of the journalist Norbert ZONGO. Other examples include the death, following an assault, of Pépin OUEDRAOGO, an employee of the national electricity company, and the death by shooting of a schoolboy, Flavien NEBIE, during an exercise to maintain public order. On the demand of all the components of the nation's society, the government undertook a number of measures and carried out activities to ensure the protection of civil rights and the right to life.

In the case of Auguste Pépin OUEDRAOGO, the perpetrators of this crime, and their accomplices, have been tried and sentenced to imprisonment. In the Flavien NEBIE case, a legal a judicial enquiry against a person or persons unknown is underway. In the Norbert ZONGO case, charges have been brought and the case is underway.

In addition to these three specific cases, it must be noted that there have been instances of deaths during operations to safeguard public security, between October and December 2001. Indeed, in Burkina Faso, as in most West African States, the past few years have seen an increase in organised crime. Faced with this phenomenon, security forces had organised clamp downs, which were aimed at dismantling the networks of particularly dangerous criminals, who were armed and operating in several areas. Unfortunately, these operations led to an exchange of gunfire between the law and order forces and the criminals, who were sometimes better armed. A controversy thus arose between certain human rights defence organisations, which saw these as extrajudicial killings, and the law and order forces, who felt that they had been acting in legitimate self-defence. At the time, the State Secretariat for the promotion of human rights organised a consultative seminar that

brought together civil society and the security forces. The conclusions of that seminar showed that far from being opposed, security and human rights are closely linked. A state of security is a basic condition for the enjoyment of human rights. Indeed, security is one of the fundamental human rights. It is therefore necessary to find the means of linking the requirements of security with the demands of the rule of law. A framework for combating insecurity was adopted by the government in order to allow the fight against organised crime to be carried out while respecting the law and human rights.

- **The right to be tried before an impartial jurisdiction, the right to a fair trial and to a defence, and the presumption of innocence:**

In addition to action taken to make the system of justice more efficient, more accessible and more independent, certain exceptional jurisdictions have been established to further consolidate the legal apparatus that ensures the enjoyment of the right to be tried before an impartial jurisdiction, the right to a fair trial and to a defence, and the presumption of innocence. An example of these are the military courts, which have just been provided with staff, in particular military magistrates, and which hear cases that fall under their competence.

- **The right to receive and disseminate information:**

Article 1 of the information bill also states that “the right to information shall form part of the fundamental rights of Burkinabe citizens.”

Regulation of the information sector in Burkina Faso is the responsibility of the Higher Council on Information (CSI). This is an independent administrative authority whose membership, attributions and functions are laid out in organic law n° 20-2000/AN of June 28 2000.

Under the terms of article 17 of that organic law, which spells out the attributions of the Council, the Council has the task of protecting individuals against violations resulting from the activities of the information sector.

Articles 19 and 21 also deal respectively with pluralism and equal access to the media. The Council shall ensure that pluralism is respected and information is fair and balanced, in radio and television programmes. It shall also guarantee fair access to the written press and the public audiovisual media for all political parties, professional associations, trade unions and components of civil society.

Since its inception, and particularly in 1998, the Council has been a significant player on the democratic scene in Burkina Faso.

Private radio and television stations are flourishing in Burkina Faso. Indeed, to date, 21 commercial radio stations, 15 religious radio stations, 5 community radio stations and 3 private television channels have been granted the authorisation to broadcast.

These private radio and television channels are required to comply with specifications and mission statements that include provisions guaranteeing certain human rights. In the agreements that they sign with the CSI, these private media bodies undertake to respect the individual, to ensure equality between men and women, and to protect children and adolescents. (Article 10)

The CSI is also obliged, as part of its attributions, to guarantee equal access of political parties to the private and public media during electoral campaigns.

In this area, particular mention must be made of the remarkable contribution of the Council during the parliamentary elections of May 5 2002. In addition to supervising the media coverage of the electoral campaign, the Council innovated by ensuring that private radio stations were involved in the coverage of the campaign. This was a hitherto unprecedented occurrence.

The Council also drafted a code of good conduct during the campaign, which all political parties, the media and journalists' associations adopted. The objective of the code of conduct was to encourage all those involved to strive to preserve social peace and ensure the harmonious running of the electoral campaign.

The code was in fact a sort of "republican covenant", which contributed to ensuring political debate, and enabled both the public and private media to comply with conditions of neutrality and impartiality in dealing with information on politics.

This innovation helped to foster the gradual entrenchment of a culture of democracy in our country, while at the same time providing an enabling framework for the promotion of human rights.

In its initial report, Burkina Faso provided information on existing domestic provisions guaranteeing each of certain specific rights. These include the right to freedom and security of individuals; the prohibition of arbitrary arrest and detention; equality before the law and the right to equal protection under the law; the abolition of slavery, servitude and forced labour, and humane treatment of persons arrested or detained. Other such rights are freedom of conscience, of expression, of assembly and of association; the right to move about freely and to choose a place of residence; the right to participate freely in voting; the right of access to positions of public office; the prohibition of imprisonment for the violation of a simple contractual agreement; protection of private life; the elimination of all forms of social discrimination; guaranteeing the rights of refugees, etc. Most of these rights, which are enshrined in the constitution and safeguarded by republican institutions, are fully effective both in law and in practice, in a democracy that has neither been interrupted nor been the subject of a state of exception or of siege since 1991.

The abovementioned rights are set out and guaranteed under the terms of the constitutional, legislative and regulatory provisions indicated in the initial report of Burkina Faso in 1998.

III. COMPLIANCE WITH THE DECISION OF THE ACHPR CONCERNING COMMUNICATION N° 204/97, MBDHP vs. BURKINA FASO

Communication n° 204/97 was brought before the African Commission in 1997 by the Burkinabe Movement for Human and Peoples' Rights (*Mouvement burkinabé des droits de l'Homme et des Peuples* - MBDHP), against the government of Burkina Faso. Following a failed attempt at an amicable settlement, the Commission adopted a decision at its 29th ordinary session held in Tripoli, Libya from April 23 to May 7 2001. The decision, which partially accedes to the request of the MBDHP, found Burkina Faso in violation of articles 3, 4, 5, 6, 7(1.d) and 12 (2) of the Charter and called on the State to take the necessary legal steps as follows:

- Identify and try those responsible for the human rights violations cited in the decision.
- Speed up the process in the cases pending before the courts.
- Provide reparation for the victims of the human rights violations referred to in the decision.

In August 2001, the government of Burkina Faso indicated by letter to the Commission that it had taken note of the decision and that it would examine it with a view to complying with the decision. The government however deplored the fact that the decision was rather partial and that the arguments put forward by the State party during the sessions where the communication had been considered, and in its written submission in defence in Tripoli had not been taken into account.

Although the Commission never replied to this correspondence, and in spite of its reservations, the government of Burkina Faso, as part of the process of national reconciliation described above, adopted a number of general measures aimed at compensating the victims and legal heirs of victims of political violence. This has made it possible to compensate some of the victims of human rights violations identified in the communication by the MBDHP.

Thus, on the basis of the cases submitted to the government by the compensation fund for the victims of political violence, decree n° 2002-437/PRES/PM of October 14 2002 was passed, on the settlement of compensation for the legal heirs of 16 people who had lost their lives. This decree applied to the heirs of Guillaume SESSOUMA and Oumarou Clément OUEDRAOGO, who were both referred to in the Commission's decision as victims of violations of the rights enshrined in the Charter.

Furthermore, other cases, involving the burning of two cars belonging to Halidou OUEDRAOGO, and the careers of Halidou OUEDRAOGO and Christophe COMPAORE; the so-called case of the Kaya Nabio of Nahouri, and the case of the school children who were killed in Garango are currently before the compensation fund for the victims of political violence. The latter two cases were transferred to the fund following the work of the College of Elders mentioned above and the decision concerning compensation will soon be taken. The first two were however introduced by the parties involved and are awaiting further information to ensure their speedy settlement.

It is also important to note that the courts have already delivered their final rulings on the matters in dispute in certain other cases. This is the case in particular for the two farmers who were killed in 1996 in Réo. A ruling of the Criminal Chamber of the Court of Appeal of Ouagadougou was handed down on March 26 1999, condemning the perpetrator of the acts cited. The same may be said of the matter of the careers of Halidou OUEDRAOGO and Christophe COMPAORE, where a final ruling was made by the Administrative Chamber of the Supreme Court in November 2001. The chamber ruled that the case was inadmissible as a result of a flaw in the process. Indeed, the case was introduced after the expiry of the two month period granted by law for appealing a case for action *ultra vires*, which was cited in this case.

Some of the cases involved in the Commission's "decision" are still pending before the courts either because they have only recently been brought before the courts, or because investigations have so far not yielded any results. This is particularly the case for the Boukary DABO affair, which was only brought to court in 2000. To date, the investigation is underway and the case is on-going. The Oumarou Clément OUEDRAOGO case is also before the courts, although a decision has already been made by the compensation fund for the victims of political violence to pay compensation in this case. This state of things is simply due to the fact that the enquiry in this case has been unfruitful and the investigating magistrate has found no charges that could be brought against the main suspect.

From the foregoing, it is clear that the government of Burkina Faso took the necessary legal, social and political steps required by the decision of the Commission. It will therefore continue to deploy all efforts to find the appropriate solution to all the situations that remain pending.

In conclusion, it may be noted that civil and political rights have witnessed positive developments in Burkina Faso, both in institutional terms and in the conditions that ensure the exercise of these rights on a daily basis. The government, which pays keen attention to the deepest aspirations of the population, has now made human rights a national priority. It is for this reason that various bodies have been created to take charge of these rights, in particular the Ministry in charge of the promotion of human rights, and the national human rights institution. A number of difficulties obviously remain, but the government is determined to forge ahead and is driven by a clearly expressed political will.

What may be said about developments in the area of economic, social and cultural rights?

PART TWO: ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Burkina Faso is an under-developed country and this constitutes an objective limitation on the promotion of the economic, social and cultural rights of the population. The negative impact of low levels of yield and low levels of technological capacity employed is further aggravated by the fact that the country is landlocked. These factors make it extremely difficult to optimise production capacity and the exploitation of natural resources.

In spite of these difficulties, the State continues to deploy constant efforts to promote its citizens in the area of economic, social and cultural rights.

The African Charter on Human and Peoples' Rights enshrines economic, social and cultural rights in certain relevant provisions. These involve mainly the right to work, the right to education, free trade and enterprise, the right to health and accommodation, the right to culture and the protection of the rights of women and children.

The promotion and protection of these rights are closely linked to the overall conditions of the national economy.

CHAPTER I: GENERAL CONDITIONS OF APPLICATION OF ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Economic, social and cultural rights are affected by the economic activity and the changes in financial and budgetary policies of the country.

I. ECONOMIC ACTIVITY

The economy of Burkina Faso is based on agriculture and livestock farming. The capacity to produce wealth to ensure the enjoyment of economic, social and cultural rights is relatively low. Nevertheless, economic activity is very dynamic and is based on the principles of free trade and enterprise.

Article 16 of the 1991 constitution indeed stipulates that "free enterprise shall be guaranteed within the framework of existing laws and regulations". As part of the laws and regulations in this area, which confer many rights, mention may be made of the Commercial Code and the various regulatory texts on the rules of competition and consumer rights. Trade and enterprise in our country deal mainly with agriculture, livestock farming, crafts and industry. These are areas of activity where the State is heavily involved. Public authorities are however not much involved in the purchase and sale of general trading goods. This is left mainly to private sector economic agents.

It would be appropriate now to take stock of the situation in the various sectors; agriculture and livestock farming, industry and crafts, and trade and communications.

1. Agriculture and livestock farming

Agriculture and livestock farming constitute a vital economic sector in the country. They are the primary source of income for the population and provide the greater part of gross domestic product. These two activities are the driving force of the national economy.

1.1. Agriculture

Agriculture is the key sector of the economy of Burkina Faso, as well as the number one job provider. It occupies an important place in the life of the population, the majority of whom live in rural areas and use agricultural products to meet their food requirements and also as a source of income on national and foreign markets.

Agriculture remains the dominant sector of national economic activity, contributing 34% of GDP and providing jobs and income to more than 80% of the rural population. It generates 60% of income from exports and receives on average 30 to 35% of public investments.

The main crops produced are cereals such as millet, sorghum, rice, *fonio* and *niébé*, which are mainly used for feeding. Some cash crops such as cotton, shea-nut and gum Arabica are now however gaining importance in the agricultural sector, ahead of vegetables and fruits.

Because of haphazard rainfall patterns, farmers are unable to ensure the constant levels of productions that would ensure food self-sufficiency in the country.

Thus, although the 1998/1999 agricultural season was generally satisfactory, the 1999/2000 season was much less so because of insufficient rainfall. This led to a cereal deficit and famine in areas in the North and Centre. The cereal deficit was very serious in 2000. Faced with this situation, the State made considerable efforts to provide food and cereal free of charge, according to the needs of the population, and with the assistance of development partners. During the winter season in particular, temporary food distribution operations were set up in the country. Another permanent measure has been the sale of cereals at low prices throughout the country.

The 2000-2001 season was more productive all over the national territory. In the South-West the Western and the Eastern regions of the country, surpluses were registered. The central plateau received average rainfall and thus the production was average to good for millet and sorghum, and average to poor for oilseeds.

In the light of the climate and rainfall variations that endanger the lives of citizens and the long term development policies of the country, the government decided in 1999 to organise regular cycles of artificial rainfall using the method of cloud seeding. These cycles have been given the name "Operation Saaga" (rainfall in *mooré*). These operations, which were initiated during the 1998/1999 season and repeated in

1999/2000, were organised systematically on a good part of the national territory during the 2001-2002 campaign. Thanks to these operations, the 2001-2002 campaign is expected to yield surpluses. The government has therefore been encouraged to make this an annual activity, as part of the State's assistance to the agricultural sector.

Alongside rainfall production, it must be pointed out that irrigated farming is developing significantly in our country. This enables the production of certain crops like maize and *nébié* out of season, in particular on the plains in the East and West of the country. It must be recalled that despite the desire of both farmers and the authorities to increase national production, only 3.3 million hectares are cultivated during the rainy season, while 15 000 hectares are irrigated.

1.2. Livestock farming

Livestock farming is one of the pillars of the economy of Burkina Faso. It is the second source of income for the country after agriculture and contributes 13% of Gross Domestic Product (GDP), while providing jobs for 6% of the population. Jobs in this sector are highly varied, ranging from rearing of large and small ruminants to rearing of poultry, as well as the production of leather and skins and horns and hoofs. Lack of water and grazing grounds however constitutes a major obstacle to the development of livestock farming in Burkina Faso.

Since 1998, this sector has been exporting an average of 300 000 heads of cattle annually to neighbouring countries like Côte d'Ivoire, Ghana, Togo and Nigeria, which produce less cattle and poultry. The largest cattle markets are found in Gorom-Gorom and Djibo in the north, Pouytenga, in the Centre-East and Fada N'gourma in the eastern part of the country.

The authorities recognise the fact that livestock farming can be a tool for the reduction of food insecurity and the improvement of incomes in the rural areas. They are thus committed to encouraging and intensifying the development of modern, highly productive livestock farming, while at the same time preserving traditional methods of animal husbandry. As a result, since 1997, a Ministry of Animal Resources has been charged with steering the livestock development policy, and giving new impetus to the sector. A plan of action has been adopted, which sets the general guidelines of the livestock development policy that was adopted in 1997.

In order to enhance its production capacity, the State has set up livestock parks throughout the country. Two of the largest of these parks are the Bogandé Park in the east, and the Bittou Park in the central-eastern part of the country.

2. Industry and crafts

Industry and crafts are the most important economic sectors in Burkina Faso after agriculture and livestock farming. Although industry is still in an embryonic phase, crafts constitute a thriving sector of activity.

2.1. Industry in Burkina Faso

The industrial sector only provides jobs to 5% of the working population, but contributes 23% of GDP. Industrial activity is mainly concentrated in Ouagadougou (71%) and Bobo Dioulasso (18%). The total number of industrial establishments is around one hundred.

Industry in Burkina Faso is faced with a number of difficulties such as the lack of competitiveness due to the low level of productivity of industrial units; high costs (power and water); cumbersome administrative processes; a very small internal market; difficulties in securing bank loans; high levels of import taxes on inputs and spare parts; fraud, and smuggling.

In its policy to attain sustainable growth, the government has emphasised the need to develop small and medium-sized businesses (SMEs) and small and medium-sized industries (SMIs).

The main activities in the industrial sector are related to the agro-food industry and the manufacturing industry. The textile and leather industries and the building industry also play quite a significant role.

2.1.1. The agro-food industry

Agro-food sector industries such as biscuit factories, industrial bakeries, breweries and oil mills participate actively in processing cereals. With a job creation rate of 49.5%, this sector produces 55.2% added value and is responsible for 41.2% of the turnover of the industrial sector.

Agro-food factories are found in Bobo Dioulasso and Ouagadougou, and their numbers are constantly growing.

2.1.2. The manufacturing industry

This industry is barely starting out and represents 15% of GDP. Between 1985 and 1990 it provided 7 000 jobs and generated FCFA 32.550 billion in added value. Manufactured products range from tobacco to plastic and metal products.

2.1.3. The textile and leather industry

The textile and leather industry represents an important part of the industrial sector. The textiles, clothes and leather industries represent 21.6% of jobs, 26.6% of added value, 34.7% of turnover in the sector and 38% of industrial production. Unfortunately, with the close down of the FASO FANI company, the greater part of locally produced textile fibre is now exported. The companies in the sector are *Société des Fibres textiles* (SOFITEX), *Société Burkinabé des Cuirs et Peaux* (SBCP), which is involved in leather and tanning, and the *Société Burkinabé de la Manufacture du Cuir* (SBMC), which does pyrography.

2.1.4. Building and public works industry

A feature of this sector is the existence of many private companies of varying sizes.

It is a dynamic sector that has developed rapidly in recent years, with an increase in the numbers of businesses as well as an expansion of the sector within the economy.

2.2. Crafts in Burkina Faso

Crafts, like agriculture, are a traditional activity in Burkina Faso. This sector contributes 15% of Gross National Product and occupies 54% of the population. Various forms of crafts activities exist, which may be denominated as artistic crafts, service crafts and production crafts.

Artistic craftwork consists mainly of working bronze, leather and skins. Bronze working is a traditional activity in artistic crafts. Bronze craftsmen use the “lost wax” method to produce pieces that are each unique and which have won the growing appreciation of tourists. These bronze objects are now part of a flourishing trade and are exported. Leather craftsmanship and pottery are also very widespread in Burkina Faso.

The term service crafts refers to all activities that provide a maintenance or repair service such as light mechanics, electrical works, plumbing, painting, etc.

Production crafts concern the manufacture of goods for day-to-day use. This may be in the area of woodworks, carpet weaving, blacksmithing, sewing, etc.

Crafts in Burkina Faso have been given a forum for expression and expansion with the organisation, every two years, of the Ouagadougou International Crafts Fair (SIAO). The State also provides support to the sector through the provision of professional training and evaluation centres for artisans in Ouagadougou, Kaya, Bobo and Dori. Each year, roughly 200 artisans are trained and receive certificates for carpentry, welding, masonry and mechanics. Activities in the sector were further stimulated with the setting up in 2000 of a crafts village in Ouagadougou, where artisans have premises at their disposal for producing and selling their wares. They also benefit from substantial professional supervision.

3. Trade

The trade sector is plagued with the lack of organisation of the profession; insufficient knowledge about modern management methods, and low levels of supervision of traders. Nevertheless, commercial activity is quite well developed and contributes 38.4% of GDP.

3.1. Internal trade

Internal trade mainly takes place in daily and periodic markets. Markets in large cities like Ouagadougou, Bobo Dioulasso, Ouahigouya, and Koudougou supply other markets with food products and capital goods. Since 1990, other markets have also illustrated their ability to produce and supply various goods and services. This is the case of the Pouytenga and Tenkodogo markets near the borders with Ghana, Togo and Benin in the centre-east of Burkina Faso.

3.2. External trade

The main characteristic of the country's external trade is the trade deficit. Foreign trade depends on the ports of Lomé (Togo), Cotonou (Benin) and Abidjan (Côte d'Ivoire), which are the main maritime outlets for Burkina Faso. The crisis in Côte d'Ivoire has led operators to move away from the port of Abidjan and turn to the ports of Ghana and Togo.

Significant increases in exports have been recorded since the devaluation of the CFA Franc, in particular in sectors such as gold, cotton and animal husbandry products.

Although the trade deficit has increased in volume, the rate of coverage of imports by exports continues to improve. Indeed, this rate increased from 52.7% in 1993 to 59.1% in 1995.

In 1994, the balance of services, which until then had been structurally negative, showed a surplus. Transfers without compensation have increased greatly and have almost doubled in volume. This increase is due to the sharp increase in donations from the international community and also to the increase in remittances from Burkinabe citizens abroad.

The main exports are agro-pastoral and crafts products. These include cotton, livestock, oilseeds (shea nut, sesame, cashew nuts) and gold.

The principal buyers of products from Burkina Faso are Côte d'Ivoire, France, Switzerland, Indonesia, the Republic of China and Italy.

Imported goods include food products (cereals, milk, sweets); petroleum products; capital goods (machinery, transportation equipment, etc.); manufactured products; chemical products; drinks, and tobacco.

Imports to Burkina Faso mainly come from France, Côte d'Ivoire, the United States, Japan and Nigeria.

In order to reduce the country's excessive dependence on foreign markets, the authorities of Burkina Faso are encouraging the creation of import-substitution industries.

4. The mining sector

Given the embryonic nature of the industrial sector and the fact that agriculture is very much dependent on the vagaries of the climate, Burkina Faso is seeking to diversify its sources of revenue and improve the performance of its economy. The mining sector is one of the sectors that the country is counting on greatly, to launch the economic recovery that is required for development.

Although agriculture remains the main economic activity of the country, the mining sector continues to acquire importance; 25% of the national territory or 72 000 km² can be mined. The sector contributes 5% of GDP and provides activities for 2% of the population, which represents roughly 200 000 people.

Studies carried out in the mining sector over the past decade have shown that the subsoil of Burkina Faso is rich with many mineral and other resources; gold, manganese, phosphates, zinc, copper, nickel, lead, clay, kaolin, and limestone.

In order to promote this mining potential, the government in 1996 adopted a statement on mining policy that emphasises the economic importance of mining and the need to create the enabling conditions for development of the sector. This statement contained the broad guidelines of the new mining policy, which promotes and encourages the exploration and exploitation of mineral resources by large, medium and small sized companies with Burkinabe or foreign capital. It also reaffirmed the decision of the government to opt for opening the mining sector to free enterprise.

As part of the statement of mining policy, the State is committed to developing a legal, economic, financial and fiscal framework that will enable investments in mining. It is also determined to strengthen mining promotion institutions and maintain a climate of trust for investors, while developing basic infrastructure. Pursuant to this, the National Assembly adopted the mining code in 1997. This code accords many customs and tax advantages to investors in the mining sector both for activities in the exploratory phase, and for equipment and production.

Between 1997 and 2000, this policy led to a real boom in the mining sector. Today, as a result of the research carried out during this period, and the establishment of many international mining companies, Burkina Faso is recognised as a country with great mining potential and is becoming a mining country. Between 1995 and 2000, more than 200 exploration permits were issued to numerous mining companies, some of which are well-established companies and others more recent. Altogether, these companies invested more than US \$ 100 million during the same period.

As a result, several new gold-mining sites have recently been discovered, in addition to the sites that have been in existence for many years. The new sites are Essakane in the north, Taparko in the Namentenga province in the centre-north, Bomboré in the centre-east, and Kalsaka.

The main difficulty that remains today, however, is to manage to exploit these abundant mining resources. Fruitful exploitation of mineral resources is hampered by the fact that the country is landlocked; the lack of basic infrastructure; the variations of prices of these resources on the international market, and the lack of dynamism in the local economy.

5. Means of communication

Communication channels and means of transport are vital for a country like Burkina Faso, which is landlocked and therefore has no direct access to the sea. Important efforts have therefore been deployed to mitigate the effects of this situation. These efforts have mainly concerned the infrastructure of roads, railways, airports and the telecommunication sector.

5.1. Road network.

Road transport is the most commonly used means of transport and therefore plays a crucial role in the socio-economic development of the country. Since independence in 1960, successive government policies in the area of transport have highlighted the construction of the road network, but have not neglected other means of transport.

The road network in Burkina Faso currently covers a total of 15 272 km (Statistics for 2001). Of this total, 1 992 km are asphalt roads, while 13 280 km are earth roads. Roads are classified in three main categories; national roads, which total 6 698 km, departmental and regional roads, which cover 3 581 km, and feeder roads, which altogether, cover 4 993 km.

Most of the roads linking Burkina Faso to its neighbouring countries are asphalt roads. The country has two asphalt links with Mali. There are two roads to Côte d'Ivoire, one of which is asphalt. Two roads also lead to Ghana, and here again, one of them is an asphalt road. Where Niger, Togo, and Benin are concerned, each of these countries is linked to Burkina Faso by an asphalt road.

Further efforts are being made to open up the country with the construction of new roads and feeder roads and the rehabilitation of damaged roads. Several projects are also underway to cover certain roads with bitumen. Among the major road projects, mention may be made of the following in particular: asphaltting of the Pâ – Dano road (231km to the border with Côte d'Ivoire); asphaltting of the Ouaga – Léo road (180km to the border with Ghana; asphaltting of the Kaya – Dori road (170 km); and asphaltting of the Bobo – Dédougou road (175 km).

The fleet of automobiles in the country numbers over 30 000 vehicles, to which must be added hundreds of thousands of bicycles and motorcycles.

Being a landlocked country, Burkina Faso uses the ports of neighbouring countries like Côte d'Ivoire, Ghana, Togo, and Benin to import and export goods. Most of these goods have to travel by road.

5.2. Rail network

Although the railway is not widespread, it has always been a vital means of transport for the country and played a significant role in opening up the country. Indeed, until the very recent past, the train was the main means of transporting imported or exported goods. The rail link between Burkina Faso and Côte d'Ivoire remains the principal means of entering or exiting the country.

The railway network is made up of a single line that runs from Kaya to Ouagadougou to Bobo-Dioulasso and to Abidjan, covering a distance of 1 156 km. There is a project to extend the line to Tambao, in the north of Burkina Faso, where there is a major manganese deposit.

In the recent past, however, rail transport has faced serious difficulties that have been aggravated by the Ivorian crisis, which started in September 2002.

5.3. Air network

Because Burkina Faso is a landlocked country, air transport is indispensable for the national economy. Air transport is however not very well developed in the country. Burkina Faso has two international airports in Ouagadougou and Bobo-Dioulasso, and local landing strips in other towns of the country for small planes.

Up till July 2001, Burkina Faso was linked to the rest of the world, in particular Europe, with international airlines like Air Afrique, Air France, SABENA, Aeroflot, and Air Algérie, while the national airline, Air Burkina, flew to the neighbouring countries.

Today, only Air France, Air Algérie and National Air Service (NAS) continue to fly to Europe. In addition to these airlines, there is a new airline, El Fateh, which flies between Libya and Burkina Faso. Flights to and from other countries in the sub-region are operated by Air Burkina, Air Senegal International, and Ghana Airways. A cargo charter company, Faso Airways, operates flights for goods.

5.4. Telecommunications

The telecommunications sector is another key sector for the economic development of a landlocked country like Burkina Faso. Indeed, it is vital for Burkina Faso to develop skills in new information and communication technologies as an undisputable means of facing up to the challenges of globalisation.

Over the course of the past few years, telecommunications, information technology and Internet activities in the country have undergone far-reaching mutations, with these new information and communication technologies. Among other actions, the government initiatives of liberalising the sector, setting up mobile telephone services, and Internet connections, have contributed to changing the telecommunications situation in the country, and are part of a desire to make this a truly developing sector.

5.4.1. Telephone service

This sector has received major investments that have provided Burkina Faso with a reliable basic network that now links all major cities in the country and some of the medium-sized towns as well. It also links the country with the rest of the world. Over 100 countries may be reached either by direct automatic link or by calls switched through France, the United Kingdom, Italy, Switzerland or the United States.

Telephone density, the number of lines per 100 inhabitants, is 0.2. In December 2000, the fleet of land telephone lines totalled 53 758 lines. This represents an average annual increase of 13% over the past ten years.

In the last four years, government efforts in this sector have been focused on increasing the capacity of links to the land line network; improving the coverage of the cellular phone network throughout the national territory; modernising, extending and ensuring the security of interurban and international land line transmissions, and

developing rural telephone services. In this last area, automated switching continued to be installed in several provinces and between 2000 and 2002, more than twenty communities were able to benefit from automatic switching. The objective is to attain a capacity of 125 000 lines by 2003, which represents a telephone density of one telephone line per 100 inhabitants.

Since 2000, three cellular phone companies, ONATEL, TELECEL and CELTEL have been providing telephone services, thanks to the installation of reliable technical equipment. Mobile telephone services, which were launched in 1997, now cover all the major towns of the country.

5.4.2. Information technology and the Internet

Information technology was first introduced in Burkina Faso in the 1970's with the setting up in 1970 of the national information processing centre (CENATRIN). It was only in the 1990's, however, that information technology truly burgeoned.

Under the impetus of the General Department for Information Technology (DELGI), which was set up in 1990, several IT guiding plans were adopted, enabling the rapid development of information technology in the country. The first IT plan (1991-1995), enabled the State to invest heavily in information technology equipment. The second IT plan (1996-2000), focused mainly on the development of basic infrastructure in order to allow NICTs to become a driving factor of economic development. The third IT plan (2001-2005), seeks to propel Burkina Faso into the information and communication era.

Alongside the action of public authorities, many private IT companies have opened in the country and have contributed to the development of information technology.

Today IT is a part of the daily life of the population, particularly in the urban centres. Many administrative services are equipped with high performance IT tools while many private companies use information technology as a modern instrument of production and management.

Burkina Faso was first connected to the worldwide Internet network in 1997 and access has developed rapidly since that date. In 1997, there were only 1 230 subscribers to the Internet. In 2000, the figure was 3 190. By October 2002, the number of subscribers exceeded 5 000. Whereas in 1997, there were only two Internet service providers in Burkina Faso (ONATEL and CENATRIN), today there are almost a dozen of them, some of them private service providers.

In order to facilitate the integration of Burkina Faso in the information and communication era, a national plan for the development of information and communication infrastructure has been adopted.

5.4.3. Broadcasting

The recent years have seen a boom in broadcasting with the emergence of private news and entertainment radio stations such as *Radio Horizon FM, Pulsar, Ouaga FM, Savane FM, Radio Energie, etc.* as well as religious and community radio stations.

The media have a crucial role to play in ensuring the entrenchment of a culture of democracy. They contribute in particular to providing civic education to the population and providing sound information about the functioning of institutions and the various issues at stake in a democracy.

In conclusion, it may be noted that the economy of Burkina Faso is faced with the serious challenge of numerous natural, structural and institutional constraints. One of the keys to growth lies in ensuring the development of the agro-pastoral and mining sectors and the development of exports of local products. The objective is to attain growth rates of GDP that exceed the growth rate of the population. In 1996, the growth rate of GDP was 6.9%, and between 1997 and 1999, the objective was to reach an average growth rate of 7%. This objective was gradually raised over the subsequent years and was set at 8% for 2000.

Such an economic achievement is feasible, given the expected achievements of the macro-economic and structural reforms that were started in the country in 1991, accompanied by an increase in investments in production and the setting up of a more active intermediary financing system. It would also be in line with the prospects for strengthening the links of regional integration and economic cooperation with other West African countries within the framework of the West African Economic and Monetary Union (UEMOA) and the Economic Community of West African States (ECOWAS).

II. FINANCE AND BUDGETARY POLICIES

Finance and budgetary policies evolved considerably in Burkina Faso between 1998 and 2002. After many years of economic and social reforms, beginning from 1991 and aimed at the structural adjustment of the national economy, Burkina Faso, like most African countries, decided as from 2000 to gear its financial and budgetary policies towards poverty reduction. To this end, a strategic framework for poverty control (CSLP) was approved in June-July 2000 by the international financial community, in particular the World Bank and the International Monetary Fund (IMF), as part of the Highly Indebted Poor Countries (HIPC) initiative. The plan was drafted on the basis of the assessment of the results of the three successive structural adjustment plans and appears as a framework document outlining the priority development objectives set by the government. It is now the main document guiding

the financial and budgetary policy of the State. Implementation of the plan will depend on the mobilisation of the financial and budgetary resources required to attain its objectives. It will also depend on the way in which resources are allocated within the priority social sectors that can contribute to improving the living conditions of citizens.

1. General overview of the strategic framework for poverty control

The strategic framework for poverty control (CSLP) sets out the priority of objectives of government in the area of poverty reduction. It was drafted on the basis of the letter of intent for a sustainable human development policy (LPDHD), which was drafted by the government in 1995, and whose aim was to centre the country's development strategy on the concept of human security, in order to enable each Burkinabe citizen to have access to the following:

- Economic security, with access to education, professional training and paid employment.
- Health security, with access to inexpensive preventive and curative medical care.
- Food security, with access to basic nourishment, including healthy drinking water.
- Environmental security, with the conservation of a healthy environment.
- Individual and political security, with an enhancement of the sacred principles of good management of public affairs, which are the supremacy of law, accountability and participation, efficiency and transparency.

The CSLP is designed to cover a period of 15 years and its general objective is to significantly reduce the incidence of poverty within the national population, in particular by seeking to attain stronger growth in order to achieve the following:

- Create the conditions for improving the living standards of the population, in particular the most underprivileged.
- Improve the impact and effectiveness of public policies, with the initial focus on social sectors.
- Be based on rational management of natural resources.
- Be founded on the establishment of better governance and better coordination of official development assistance.

The strategic framework for poverty control also sets a number of specific, quantitative, medium and long term objectives as follows:

- Improve per capita gross domestic product (GDP) by at least 3% per annum between 2000 and 2002 and by 4 to 5% per annum from 2003.

- Reduce the incidence of poverty by 45% to less than 30% by the year 2015.
- Improve life expectancy by at least 10 years.

In order to attain these development objectives, the CSLP has set up a number of programmes centred on the following strategic axes:

1. Accelerate growth that is based on equity, in particular by maintaining a stable macro-economic environment; improving the competitiveness of the economy and reducing the costs of factors of production; speeding up the development of rural areas and providing support to productive sectors.
2. Guarantee access of the poor to basic social services, in particular through promoting access to education and health services, facilitating their access to water, and improving their living environment.
3. Broaden the opportunities in the area of employment and income generating activities for the poor, in particular by mitigating the vulnerability of the agricultural sector; intensifying and modernising agricultural activities; increasing and diversifying sources of income for the rural population and opening up the country.
4. Promote good governance, in particular democratic governance, local governance, economic governance, and the fight against corruption.

In other words, the CSLP seeks to promote the basic economic, social and cultural rights of citizens. Implementation of the framework will no doubt contribute to significantly improving the standard of living of the population, as well as the human rights situation.

Since the CSLP is first and foremost a national document, responsibility for its implementation and in particular its funding, falls to the nation and particularly to the State budget. Nevertheless, the State is supported in this exercise by development partners, the private sector and civil society, in particular NGOs. In this regard, the resources of the HIPC initiative are a supplementary resource allocated by development partners in order to contribute financially to the strategy.

Partial assessments of the implementation of the CSLP were carried out in September 2001 and in July 2002. These assessments show a remarkable improvement in the mobilisation of financial and budgetary resources and an improvement in the way in which they are allocated to the priority social sectors. This progress nevertheless remains fragile, given the emergence or the persistence of particularly unfavourable external factors such as the rise in the value of the dollar and the price of oil; climate variations; the return of large numbers of Burkinabe citizens from abroad, and the impact of the Ivorian crisis.

2. Mobilisation of financial and budgetary resources

Mobilisation of financial and budgetary resources is one of the essential prerequisites for the attainment of the objectives of the strategic framework for poverty control. During the period between 1998 and 2002, the government deployed considerable efforts to increase available financial and budgetary resources.

Despite an unfavourable international and regional economic environment, these efforts made it possible to increase national resources significantly. Careful management of those resources has led to a marked increase in resources coming from development cooperation.

2.1. National resources

National resources derive mainly from the national budget, which is the principal instrument for implementing the financial and budgetary policy of the State.

Over the period between 1998 and 2000, efforts to mobilise resources and the reforms undertaken from 1991 led to better mobilisation of internal revenue and control of public spending.

Various statements of State financial operations since 1991 show that the successive macro-economic stabilisation programmes have led to an improvement in public finances and an increase in the budgetary resources of the State. Since 1996, this increase has slowed down somewhat, but still remains relatively strong.

The balanced budget of the State thus increased from 303.1 billion CFA Francs in 1988 to 354.9 billion CFA Francs in 1999, 363 billion in 2000 and finally to 385.232 billion CFA Francs in 2002.

Over the same period, the capital resources of the State increased constantly, going from 199.4 billion CFA Francs in 1998 to 219.3 billion CFA Francs in 2000. In 2002, State capital resources totalled 259.526 billion CFA Francs. Capital resources, which represented 10.5% of GDP in 2001, reached 11.1% in 2002 and thus represented 68% of the total resources of the State.

The evolution in national resources can be plotted on a table as follows:

Table: Evolution of national resources between 1998 and 2002

(In billions of CFA Francs)

	1998	1999	2000	2001	2002
National budget	303.1	354.9	363.0	-	385.2
Capital resources	199.3	213.8	219.3	-	259.5

In spite of these encouraging results, the lack of funding remains a significant constraint upon the country's pursuit of economic and social development. Funding from international cooperation comes in to supplement the efforts of the State to mobilise resources.

2.2. Resources from development cooperation

Since independence, Burkina Faso, like most other developing countries, has benefited from the assistance of the international community to support the process of economic development of the country. This official development assistance is mainly used to finance development programmes and projects and constitutes the principal source of funding for public investments. Notwithstanding the criticisms levied on the international scene against the effectiveness of aid, it must be recognised that this assistance has certainly contributed to enabling the implementation of major development activities in Burkina Faso.

Flows of aid have steadily increased and reached a figure of US \$ 425 million in 1999, that is, 260.525 billion CFA Francs (at the rate of conversion of FCFA 613 to a dollar. This is to be compared to the figure of 2.947 billion CFA Francs of aid in 1960. In 1998, the total amount of aid was US \$ 435 million (266.655 billion CFA).

Despite the fluctuations that occurred during the 1990's, the volume of ODA received by Burkina Faso has generally remained constant. On average, between 1994 and 1999, the country received US \$ 400 million annually.

In terms of the percentage of GDP, in 1992, ODA represented 10.5% of GDP in constant CFA Francs. In 1995, it represented 25% of GDP, and about 23% in 1999.

The external assistance that Burkina Faso receives may be broken down into five major categories (1999):

- Aid for funding investments (65 %)
- Independent technical cooperation (15 %)
- Technical cooperation as part of investment projects (2 %)
- Programmed/budgetary assistance or balance of payment support (2 %)
- Food aid and emergency assistance (17 %)

Because of the low level of development of the country and its low per capita income level, external development assistance to Burkina Faso is often in the form of grants or soft loans, in line with the criteria for awarding official development assistance.

Most of the bilateral aid that Burkina Faso receives is in the form of grants. Multilateral aid from the United Nations system and the European Union (EDF) is also in the form of grants, while the funds from international, regional and sub-

regional institutions, as well as Arab funds, are in the form of soft loans, although about 25% comes in the form of grants. Since 2000 however, through the HIPC initiative, Burkina Faso has also been receiving grants from international financial institutions.

In 1999, 65% of all disbursements under ODA were in the form of grants, the total amount of which represented US\$ 276.8 million. For the same period, loans represented a total of US\$ 148.2 million, that is, 35% of all assistance received.

Official development assistance to Burkina Faso comes essentially from two sources, multilateral and bilateral funds. In 1999, it was estimated that multilateral aid totalled US\$ 203.1 million, or almost 48.5% of total assistance. 49.7% of the multilateral assistance comes from institutions within the United Nations system, including the World Bank and the IMF, and 50.2% from other multilateral funding institutions such as the European Union, the ADP and the ABEDA.

Bilateral aid is estimated at US\$ 207.5 million, which represents roughly 49% of all contributions by the international community to Burkina Faso.

Resources from multilateral cooperation come in part from the initiative for alleviating the debt of highly indebted poor countries (HIPC), which was adopted in September 1995 by the joint assemblies of the IMF and the World Bank, on the initiative of the G7. The HIPC initiative is designed as a way of directing strong action on the part of the international community against the debt burden that weighs on highly indebted poor countries, with the aim of lightening this burden and thus enabling them to attain the objectives of sustainable economic growth. Burkina Faso was declared eligible for the HIPC initiative in 1997. In order to derive the greatest advantages from debt relief, and in line with the modalities for implementing this initiative, Burkina Faso defined a strategic framework to control poverty, which was approved by the Bretton Woods institutions, as indicated above.

Additional resources accruing from the HIPC initiative represented a total of 11.90 billion CFA Francs in 2000, 27.394 billion CFA Francs in 2001, and 35.998 billion CFA Francs in 2002. The total for the three years has therefore been 75 billion CFA Francs, with an increase of 31.4% between 2001 and 2002.

3. Allocation of resources to basic social sectors

Burkina Faso is faced with a number of major challenges. It must reduce the level of poverty of the population; ensure that the population is less vulnerable in crises of all forms, and reduce the inequalities among different regions and different socio-economic groups. In the light of these challenges, the government decided to implement a national poverty reduction strategy based on the need to increase the revenues of the poor and transfer resources to the most underprivileged in the country.

Since 1994, the government has resolutely chosen to promote social development. State budgetary resources are therefore attributed mainly to priority social sectors such as health, education, rural infrastructure, in particular feeder roads. This policy

of social development, hand in hand with the adoption of the strategic framework for poverty control (CSLP), should lead to a substantial reduction in poverty in the population by the year 2015. The State budget is therefore geared towards financing the priority sectors of the CSLP. Activities in the area of development cooperation are now also oriented towards fighting against poverty and focus on the priority sectors defined in the CSLP.

3.1. Allocation of national resources

Through the CSLP, the government of Burkina Faso has set itself the target of enabling the broad majority of Burkinabe citizens, that is, the poor population, to have access to basic social services, in particular basic education, health, and feeder roads. To ensure the success of the poverty reduction strategy, the government has also decided to give priority to developing these three sectors, which undeniably have a direct impact on improving the living environment and conditions of the population.

Since the CSLP was put into place, the government has ensured that substantial budgetary allocations are made for these basic social services, in spite of the constraints on economic management and in particular the cash flow difficulties. As a result, in 2001 and 2002, the proportion of the national budget allocated to the social sector increased significantly.

In 2002, the total amount of money from the State budget attributed to the social sector was 88.920 billion CFA Francs, as against 69.863 billion in 2000 and 73.861 billion in 2001.

The priority social sectors for the State are health, basic education, rural infrastructure, employment, labour, youth and the promotion of women.

Budgetary allocations for health increased from 24.115 billion CFA Francs in 1999 to 25.406 billion CFA Francs in 2001, and 29.576 billion CFA Francs in 2002.

Basic education received a total allocation of 29.354 billion CFA Francs in 1999, which was increased to 32.335 billion in 2001 and 35.601 billion in 2002.

Overall, almost 30% of the national budget in 2002 was allocated to the social sector.

3.2. Allocation of resources from development cooperation

Since 1990, development partners have focused their activities on fighting poverty. As a result, official development assistance has become a major source of funding for the CSLP, alongside the national budget, and is now geared towards the priority sectors of the State. Similarly, the various bilateral cooperation agencies operating directly on the ground now contribute to fight poverty through activities in the priority social sectors.

Finally, the HIPC initiative funds, which are used entirely to fight against poverty, also contribute to attaining the objectives of the CSLP in the priority social sectors.

The supplementary funds from the HIPC initiative were allocated to the priority social sectors as follows: In 2000, out of a total sum of 11.90 billion CFA, 5.04 were allocated to the health sector and 6.27 to the basic education sector. In 2001, out of the total supplementary funds of 25.10 billion CFA, the health sector received 11.89 billion, while the basic education sector received 12.52 billion. In 2002, the total sum was 25.60 billion CFA Francs, 12.99 billion of which was allocated to the health sector, while the basic education sector received 12.88 billion CFA Francs.

Overall, the education, health and rural infrastructure sectors alone received 53% of HIPC resources in 2002. The specific allocation for basic health was 24%. The health sector received 23.45%, and rural infrastructure was allocated 5.8% of the HIPC funds.

CHAPTER II: PROMOTION AND PROTECTION OF ECONOMIC, SOCIAL, AND CULTURAL RIGHTS

The difficult economic environment in which Burkina Faso finds itself makes the promotion and protection of economic, social and cultural rights a particularly arduous task. Changes only come about slowly in this area and generally require substantial financial means that are often lacking. Burkina Faso nevertheless continues to deploy significant efforts in the area, in order to enable all citizens to fully enjoy these rights.

I. ECONOMIC RIGHTS

Although economic rights have evolved in many ways in Burkina Faso, the changes are far from sufficient, given the growing needs of a constantly increasing population.

1. The right to work

The African Charter on Human and Peoples' Rights stipulates in its article 13, paragraph 2, and article 15 respectively, that "every citizen shall have the right of equal access to the public service of his country" and that "every individual shall have the right to work under equitable and satisfactory conditions and shall receive equal pay for equal work."

The terms of these two articles stipulate that work is a fundamental right of all citizens and as such, they impose on the State an obligation to guarantee and provide employment to deserving applicants and candidates. The right to work is enshrined in the constitution of our country. Article 19 of the constitution states that "the right to work shall be recognised and be equal for all individuals." In order to make these provisions effective, the State has implemented two different policies, which complement each other. The first concerns public employment, which comes under the responsibility of the Ministry of Public Service and State Reform. The second

governs the para-state and private sectors, and is implemented by the Ministry of Labour, Employment and Social Security. These policies are implemented through recruitment into the civil service and hiring in the private sector. The objective is to provide citizens with a certain number of jobs, in line with a general policy that is founded essentially on two laws. These are law n° 13/98/AN of 28/04/1998, outlining the legal rules applicable to civil service posts and staff, and law n° 11/92/ADP of December 22 1992, setting the labour code.

Recruitment to civil service positions and functions is generally through competitive examinations, in accordance with the requirements set out under articles 9 to 13 of the abovementioned law n° 13/98/AN of 28/04/1998, and which are in line with the spirit of article 19 of the Constitution. There are direct competitive examinations for certain jobs created by the public administration as part of the mission of providing a public service. Incumbent civil servants may also sit professional examinations in order to be promoted. The State of Burkina Faso also recruits staff who are not public contractual agents, on the basis of their qualifications or through examinations. In the case of the latter means of recruitment, a minimum pass average is set in advance. Recruitment on the basis of qualifications only applies to people whose rank or qualification is such that it is felt that it is not appropriate for them to be required to sit a competitive exam. Recruitment on the basis of qualifications is also the method used when there are as many candidates as vacancies.

It must be pointed out that the conditions for organising and holding competitive examinations are governed by decree n° 99/103/PRES/PM/PFPDI of 29th April 1999, amended by decree n° 99/381/PRES/PM/MFPDI of 29th October 1999.

Civil servants have been recruited and promoted mainly in the health services, the police and armed forces, primary, secondary and university institutions, the agriculture and animal husbandry sectors, civilian administration, and general administration.

Private sector employment is mainly offered by companies, businesses and organisations that are managed by individuals or legal entities governed by private law, and which recruit workers according to the terms of the national employment policy. The national office for the promotion of employment (ONPE) plays a vital role in this area. For a long time, it has been in charge of proposing temporary or permanent jobs in the private and para-state sector to the public.

The labour code of Burkina Faso governs employment in the private sector. That is, all those services that are not governed by the rules of the civil service or public administration.

The national office for the promotion of employment (ONPE) receives job offers, records them, and recruits staff using written tests or by drawing lots, in order to fill the positions on offer in the private sector. Since 1999, however, some private employment agencies have been set up to help find positions for workers in private companies, businesses and organisations. The numbers of such agencies are on the increase. While the number of job-seekers that apply to the ONPE has gone down, these employment agencies have rather seen an increase in those applying to them and the demand is very high.

The following statistics on job offers and requests through and by the ONPE give a clear picture of the changes in this area. Among those seeking jobs through the ONPE are illiterates, as well as holders of primary and secondary school certificates, technical, professional qualifications, and university degrees. Others have no specific diploma.

- Out of 9387 job requests in 1998, the ONPE provided 5328 jobs.
- Out of 7533 job requests in 1999, the ONPE provided 5552 jobs.
- Out of 6617 job requests in 2000, the ONPE provided 718 jobs.
- Out of 6300 job requests in 2001, the ONPE provided 768 jobs.

The reduction in employment offers at the ONPE is due to the fact that more and more job seekers and potential employers are now using the services of private employment agencies.

In its overall strategy for promoting employment and fighting poverty, the government has chosen to broaden the opportunities for income generating activities for the most underprivileged in the country.

2. The right to equitable and satisfactory conditions of work

Although Burkina Faso finds itself in a difficult economic situation, the government, over the period covered by this report, has sought to comply with and enforce the right to equitable and satisfactory conditions of work.

Where public servants and contractual agents are concerned, the State has managed to respect the following rights and thus provide good working conditions:

- The right to remuneration. In accordance with article 27 of law n° 13/98/AN and decree n° 98-525/PRES/PM/MEF/MFPDI of 31/12/1998, which govern the salaries of civil servants, as well as decree n° 98-532/PRES/PM/MEF/MFPDI of 31/12/98, on the remuneration of contractual agents of the State, salaries of civil servants and other agents of government have been paid without any delays or shortfalls from 1998, to date.
- A minimum, guaranteed general wage (SMIG) is set by decree, whereas minimum wages for different categories in collective agreements are set within the sectors of activity by joint committees made up of representatives of employers and workers.
- The principal mission of the office of occupational health is to promote the health of workers.
- The right to a pension. The State treasury pays pensions to civil servants who retire, through the independent fund for civil service pensions, in accordance with article 42 of law n° 13/98/AN.

- The right to paid leave. Under the terms of articles 33 to 45 of the aforementioned law n° 13/98/AN, civil servants in Burkina Faso are entitled to an annual leave of one month after eleven months of effective service. They are also entitled to days off to sit examinations relating to their career and may take sick leave and maternity leave. Union representatives may be given permission to take non-deductible leave of absence for union activities. Civil servants may also be allowed to be absent from work to participate in events of national interest or to deal with family matters.

No particular impediments are placed in the way of enjoyment of this right.

Chapter IV of the labour code governs the general conditions of work for workers and jobs in the private sector. This chapter of the code draws inspiration from articles 19 and 20 of the constitution of Burkina Faso.

Workers in the private sector also enjoy certain rights and privileges, some of which are indicated below:

- The right to equal pay for equal work, irrespective of the sex, nationality, ethnic origin, or the opinions of the worker.
- The right to paid leave, as stipulated under article 90 of the labour code.
- The right to a weekly rest period of a minimum of 24 hours.

Among the privileges that workers enjoy, the following may be noted:

- Specific regulations governing the work of women and children, in line with articles 80 and 81 of the labour code. Since Burkina Faso ratified the ILO Convention n° 138 on the minimum age for workers on August 11 1997, this minimum age, which in the past was set at 14 years, has been raised to 15 years.
- Legislation has been passed setting the duration of the work week at 40 hours.
- Under article 143 of the labour code, all businesses, corporations, and bodies set up in Burkina Faso, are obliged to provide health coverage to their workers with regular or periodic care. To this end the office of occupational health is in charge of inspecting workers' health installations and facilities at the workplace or with the doctors in charge of occupational health.

It must be noted however, that the right to equitable and satisfactory conditions of work was gravely undermined by the redundancies of numerous workers between 1999 and 2000, following the restructuring of certain public and private enterprises and the liquidation or privatisation of public companies. Faced with this situation, the State adopted a number of specific measures in favour of those workers who had been laid off. The courts also handed down a number of rulings awarding compensation to workers who had been wrongfully dismissed. Furthermore, workers who had been made redundant were accorded priority in recruitment for a period of two years, under the terms of article 34 of the inter-professional collective agreement.

3. The right to form trade unions

The right to form trade unions and the right to go on strike are guaranteed in Burkina Faso by articles 21 and 22 of the constitution.

Article 21 enshrines the freedom of association. Any individual may set up an association or participate freely in the activities of associations. In their functioning, associations are required to comply with existing laws and regulations. Freedom of trade unions is also guaranteed. Trade unions carry out their activities without being subject to any constraints or limitations save those set out by law.

According to article 21, “the right to go on strike shall be guaranteed. This right shall be exercised in compliance with existing laws in force.”

These constitutional provisions apply to both the civil service and the private sector.

In the civil service, the right to form unions and the right to go on strike are governed by law n° 93/98/AN.

Civil servants in Burkina Faso also enjoy certain specific rights that contribute to providing equitable and satisfactory conditions of work. Among these are the right to participate in, or to create an association or a union. Civil servants may also join such bodies or hold office within them. They also enjoy the right to go on strike, under the terms of articles 44 and 45 of the aforementioned law n° 13/98/AN. Article 44, which confers the right to form unions on civil servants, stipulates that “they may create professional associations or unions, and may become members of such bodies and hold office. They are free to hold whatever political, philosophical or religious opinion they wish, and no mention of such opinions shall figure in their individual files.”

Concerning the right to strike, article 22 of the constitution of Burkina Faso, and article 45 of law n° 13-98/AN of April 28 1998 both confer this right on civil servants.

However when decree n° 2000-549/PRES/PM of December 6 2000, banning public demonstrations, was passed and implemented after the demonstrations following the Norbert Zongo case, the right to strike and to demonstrate publicly were seriously undermined. With this decree, a number of planned actions by unions, in particular public demonstrations, were banned. This decree was abolished by decree n° 2001-137/PRES/PM/MATD of April 17 2001, following the national day of forgiveness.

Trade union activities in the private sector are governed by the terms of the labour code.

Concerning the right to form unions, article 149 of the labour code stipulates that “an employer shall not take into account membership of a trade union or participation in union activities, in making decisions concerning hiring, conduct, distribution of work, professional training, wage increases, allocation of fringe benefits, disciplinary measures, and redundancy.”

Where the right to go on strike is concerned, law n° 11/92/ADP, outlining the labour code, also provides for lockouts under its article 24-7. This right is however dependent on certain conditions, including, having previously exhausted all procedures for amicable settlement or arbitration.

In practice, union rights are generally well respected, both in the civil service and in the private sector. There are currently eight union groupings in existence, with about one hundred independent unions who are totally free to carry out their activities.

Since 1998, there have been several demonstrations as part of strike movements both in the streets and/or on the premises of public services.

In seeking to attain a peaceful labour environment, the government encourages dialogue:

- Tripartite dialogue is a reality that can be found at several levels:

- Texts affecting the labour sector are drafted in close collaboration with both management and labour.
- The labour advisory commission, which was set up under the labour code and which is tasked with giving reasoned opinions on issues relating to labour legislation, is made up of representatives of employers and workers. It meets regularly.
- Management of certain bodies. After consultations with employers and workers, government accepted the principle of a rotating chairmanship of the board of directors of the national social security fund. The project to support the implementation of the ILO declaration on fundamental labour rights and principles is managed by a tripartite body.

- Consultations are held regularly between government and management and labour representatives. Some examples are as follows:

- Annual consultative meetings on the responses of government to the complaints of unions.
- Annual consultative meetings between government and the private sector.
- Consultative meetings between government, employers and union groups, each time that these organisations wish, or when the situation demands such meetings.

4. The right to social security

Article 18 of the constitution recognises the right to social security and places an obligation upon the state to promote it. In addition, article 20 stipulates, “the State shall ensure that conditions of work are improved and provide protection for workers.”

Law n° 13/72/AN of 28/12/72 sets the social security code, and in Burkina Faso, the social security system is managed by the national social security fund CNSS. The fund is in charge of ensuring the strict and regular settlements of amounts due.

Public servants may have access to data on their entitlements under the social security scheme either directly or through their unions.

Any complaints about errors in calculating entitlements or delays and irregularities in payments are received and examined by the claims department of the fund. Once the corrections have been made, the fund pays the amounts owed to the worker.

The regime of social security benefits is stringently managed and closely monitored by the fund. All workers in Burkina Faso are entitled to benefits under the social security scheme.

In addition to law n° 13/72/AN of 28/12/72, setting the social security code, law n° 033/98/AN of 18/05/1998, instituting a system of coordination between the general retirement schemes of the military and magistrates, also offers quite satisfactory benefits in terms of pensions and social security benefits.

In practice, however, very few Burkinabe citizens enjoy the benefits of social security. Indeed, only salaried workers are part of the scheme. In addition, the benefits are paid in the form of pensions, sick leave allowance or maternity leave allowance, and coverage for accidents at the workplace or occupational diseases. They do not however cover health insurance.

II. THE RIGHT TO EDUCATION

Education is one of the fundamental rights enshrined in the African Charter on Human and Peoples' Rights. Article 17 of the Charter states that "every individual shall have the right to education." In Burkina Faso, article 18 of the constitution gives pride of place to education, learning and training as part of the "social and cultural rights to be promoted." The education system in Burkina Faso provides various possibilities for ensuring effective enjoyment of the right to education, both through primary, secondary and higher learning, and through the non-formal education sector.

The right of the citizen to education imposes "the duty to teach on the State." Indeed, article 25 of the African Charter on Human and Peoples' Rights gives the State "the duty to promote and ensure through teaching, education and publication, the respect of the rights and freedoms contained in the present Charter."

Despite the fact that the right to education is recognised by the constitution, many people in Burkina Faso do not yet have access to education. The illiteracy rate for the national population is over 75%, while primary school enrolment is around 43%.

Two ministries are responsible for teaching and education in our country. They are, the Ministry of Basic Education and Literacy (MEBA), in charge of primary education and literacy, and the Ministry of Secondary and Higher Education, and Scientific Research (MESSRS), in charge of secondary education, training in institutions of higher learning, university education and scientific research. It would be appropriate

now to take time to detail the efforts that have been deployed by the two ministries to promote the right to education.

1. Primary education.

Basic education and primary education are two key components of the education system of our country. This is due to the fact that the majority of the population is young and therefore there are large numbers of children to be educated. Another reason is the high rate of illiteracy in the population. As part of its mission of development, education and awareness raising with these two target groups, the government continually adopts initiatives and measures with a view to making the right to primary education a reality. Government has constructed schools and trained and made teachers available to schools. It has also facilitated access to school supplies, etc. These efforts have resulted in remarkable gains in the area of effective enjoyment of the right to education between 1998 and 2002.

The following are statistics for primary education:

- The number of schools increased from 4 519 in 1998-1999, to 4 860 in 1999-2000, and 5 131 in 2001.
- The number of teachers increased from 15 073 en 1999, to 16 762 in 2000, and 17 294 en 2001.
- The number of pupils increased from 816 393 in 1998, to 852 160 in 1999, 90 1291 in 2000, and 938 238 in 2001.
- Gross school enrolment rate went from 40.5% in 1998, to 41.3% in 1999, 42.7% in 2000, and 43.4% in 2001.
- Net school enrolment rate went from 32.5% in 1998, to 34.3% in 2000, and 33.9% in 2002.
- Gross admission rate increased from 36.01% in 1999, to 36.08% in 2000, and 38.06% in 2001.

In order to ensure the success of the primary education plan, the government of Burkina Faso is striving to increase the number of institutions for training primary school teachers.

In 1998, two such institutions were opened in Bobo-Dioulasso and Fada N'Gourma. Another one was opened in Ouahigouya en 1999. These three schools serve to strengthen the capacity for training and recruiting primary school teachers, a role that in the past had fallen solely to the training college in Loubila. Between 1996 and 2001, the training college in Loubila, in the centre of Burkina Faso, trained 2 078 teachers, an average of 346 pupil teachers per year. During the same period, 5 750 teachers were trained at the Bobo-Dioulasso training college, in the west, representing an annual average of 958 pupil teachers. Between 1999 and 2001, 2 896 teachers were trained at the training college in Fada N'Gourma, in the east, representing an average of 724 pupil teachers per year. The teacher training college in Ouahigouya, in the north, trained an average of 662 pupil teachers each year

between 1999 and 2001, making a total of 1 986 for the period. Burkina Faso now has five training colleges for primary school teachers, producing more than 2 000 teachers each year.

In the non-formal education sector, 3 305 adults were trained in 2000 and 2001 in centres for basic education. Training is provided in a total of 11 national languages that are used in different regions. The most widespread are the *mooré*, *dioula*, and *fulfuldé* languages.

In 1999/2000, 2 653 people were trained in “specific and technical training centres” in some towns of the country.

In order to provide supplementary basic education, the number of literacy centres was increased from 1 686 in 1996 to 1 828 in 1998, before falling to 1 423 centres in 1999. Since 2000, with the new impetus given to literacy activities in rural areas, the number of centres is once more on the increase.

Between 1998 and 2000, a total of 98 323 adults aged between 16 and 45 were trained in these literacy centres. Literacy programmes provided beneficiaries with French language classes, as well as transcribing local languages. They also taught household management and accounting techniques.

The government of Burkina Faso has continually strengthened the budget of the MEBA from 1999 to date, in order to fund these activities. Expenditure for staffing increased from 18 833 654 000 FCFA in 1999 to 23 206 374 000 FCFA in 2001. Expenditure for equipment increased from 2 629 734 000 FCFA to 3 272 720 000 FCFA. Current account transfers, which include scholarships and subsidies, exceeded 2 630 605 000 FCFA. Operating costs increased from 23 693 993 000 FCFA to 29 094 091 000 FCFA. Spending on investments increased from 14 335 116 000 FCFA to 19 986 530 000 FCFA.

In order to significantly improve access to primary education, the government in 2000 adopted a ten-year development plan for primary education (PDDEP), covering the period from 2001 to 2010. The objective of the plan is to increase school enrolment from 41% to 65% in ten years and to increase the literacy rate from 25% to 40% within the same period. To do this, the PDDEP provides for the construction of more than 4 000 classrooms each year, and the recruitment of 2 000 teachers annually. In 2002, the plan of action was strengthened with the adoption of the “Education For All” by 2015 plan, which is supported by the World Bank.

2. Secondary and higher education

Secondary and higher education also receive the close attention of the State. Over the years, the State has succeeded in rendering both general education and technical education operational, each in its own area.

There are a growing number of general secondary schools, and the numbers of students are also increasing. In 1998, there were 330 schools, 119 of which provided a full length cycle of teaching while 211 offered the short cycle. 190 were public institutions, and 180 private. In 1999, the number of institutions totalled 351, of which 136 provided the long cycle, and 215 offered the short cycle. 203 were private

institutions and 148 were public institution. In 1998, there were 2 685 teachers in public schools, and 2 437 in private schools, making a total of 5 122 teachers. In 1999, these figures were 2 703, 2 654 and 5 357, respectively. In 1998, out of a total of 160 096 students, 112 223 attended public institutions, while 47 873 attended private institutions. In 1999, the total number was 174 501, with 120 541 in public institutions and 53 960 in private institutions.

Out of the 51 technical secondary institutions that existed in 1998, 9 were public institutions, and 42 were private institutions. In 1999, an additional 6 had been created in the private sector, bringing the total to 57. The number of teachers in the sector was 1093 in 1998, with 339 in public institutions and 754 in private institutions. This number went up to 1 184, with 312 in public institutions and 872 in private institutions. During the same period, the number of students increased from 3 809, with 2 268 in the public sector and 1 027 in the private sector, to 5 188, with 4 249 in the public sector and 1 027 in the private sector.

In 1998, the number of students in institutions of higher learning was 9 878. 628 attended the teacher training college (ENS) in Koudougou, 392 were at the polytechnic university of Bobo, and 8 858 were at the University of Ouagadougou. In the same year, the total number of teachers at this level was 773. Out of them, 75 were at the ENS in Koudougou, 124 at the polytechnic university of Bobo, and 574 at the University of Ouagadougou.

To meet the needs for quality higher education, the government of Burkina Faso has made considerable efforts to increase the budget of the MESSRS as shown below:

- Expenditure under staffing increased from 4 833 435 in 1998, to 6 646 101 in 2000.
- Expenditure for equipment increased from 345 140 in 1998, to 709 472 F in 2000.
- Current account transfers increased from 8 389 395 F in 1998, to 10 091 145 F in 2000.
- Investments in equipment increased from 6 435 089 F to 11 173 324 F in 2000.

The following increases in number of students who passed secondary exams have been registered:

- BAC (final exam-all categories): 5000 passes in 2002, 2284 in 1998, and 2598 in 1999.
- BEPC (intermediate exam): 15 068 passes in 1999, and 13 285 passes in 1998.
- Commercial Cert. Of Aptitude: 720 passes in 1999, compared to 571 in 1998.
- Industrial Cert. Of Aptitude: 502 passes in 1999, compared to 387 in 1998.
- Professional Cert. (Commerce): 1084 passes in 1999, against 692 in 1998.
- Professional Cert. (Industry): 69 passes in 1999, against 91 in 1998.

In conclusion, mention must be made of the national meeting on Education, which was held by the two ministries in charge of education, from April 4 to 6 2002. The objective was to examine the means by which the education system in Burkina Faso could be improved to provide the appropriate socio-professional training and orientation. The meeting took stock of the advances registered in the national education system and defined new prospects for reform of the system.

III. THE FAMILY, STANDARDS OF LIVING, AND HEALTH

Between 1998 and 2002, the country deployed considerable efforts to strengthen the protection of families, mothers and children, as well as to raise the standard of living of the population and improve access to health.

1. Protection of families, mothers and children

Burkina Faso attaches particular importance to protecting families, mothers and children. This is illustrated in the measures taken to enhance the protection of families, mothers and children.

1.1. Protection of families

This involves guaranteeing the right of men and women to marry with consent, and the right to found a family. It also concerns measures adopted to abolish customs and practices that could infringe the freedom of choice of women. Certain specific measures have been adopted to provide such protection:

- Measures aimed at facilitating the establishment of families.
- Policies for the payment of settlement allowances and grants.
- Measures aimed at consolidating and strengthening families.
- Payment of family benefits, tax exemptions, and systems of protection.

Article 23 of the constitution of 1991 stipulates that marriage is based on the consent of both the man and the woman.

In Burkinabe society, however, this principle is not always complied with. Forced marriages of young girls still occur in certain social categories, and are tolerated by certain religions or traditions.

As part of the means of combating this practice, which constitutes a violation of women's rights, in particular, article 376 of the criminal code sentences anyone who forces a person to marry, to a term of imprisonment of six months to two years.

The prison sentence is one to two years if the victim is underage. When the victim is a young girl below thirteen years of age, the maximum sentence is imposed.

Finally, the article states that the person who officiates or facilitates such a marriage is an accomplice.

Article 379 of the criminal code sanctions both persons who demand, and those who accept dowries.

The Code on Individuals and Families restates the principle of consent in its article 234, which stipulates the following: "Marriage is the result of the freely expressed desire of a man and woman to take each other to spouse."

Forced marriages are therefore prohibited, in particular those that are imposed by the family, or those that are the result of customs that oblige a surviving spouse to marry a relative of the deceased spouse. It is also prohibited to oppose or impede a marriage for reasons of cast, colour or religion.

These provisions thus clearly reject forced marriages and the practice of marrying a relative of the deceased spouse.

In order to ensure that each of the spouses has indeed given their consent to their union, and that they are not forced into the marriage, article 233 of the Code on Individuals and the Family stipulates that forms of marriage other than those provided for under the code shall not be valid. This refers in particular to traditional and religious marriages.

Only marriages officiated by a representative of the civil authority are legally valid.

1.2. Protection of women and of motherhood

Burkina Faso has been attaching increasing importance to the protection of women and motherhood. Activities in this area have been based on ensuring the socio-economic promotion of women and providing them with legal protection.

1.2.1. Strategies for the promotion of women

The objective for promoting women is to enable their effective participation in the development process by providing them with access to means of production and improving their social status.

A Ministry for the Promotion of Women (MPF) was set up by decree n° 97-270 of June 10 1997 and given the task of implementing government policy for the socio-economic promotion of women, along with other ministerial departments and relevant institutions. The ministry is responsible for initiating and monitoring education and training programmes for women and youth. Its other areas of activity are promoting equality of women's rights; the right to reproductive health; informing and educating citizens about women's rights; coordinating activities in favour of women with relevant partners and bodies, and monitoring and evaluating the impact of the activities of women's NGOs and associations.

The strategy adopted to ensure the socio-economic promotion of women, has been to set up enabling conditions for the creation of income generating activities, in particular through literacy programmes and technical training of women. Other means

are through lightening the burden of domestic chores, providing access to credit and new technologies, and organising women to form associations and pre-cooperatives.

At national level, one may cite the adoption in December 1991 of the national strategy and plan of action (1991-1995) to enhance the role of women in the development process, and the adoption of a national policy for the socio-economic promotion of women. A fund to support income generating activities for women (FAARF) has also been put in place to facilitate the access of more women to loans.

In addition to the Ministry for the Promotion of Women, several other ministries have set up specific mechanisms for promoting women. Among them are the Ministry for Social Action and National Solidarity, the Ministry of Agriculture, Hydraulics and Fishing Resources, and the Ministry of Animal Resources. The Ministry for Social Action and National Solidarity has been charged by the government to provide support, through its external structures, to the exercise of decentralising the activities of the FAARF, and the setting up of Education for Family Life (E.V.F) programmes. The aim of these programmes is to help women improve their management of family resources and their organisation of domestic chores, in order to reduce such chores.

The Ministry of the Environment and Living Conditions, through its plan of action for the environment, gives a large place to the promotion of women in various areas of the society and the economy.

Government action is supplemented and enhanced by the activities of women's NGOs and associations working for the socio-economic promotion of women.

The government has adopted a number of measures to protect the moral and physical integrity of women and also to protect the material interests of women within the family; in the professional arena, and where land ownership is concerned.

1.2.2. Strategies for the legal protection of women

The strategy of legal protection is based mainly on the following measures and activities:

- Awareness-raising programmes, educating the population on legislation in favour of women and families.
- Dissemination of women's and family rights through translating and circulating the Code on Individuals and Families in national languages. A project was started to this end in 1995. In addition, women are directed to institutions that are able to provide legal protection, in particular in cases involving certain traditional rules and practices. For example, in cases where women are accused of witchcraft and marginalised because they are accused of eating souls. Articles 240 and 244 of the Code on Individuals and Families prohibit forced marriages and payments of dowries, respectively.
- Ratification of the Convention on the political rights of women.

- Ratification of the international Convention on the Elimination of all forms of Discrimination Against Women.

Two other major activities go to strengthen the legal protection of women's rights: the promotion of marriage with consent, and the fight against female circumcision.

Concerning the fight against excision of women and girls, articles 380 and 382 of the criminal code of 1996 cover female genital mutilation. Excision is severely punished by the code. This offence was not covered by the former criminal code. In seeking to fight against the practice, magistrates often cited the provisions on assault and battery, in particular article 329, relating to assault and battery resulting in amputation. By making excision punishable, the criminal code fights against this grave violation of women's rights, which is unfortunately still widespread in Burkina Faso.

In the area of protection of the physical integrity of women, a national committee for the control of the practice of female circumcision was set up in 1990. The committee is charged with raising awareness in all the social categories of the country. In addition to these activities, a number of punitive measures have been adopted in the new criminal code of November 1996, in particular under articles 380, 381, 382. Article 380 stipulates that "any person who violates or attempts to violate the physical integrity of the female genital organ by means of total removal, excision, infibulation, numbing, or by any other means, shall be punishable by a term of imprisonment of six months to three years and a fine of 150 000 to 900 000 francs, or to one of these sentences. Where the act leads to death, the sentence shall be imprisonment for five to ten years."

Articles 381 and 382 stipulate the sanctions on medical or paramedical staff that practise such acts.

Today, the courts do not hesitate to sentence people who have been found guilty of practising genital mutilations on underage girls.

Certain groups of underprivileged women have been the beneficiaries of activities aimed at fostering their rehabilitation in the society and their economic insertion. The disabled, street children, the elderly, "women in moral danger" and people living in extreme conditions are among the groups that have received specific attention.

Activities undertaken vary according to the target groups involved and their degree of marginalisation. Such activities take different forms, as shown below:

- Informing and educating the general population about the problems of underprivileged groups, and the part they can play in resolving such problems.
- Grouping people in open, semi-open or closed institutions, for educational or vocational activities. Organising and supporting income-generating activities.

- Placing children with foster families and/or under apprenticeship and organising the means of ensuring their promotion in the society.
- Organising national commemorative days, with the participation of different groups in socio-economic events at a national level.

Disabled persons are also the subjects of social promotion and protection activities. On January 16 1986, the political authorities in Burkina Faso adopted Zatu (law) n° 86-005/CNR/PRES of 16/01/1986, instituting social measures in favour of the disabled, in order to facilitate their full participation in the life of the nation. These measures cover various areas of activity such as health, education, public transport, entertainment, the environment and taxation.

Any disabled person resident in Burkina Faso who is the holder of an invalidity card that is issued by the Ministry of Health in collaboration with the Ministry of Social Action and National Solidarity after a medical exam, may benefit from these social advantages. The social benefits cover areas such as health, where the disabled pay lower fees for health services in public health establishments. In the education sector, the age limits set for enrolment in schools and universities are raised for the disabled, and they may benefit from scholarships, etc. The disabled also enjoy reduced rates for public transport and for leisure activities. Where the general environment is concerned, access ramps have been constructed to public and para-public buildings. In the area of taxes, commercial dues and licences, and income tax are calculated on the basis of the degree of disability.

Finally, it must be noted that the Ministry of Social Action and Solidarity has embarked on an exercise with other ministerial departments, institutions and partner associations, to examine the possibility of drafting a national policy of specific services for the elderly.

1.3. Protection of children and adolescents

The majority of the population of Burkina Faso is made up of young people. Over 60% of the population is below the age of 15. The future of the country therefore lies in the hands of children and of the youth. For this reason, the State attaches particular importance to young people and seeks to enable the protection and social promotion of children and adolescents.

1.3.1. Action for protecting and promoting children within the society

The overall objective of such action is to ensure the well-being and development of children by giving the highest priority to the right of children to survive, to be protected, and to flourish, in line with the principle of “putting children first.”

A national action plan for the survival, the protection and the development of the child was drafted in Burkina Faso for the 1990s.

This plan was reviewed in February 1996 in order to ensure that the mid-term objectives set for 1995 had been attained. The plan is the reference framework for activities relating to improving the situation of children in Burkina Faso.

Various programmes have been implemented under this framework:

- Enhancing pre-school education with the setting up of popular day-care centres and kindergartens in order to promote the psychomotor and intellectual development and the social skills of children aged between 3 and 6 years. The specific objective of the government is to raise the pre-school enrolment rate from 0.7% to 2.4% by 2000. Today, there are more than 78 popular day-care centres and more than 74 private kindergartens. Plans are also being envisaged for the setting up of non-formal care centres, to be managed by community representatives. The aim here is to free young girls from caring for younger siblings, thus enabling them to go to school.
- Safeguard measures for children under threat. These consist of placing children with families, having them sponsored, or simple or outright adoption. 160 children were adopted between 1991 and 1998. In 1998, 160 children were being sponsored. A lot still remains to be done, however, because very few families volunteer for such activities.
- Setting up of social services in schools. This involves organising extracurricular socio-educational activities such as holiday camps and holiday clubs. The aim is to provide pupils with an environment for their development, during the school holidays and thus prevent juvenile delinquency. School social services also assist poor children in acquiring school supplies by finding sponsors for them.
- Promoting and protecting the rights of children. Burkina Faso attaches particular importance to the promotion and protection of the rights of children. The country has thus ratified most international conventions relating to children's' rights, and has adopted various domestic texts on the same subject.

International and regional texts:

Burkina Faso has ratified the following conventions relating to children's rights:

- The Convention on the Rights of the Child, which was ratified on July 23, 1990.
- The African Charter on the Rights and Well-being of the Child, which was ratified on June 3, 1992.
- The Convention on the Protection of Children and Cooperation in the area of international adoption, which was ratified on April 27, 1993.
- The Convention on Civilian Aspects of International Kidnapping of Children, which was ratified on March 4, 1992.

Domestic texts:

Several legal instruments contribute to guaranteeing the rights of the child:

- The constitution, which pays particular attention to the rights and the situation of children. Article 23 states that all children have equal rights and duties in their family relations, and that parents have a natural right and duty to raise and educate their children. Article 24 binds the State to work to promote children's rights.
- The 1989 Code on Individuals and Families, which represents a framework for the protection of children's rights both in the case of married and divorced parents. It also regulates succession.
- Decree n° 290/PRES-ET of July 17 1962, which outlines preventive measures relating to childhood and the movement of minors.
- Decree n° AN VI-01 103/FP/MJ of December 1 1988, which sets out the structure, regime and regulations of penitentiary institutions.
- Kiti n° AN VII-0319/FP/SAN-AS of June 8 1990, which governs the placement and supervision of children.
- Kiti n° AN VII-0519/FP/SAN-AS/SEAS May 18 1990, which regulates the travel of children outside Burkina Faso.

1.3.2. Action for protecting and promoting adolescents within the society

Promotion and protection of adolescents in Burkina Faso is only beginning. There are not yet any specific laws for the protection of the youth. The Ministry of Social Action nevertheless has a number of specific interventions aimed at ensuring the protection of certain underprivileged adolescents.

Activities are currently underway, or planned, to ensure the protection and promotion of street youth.

For example, in 1993, the government adopted a strategy of providing education in open environments. A programme was carried out in Ouagadougou, where it was possible to reach 484 street youths. This programme will be extended to other provinces. The government also rehabilitated and enhanced the capacities of two re-education centres, each of them capable of housing 120 children, in order to make them more operational and effective. The central file on all young people placed in educational and vocational training institutions has also been updated.

2. The right to an adequate standard of living

The right to food is not expressly recognised or guaranteed by the African Charter on Human and Peoples' Rights. This right does however arise from international instruments ratified by Burkina Faso, such as the International Covenant on Economic, Social and Cultural Rights. Article 11 of the covenant states that "the States Parties to the present Covenant recognise the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions."

Ensuring access to an adequate standard of living for all citizens is one of the main concerns of Burkina Faso. The country, which is a poor country and is classified among the least developed countries, has made its economic development one of its most fundamental objectives. Attaining that objective necessarily requires continuously promoting and improving the standard of living of its citizens. It is in this light that in June-July 2000, the government adopted the strategic framework for poverty control (CSLP). The main objective of the strategy is to bring about a perceptible improvement in the standard of living of the population, and in particular the rural population. Today, the CSLP is a reference framework document for the promotion of certain economic, social, and cultural rights like the right to food, to clothing, to housing and to health.

2.1. The right to food

The right to food requires that individuals have access to food in sufficient quantity and of adequate quality. It also involves the right not to go hungry. To satisfy this requirement today demands planned action on the part of the State to provide all citizens with access to food.

Burkina Faso is aware that economic development requires the prior satisfaction of the food needs of the population. The country has therefore always sought to gradually improve the availability of food for the population, in spite of particularly unfavourable climatic and geographical conditions that sometimes make nought of its efforts. The economy is indeed largely dependent on agriculture and a changeable climate and Burkina Faso is regularly confronted with shortfalls in rain levels that seriously compromise its attempts to achieve food self-sufficiency. It is sometimes obliged to appeal to the international community for assistance in order to compensate its cereal deficits.

In order to prevent such situations from arising and to guarantee the right to food for its citizens, Burkina Faso has since 1998 adopted a number of measures concerning, agriculture, production, distribution, nutrition and consumption. These measures are aimed at ensuring better access to food and to guarantee the quality of food available. The following may be cited among these measures:

- Operation “*Saaga*” (rain, in the *mooré* language), which was set up by the government in June 1998, is aimed at limiting the variations in rainfall, with a view to guaranteeing regular agricultural productivity.
- National farmers’ day, which is organised each year, represents a truly democratic forum where farmers meet the Head of State and all members of government, as well as development partners. This form of direct democracy makes it possible to raise issues, discuss the difficulties encountered, and to make commitments that are reviewed a year after. This initiative seeks to encourage farmers, and is part of the will of authorities to ensure the effective enjoyment of the right to food.

- The launch of out of season agriculture since the 2001-2002 agricultural season, in particular through the development and extension of a technique of small-scale irrigation at village level, promotion of market gardening, and extension of various techniques for digging wells, and local water management. The practice of out of season agriculture, which was considered successful after a first experimental year in some provinces, is now being extended to other provinces.
- Development of the agro-food industry, in particular with the establishment of new industrial units for processing agricultural products.
- Agro-pastoral fairs that are organised annually, thus making it possible to enhance the value of products and facilitate their distribution.

Although this policy of improving the food situation of the population has succeeded in the past few years in preventing widespread hunger, the results are still well below the actual needs of the people. Indeed, despite the efforts thus deployed, there are still many citizens of Burkina Faso, particularly in the rural areas, who do not have enough to eat, and many children still suffer from malnutrition.

The crisis that started in Côte d'Ivoire with the events of September 19 2002 have seriously undermined this policy, precisely because of the economic impact it has had on Burkina Faso.

2.2. The right to clothing

Although this right is not specifically recognised by the African Charter on Human and Peoples' Rights, the right to clothing is a logical accompaniment of the right to food. Indeed, improving the standard of living of the population requires not only giving them access to food, but also access to clothing. Aspiring to be clothed decently is as much a part of the basic expectations of any human being as the desire to feed oneself.

In Burkina Faso, no constitutional or legal provision specifically refers to this right. Nevertheless, Burkinabe citizens do focus attention on the issue in their day-to-day existence, and the government is striving to ensure its promotion.

Burkina Faso has encouraged private initiative, which is at the basis of the methods of production and distribution of clothes, in order to promote the right to clothing for its citizens. The clothing needs of the population are in fact mainly served by private businesses that import textile products from abroad. These imports are however insufficient to meet the needs of an ever growing population. Even worse, they are an unnecessary burden on the national economy.

This is why the State, which seeks to guarantee the right to clothing of its citizens according to their real income, is attempting to encourage local production of textile products and clothes, despite the highly unfavourable international context, which is the result of heightened international competition in the area of textiles.

Since 1998, the government of Burkina Faso has taken a number of measures in two areas, to promote the right to clothing.

The first category of measures concerns increasing local production of clothes. Soon after independence, a public textiles factory was set up in Koudougou and was manufacturing textile products using nationally produced cotton. For a long time, this industrial unit contributed to satisfying the clothing requirements of a good part of the population. Unfortunately, however, this factory is now in compulsory liquidation and this seriously hampers national efforts to supply the clothing requirements of the population. The State nevertheless continues to provide support to the small-scale clothing industry, which is growing remarkably, and which makes a significant contribution to satisfying the population's demand for clothing.

The second category of measures concerns the channels of distribution for articles of clothing. In Burkina Faso, clothes are distributed through the regular market channels. Each individual has the possibility to purchase the clothes of their choice. The State nevertheless awards certain facilities to economic operators and businesses that facilitate the distribution of clothes. This is done particularly in the area of domestic taxation or the import taxes imposed on clothing, which is quite low, as compared to the taxes imposed on other imported products or other products on the market.

2.3. The right to housing

Although the Charter does not specifically refer to it, the right to housing is linked to the right to health, as it provides a living environment and contributes to the best possible state of health that is suggested by the Charter.

Certainly, housing is in all ways a fundamental social right that contributes to the flourishing of the individual. Article 18 of the constitution of Burkina Faso thus includes it in the list of social and cultural rights set out in this constitution. The Ministry of Infrastructure and Habitat is responsible for all policies and action plans relating to housing in Burkina Faso.

Many urban planning schemes have been adopted and have led to the construction and development of housing estates. This has made it possible to provide housing in many of the main cities of the country and in full-fledged departments and municipalities.

A number of legal, economic and social measures have also been adopted to promote the enjoyment of the right to housing. Both the State and private agents are working to provide Burkinabe citizens with salubrious housing in sufficient numbers.

Among the legal measures are national and local regulations that have enabled the construction of housing estates and which govern the delivery of building permits and

authorisations. Some regulations have also imposed measures to ensure hygiene and sanitation.

As part of economic and social measures, the government has adopted a policy of encouraging home ownership. Workers who wish to build their homes are thus given access to loans from banks and financial institutions.

Private investors, and in particular economic agents coming together to form real estate development companies, also contribute to improving and increasing housing capacity. In addition to the *Centre de Gestion des cités*, which provides housing in the cities of Bobo and Ouagadougou, other para-state and private companies like the *Société de construction et de gestion immobilière* (SOCOGIB) and the AZIMMO group have invested heavily over the past years in real estate development and have thus served to compensate the shortfall in the State's capacity to provide housing and urbanisation to meet the needs of the population.

3. The right to physical and moral health

The right to health is enshrined in article 16 of the African Charter on Human and Peoples' Rights, which also stresses this as one of the duties of the State towards citizens. "Every individual shall have the right to enjoy the best attainable state of physical and mental health. States parties to the present Charter shall take the necessary measures to protect the health of their people and ensure that they receive medical attention when they are sick."

The Burkinabe constitution of 1991 confirms that citizens have the right to health and that the State has an obligation to promote this right. "The right to health shall be recognised. The State shall strive to promote this right."

Despite the extreme poverty of people, which considerably diminishes the capacity of the State to make the health system fully operational, Burkina Faso nevertheless has a stringent public health policy. This is illustrated in the following facts and figures.

The country is divided into 11 health regions, with 2 national hospital centres in Bobo-Dioulasso and Ouagadougou. There are 9 regional hospital centres, 31 medical centres, 798 health and social promotion centres, 145 dispensaries, and 46 maternity clinics. In all, in 2000, the country had 1072 health structures, as against 921 in 1995.

Public health indicators have also improved since 1998, thanks to the efforts deployed by public health workers.

- Maternal mortality: 484 per 100 000 in 1999, as against 566 per 100 000 in 1994.
- Infant mortality: 105 ‰ in 2000, as against 93.7‰ in 1993.
- AIDS prevalence: 6.5% in 2002, as against 7.17% in 1997. There has been a non-negligible reduction in the prevalence rate of the pandemic. This reduction can be attributed to the information and education campaigns that have been carried out

by government and to the fact that there is now a high level of awareness about the disease, within Burkinabe society.

- Life expectancy at birth: 53.5 years, in 2000, compared to 52.2 years in 1994.
- Attendance at prenatal clinics: 61.05% in 2000.
- Obstetrical coverage: 20.8% in 1994.
- Child immunisation coverage: 60% in 2000, as against 45% in 1995.
- Malnutrition: 0.59% in 1998, 0.83% in 1999, and 0.70% in 2000.

In 2000, the government adopted a national health development plan covering the period between 2001 and 2010. The aims of the plan are to promote access to health for all citizens and to reduce morbidity and mortality rates in the population. The specific objectives of the plan of action may be enumerated as follows:

- Increase national health coverage.
- Improve the quality and utilisation of health services.
- Strengthen the control of communicable and non-communicable diseases.
- Reduce the level of HIV/AIDS transmission.
- Develop health sector human resources.
- Improve the efficiency of health services.

The Ministry of Health is in charge of implementing the national health development plan.

Working on the basis of the primary health strategy that was adopted in 1979, the government of Burkina Faso has designed a number of health measures in an attempt to enable satisfactory health coverage. These have included a reorganisation of the health system, with the revision of the public health code. A new public health code was adopted in 1994, in the form of law n°23/94/AD of May 19 1994. Other strategies and programmes include the setting up of a support unit for the decentralisation of the health system; the overhaul of the various departments of the Ministry of Health, and the increase of the numbers of schools that provide training for staff of the health sector.

As a result, by 1999, there were 3 097 people working in the health sector. Of these, 1 191 were certified nurses, 1 051 were state registered nurse, 347 were midwives, 77 were pharmacists, 25 were dental surgeons and 406 were doctors. Today, there are four institutions of higher learning training health agents. The schools are located in Ouagadougou, Bobo-Dioulaso, Ouahigouya and Koudougou. Within the University of Ouagadougou, there is a Training and Research Unit on Health Sciences (UFR/SS), which trains students in general medicine and pharmacy.

A number of successes have been registered in programmes aimed at protecting specific groups. These include the extended programme of immunisation; reproductive health; control of tuberculosis, diarrhoeal diseases and respiratory diseases; malaria control, and occupational health. In addition to these, other activities have been carried out, which include hospital reform and the adoption of a policy authorising pharmacies to distribute generic drugs. Campaigns have also been waged to control deadly epidemics of meningitis, measles and cholera.

In the specific case of AIDS and STIs, a multi-sectoral, national programme for the control of these diseases was drafted in 1999 and is being implemented under the auspices of the national AIDS control committee. Since 2001, this programme has been further strengthened by the personal commitment of the President of the Republic, who endorsed a campaign named "MY LIFE AT STAKE". This campaign is aimed at raising awareness about the disease, while controlling it and obtaining the commitment to fight against it. To date, 1 200 000 people are involved and considerable means are being deployed to win "the victorious bout against AIDS."

4. The right to practise a sport

Sport is recognised as a factor for the promotion of individuals and groups, as an important industry, and as a healthy framework for emulation and for cementing peace between peoples. It is a vital social phenomenon, which contributes to the development of society and the flourishing of individuals.

In Burkina Faso, article 18 of the Constitution stipulates that sports and leisure are part of the social rights of citizens. Law n° 03/96/ADP of April 11 1996, outlining the organisation and development of physical education and sporting activities in Burkina Faso states, in article 4, that "every Burkinabe citizen shall have the right to practise the sport of their choice, for their personal equilibrium." When, as a result of their skills, an individual represents Burkina Faso in international competitions, they are fulfilling a patriotic duty.

Two main areas of sporting activities are of interest in this report. These are group sports and high level sports.

Group sports, which were instituted in 1984, enable each Burkinabe citizen to practise the sport of their choice through the physical and sporting activities that are organised as part or regular sports or in appropriate sporting competitions. Each year, various competitions are organised throughout the country. These competitions involve both men and women, in all the sporting disciplines that are practised in the country. The aim of the competitions is to foster and strengthen relations among citizens and extend the practise of sporting activities.

High level sports are governed by decree n° 2002-142/PRES/PM/MJS of April 2002, outlining the organisation of management structures for competitive sports in Burkina Faso. Seventeen sporting federations organise championships for men and women each year, in different categories. These high level competitions serve to train national sports men and women and ensure that Burkina Faso is not left out of the gathering of nations at major sporting events that are organised by African and international federations. As a result of such high level competitions, some talented athletes, in particular footballers have been recruited by European clubs and are now playing professional football abroad.

The government of Burkina Faso has created sports schools and promotes sports in schools and universities, with a view to fostering the practice of high level sports.

PART THREE: PEOPLES' RIGHTS

The initial report of Burkina Faso outlined the international commitments, as well as the rules and policies in the area of human rights. These positions have been maintained and may be summarised and reiterated as follows:

1. Equality among peoples

In Burkina Faso, the concept of peoples refers to the different components of the society. Equality among peoples is consecrated under article 19 of the African Charter on Human and Peoples' Rights, which states that "all peoples shall be equal; they shall enjoy the same respect and shall have the same rights. Nothing shall justify the domination of a people by another." Equality among peoples is further reaffirmed in Burkina Faso, by the preamble of the constitution, which proclaims "the attachment of the Burkinabe people to the fight against all forms of discrimination", and their desire "to promote peace, international cooperation, and the peaceful settlement of disputes between States, in a context of justice, equality, freedom and the sovereignty of peoples."

The drafting of the preamble, which forms an integral part of the constitution, is the illustration of the will of the people of Burkina Faso to live in harmony with other peoples and deal with them on an equal footing. In fact, Burkina Faso has no expansionist designs, and remains fundamentally attached to its independence and sovereignty. Burkina Faso lives in peace with its neighbours.

On the international scene, Burkina Faso has acceded fully to the regional and international instruments that affirm and enshrine the principle of equality among all peoples, big and small. It supports and advocates the cause of peoples fighting for equality.

2. The right to self-determination

In line with article 20 of the African Charter on Human and Peoples' Rights, "all peoples shall have the right to existence. They shall have the unquestionable and inalienable right to self-determination. They shall freely determine their political status and shall pursue their economic and social development according to the policy they have freely chosen (...)". Burkina Faso fully concurs with the principle of self-determination of a people. Within the country no such problems of self-determination of a people arise. Article 31 of the constitution states that "Burkina Faso is a democratic, unified and secular state." This implies therefore that the Burkinabe nation is one and indivisible. This constitutional provision reflects the social reality of the country. It is fortunate to note that, to date, Burkina Faso has not been plagued with any divisions arising from any forms of discrimination or other considerations. Certain socio-cultural mechanisms such as "joking relationships" contribute to fostering this harmony. In practice, the population of Burkina Faso constitutes a single entity that has been accepted by all its components. The State of Burkina Faso is one and indivisible. On the international scene, since Burkina Faso itself arose out of the movement of decolonisation, the country endorses the accepted principle of the right to self-determination of all peoples. The initial report had presented a

number of activities and policies that have been carried out by Burkina Faso in this area.

While striving to ensure its own economic, social and political independence, Burkina Faso has never failed to support the struggle of peoples fighting for self-determination.

3. The right of peoples to freely dispose of their wealth and natural resources, and the right to development

Article 21 of the African Charter on Human and Peoples' rights speaks of the right of peoples to freely dispose of their wealth and natural resources. This right is reaffirmed under article 14 of the constitution of Burkina Faso, which states that "wealth and natural resources shall belong to the people. They shall be used to improve their conditions of living." The natural resources of Burkina Faso are mainly found in agriculture, livestock, and mines. Industry is only embryonic. The State works to ensure the exploitation of national wealth and resources, with a view to improving the living conditions of its citizens.

The development strategy of the country governs the exploitation of mineral resources by some foreign companies. Companies that have been established in Burkina Faso have done so under conditions imposed by domestic legislation. These companies bring in the technology and the means to develop certain resources. They may benefit from specific measures provided by law to incite them to carry out investments that, in the long run will lead to the creation of wealth and employment. A code of investment was established by law n° 62/95/ADP of December 14 1995 and law n° 015/97/AN of April 17 1997. It provides for the different regimes and conditions under which investments may be made. The mining code, which was adopted under law n° 023/97/AN of October 22 1997, outlines the tax and customs benefits that are to serve as incentive for investors in the mining sector. The government of Burkina Faso has set up these processes as part of its policy to ensure the development of the people of Burkina Faso.

These principles are also applied in the context of certain international agreements such as the Treaty for the Harmonisation of Business Law in Africa, which was signed in Port Louis (Mauritius) on October 19 1993, or the West African Accounting System (SYSCOA), which entered into effect in January 1998, between 7 West African countries.

Burkina Faso is deeply attached to the right of development. As a poor country that was greatly affected by a painful colonial history, Burkina Faso has made economic development its essential, overriding concern. This is why the preamble of the constitution restates the will of the Burkinabe people "to build a constitutional State that shall guarantee the enjoyment of collective and individual rights; of freedom, dignity, safety, well-being, development, (...)" Article 14 is similar, as it states that the wealth and natural resources shall belong to the people. They shall be used to improve their conditions of living."

In reality, the efforts deployed by successive government have tended to give effect to the right of the Burkinabe people to development. Indeed, various economic development plans and policies have been implemented.

Since 2000, however, these sectoral development plans and policies are all part of the strategic framework for poverty control, which has been mentioned above. The framework seeks to create synergy among the various agents of economic development, that is, the State, the private sector, civil society organisations and development partners. The national good governance plan, which was adopted in 1998, also seeks similar objectives since it aims, among others, at instituting economic governance based on the idea of a State that plays the role of defining strategies to push and emulate the private sector, which is the driving force behind the economy. Under the economic and productive sector liberalisation policy, measures have been taken to encourage entrepreneurship. Roughly forty businesses have thus been more or less successfully privatised. Furthermore, the government is convinced that the private sector must play an important role in ensuring economic growth. Burkina Faso therefore provides support to private initiative in small and medium-sized businesses. It also provides support to the action plan of the Burkina Faso Chamber of Commerce, Industry and Crafts (CCIAB), the Burkinabe Shippers' Council (CBC), and the National Bureau for External Trade (ONAC).

In the international context, Burkina Faso has always supported United Nations General Assembly resolutions that affirm the right to development. The country is fully committed to all regional and sub-regional processes of economic integration, which it believes are the best strategies for fulfilling the right to development of African peoples.

4. The right to national and international peace and security

After stating that all peoples shall have the right to national and international peace and security, Article 23 of the African Charter on Human and Peoples' Rights goes on to state that relations between member States shall be governed by the principles of solidarity and friendly relations. Enjoyment of this right requires that action be taken to foster peace and national and international security.

In this light, Burkina Faso played the role of facilitator or mediator between the Togolese government and the opposition in that country. It also played the same role between the government of Niger and the Tuareg rebellion. Burkina Faso has participated in peacekeeping operations in the Central African Republic and is currently engaged in peacekeeping in the Democratic Republic of Congo. As part of peacekeeping operations, Burkina Faso has a battalion that is specially trained for such missions. Within the country, a national security plan of action was adopted in October 2001, and an inter-ministerial department was set up to implement it. A programming law is to be passed to set up the means of implementing the plan of action. Military companies have also been created to enhance security. With the Ivorian crisis, Burkina Faso took preventive security measures by closing its border with Côte d'Ivoire from September 23 2002 and deploying troops in order to avoid the territory being used for military purposes and for purposes of destabilisation.

For the purpose of ensuring peace and security, people who enjoy the right to asylum are prohibited from engaging in subversive activities against their country of origin or any other State party to the Charter. In this area, Burkina Faso applies the rules of the agreement, which are directly applicable internally. These rules form part of the text on the status of refugees, which was set up by Zatu (law) n° AN V 28/FP/PRES

of August 3 1988 and its decrees stating measures of enforcement. This law prohibits any activities that could violate the sovereignty of the State or of other States.

5. The right to a generally satisfactory environment

The environment is of vital importance to Burkina Faso and is seen today as one of the essential keys to development. The agricultural and animal husbandry techniques used in Burkina Faso, which is a landlocked Sahelian country, have contributed to the continued deterioration of the ecosystem and of natural resources. This deterioration is worsened by persistent droughts and a disquieting rate of desertification.

The country is aware of the environmental problems that could compromise its efforts to attain economic development. Since the beginning of the 1990s, therefore, it has been committed to achieving sustainable development, as defined by the United Nations Conference on the Environment and Development, which was held in Rio de Janeiro in 1992. Burkina Faso is a party to most international instruments for the protection of the environment, and seeks to include environmental issues in all its development projects and programmes.

Article 29 of the 1991 constitution refers to the right to a healthy environment and states that it is the duty of all citizens to protect, defend, and preserve the environment. This right is governed by law n° 00597/ADP of January 30 1991, outlining the environmental code of Burkina Faso. It establishes a number of fundamental principles that concern not only the responsibility of the State, but also that of local authorities and individuals at all levels. These principles are outlined under article 2, and are aimed at improving the general living environment. They include combating desertification; sanitation and improvement of the standard of living of urban and rural populations; rational management of natural resources; the prevention and management of disasters, and the implementation of international agreements ratified by Burkina Faso.

As part of its policy to preserve the ecosystem, the government has developed the use of irrigation for farming, reforestation, the creation of manure pits, and modern techniques of cultivating, fertilising and rehabilitating the soil.

In order to ensure more effectiveness, the issue of waste and a healthy environment is dealt with as part of the decentralisation process, from the angle of hygiene and sanitation. The communes of Burkina Faso have in effect set up sanitation programmes to deal with the processing of household waste, the evacuation of sewage, and improvement of the general environment. In towns like Bobo-Dioulasso and Ouagadougou, teams of municipal sweepers and workers are in charge of keeping the streets clean and beautifying them.

A ministerial department in charge of the environment was first set up in Burkina Faso in 1976. Since June 2002, it is now called the Ministry of the Environment and Living Conditions, and is responsible for initiating, coordinating, regulating and monitoring activities dealing with environmental sanitation, as well as improving the living conditions in both rural and urban areas. It is also responsible for drafting

national policy on parks and improvements, as well as texts governing the control of environmental and other forms of pollution. It also provides support to local authorities in dealing with public hygiene and the recycling and processing of solid waste, etc.

The aforementioned environmental code defines the regulatory framework for preserving the environment and sanctions acts of pollution or destruction of the environment.

All activities carried out by the State and its partners come under the framework programmes of the National Environmental Action Plan, which constitutes the country's Agenda 21. This plan was adopted in 1991 and revised in 1994. It is the document setting national guidelines for the environment, and is aimed at promoting the rational management of human resources and the improvement of living conditions, to ensure sustainable development.

6. The right to participate in cultural life and to enjoy the benefits of scientific progress, and the protection of the interests of authors

Culture may be understood in the broadest sense as all the means of expressing a given identity, or as the practice of acquired and shared values and knowledge from within and without a community. Culture includes components that are the result of education on internal values, while other components may be foreign, but are integrated into the group or community that accepts them.

Paragraphs 2 and 3 of article 17 of the African Charter on Human and Peoples' Rights stipulate this pluralist dimension of culture. This article is worded as a "recommendation" rather than an expressly stated right. "Every individual may freely take part in the cultural life of his community. The promotion and protection of morals and traditional values recognised by the community shall be the duty of the State."

In Burkina Faso, article 28 of the constitution specifies the components of this right in the following terms. *"The law shall guarantee intellectual, scientific and technical property and protect artistic and technical works. All shall be free to engage in cultural, intellectual, artistic and scientific activities, in accordance with existing texts."*

On the basis of this clarification from the constitution, there are three areas of activity that are of interest in this report; cultural activity, artistic activity, and intellectual and scientific activity.

In Burkina Faso, cultural activity, which is a framework for enhancing moral and social values and identity, is seen as an integral part of human development. Since 1984, a national week of culture has been instituted. This biennial event is held in Bobo-Dioulasso, and offers a wonderful opportunity for all ethnic and other groups within the society to display their rhythmic values and other sociological aspects of their life. Traditional music, essentially songs and dances, which are the vital expression of the artistic skills of the people, has pride of place and inspires further artistic creation.

Today, this event has gone beyond a simple competition and is approached by each group with a lot of seriousness. The activities of the week now cover new areas such as culinary arts, conferences, traditional games and entertainment, and interethnic joking jousts. All these serve to promote tolerance and interethnic, as well as national cohesion and unity.

In addition to the national week of culture, the government of Burkina Faso, through the Ministry of Culture, Arts and Tourism, strives to encourage the guardians of cultural traditions to truly promote the national culture. Various other cultural events are organised to this end. Among them are the wrestling and masks festival of the San land, organised in the Samo region (LUMASSAN), the Atypical Nights of Koudougou (NAK), the Ouagadougou Theatre and Puppet Festival (FITMO), the international festive of Theatre for Development (FITD), the Ouaga jazz festival, the "Wed-binde" festival of Kaya, the Warba festival of Zorgho, the Dodo festival, and the festival of masks in Boulsa, Pouni, Zawara, Dédougou, etc.

Burkina Faso also hosts a number of international cultural events. Most notable among these are FESPACO, the pan-African film festival of Ouagadougou, and the Ouagadougou International Crafts Fair (SIAO). In the field of literature, there is also the Ouagadougou International Book Fair (FILO).

Whether they are carried out by the State or by the private sector, activities in the cultural sector in Burkina Faso enable the discovery, the safeguard and transmission of cultural and artistic forms of expression. Thanks to the existence of certain favourable factors and conditions, including the support and availability of the Burkinabe Copyright Office (BBDA), artistes of modern and traditional music are registering successes in their musical works and shows. The BBDA works to ensure that the rights of artistes are respected by monitoring and, where necessary, sanctioning the activities of consumers and users of artistic works, in particular vendors of audio and video cassettes; organisers of musical shows and concerts; public and private radios, and television channels. The copyrights office ensures that the musicians' rights are paid and it works in collaboration with production houses for a more satisfactory promotion of artistes. Any initiative or action undertaken to promote modern or traditional music enjoys the support and consent of national and local authorities. In Burkina Faso, there are three privately operated production houses. Of the three, SEYDONI PRODUCTION and BAZAR MUSIC are the most famous for producing and distributing records by Burkinabe musicians.

Artistic production in the country is quite satisfactory. The number of musicians keeps growing. Between 1998 and 2001, the BBDA registered 243 music artistes. The number of musical albums on the market has also continued to grow and increased from 30 in 1998, to 147 in 2001. Between 1998 and 2001, 44 books were published by Burkinabe authors.

Concerning musicians' copyright fees, the BBDA distributed a total of one hundred and twenty-nine million, thirty-one thousand and sixty-five francs (129 031 065 FCFA) between 1998 and 2001.

PART FOUR: DUTIES STIPULATED BY THE CHARTER

The African Charter speaks of certain duties to be fulfilled. There are specific duties that fall to the State and other specific duties that fall to all citizens. Burkina Faso seeks to carry out the duties imposed upon it by the Charter, to the best of its ability, and also seeks to lead each individual to respect their own duties.

I. DUTIES THAT FALL TO THE STATE

States are required to raise awareness about the Charter through certain specific activities, and also to guarantee the independence of courts.

1.1. Promotion and education about the provisions of the Charter

Burkina Faso has made efforts to educate the population on the provisions of the Charter and to implement the relevant provisions of the Charter. It has also made efforts to strengthen its relations with the ACHPR. As part of the desire of the State to do its duty of promoting and protecting human rights, a State secretariat in charge of the promotion of human rights (SEPDH) was created in 2000 and subsequently transformed into a Ministry for the Promotion of Human Rights (MPDH) in 2002. Furthermore, after consultation with civil society through workshops and seminars, a National Human Rights Commission was created by decree n° 2001-628/PRES/MJPDH of November 20 2001, thus illustrating the desire of the State to fulfil its obligation to promote human rights. The Commission has been allocated a headquarters, and will very soon receive the staff and equipment required for it to function smoothly. The whole process of setting up the National Human Rights Commission was centred on the provisions of the African Charter.

Activities carried out under promotion and education may be summed up as follows:

- Creation of a State Secretariat (SEPDH), which was later transformed into a (MPDH), with the general mission of promoting and protecting human rights. This is an illustration of the political will of the Burkinabe State to give human rights issues their rightful place. The transformation has provided that department with more room for manoeuvre and greater financial autonomy.
- Creation and encouragement of the emergence of associations and NGOs working in the area of human rights and development. Today, there are more than 60 associations and NGOs working in the area of human rights.
- Setting up of the CNDH, in accordance with the recommendations of the African Commission on Human and Peoples' Rights.

- A specific teaching programme on human rights is currently being included in school curricula.

Many shortfalls remain. These are mainly linked to the burden of certain traditions or practices that militate against the promotion of human rights (public lynching, violence against women and children, female circumcision, forced marriages, urban indiscipline, etc.)

1.2. Guaranteeing the independence of the system of justice

The constitution reaffirms this independence in article 129. The way in which this branch of power is organised also tends to guarantee its independence. The judicial power is constantly striving to establish its independence.

Magistrates are skilled technicians who are trained in the National School of Administration and of the Magistrature (ENAM) in Ouagadougou. The eighteen month course provides them with the ethical and professional skills of independence and integrity. They also follow training courses in other countries such as Senegal and France, among others.

The bar association organises the certification of new lawyers, within the framework of the competitive exam for the Certificate of Aptitude to exercise the profession of Lawyer (CAPA). Significant efforts are regularly made to recruit professionals for the justice sector.

Nevertheless, in spite of the many measures that have been adopted recently to ensure the independence of the justice system, some real, objective difficulties remain and sometimes endanger this independence. These relate particularly to the difficult conditions of work for magistrates, the glaring lack of adequate equipment and other working tools in courts, insufficient human resources, especially magistrates, and the low level of salaries of magistrates.

Through the action plan for the reform of the judiciary, which provides for a number of specific measure to be taken to enhance the independence of magistrates, the government is attempting to gradually resolve these difficulties. Such measures include, among other, increased salaries, better training, and provision of court equipment.

II. DUTIES OF ALL CITIZENS

The duties of citizens are multiple, and relate to their duty to others, to the society, to family and to the international community. Citizens must also refrain from practising any form of discrimination against another human being.

The principles of equality of all citizens and the prohibition of all forms of discrimination are enshrined in the constitution and thus constitute significant reference points in the area of respect of individual rights.

The availability of means of recourse before independent jurisdictions makes it possible to guarantee individual rights and impose the obligation to respect the attendant duties.

The rules that govern public safety, protection of one's private life, good morals, civic sense, and the daily administrative measures adopted and implemented by the police all tend to ensure the respect of individual duties.

The fact that people live within a society and that the behaviour, the rights and the duties of each individual are closely linked with those of all other individuals, requires that recognised rights be respected and that the attendant duties be fulfilled.

Concerning the rights of citizens, things can be summed up as follows:

Generally speaking, there have been positive trends in the area of the promotion and defence of human rights. All communities live in peaceful coexistence and tolerance. Citizens have respect for families, for those who are different, and for public authorities. They are aware of the duty to demonstrate solidarity. Since 1998, these general trends have been enhanced with the heightened demands of citizens for the respect of human rights and by the increased attachment of citizens to their rights. The emergence and strengthening of associations working in the area of human rights have also contributed to confirming the general trend.

The significant progress made must not however hide the negative aspects and the occasional lapses in the area. These negative aspects are seen in a certain unravelling of the social and family fabric; the increased lack of public spirit; increased poverty in the society; the rise in insecurity and petty crime, as well as organised crime, and the persistence of certain practices that violate human rights (public lynching, violence against women and children).

CONCLUSION

In conclusion, it must be noted that human rights have made significant headway in Burkina Faso between 1998, when the initial report was submitted, and 2002.

The legal framework for the promotion, protection and defence of human rights is favourable to the expansion and enjoyment of these rights. The legal and institutional framework has recently been strengthened through the entrenchment of the process of democratisation, and with the setting up of institutions specifically charged with promoting and protecting human rights. The main foundation for the rule of law has thus been laid.

The State of Burkina Faso is unrelenting in its efforts to foster the enjoyment by citizens of all human rights, generally. Specifically, laudable efforts have been made in the area of the right to health and education. It must be recognised that considerable and remarkable progress has been achieved in the area of human rights over the past four years. The successive governments of the fourth republic have made this their battle horse because they are convinced that human rights are a pre-requisite for the development of a country.

The period between 1998 and 2002 has been decisive for Burkina Faso, as the country is resolutely set upon the path of promoting and protecting human rights. The political authorities made this commitment in December 2001 by adopting the General Policy Statement on Human Rights.

Furthermore, Burkina Faso has taken note of the decision of the African Commission on Human and Peoples' Rights at its session in Tripoli, following the communication brought by MBDHP. Measures have been taken and continue to be taken to respond to the recommendations contained in that decision.

In spite of all the efforts made, protection of human rights is not yet optimum. Whereas civil and political rights are increasingly respected, enjoyment of economic and social rights is limited. This is due to a large extent to the difficult economic situation of the country. Making them a reality is a daily undertaking on the part of all stakeholders.

Based on its conviction that human rights are the final objective of all human development, Burkina Faso is unrelenting in its efforts to entrench a culture of democracy and the rule of law, and to ensure that human rights become a reality. Promoting and protecting human rights is at the heart of all its development projects.

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