Child Rights References in the Universal Periodic Review

Summary:
A compilation of extracts featuring child-rights issues from the reports submitted to the first Universal Periodic Review. There are extracts from the 'National Report', the 'Compilation of UN Information' and the 'Summary of Stakeholder's Information'. Also included is the 'Final Report' and 'Conclusions and Recommendations' from the Review.

Burkina Faso – 3rd Session – 2008
DATE OF REVIEW: 9 December - 14.30 p.m. to 17.30 p.m.

National Report

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

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

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

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

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

60. Articles 2 and 18 of the Constitution prohibit the ill-treatment of children and afford them protection. A number of other legal instruments also guarantee the protection of children and punish violations of the rights of the child. These include the Code of the Individual and the Family, the Criminal Code and various conventions ratified by Burkina Faso.
61. To ensure that children’s rights are taken into account in the national development strategy, a strategic policy framework for the promotion of children’s rights was drawn up for the period 2006-2015. The policy framework is to be put into operation by a national action plan for the survival, protection and development of children for the period 2006-2010, which seeks to provide a national response to children’s problems on the basis of a cross-sectoral and decentralized approach.

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

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

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

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

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

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

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

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

64. Legislative efforts have also been made to promote and protect the rights of the child. As a result of a rereading of the Labour Code, the minimum age for admission to employment was raised from 15 to 16 years. Laws on adoption and placement of children have also been applied and A/HRC/WG.6/3/BFA/1 page 15 observed. In addition, the Ministry for the Promotion of Human Rights has drafted a child protection code, which is a compilation of all treaty, legislative and regulatory provisions that contribute to the protection of the rights of the child. The Ministry for the Promotion of Human Rights continues to carry out activities to publicize and promote children’s rights.

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

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

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

UN Compilations

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

3. In 2002, CRC welcomed the establishment of the National Commission on Human Rights but was concerned that it was not yet fully operational and that its mandate did not include the power to receive and address individual complaints of violations of the rights of the child.11 CRC encouraged Burkina Faso to consider the structure and functions of this National Commission, in accordance with the Paris Principles.12 The CNDH was granted “B” accreditation status as a National Human Rights Institution by the International Coordinating Committee of National Institutions (ICC) in 2007. 1

4. CRC also noted with appreciation the establishment of a Ministry for the Promotion of Human Rights14, of a Children’s Parliament, of a National Council for the Promotion of Children,15 of the National Committee to Combat Female Circumcision,16 and the establishment of an Inter-Ministerial Technical Committee for the implementation of the new National Plan of Action for Children.17 In 2005, CEDAW welcomed the establishment of the National Committee to Combat Discrimination.18

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

8. A 2008 IMF report noted the adoption of a 2006-2007 program to promote human rights education, but that the introduction in primary and secondary education curricula was not yet effective.


14. In 2002, CRC noted that discrimination is prohibited under the Constitution, that acts of discrimination are an offence under the new Penal Code and that several measures have been taken to promote the rights of girls and women (establishment of the Ministry for the Advancement of Women and of the Department for the Promotion of Girl’s Education, etc.).

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

22. CRC expressed its concern about the number of trafficked children who are exploited in Burkina Faso and in neighboring countries. The Special Rapporteur on the human rights of migrants noted that it was a major phenomenon, and that many children left their families “in search of a better life”, either of their own free choice or driven by their parents. She noted that most of them started by working in plantations, taking up domestic service or were placed with Koranic teachers and that in most cases they were exposed to the danger of trafficking and ended up being exploited. This issue was also raised by an ILO Committee of Experts in 2008.

23. CRC recommended that Burkina Faso undertake studies with a view to assessing the scope of commercial sexual exploitation of children. For CEDAW, it was unclear whether legislation adopted to prevent and combat trafficking for purposes of exploitation of labour, also covered trafficking of children, especially girls, for sexual exploitation.

24. CRC was deeply concerned at the fact that child labour is widespread and that children may be working long hours at young ages.

25. CRC noted the pilot project involving UNICEF and non-governmental organizations to deal with the issue of street children, but expressed its concern at the increasing number of street children and at the lack of a strategy to address this situation.

28. CRC recommended that Burkina Faso take the necessary steps to reform the legislation concerning the system of juvenile justice in.
30. While noting the ratification of certain instruments on abduction and adoption, CRC was concerned at the very little interest in formal adoption in Burkina Faso, which may lead to the practices of conflagr and customary adoption and to an increase in intercountry adoptions with no adequate monitoring mechanism.

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

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

44. The independent expert on foreign debt stated that efforts undertaken had led to an impressive increase in net enrolment rates for basic education but that it had not been sustainable in all cases. Noting high dropout rates during the first month of the school year, he stated that it could mainly be attributed to poverty.102 Also noted as problems were the quality of basic education.103 A 2007 UNESCO report noted rapid progress towards universal enrolment and gender parity at the primary level in Burkina Faso104, but the independent expert noted that gender equality in basic education had not yet been fully achieved, mostly due to cultural traditions and mentality. 105 The Government’s objective was to reach parity, within the framework of obligatory, free and universal basic education, by 2015.

45. A 2007 UNDG report noted the Government’s decision in 2007 to provide free basic education until 16 years of age, and the significant performances recorded in primary education including for the girl child.107 According to a 2006 World Bank report, Burkina Faso allows for more liberal reentry policies and allow pregnant girls to remain in school during pregnancy and that this is an improvement from the 1990s.

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

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

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

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

**Stakeholder Compilations**

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

24. CRC was deeply concerned at the fact that child labour is widespread and that children may be working long hours at young ages.62 CRC was concerned at the difference between the minimum age of employment (14 years) and the age for the end of compulsory
25. CRC noted the pilot project involving UNICEF and non-governmental organizations to deal with the issue of street children, but expressed its concern at the increasing number of street children and at the lack of a strategy to address this situation.66 CRC recommended various concrete measures in this regard.67

28. CRC recommended that Burkina Faso take the necessary steps to reform the legislation concerning the system of juvenile justice in line with the Convention, and other United Nations standards in the field of juvenile justice. As part of this reform, CRC particularly recommended that Burkina Faso undertake all necessary measures to ensure the establishment of juvenile courts, the appointment of trained juvenile judges in all regions; to consider deprivation of liberty only as a measure of last resort and for the shortest possible period of time, limit by law the length of pre-trial detention; and, make every effort to establish a programme of rehabilitation and reintegration of juveniles following judicial proceedings.71

30. While noting the ratification of certain instruments on abduction and adoption, CRC was concerned at the very little interest in formal adoption in Burkina Faso, which may lead to the practices of confiage and customary adoption and to an increase in intercountry adoptions with no adequate monitoring mechanism.73

31. Burkina Faso put in place a special procedure in 2006 to deliver birth certificates to those children who did not have one, according to a 2008 IMF Report.74

38. A 2006 UNAIDS/WHO report stated that the HIV epidemic in Burkina Faso continues to decline in urban areas, and that among young pregnant women attending antenatal clinics in urban areas, HIV prevalence fell by half in 2001–2003 to below 2 per cent.83 A 2008 United Nations Statistics Division source indicated that the proportion of people living with HIV, 15-49 years old, decreased from 2.10 in 2001 to 1.60 in 2007.84 While noting the establishment of a National Anti-AIDS Committee and of the National Youth Forum to Fight against HIV/AIDS, and the efforts made in that respect, CRC remained concerned at the number of children orphaned by HIV/AIDS.85 A 2004 UNICEF report informed that in Burkina Faso 260,000 children had been orphaned as a result of HIV/AIDS by 2003.86

39. CEDAW called for improvements in the availability of sexual and reproductive health services, including family planning, also with the aim of preventing clandestine abortions.87 In 2002, CRC recommended that Burkina Faso undertake a comprehensive study to assess the nature and extent of adolescent health problems, with the full participation of children and adolescents, and use this study as a basis for the formulation of adolescent health policies and programmes, paying particular attention to adolescent girls; strengthen sexual and reproductive health education, mental health and adolescent-sensitive counselling services and make them accessible to adolescents.88

40. CRC was deeply concerned at the high infant and under-5 mortality rates and low life expectancy in Burkina Faso, and that the survival and development of children in Burkina Faso continued to be threatened by early childhood diseases, infectious diseases, diarrhoea and malnutrition,89 and made recommendations in this regard.90 For its part, CEDAW was also concerned about high rates of maternal mortality.91 A 2007 WFP report referred to a Demographic and Health Survey which showed that 90 per cent of children under 5 are affected by anaemia. It also noted that acute undernutrition has increased from 13.0 per cent to an alarming 18.6 percent, well above the WHO emergency threshold.92 FAO informed that Burkina Faso in 2007, with other West African countries, adopted recommendations to integrate the right to food in national strategies against malnutrition and food insecurity, taking into consideration the FAO Right to Food Guidelines.93

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Final Report

37. Argentina noted the persistence of patriarchal attitudes, cultural stereotypes and traditions and customs that discriminate against
women, particularly in rural areas. It enquired about existing policies promoting gender equality and equal opportunities, particularly in rural areas, about their implementation and the assessment of implementation. With reference to the recommendation that Burkina Faso improve the conditions of juveniles in detention, that in some cases amount to inhuman and degrading treatment, Argentina enquired about measures that could be taken to establish special detention facilities for children.

38. Chile welcomed the progress made in the area of women’s rights. It acknowledged, however, that there are also deep-rooted traditional practices that are an obstacle to the application of the law. Chile also noted that the Person/ Family Code still allows polygamy and recommended that (a) polygamy be eliminated. Chile reaffirmed the importance of combating forced marriages and enquired about the impact of the measures adopted in this regard. It noted concerns by non-governmental organizations regarding child trafficking and child labour and the recommendations of the Committee on the Rights of the Child to bring national legislation into line with the Convention. Chile requested information on the measures taken in this regard. It noted that several journalists had been intimidated for criticizing the Head of State, his family or friends and recommended that (b) the authorities take all necessary measures to protect journalists who have been victims of intimidation, and identify and bring the perpetrators before the courts. Chile recommended that the Government (c) abolish the death penalty and (d) ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights. It also welcomed the resolution reaffirming the moratorium on death penalty adopted in 2008. It echoed the call of the delegation that (e) the international community should assist Burkina Faso to fulfil its international human rights obligations.

39. Italy commended Burkina Faso for its longstanding de facto moratorium on executions and its recent stance adopted at the General Assembly. Italy also noted that Burkina Faso consider the establishment of a de jure moratorium on death penalty with a view to abolishing capital punishment in national legislation. Italy was concerned about detention conditions and recommended that Burkina Faso improve detention facilities and overall detention conditions, also by means of training law enforcement officials in human rights. While encouraging Burkina Faso to take full advantage of current international cooperation programmes aimed at fighting trafficking in children and child labour, Italy recommended the effective implementation of the international instruments ratified and focusing on the protection of the child and children’s rights.

40. Germany welcomed the efforts to improve attendance at primary and secondary schools and enquired about measures to address the issue of perceived discrimination regarding educational opportunities for girls, children with disabilities, children born out of wedlock and children in rural areas. Germany was concerned about the absence of a juvenile courts system and the detention of minors with adults, in deplorable conditions. It enquired about the measures taken to ensure humane treatment of minors under arrest and about plans for establishing a juvenile justice system. Germany noted the persisting inequality between men and women, particularly in rural areas, widespread polygamy and cases of forced and early marriage of women and girls. It requested further information on measures to address these phenomena and to raise awareness of women’s rights, promote gender equality and prevent domestic violence against women and children.

41. Mexico welcomed the creation of national institutions for the promotion and defence of human rights, particularly for the most vulnerable: women, children and the elderly. It invited Burkina Faso to continue its efforts in awareness-raising and information, particularly given the high rates of illiteracy still in the country.

42. Luxembourg was proud to be a partner of Burkina Faso in combating poverty and achieving the Millennium Developing Goals. It supported the recommendation from the Committee on the Rights of the Child that it ensure that the statute of the national human rights commission is in conformity with the Paris principle to ensure that it is fully operational. It was concerned at reports of frequent use of torture and detention conditions. Luxembourg recommended the effective application of the Convention against Torture and the ratification of the Optional Protocol thereto. Luxembourg supported the recommendation of the Committee on the Elimination of Discrimination against Women that full access be given to rural women to education, health care and credit, as well as to land and housing. It recommended that appropriate measures be taken to protect the most vulnerable children, particularly girls, disabled children and rural children, and ensure effective protection of children against sexual abuse, all forms of violence and exploitation, trafficking and child labour.

43. Pakistan noted significant progress towards a rule-based society, the strong role of the Ombudsman and the national human rights commission and the role of media as guarantors of freedom of opinion and expression. Pakistan also noted the establishment of a national ethics committee and a parliamentary committee on general, institutional and human rights affairs, and the steps taken to protect women’s and children’s rights. Pakistan acknowledged the State’s need for financial and technical assistance to promote and protect human rights. Pakistan recommended that Burkina Faso be provided all possible technical assistance it needs by the international community and OHCHR.

44. Albania noted with satisfaction the effective measures taken to reduce the practice of female genital mutilation and encouraged Burkina Faso to (a) continue its efforts in order to definitely eliminate the practice. Albania recommended that Burkina Faso (b) abolish the death penalty by adopting a law commuting all death sentences and that Burkina Faso (c) accede to the Second Optional Protocol to the International Covenant on Civil and Political Rights. Albania recommended that Burkina Faso (d) consolidate cooperation with OHCHR to reinforce its national capacity in human rights, cited in paragraph 108 of the national report.

45. Algeria congratulated Burkina Faso for submitting to the African Peer Review Mechanism and welcomed the creation of the national human rights commission and the policies A/HRC/10/80 Page 10 adopted, particularly regarding the right to primary education, to facilitate access to health care and to combat ill treatment of children. It drew special attention to the promotion of the role of women in society. Algeria recommended that Burkina Faso accede to the 1960 UNESCO Convention against Discrimination in Education. Algeria recommended that the international community provide further technical and financial assistance to Burkina Faso, particularly in education, health and employment. Algeria also encouraged the Government to continue its initiative to combat and put an end to the
51. The United Kingdom commended the creation of the Ministry for the Promotion of Human Rights and the national human rights commission, and encouraged Burkina Faso to ensure that the commission is in full compliance with the Paris Principles. It recommended that Burkina Faso strengthen awareness-raising efforts in rural areas, where some cultural traditions inhibit women’s rights. It noted the Government’s decision in 2007 to provide free education until 16 years of age and the progress towards universal enrolment and gender parity at the primary level, but referred to the concerns of the Committee on the Rights of the Child that child labour is widespread. It recommended that all necessary measures be taken to ensure that employment of children does not interfere with their right to education. While acknowledging that the Penal Code provides for capital punishment and that there is de facto moratorium on its application, it recommended that Burkina Faso consider taking steps to abolish the death penalty in all circumstances. It encouraged Burkina Faso to take further steps to submit periodic reports to the treaty monitoring mechanisms and to implement recommendations in a timely fashion.

53. Cuba praised the efforts made in the education sector with a view to achieving primary universal schooling by 2015. It recognized the strategies and policies in the health sector to facilitate access to adequate medical care, reduce child mortality and improve maternal health. Cuba recommended that Burkina Faso continue its efforts in economic, social and cultural rights to promote and consolidate the progress made. It encouraged the international community, especially developed countries, to fulfil its international commitment to allocate 0.7 per cent of GDP to official development assistance (ODA), in order to contribute, inter alia, to fight poverty in many countries of the South, like Burkina Faso.

54. China noted considerable progress achieved with regard to the right to education, children’s rights and the elimination of discrimination against women. It noted that the national report identified poverty and illiteracy as main challenges and that therefore technical support from the international community for capacity-building is greatly needed. China recommended that the international community give a positive response to the reasonable request of Burkina Faso for technical and financial assistance. Mauritius noted the participation of Burkina Faso in the African Peer Review Mechanism and its signature of the Bamako Declaration. It welcomed the establishment of the Ministry for the Promotion of Human Rights, the independent national electoral commission, the national human rights commission and the establishment of a parliamentary committee on general, institutional and human rights affairs. It noted the high rate of illiteracy and the low rate of secondary schooling, and the challenge of providing education owing to a lack of infrastructures and human resources. Mauritius appealed to the international community to support the efforts of A/HRC/10/80 Page 11 Burkina Faso to combat poverty and ensure the right to education for all. Mauritius appealed to OHCHR to provide appropriate technical assistance to enhance the State’s capacities in terms of promoting human rights in the areas mentioned in paragraph 108 of the national report.

55. Morocco noted with satisfaction the significant progress that Burkina Faso has made since its independence and welcomed the efforts made to guarantee children’s rights and the establishment of a solidarity fund for HIV-positive children and the initiative to guarantee the right to health. It requested further information on the measures taken to counter child labour and to promote the access of children to health care.

59. Angola welcomed the strategic policy framework for the promotion of children’s rights for the period 2006-2015. It asked how the international community can contribute to help Burkina Faso achieve the objectives of this strategy. Angola welcomed the efforts to reduce poverty, in particular among women, by setting up the Ministry for the Advancement of Women, and requested further information concerning its work and the challenges the authorities are facing in implementing these policies. Angola recommended that Burkina Faso continue to strengthen educational policies.

A la suite du dialogue interactif, la Ministre de la Promotion des droits humains à répondu aux questions posées par un premier groupe d’intervenants:

64. Les mesures entreprises contre les discriminations à l’égard des filles incluent des symposiums pour l’accélération de leur scolarisation, la création d’une direction de la promotion de l’éducation des filles, la mise en place des associations des mères éducatrices pour encourager la scolarisation des filles et la formation des personnels d’éducation en approche genre.

65. Pour les enfants handicapés, leurs besoins spécifiques sont prise compte dans l’enseignement. Des modules sont en expérimentation dans les écoles de formation.

66. Sur la traite et les pires formes de travail des enfants les mesures prises sont : la réalisation d’études pour cerner l’ampleur du problème, la mise en œuvre d’une stratégie nationale de lutte contre le phénomène, l’adoption d’une loi réprimant la traite des enfants, la mise en place de 255 comités de vigilance et de surveillance dans les provinces, les communes et les villages, la création de 23 centres de transit et plusieurs autres initiatives.

67. La réforme de l’organisation judicaire en 2004, a permis la création de juridictions spécialisées pour les enfants.

69. Djibouti welcomed the priority attached by Burkina Faso to education, health and the situation of women, but noted the difficulties and constraints faced. Djibouti recommended that Burkina Faso make further efforts to ensure that social services for children remain a priority.

71. Nigeria noted the creation of the Ministry for the Promotion of Human Rights and the establishment of human rights committees in the national Parliament. It also noted the progress made in the fight against female genital mutilation and the continuing efforts in education and public awareness of human rights, citing the significant progress made in the primary education of the girl-child. Nigeria called on the Council and the international community to provide urgently technical and financial assistance to Burkina Faso to support
72. Brazil congratulated Burkina Faso for its support to regional human rights initiatives, like the African Peer Review Mechanism. It welcomed efforts aiming at establishing a national legal framework for human rights, especially the creation of the Ministry for the Promotion of Human Rights, the Ministry for the Advancement of Women and the national human rights commission. Brazil enquired about the State’s intentions to address customary practices that discriminate against women. Brazil recommended that Burkina Faso (a) consider fostering national strategies to combat child labour and to promote decent work, and (b) consider the extension of a standing invitation to the special procedures of the Council. Brazil recommended (c) the abolition of the death penalty in accordance with General Assembly resolution 62/149, and that Burkina Faso (d) continue efforts towards the full elimination of female genital mutilation.

73. The Republic of Korea noted the efforts of Burkina Faso to adopt domestic legislation reflecting international standards, in particular the Constitution, which guarantees fundamental human rights. It commended the establishment of the national human rights commission, the Ombudsman of Burkina Faso and the Commission on Information Technology and Freedoms. However, it noted the concerns raised by international human rights bodies about the effectiveness of such legislation and institutions. It requested information on the measures taken to coordinate the work of those institutions. While welcoming the national measures prohibiting female genital mutilation, it shared the concerns of the Committee on the Elimination of Discrimination against Women and the Committee on the Rights of the Child at the widespread practice of forced and early marriage within the country.

74. Slovenia noted that cases such as the death of journalist Norbert Zongo indicated a lack of freedom of expression in Burkina Faso. Slovenia expressed concern about excessive use of force against civilians, criminal suspects and detainees by security forces, which resulted in deaths and injuries. It was also concerned that some members of the security forces committed serious human rights violations and that execution-type actions have reportedly taken place. Slovenia concluded that the climate of impunity for human rights violations remains a problem and that the current legal framework is insufficient to deal with it. Slovenia expressed concern about the restrictions on freedom of assembly and demonstrations, according to the law of 8 May 2008. Slovenia recommended that Burkina Faso ease current restrictions to allow for full, unhindered freedom of expression and freedom of assembly. It commended Burkina Faso for allocating 25 per cent of the national budget to education; however, it noted discrepancies in access to education for girls and boys. Slovenia was most concerned about child labour. Slovenia recommended that Burkina Faso develop and implement the preventative and protection policies and measures for victims of child labour. In that respect, Slovenia encouraged Burkina Faso to indicate its needs for technical assistance and capacity-building. Slovenia highlighted the phenomenon of trafficking in women and children and asked about steps taken to address it. Slovenia recommended that Burkina Faso set up an anti-trafficking public campaign and take measures to protect its victims and to give them the necessary legal and psychosocial assistance and societal reintegration.

75. Côte d’Ivoire noted the significant efforts made by Burkina Faso to protect the rights of the child. It noted the efforts in promoting the right to education, the measures taken to ensure free schooling for girls and the free distribution of textbooks. It encouraged Burkina Faso to make even greater efforts in this area. It enquired about measures intended and taken to curb cross-border trafficking of children and child labour in West Africa.

76. Bangladesh noted the establishment of a number of ministries and the creation of the national human rights commission. It also noted the progress in education, the status of women and children and the fight against HIV/AIDS. Bangladesh recommended that Burkina Faso, with the support and cooperation of the international community, continue to fight poverty, ensuring that the benefits are accrued by all citizens in all regions; continue to make progress in the campaign to achieve universal basic education, including through non-formal education; continue to improve the health-care system and combat deadly diseases like HIV/AIDS.

77. Ghana congratulated Burkina Faso on the establishment of the Economic and Social Council, the higher council for communication and the national human rights commission, the recent increase in access to education and the establishment of the Ministry for the Advancement of Women. It also noted that a separate body has been established to monitor the implementation of the Convention on the Elimination of All Forms of Discrimination against Women. It recommended that, with the assistance of the international community, Burkina Faso strengthen its human and institutional capacity in education and health, and increase activities aimed at incorporating human rights education in official school curricula and strengthen the capacity of national authorities to promote the enjoyment of human rights.

78. Gabon noted that Burkina Faso has always cooperated with regional and interregional human rights mechanisms. Gabon encouraged Burkina Faso to (a) submit regularly its reports to the treaty bodies, and recommended (b) that the international community provide technical support to Burkina Faso, in order for it to implement its ambitions in the promotion and protection of human rights. It welcomed the State’s willingness to do more in the area of women’s rights, particularly with regard to young girls, their schooling and the banning of forced marriage. It also welcomed the creation of a ministry for the promotion of human rights and the national human rights commission, and recommended that Burkina Faso (c) ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights aiming at abolishing the death penalty.

79. Burundi welcomed the existence of a ministry for the promotion of human rights and the national human rights commission. It recommended that the State pursue its already remarkable efforts to ensure the schooling of girls and the re-schooling of children who have dropped out of or who never attended school, with the support of the United Nations. It asked Burkina Faso to seek assistance from the international community in an effective way, in order to meet the material, technical and financial challenges which constitute the main obstacle to the promotion of human rights.

80. Cameroon welcomed the creation of a number of institutions and the ministry for the promotion of human rights. Cameroon encouraged Burkina Faso to complete all reports to be submitted to treaty bodies; ensure the functioning of the various structures that have been set up; enhance the work of the independent national human rights commission; continue to raise awareness among traditional
82. Canada noted that Burkina Faso is a reference in West Africa with regard to stability, economic development and good governance. Canada noted the concerns expressed by non-governmental organizations at the poor detention conditions in penitentiary centres. Canada recommended that the Government (a) intensify dialogue with the international community on the issues of ill treatment by submitting to the Committee against Torture the reports that are due. It also recommended that Burkina Faso (b) invite the Special Rapporteur on torture to make an official visit to the country. Canada noted the concerns of several actors, in particular ILO, stating that Burkina Faso is a sending, receiving and transit country for trafficked children. It acknowledged the efforts made to combat this scourge, particularly the adoption of its national action plan in 2007. Considering the information by the ILO committee of experts that only 18 individuals have been convicted for this crime since 2003, Canada recommended that the Government (c) intensify its efforts to implement the national action plan to combat trafficking, particularly by bringing to justice and systematically convicting those individuals held responsible. Canada congratulated Burkina Faso on promoting a language that does not discriminate between men and women when referring to human rights and on the creation of the ministry for the promotion of human rights. It recommended that Burkina Faso (d) continue its efforts so that the language truly reflects gender equality.

85. The Democratic Republic of the Congo welcomed the efforts made by Burkina Faso to enhance human rights education and to implement the instruments ratified. It cited the adoption of a national action plan for the survival, protection and development of the child, the action plan for the promotion of women and the policies to enhance the lives of vulnerable people. It encouraged Burkina Faso to pursue measures to counter female genital mutilation. It remained concerned about the issue of child labour, child trafficking and practices that violate children’s rights, and stressed that violence against women should be the object of special attention and requested further information on the efforts made in this regard.

87. Australia welcomed that Burkina Faso has not carried out the death penalty since 1988 and encouraged the Government to (a) take the steps to abolish the death penalty under the law. It welcomed the establishment of a ministry for the advancement of women and the efforts to eradicate female genital mutilation, and (b) encouraged the Government to continue its efforts in this regard. It noted the concerns of the Committee on the Elimination of Discrimination against Women about the trafficking of women and girls for sexual exploitation. Australia recommended that (c) Burkina Faso implement a national strategy to combat this issue.

Répondant au deuxième groupe d’intervenants, la Ministre a donné les réponses suivantes :

91. Sur la justice des mineurs la Ministre a précisé que 19 juges en charge des questions des enfants ont été placés dans les juridictions qui ne disposent pas de juridictions pour enfants.

93. Sur la question du mariage précoce, le Code des personnes et de la famille, dispose que l’âge minimum de mariage pour la fille est de 17 ans et de 20 ans pour le garçon. Le mariage avant cet âge nécessite une autorisation spéciale des parents. Un projet de lutte contre le mariage des enfants devra bientôt démarrer et comporter des stratégies impliquant les leaders traditionnels.

96. Le parlement des enfants créé en 1997, a participé activement à la mise en œuvre des programmes en faveur des enfants. Ce parlement a notamment plaide pour le parrainage d’au moins 1000 enfants défavorisés.


**Conclusion and Recommendations**

1. Accede to the 1960 UNESCO Convention against Discrimination in Education (Algeria);

4. Ensure that the statute of the national human rights commission is in conformity with the Paris Principle, to ensure that it is fully operational, as recommended by the Committee on the Rights of the Child (Luxembourg); consider the structure and function of the national human rights commission (Netherlands); ensure its independence, particularly in adjusting its competences and funding (Belgium), in accordance with the Paris Principles (Netherlands, Belgium);

11. Share best practices with other countries regarding female genital mutilation (Netherlands), pursue efforts to continue to make exemplary progress with regard to the effective abolition of sexual mutilation (Luxembourg) and continue efforts to fully eradicate it (Netherlands, Albania, Brazil, Australia);

12. Continue its initiative to combat and put an end to the practise of excision (Algeria);

13. Intensify efforts to combat trafficking in girls and women for sexual exploitation (Malaysia) through the implementation of a national strategy to combat this issue (Malaysia, Australia); intensify efforts to implement the national action plan to combat trafficking, particularly by bringing to justice and systematically convicting those individuals held responsible (Canada);

15. Effectively implement the international instruments ratified that focus on the protection of the child and children’s rights (Italy); make further efforts to ensure that the social services provided for children remain a priority (Djibouti) and take appropriate measures to protect the most vulnerable children, particularly girls, disabled children and rural children, and ensure effective protection of children against sexual abuse, all forms of violence and exploitation, trafficking and child labour (Luxembourg);

16. Consider fostering national strategies to combat child labour and to promote decent work (Brazil); and develop and implement preventative and protection policies and measures for the victims of child labour (Slovenia);

17. Take all necessary measures to ensure that employment of children does not interfere with their right to education (United Kingdom);
18. Continue to strengthen educational policies (Angola), make even greater efforts in the right to education (Côte d’Ivoire) and, with the assistance of the international community, strengthen its human and institutional capacity in education and health (Ghana);

19. Pursue its efforts to ensure the schooling of girls and the re-schooling of children who have dropped out of or who have never gone to school, with the support of the United Nations (Burundi), and continue to make progress in the campaign to achieve universal basic education, including through non-formal education, with the support and cooperation of the international community (Bangladesh);

23. Continue efforts in economic, social and cultural rights to consolidate the advances already made (Cuba); improve the socio-economic situation with the support of the international community (Mali); with the support and cooperation of the international community, continue to fight poverty, ensuring that the benefits are accrued by all citizens in all regions; continue to improve the healthcare system and combat deadly diseases, such as HIV/AIDS (Bangladesh); combat poverty and ensure the right to education for all, with the support of the international community (Mauritius);

27. With the assistance of the international community, increases activities aimed at incorporating human rights education in the official school curricula and strengthen the capacity of national authorities to promote the enjoyment of human rights (Ghana).