



BURKINA FASO

Unity – Progress – Justice

**PERIODIC REPORT OF BURKINA FASO WITHIN
THE FRAMEWORK OF THE IMPLEMENTATION
OF ARTICLE 62 OF THE AFRICAN CHARTER ON
HUMAN AND PEOPLES' RIGHTS**

January, 2015

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ACRONYMS AND ABBREVIATIONS

AENF	Literacy and Non-Formal Education
AEP	Supply of Potable Water
AFI-D	Literacy, Intensive Training for Development
AMT	Literacy in the Workplace
AN	National Assembly
ANPE	National Employment Agency
ARMP	Public Procurement Regulatory Authority
ARV	Anti-Retro Viral Drugs
ASCE	High State Monitoring Authority
BHBF	Burkina Faso Bank for Housing
BTP	Construction and Public Works Department
BUNEE	National Environmental Assessment Bureau
CA	Court of Appeal
ACHPR	African Commission on Human and Peoples' Rights
CAMEG	Central Essential Generic Drug Procurement Agency
CAP	Couple-Years of Protection
CARFO	Civil Servants' Pension Fund
CARMMA	African Campaign for the Fast Tracking of the Reduction of Maternal and Neo-Natal Mortality
CBAM	Multi-Lingual Basic Education Continuum
CBN	Bam Nuara Centre
CRC	Convention on the Rights of the Child
CE 1	Primary School – First Year
CE 2	Primary School – Second Year
CEBNF	Non-Formal Basic Education Centre
ECOWAS	Economic Community of West African States
CEFAC	Centre for the Facilitation of Building Permits
CEFORE	Business Start-Up Centre
CEG	Secondary School
CEGEC	Town Management Centre
INEC	Independent National Electoral Commission
CFA	African Financial Community
CHR	Regional General Hospital
CHU	Teaching Hospital
CIFRAF	Women's Information, Training and Research Centre
CIMDH	Inter-Ministerial Committee on Human Rights and International Humanitarian Law
CMA	Medical Centre with Surgical Unit
CNDH	National Human Rights Commission
CNLS-IST	National Anti-AIDS and Sexually Transmitted Diseases Council
CNSEF	National Commission for the Monitoring of the Implementation of Commitments to the Development of Women
CNSPDE	National Council for the Monitoring, Protection and Responsibilities of the Child
CNSS	National Social Security Fund
COBUFADE	Burkinabe Child Rights' Coalition
COMUD/Handicap	National Multi-Sectoral Council for the Protection and Promotion of the Rights of Persons with Disabilities
COMUREC/H	Multi-Sectoral Committee for the Rehabilitation and Equal Opportunities of Persons with Disabilities

CONAP/Genre	National Gender Promotion Council
CONAREF	National Refugee Commission
CONASUR	National Emergency Assistance and Rehabilitation Council
COTEVAL	Technical Committee for the Review of Draft Laws
CPAF	Standing Literacy and Training Centre
CPF	Personal and Family Code
CPN	Ante-Natal Consultation
CSA	Special Literacy Campaign
CSC	High Communications Council
CSLP	Strategic Poverty Reduction Framework
CSPS	Health and Social Welfare Centre
DBC	Basic Community Distribution
DGPC	Civil Defence Directorate
DMNA	Quality Standards and Agricultural Metrology Directorate
MISP	Minimum Initial Service Package
ECOM	Community School
EDS	Population and Health Survey
EIES	Environmental and Social Impact Assessment
ELAN	Education and National Languages
ENF	Non-Formal Education
ENSOA	National Active Non-Commissioned Officers' Academy
FAAGRA	Assistance Fund for Income-Generating Activities for Women Farmers
FAARF	Women's Income-Generation Activities Assistance Fund
FAFPA	Vocational Training and Apprenticeship Assistance Fund
FAIJ	Youth Initiatives Assistance Fund
FAPE	Employment Promotion Assistance Fund
FASI	Informal Sector Assistance Fund
FEBAH	Burkinabe Federation of Associations of Persons with Disabilities
FESPACO	Ouagadougou Pan-African Film and Television Festival
FNG	National Gender Fund
FODEL	Livestock Development Fund
FONAENF	National Literacy and Non-Formal Education Fund
HIMO	High Intensity of Labour
IFC	Individual- Family-Community
INSD	National Statistical and Population Institute
STI	Sexually Transmitted Infections
ITIE	Extractive Industries Transparency Initiative
IUTS	Single Tax on Emoluments and Salaries
LASCOLAF	Languages of Instruction in French-Speaking Africa
LNSP	National Public Health Laboratory
MASSN	Ministry of Social Welfare and National Solidarity
MATDS	Ministry of Local Government, Decentralization and Security
MEF	Ministry of Finance and Economic Planning
EGDs	Essential Generic Drugs
MENA	Ministry of Education
FGM	Female Genital Mutilation
MPFG	Ministry of Women's Affairs and Gender
NAK	Atypical Nights of Koudougou
OEV	Orphans and Vulnerable Children
WTO	World Trade Organization
WHO	World Health Organization

ONEA	National Water and Sewerage Corporation
ONEF	National Job and Vocational Training Observatory
NGO	Non-Governmental Organization
CSO	Civil Society Organization
OST	Workers' Health Centre
PAGIRE	Integrated Water Resource Management Action Plans
WFP	World Food Programme
PARPED	Programme for Income Enhancement and the Promotion of Decent Employment
IMCI	Integrated Management of Childhood Illnesses
PDDEB	Ten-Year Basic Education Development Plan
PDSEB	Strategic Basic Education Development Programme
PEV	Expanded Programme on Immunization
PF	Family Planning
PFE	Entrepreneurship Training Programme
PGES	Environmental and Social Management Plan
ICECSR	International Covenant on Economic, Social and Cultural Rights
PN-AEPA	National Potable Water Supply and Sanitation Programme
PNDHPC	National Human Rights and Civic Promotion Policy
PNDS	National Health Development Plan
PNG	National Gender Policy
UNDP	United Nations Development Programme
POSPV	Operational Plan for Assistance to the Vulnerable Populations
PPS	Service Delivery Points
PRONAA	National Literacy Fast Tracking Programme
PSCE/JF	Special Job Creation Programme for the Youth and Women
PTME	Prevention of Mother-to-Child Transmission Programme
PLWHA	Person Living with HIV/AIDS
RENOH	National Network of Organizations of Persons with Disabilities
EWS	Early Warning System
SCADD	Accelerated Growth and Sustainable Development Strategy
SFD	Decentralized Financial System
SIAO	Ouagadougou International Arts and Crafts Fair
AIDS	Acquired Immune Deficiency Syndrome
SIM	Cereal Market Information System
SITHO	Ouagadougou International Tourism and Hotel Fair
SNAEF	National Accelerated Girl-Child Education Strategy
SNC	National Cultural Week
SNIS	National Health Information System
SNMF	National Micro-Finance Strategy
SNS	National Buffer Stock
SONAGESS	National Buffer Stock Management Company
SONU	Emergency Obstetric and Neonatal Care
SONUB	Basic Emergency Obstetric and Neonatal Care
SP /CPC	Permanent Secretariat for the Coordination of the Cereal Policy
SP/CONAP	Permanent Secretariat of the National Gender Promotion Council
SR	Reproductive Health
ORS	Oral Rehydration Salts
TBA	Gross Admission Rate
TBS	Gross Enrolment Ratio
TGI	County Court

TNB	Burkina Television Corporation
AU	African Union
UEMOA	West African Economic and Monetary Union
VAD	Home Visits

Introduction

1. Burkina Faso is a unitary state which is sub-divided into 13 regions and 351 communes. As a landlocked country situated in the heart of West Africa, it covers a surface area of 274,122 km². Burkina Faso's population is mainly youthful and basically rural; the National Statistical and Population Institute (INSD) estimated it at about seventeen million, eight hundred and eighty thousand, three hundred and eighty six (17,880,386) inhabitants in 2014, with an annual population growth rate of 3.1% over the period 1996-2006.
2. The economy of Burkina Faso relies on agriculture, livestock and mining which account for 25%, 12% and 20.1% of the Gross Domestic Product (GDP) respectively. Ninety per cent (90%) of the active population are engaged in the agro-forestry-cum-pastoral sector. According to the 2013 Human Development Report, "The Growth of the South: Human Progress in a Diversified World" of the United Nations Development Programme (UNDP), the Human Development Index (HDI) of Burkina Faso stood at 0.388 in 2013.
3. Burkina Faso ratified the African Charter on Human and Peoples' Rights on 6 July, 1984. Article 62 of the Charter states that each State Party undertakes to present every other year a report on the legislative or other measures taken to give effect to the rights and freedoms recognized and guaranteed by the Charter.
4. This report is a follow-up on the previous one presented at the 49th Ordinary Session of the African Commission on Human and Peoples' Rights held from 28 April to 12 May, 2011. It was prepared in accordance with the guidelines for reporting by States Parties on civil and political rights, economic, cultural and social rights as well as the Additional Protocol to the Charter on the rights of women in Africa. It comprises a preliminary chapter on the development of a regulatory and institutional framework and the implementation of the recommendations made by the Commission during the previous review, and two main parts sub-divided into two chapters dealing respectively with the implementation of the provisions of the African Charter on Human and Peoples' Rights (ACHRR) and the Additional Protocol to the ACHPR on the right of women in Africa.
5. An inclusive and participatory approach was adopted for the preparation of this report. It is also followed the following stages:
 - Establishment of a drafting committee and a multi-sectoral committee made up of representatives of ministries, institutions and civil society organizations (CSOs) for the monitoring of the preparation of the report;
 - Consultation of public and private institutions;
 - Preparation of the draft report;
 - Consideration and adoption of the draft report by the Monitoring Committee;
 - Validation of the draft report by the Inter-Ministerial Committee by a national workshop bringing together participants from the ministries, institutions and CSOs;
 - Consideration of the draft report by the Inter-Ministerial Committee on Human Rights and International Humanitarian Law, and
 - Adoption of the report by the Council of Ministers.

PART ONE: DEVELOPMENT OF THE REGULATORY AND INSTITUTIONAL FRAMEWORK AND IMPLEMENTATION OF RECOMMENDATIONS

I. Development of the Regulatory and Institutional Framework

A. Regulatory Framework

6. Since the presentation of the previous report to the African Commission on Human and Peoples' Rights, progress has been made with regard to the regulatory regime at the regional and national levels.
7. At the international and regional levels, the following instruments have been ratified:
 - The UNESCO Convention on the fight against discrimination in the area of education, ratified on 4 September, 2012, and
 - The African Union Convention on the Protection of and Assistance to Internally Displaced Persons in Africa, ratified on 26 April, 2012;

Furthermore, other international or regional instruments were also ratified just before the submission of the previous report. These are as follows:

- The Optional Protocol to the Convention against Torture and the Other Forms of Punishment or Cruel, Inhuman or Degrading Treatment, ratified on 7 July, 2010, and
- The Charter on Democracy, Elections and Governance, ratified on 6 July, 2010.

8. At the national level, it was, among others, observed that the following laws have been adopted:

- Law No.012-2010/AN of 1 April, 2010 on the promotion and protection of the rights of persons with disabilities;
- Law No.003-2011/AN of 5 April, 2011 on the Forestry Code;
- Law No.033-2012/AN of 11 June, 2012 on the Constitutional review;
- Law No.2012-034/AN of 2 July, 2012 on the reorganization of the agrarian and land regime;
- Law No.006-2013/AN of 2 April, 2013 on the Environmental Code;
- Law No.014-2014/AN of 13 May, 2014 on the elimination of the sale of children, child prostitution and child pornography;
- Law No.015-2014/AN of 13 May, 2014 on the protection of children in conflict with the law or those in danger;
- Law No.016-2014/AN of 13 May, 2014 on the status of prison warders, and
- Law No.022/AN of 27 May, 2014 on the prevention and elimination of torture and similar practices.

In addition to the enactments referred to above, mention must be made of the Transitional Charter adopted on 13 November, following the popular insurrection of 30 and 31 October 2014 and after the previous government had expressed the desire to amend the Constitution in order to allow former President Blaise Compaoré, who had been in power since 1987, to stand again in 2015.

The Charter is a consensual document adopted by the various stakeholders (political parties, civil society organizations, defence and security forces as well as religious and traditional authorities). This Charter complements the Constitution. In this regard, it defines the transitional modalities, its organs and the criteria for the persons supposed to steer the process.

B. Institutional Framework

1. Institutions prior to the transition

- ***The Ministry of Human Rights and the Promotion of Civic Education***

9. The Ministry of Human Rights and Civic Education was established by Decree No.122-2012/PRES/PM of 23 February, 2012 on the composition of the government. Prior to this, the ministerial reshuffle of April, 2011 had merged it with the Department of Justice. The institutional advancement coupled with the integration of the promotion segment of civic education shows the desire of the government to promote responsible citizenship through the culture of values and the respect of human rights. The operationalization of the regional human rights and civic education directorates (DRDHPCs), which increased from 4 in 2010 to 11 in 2014, as well as the setting up of counselling and human rights documentation centres within these DRDHPCs and in Ouagadougou, enable the people to obtain human rights services locally.

10. With the formation of the transitional government in November, 2014, the Ministry of Human Rights and Promotion of Civic Education was merged with the Ministry of Justice to establish the Ministry of Justice, Human Rights and the Promotion of Civic Education. However, the terms of reference of the former ministry responsible for human rights have remained the same.

- ***The Ministry of Women and Gender Affairs***

11. The Ministry of Women and Gender Affairs (MPFG) is tasked with the implementation of the government's policy on the promotion of the rights of women and gender in Burkina Faso. In this regard, it plays an important role in the implementation of the Maputo Protocol (cf. Part Two of the report).

- ***The National Human Rights Commission (CNDH)***

12. The CNDH is a national institution set up to promote, protect and defend human rights. It is a consultative framework between public and private human rights promotion and protection stakeholders. Its work is governed by the principles of independence, impartiality, plurality, complementarity and cooperation. It assists the authorities in the form of advice on all issues relating to the promotion and protection of human rights. It may, on its own initiative, draw the attention of the authorities to situations of human rights violation and, where necessary, propose any initiatives likely to bring them to an end. Established by decree in 2001, the commission was reformed by Law No. 062-2009/AN of 21 December, 2009 on the establishment of a National Human Rights Commission in order for it to be in conformity with the Paris Principles. Its members were appointed by a ministerial cabinet decree of 3 October, 2012. They took the oath of office and elected the members of their executive committee on 7 February, 2013. The Chairman was appointed on 13 March, 2013.

- ***The National Council on the Fight against the Practice of Excision***

13. It was established by Decree No. 2011-116/PRES/PM/MASSN of 2 February, 2011 to replace the National Committee on the Fight against the Practice of Excision which was established on 18 May, 1990. In comparison with the Committee, it has wider jurisdiction and powers to take decisions. Its mission is to work towards the total eradication of female genital circumcision.

- ***Civil Society Organizations***

Several civil society organizations are dealing with human rights in Burkina Faso. They often work together in bigger groups to promote dialogue between them and the government. Among these entities are the National Council on Civil Society Organizations, the Burkina Faso Permanent Secretariat on NGOs (SPONG), the National Public Policy Centre, etc.

- ***National Council on Gender Promotion (CONAP Genre)***

14. The Council on Gender Promotion was established by Decree No. 048/PRES/PM/MPF/MEF of 11 February, 2010, following the adoption of the National Gender Policy. It is a decision-making and guidance body on gender issues. It has a permanent technical secretariat which serves as the executive body.

2. Transitional Organs

- ***President of the Transition***

15. In accordance with the Transitional Charter, the President of the transition was chosen by an appointing College from a list of personalities recommended by the political parties, civil society organizations as well as the defence and security forces. Each group could recommend a maximum of three (3) personalities. He is performing the functions of the President of Burkina Faso. His powers and prerogatives are defined by this Charter and Heading III of the Constitution of 2 June, 1991, with the exception of those which are inconsistent with the conduct of the transition. His term of office expires at the end of the transition and the investiture of the candidate elected after the presidential and parliamentary elections which will be organized to bring the transition to an end.

- ***National Transitional Council***

16. The National Transitional Council is the legislative organ of the transition. It is made up of thirty (30) political party representatives, twenty-five (25) civil society representatives, twenty-five (25) representatives from the defence and security forces, and ten (10) representatives for the other stakeholders. Its composition takes the youth and women into account.

The National Transitional Council exercises the prerogatives set forth under the Transitional Charter and Heading V of the Constitution of 2 June, 1991, with the exception of those which are inconsistent with the conduct of the transition. In the event of a dispute, the Constitutional Council will give its ruling.

- ***Transitional Government***

17. The transitional government is headed by a Prime Minister appointed by the President of the transition. He exercises the prerogatives set forth under the Charter and Heading IV of the Constitution of 2 June, 1991, with the exception of those which are inconsistent with the conduct of the transition. The transitional government is made up of twenty-five (25) ministries. Its composition takes the youth, women and trade unions into account.

18. A National Reconciliation and Reform Commission (CRNR) tasked with the restoration and strengthening of social cohesion and national unity has been set up in the Office of the Prime Minister. The CRNR is made up of sub-commissions which include the truth, justice and national reconciliation sub-commission; the constitutional, political and institutional reform sub-commission; the electoral reform sub-commission; the public finance and public

property protection sub-commission, and the media and information management sub-commission.

19. The members of the transitional government are not eligible to stand for the presidential and parliamentary elections which will be organized to bring the transition to an end.

II. Implementation of Recommendations

Take appropriate measures to fight against impunity and to ensure that persons guilty of crimes are arraigned before court

20. As part of the reform of Burkina Faso's criminal law, important measures have been taken. Mention can be made of the following:

- On-going review of the Criminal Code which considers most of the provisions of international conventions, including the fight against child labour, torture and violence against women;
- Adoption in April, 2014 of a draft bill on the definition and crackdown on the sale of children, child prostitution and child pornography;
- Adoption in May, 2014 of a law on the prevention and elimination of torture and similar practices, and
- Adoption in April, 2014 of a law on child protection.

21. Following the mutiny by the military and the police in 2011 which led to the loss of lives, 130 policemen and 500 soldiers were dismissed on grounds of indiscipline. Furthermore, 346 persons, including soldiers, were arrested and detained. Forty-nine (49) persons were found guilty after three hearings by the court martial, while 149 others are in custody. In the specific case of the late Justin Zongo, a school pupil, the Criminal Division of the Ouagadougou Appeals Court, in its ruling of 22 August, 2011, handed down sentences to three policemen who had been found guilty of the crime. One was given a ten-year term of imprisonment, while the two others were sentenced to eight years each. Other cases relating to the 2011 crisis are pending before courts of competent jurisdiction.

22. In order to strengthen the independence of the judicial system, two laws on the statutes of the bench and the organization of the High Judicial Council respectively have just been passed. They will make judges more independent from the Executive in order to effectively combat impunity. The main innovations are the establishment of an autonomous Permanent Secretariat of the Council. It is tasked with the management of the career and discipline of judges as well as a career advancement mechanism. Furthermore, the remuneration of judges was increased, while the budget allocated to the judicial sector also increased from CFAF 7,167,300,000 in 2009 to CFAF 11,533,900,000 in 2012.

23. With regard to measures aimed at promoting access to justice, a legal aid fund of 100 million CFA Francs was set up in 2013. Furthermore, a third Appeals Court was established in Fada N'Gourma. In order to decongest the Ouagadougou and Manga county courts (TGI), the Government adopted two draft bills on the establishment of a High Court (TGI) at Pô and a second one in Ouagadougou respectively.

24. According to the 2012 statistical yearbook of the Judiciary, the average time for the handling of cases has witnessed a significant reduction – from 4 months 15 days in 2009 to 2 months 21 days in 2012. With regard to judgments handed down in 2012, 6,838 new civil and commercial cases were recorded by the County Courts, while 5,408 judgments were given. Over the same period, the Appeals Courts recorded 1,107 new civil, commercial and social

cases, while 1,183 sentences were handed down. The number of judges increased from 354 in 2009 to 415 in 2012. The average occupancy rate of prison facilities dropped from 172% in 2009 (i.e. 5,400 prisoners for an inmate capacity of 3,140) to 143.9% as at 31 December, 2012 (i.e. 5,035 prisoners for an inmate capacity of 3,500). The decrease is particularly due to the recourse to forms of punishment other than imprisonment, increase in the inmate capacity of the Ouagadougou Remand Home and Prison and the building of new prisons.

Refrain from the excessive and disproportionate use of force during popular demonstrations

- 25.** As part of the implementation of the recommendations, police personnel were taken through an operational capacity strengthening programme in the area of the handling of conventional equipment used to restore order, pursuant to Decree 2005-025/PRES/PM/SECU/MATD/DF/MJ of 31 January, 2005 on the planning of the maintenance of order in Burkina Faso.
- 26.** All of these measures enable the defence and security forces to ensure a better control of demonstrations. Thus:
- security officers now show more professionalism in their actions during demonstrations;
 - through their leaders, they facilitate the establishment of dialogue between demonstrators and the relevant authorities;
 - they determine the routes to be used for the demonstration;
 - they use conventional equipment;
 - etc.
- 27.** Since 2011, no loss of human lives has been recorded on public roads. Through Circular No. 2013/5018/MATS/DGPN/DPJ of 5 December, 2013, the Ministry of Local Government and Security reminded the police service of the need to respect human rights in the police establishment.

Raise Public Awareness on the Judicial Procedures and Existing Remedies

- 28.** The national 2019 justice policy vision is one which seeks to establish a credible, equitable, independent, transparent, decentralized, competent and widely accessible justice system. In this regard, open days, prisoners' days and mobile hearings are being organized. Furthermore, communications have been enhanced through press briefings on sensitive cases and the reproduction of legal information leaflets. Law handbooks and a "Just' Info" publication are also being published, while "Fasolex", a legal database, is available. A law centre is in existence, while counselling and guidance offices have been set up in some courts. The removal of filing fees (Law No. 23-2008/AN of 6 May, 2008) and the assignment of defence counsel for offences and all criminal cases also eliminate certain financial constraints suffered by persons subject to trial.
- 29.** Furthermore, through its counselling and human rights documentation centres, the Ministry of Justice, Human Rights and Civic Education is involved in human rights protection through the provision of counselling support to victims of violations. It directs citizens with claims to the relevant administrative and judicial bodies.

30. According to a “*Study on Access to Justice in Burkina Faso*”, conducted by the Ministry of Justice and Human Rights Promotion in September, 2012, the connection between persons subject to trial and the justice system was also given expression by the application of certain mitigating measures with regard to certain legal expenses. These measures particularly target the poorest strata of the population. The study also shows that civil society is involved in the area of legal assistance to the people through legal aid offices, legal clinics as well as counselling and guidance bodies. Depending on the type of case, CSOs are providing the people with counselling support, reception, guidance, voluntary assistance and financial assistance.
31. Efforts are being made to “educate” citizens by providing them with accurate and reassuring information on justice. However, due to persistence of certain phenomena like illiteracy, inadequacy of information on judicial procedures, poverty, etc. these efforts are inadequate and still unable to produce the expected results. Mindful of this state of affairs, the Government intends to strengthen the existing measures in order to fast track the attainment of the results expected from the implementation of the national justice policy.

Strengthen literacy programmes for the benefit of the entire population

32. In 2011, the government adopted a national fast track literacy programme (PRONAA) which aimed at attaining a literacy rate of 60% by 2015. To achieve this, 14,509 literacy centres were opened during the 2011-2012 literacy year, as against 9,763 in 2010-2011. These measures were made possible through the increase in funding for non-formal education and the funding of 40 centres by UNICEF in the Ganzourgou and Namentenga provinces. The enrolment of learners is summarized as follows:

➤ *Learners under the non-formal adult education module*

Table 1: Enrolment Estimates for Literacy/Basic Training and Actual Figures

Levels	2009/2010			2010/2011			2011/2012			2012/2013		
	Estimated	Actual	Differential	Estimated	Actual	Differential	Estimated	Actual	Differential	Estimated	Actual	Differential
AI/N1	239 938	88124	-151 814	247 856	179042	-68 814		143012 8			19065	
FCB/N2	215 944	137801	-78 143	223 071	57561	-165 510		104 715			127098	

Sources : DEP/MENA/Memorandum on the ENF in Burkina Faso, January, 2010, DEP/MENA/Summary of the 2012-2013 Statistical Yearbook, DGAENF, ENF Provisional Report, 2012-2013

33. With regard to literacy/basic training (AI/N1 and FCB/N2), the enrolment estimates were never attained. For the 2010/2011 literacy year, the shortfall stood at 68,814 learners for the AI/N1 and 165,510 for FCB/N2. This shortfall is partly explained by the decrease in financing allocated to the National Literacy and Non-Formal Education Fund (FONAENF), hence the introduction of a new module called the chain module.

Table 2: Number of Registered Learners of the Optional Classes

Formulae	2008-2009			2009-2010			2010-2011			2011-2012		
	M	W		M	W	T	M	W		M	W	T
FTS	7044	9745	16789	7639	11440	19079	8076	13260	21336	7583	3711	11294
A3F	18369	29071	47440	19444	31034	50478	19883	34231	54114	15626	9394	25020
CST	252	180	432	207	269	476	10	90	100	267	70	337

34. In spite of the decrease in enrolment for the FCB and CST, it is observed that compared with the 2009/2010 learning year, non-formal adult education recorded an overall increase of 1.86%. For the four-year period, although the number of enrolled women witnessed an uneven progress, it was always higher than that of men. In 2010/2011, 65.30% of women were enrolled.

Table 3: Progress of Enrolment for the Innovative Modules

Level	2009/2010			2010/2011			2011/2012		
	M	W	T	M	W	T	M	W	T
REFLECT	-	-	25937	16305	7864	24169	4 109	15288	19397
PDT	-	-	140	60	169	229	65	71	136
AMT	-	-	285	113	344	457	147	92	239
Braille							333	319	652
CBN							4736	6563	11299
CMD							7219	12044	19263
New Curricula							5080	7594	12674
Interactive Digital Table							46	88	134
OTHERS	-	-	8956	706	21112	21818	3955	6617	10572
Total	-	-	35 318	17184	29489	46 673	25690	48676	74366

Source: DEP/MENA, SP/PDDEB: half-yearly report on the implementation of the PDSEB (Jan-June, 2013)

35. For all the approaches adopted for non-formal adult education (PDT, REFLECT, AMT, etc.), the number of enrolled learners made some progress in 2010/ 2011. It increased from 35, 318 learners in 2009/2010 to 46,673 learners in 2010/2011, representing an increase of 11,335. In 2012/2013, the number of learners for all of these approaches stood at 74,366, representing a rate of more than 62.76%, as against the 2010-2011 year. This development witnessed a rush in the communities for these modules.

36. In 2012, the number of registered learners under the ENF module for adults was 375,938, representing an increase of 20.43%, as against the previous year. The number of learners of the 15-24-year age bracket increased from 114,270 in 2011 to 163, 599 in 2012, representing an increase of 43.17%. The number of registered learners (AI/N1) in 2011-2012 stood at 174,626, including 120,928 women.

Table 3: Non-Formal Education Enrolment for the 2012-2013 Academic Year

Formulae	M	W	T
CEBNF	1624	1557	3181
CBN	580	473	1053
ECOM	65	80	145
AFI-D	317	365	682
Others	242	242	484
Total	2828	2717	5545

Source: DEP/MENA/Summary of the Statistical Yearbook 2012-2013

37. At the level of Non-Formal Education for Adolescents, enrolment reduced in the last two years. The decline was 41.20 % in 2010 and 6.68% for the 2011 year. This decline was higher for girls (10.35%) than for boys (3.32%). The withdrawal of certain training modules in some provinces explains the decline in numbers. For the period under review, the number of girls was still lower than that of boys, and actually witnessed a gradual decline (5,675 in 2008/2009, 4,115 in 2009/2010 and 3,689 in 2010/2011).

➤ *Early Non-Formal Childhood Education*

Table 4: Status of Early Childhood Enrolment under the ENF

STRUCTURES	2008/2009			2009/2010			2010/2011			2011/2012		
	B	G	T	B	G	T	B	G	T	B	G	T
Crèches	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Bisongo	5918	5784	11702	5957	6087	12044	6368	6547	12915	7853	8458	16311
Total	5918	5784	11702	5957	6087	12044	6368	6547	12915	7853	8458	16311

Source: DEP/MENA/MASSN

The enrolment numbers for crèches have not yet been collected. The numbers show a gradual increase for popular nurseries called “bisongo”.

38. On 11 September, 2012, the MENA launched a special literacy campaign (CSA) for the 2011-2015 period. The CSA is a module aimed at fast tracking and boosting strategies in order to encourage the development of literacy and non-formal education for the attainment of the objectives of the National Fast Track Literacy Programme. The training programme stretches from June to September; and it is bilingual in nature, i.e. instruction in the local languages and learning of basic and functional oral French. Other languages can be used upon the request of the people, in accordance with Article 10 of the framework law on education. The provisional CSA results show a total of 2,631 opened centres, i.e. 148 centres for the first phase referred to as the experimental phase which basically dealt with the three most densely populated provinces, viz. Kadiogo, Boulikemdé and Houet, as well as 2,483 centres for the second phase in all of the 45 provinces. The number of enrolled learners stood at 81,231, including 52,345 women, i.e. 64.43%.

Make family planning programmes accessible and increase efforts to reduce the rate of maternal and infant mortality

39. Measures relating to family planning and those aimed at reducing the rate of maternal and infant mortality have been defined and implemented through the National Health Development Plan (PNDS).

➤ *Implementation of Family Planning Programmes (PF)*

40. According to the 2013 review of the health sector, the main achievements in the area of the delivery of family planning services are summarized as follows:

- strengthening of the capabilities of PF providers through training (75 regional trainers and 125 service providers) and supervision ;
- procurement of contraceptives totalling CFAF 2,608,254 500 in 2012 and medico-technical equipment;
- organization of a PF week in the 13 regions of the country which ensured the sensitization of 32,039 people in 31 health districts. In all, 6,131 sets of Jadelle and 16 intra-uterine devices (IUDs) were inserted during these weeks, i.e. 20,490 couples-years of protection (CAP) attained;
- support for the implementation of the community-based distribution (DBC) of contraceptive products. Thus, the DBC was strengthened with the training of 27 leaders of nine (9) women's hostels in order to extend the delivery of PF services to these houses;
- support for 13 health districts and certain NGOs (Marie Stopes International/Burkina Chapter, Association Burkinabè pour le Bien-être familial) for the delivery of long-lasting and mobile strategic methods. The implementation of this strategy led to the attainment of 64, 543 CAPs.

41. With regard to communication for behavioural change (CCC), the following activities were carried out in 2012:

- production of a radio serial in two local languages (Dioula and Mooré) on maternal health and family planning issues; aired three times a week by 22 partner radio stations;
- carrying out of local communication activities through fora plays and the screening of films, followed by debates in the villages on family planning and the signs of danger during pregnancy. In all, 187,149 persons affected by these local community activities, including 55, 870 men, 63,425 women and 67,854 youths;
- promotion of family planning among the youth and adolescents through the «*Talents de jeunes*» [Youth Talents] programme in all of the 13 regions. This programme enables young leaders of youth associations to develop their organizational talents through entertaining educational activities. In all, 40,000 youths were directly targeted during this programme through sketches, recitals, poetry, as well as modern and traditional songs, and
- implementation of the “*Working with Individuals, Families and Communities*” (IFC) approach in order to promote maternal health in three regions of the country (Centre-Nord, Centre-Est and Cascades). This ensures a better management of maternal and neonatal health issues in the communities of the concerned districts.

42. The percentage of health training programmes offering at least three modern contraceptive methods increased from 90.3% in 2011 to 99.3% in 2012. Furthermore, the arrangement for the community-based distribution of contraceptive products has been strengthened. The

results of the 2012 annual survey show that, in comparison with 2011, although there were serious regional disparities, the availability of contraceptive products increased. The percentage points for the delivery of services (PPS) offering at least three methods of modern contraception increased from 90.3% in 2011 to 99.5% in 2012.

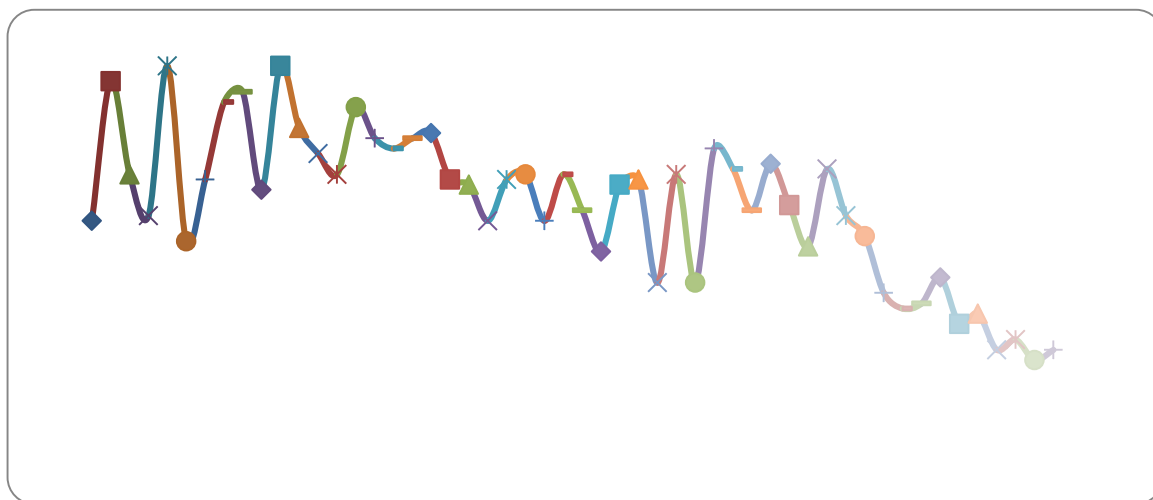
43. It was observed that the use of contraceptive methods remained low (15% prevalence, according to the population and health survey (EDS) of 2010), particularly the long-lasting ones (Implants and IUDs) and female condoms. Among others, this situation is linked to poor community involvement, inadequate promotion and service delivery as well as the lack of delegation of tasks for the delivery of these long-lasting methods. Therefore, efforts have to be made in order to provide real time information on the level of prevalence. This will ensure a better appreciation of progress made. The proportion of unmet demand is still high at the national level (24%).
44. Several barriers continue to hinder the increase in the prevalence of contraceptives. These include opposition to birth spacing or birth control, lack of knowledge in PF, opposition to the use of PF, stock shortage and problems relating to access to services. According to the review, family planning remains a major determining factor of population growth and maternal mortality. That is why the government, with the support of its partners, has formulated a Plan for the revival of family planning in Burkina Faso over the 2013-2015 period in order to attain a contraceptive prevalence rate of 25%.

➤ *Measures aimed at reducing the rate of maternal and infant mortality*

45. The level of infant-child mortality is a concern in Burkina Faso. According to the 2011-2020 national health policy, the gross mortality rate is 11.8‰; the infant mortality rate is 91.7‰; and the rate of infant-child mortality rate is 141.7‰. This is mainly attributable to infectious and parasitic diseases as well as the persistence of HIV infection which has become a major developmental problem. In 2011, in order to strengthen the fight against this canker, the Government adopted a programme for the prevention of mother-to-child transmission of HIV for the period 2011-2015.
46. In addition, as part of the fight against malaria, an assessment of the national campaign for the distribution of long-lasting insecticide-treated mosquito nets which commenced on 11 July, 2013 showed that, as at 5 September, 2013, a total of 8,853,000 mosquito nets had been distributed, representing a rate of 90% of households.
47. The main achievements in the area of emergency obstetric and neonatal care (EmONC) are as follows:
- continuation of the free ante-natal care policy for women and vaccination of children through the procurement of medicines and consumables necessary for the provision of mother and child care in the region of CFAF 650 million;
 - continuation of the subvention policy for child delivery and emergency obstetric and neonatal care (EmONC) in the region of CFAF 3 billion, and
 - introduction of weekly monitoring of maternal and neonatal deaths in the health districts and regions, as shown by the following graphs.

Figure1: Weekly Trend of Number of Neonatal Deaths in 2012

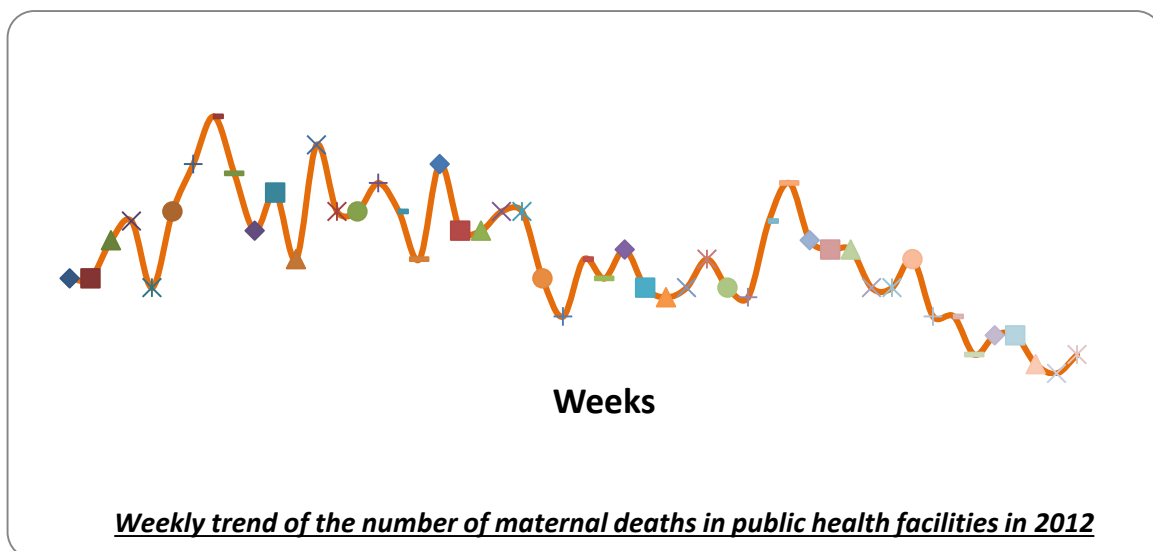
Deaths



Weeks

Figure 2: Weekly Trend of Number of Maternal Deaths in Public Health Facilities in 2012

Deaths



Source: 2013 Review of the Health Sector.

48. Weekly monitoring shows issues like the improvement in the comprehensiveness of hospital data as well as the promptness of their transmission. This will ensure that essential measures are taken in time.
49. According to the 2012 annual yearbook of the Ministry of Health, the average range of access to health care centres dropped from 7.51 km in 2008 to 7.1km in 2012. The number of doctors increased from 483 in 2009 to 787 in 2012. Over the same period, the number of nurses increased from 5,105 to 6,008. The State also took measures to encourage the people to access health services, full care of children infected and affected by HIV/AIDS (education, health, food, etc.) and the improvement in upstream maternal health.
50. Other services relating to the promotion of maternal and infant health have been provided. These mainly include the following:

- implementation of the African campaign for the fast tracking of the reduction of maternal and neonatal mortality (CARMMA) in the 13 regions. This activity was carried out through advocacy days in each of the regions of Burkina Faso, by using maternal health indicators specific to each region. It was attended by more than 600 community and administrative leaders as well as development stakeholders. Leaders and health service officials have undertaken to contribute to the reduction of maternal mortality;
- strengthening of the capacity of health facilities through the training of 52 trainers and 717 emergency obstetric and neonatal caregivers (EmONC) in obstetric care, training of 203 regional trainers in the auditing of maternal and neonatal deaths, training in facilitating supervision of EmONC and family planning (PF) for 41 officers responsible for the RH of the north and central-northern regions, integrated RH monitoring in all of the 13 regions and 46 health districts and the provision of materials and equipment to all health and social promotion centres (CSPS), municipal capitals and second-line medical centres (CMS) and regional hospitals (CHR) for the delivery of EmONC;
- introduction of 462 village units for the management of obstetric emergencies in 247 health facilities in 26 health districts in order to reduce delays in access to health centres in case of obstetric emergencies, which are the cause of many maternal deaths, and
- assistance to Malian refugees through the provision of basic interventions aimed at fighting maternal morbidity and comparatively high maternal mortality. Thus, 13 health facilities, including 10 first-line centres and 3 referral hospitals in the Sahel region, were given Reproductive Health (RH) kits for them to take care of cases; 52 health care providers were given training in minimum initial service delivery (MISP) in RH.

51. These interventions have contributed to the improvement of the indicators on the use of maternal health services in Burkina Faso. Indeed, coverage for 4 ante-natal visits (CPN4) and assisted child deliveries in 2012 witnessed positive trends, as compared to 2011. In 2012, this coverage stood at 31.0%, as against 25.5% in 2011 and 79.9%, as against 78.3% in 2011 respectively.

52. However, in comparison with the level desired for there to be a bigger impact on the reduction in maternal mortality, the rate at which services are accessed is low. Besides, the quality of services provided is inadequate and constitutes a challenge to be surmounted. Indeed, during the first half of the year, 474 maternal deaths were reported in the health facilities, and more than half of them (53.4%) occurred in the hospitals. Thus, the proportion of maternal deaths was 157 for 100.000 expectant women.

53. With regard to diarrhoeal diseases, serious actions have been taken. The Ministry of Health has formulated a plan to strengthen the management of diarrhoea with Oral Rehydration Salts (ORS) and zinc for children under five. The official launch of this plan took place on 22 February, 2013 in Ouagadougou. It aims at strengthening the fight against infant mortality and to remove the stumbling blocks in the way of access to anti-diarrhoeal treatment in Burkina Faso over the period 2013-2015.

Adopt measures to ensure food security, quality care in public health facilities as well as access to medicines and medical treatment.

54. Food security is a major objective which Burkina Faso seeks to attain. An early warning system (EWS) has been put in place. It consists of collecting and analysing information to guard against all risks relating to droughts, grasshopper invasions as well as cyclical factors

likely to influence food accessibility. In the event of a predictable shortfall, the National Buffer Stock Management Company (SONAGESS) takes it upon itself to build and manage the national buffer stock (SNS). The transportation of supplies to areas where food stocks have run out is the duty of the National Emergency Assistance and Rehabilitation Council (CONASUR), acting through the provincial and departmental emergency assistance councils.

- 55.** According to the Minister responsible for Agriculture and Food Security (press conference of 19 February, 2013), the agricultural situation for 2012-2013 is generally satisfactory. Indeed, the actual production of cereals at the national level was 4,898,544 tonnes, representing an increase of 33.6% as against the previous season. However, although this performance is positive, it does not rule out an increase in the prices of agricultural products, with disastrous effects on the most ordinary households and people of the country's 19 communes where cereal production is poor.
- 56.** To confront this situation, efforts initiated by the government, following the food crisis the country experienced between 2008 and 2011, are being pursued in order to ensure that the most vulnerable people have access to products. For the future, the National Food Security Forecasting Committee came up with a few measures to improve the situation. Among these are the fast tracking of the rebuilding of the national stock and the intervention stock, the continuation of the "social price sales" in the communes at risk as well as the maintenance of the "pilot shops" in the cities of Ouagadougou and Bobo-Dioulasso in order to ease the chronic food difficulties in the urban and peri-urban areas.
- 57.** In order to provide adequate answers to the concerns of the various social strata, the Government took the following measures in 2013:
- opening of 140 pilot shops in order to control the prices of rice and maize;
 - recruitment of 83,720 youths and women for labour-intensive work (HIMO)
 - consolidation of the social nets to favour the vulnerable groups (food support to 500,000 deprived people in the 45 provinces, support to orphans and vulnerable children, integration of 2,000 street children and youth, management of the health needs of 3,690 older people and support to 1,125 individual projects of older persons, management of the health needs of 18,450 persons with disabilities through health benefit societies, support for the integrated management of the psycho-social health needs of 450 children with disabilities and support for 1,125 individual projects of persons with disabilities).
- 58.** In the area of health, serious measures have been taken to ensure quality care in public health facilities, as well as access to medicines and medical treatment. Thus, a Central Essential Generic Medicine Procurement Agency was established (CA-MEG) in 1992 to put essential generic medicines at the disposal of non-profit-making public and private health facilities. To attain this objective, the CA-MEG set up 10 regional directorates. Pursuant to Law No. 007/94/ADP of 11 March, 1994 on the total removal of customs duties and taxes on essential generic medicines, all customs import duties and taxes on essential generic medicines have been removed.
- 59.** Furthermore, the 1996 national pharmaceutical policy was revised in 2012, followed by its 2012-2016 strategic plan. The goal of the new policy is to provide the people with safe and effective essential generic medicines at affordable prices throughout the country.

60. Besides, the State established a teaching hospital called the “*Hôpital national Blaise COMPAORE*” in 2010. The building of this health facility has come to strengthen and complement the health infrastructure system with a public establishment status. It will give a fresh boost to hospital management by promoting the availability of quality health care. This brings to four (4) the number of teaching hospitals in our country.

61. Finally, note can be taken of the adoption in 2013 of the 2013-2020 human resource development plan for the health sector. This plan aims at the following:

- strengthen the regulation of and compliance with the laws governing human resources for health delivery;
- improve human resource management;
- ensure the definition of compliance with standards in the distribution of personnel at the various levels of the health delivery system;
- promote optimum working conditions
- etc.

Fast track the process towards the ratification of the second Additional Protocol to civil, and political rights, relating to the abolition of the death penalty ; and abolish the death penalty, as provided for by the prevailing laws, particularly the Criminal Code

62. Burkina Faso has signed the moratorium of pro-abolition countries. A draft of the law on the ratification of the Second Protocol to the International Covenant on Civil and Political Rights which aims at abolishing the death penalty has been drafted. However, consultations held in 2011 as part of the Consultative Council on political reforms relating to the issue could not arrive at a consensus for the abolition of the death penalty. Nevertheless, consultations are still on-going in order to better prepare the minds of the people for the ratification of the 2nd Protocol to the ICCPR. Furthermore, the Burkinabe criminal code is being reviewed. This review could take the recommendations on the abolition of the death penalty into account if the already initiated advocacy efforts come to a successful conclusion.

Ratify the African Union Convention on the Protection of and Assistance to Internally-Displaced Persons, and make the declaration under Article 34(6) of the Protocol to the African Charter on the Establishment of the African Court

63. Burkina Faso ratified the AU Convention on the Protection of and Assistance to Internally-Displaced Persons on 6 July, 2012. Burkina Faso made the declaration under Article 34(6) of the African Charter on the Establishment of the African Court on 14 July, 1998.

Take appropriate measures to strengthen the fight against corruption and impunity

64. The Government is taking action to prevent corruption and to punish offenders. Public and private bodies like the High State Control Authority, the Audit Office, the National Anti-Gold Fraud Brigade, the Burkinabe Parliamentary Anti-Corruption Network (the Burkindi Network) and the National Anti-Corruption Network are engaged in this fight. The creation of new instruments aimed at improving the effectiveness and transparency of the management of public finances has been reaffirmed in the SCADD. It served as a reference

framework for the introduction of the Sectoral Policy of the Ministry of Economy and Finance (MEF). Priority Axis No. 6 of this document is dedicated to the sound management of public finances and the fight against forgery, fraud and corruption.

- 65.** In addition, encouraging results have been achieved with regard to the application of the financial, accounting, customs and tax regulations, monitoring of gaming regulations, quality control of products and services, genuineness of administrative deeds and financial transactions and the monitoring of public procurement regulations. Actions relating to sensitization against corruption, training sessions and monitoring are being conducted by the technical inspection units of the ministries. A biometric survey of staff of the Civil Service was carried out in 2012. This operation, the first of its kind, ensured the cleaning up of the database of the staff of the Civil Service and provided a clearer idea of the number of staff. Indeed, 113,819 staff members were found to be properly registered, while another 6,250, who could be receiving monthly salaries, were suspected to be non-existent. After subsequent checks had been done, three hundred and fifty-one (351) of them provided evidence of their status as public officers. The financial assessment of the salaries of unregistered and unjustified staff stood at about CFAF 3.9 billion for the year 2012.
- 66.** Concerning public procurement contracts, the 2010 report of the Public Procurement Regulatory Authority (ARMP) noted, among others, the reduction in the timeframe for public procurement contract – 18.52% in 2009 to 59.85% in 2010.
- 67.** From 2008 to 2012, some mayors were removed from office for mismanagement. Law suits were initiated against top officials of State who had allegedly perpetrated acts of corruption. Besides, the Prime Minister sent a note to all members of government on 14 September, 2012 urging them to submit to him a monthly status of actions carried out to ensure transparency and good governance.
- 68.** The Cabinet meeting of 13 March, 2013 took stock of the implementation of the decisions and recommendations of the report of the High State Control Authority (ASCE). Under the initiatives taken, one can mention the auditing of an initial batch of files for which the concerned persons have paid the amounts due (this category concerns 142 persons) and the submission of the batch of unaudited files to the Ministry of Economy and Finance for the concerned persons to be ordered to effect payment (33 persons are affected in this category).
- 69.** On persons who are vigorously challenging the offences they are said to have committed, their files have been sent to both the Ministry of Economy and Finance and the Ministry of Justice. They are 92 in number. Whatever the case, all the files have been sent to the Ministry of Justice, which will in turn refer them immediately to the relevant bodies for legal action to be taken on these cases. In all, more than 367 persons were affected by the reports of the ASCE.
- 70.** According to the reports of Transparency International, from 2008 to 2009, Burkina Faso occupied the 8th position among Sub-Saharan African countries where corruption occurs the least. It is the least corrupt among the UEMOA countries, and the 3rd least corrupt country in ECOWAS. Furthermore, it placed 83rd out of 176 countries in the area of the corruption perception index in 2012. It moved from the 100th position in 2011 to the 83rd position in 2012, moving from 30 to 38 out of 100 points. A national conference on corruption, which was attended by 650 persons and held from 19 to 21 December, 2012, made important recommendations.

Adopt measures to fight against unemployment

➤ *National Employment Policy*

71. The national employment policy adopted on 15 May, 2008 makes provision for actions through projects supported by technical and financial partners. For its part, the State has gradually put in place an operational mechanism which is particularly targeted at the National Employment Promotion Agency, Employment Promotion Assistance Fund, Youth Initiative Support Fund, National Programme for the Reintegration of Retrenched Workers, Vocational Training and Learning Support Fund, the Informal Sector Support Fund and the Special Job Creation Programme.

➤ *Special Programme for the Creation of Jobs for the Youth and Women, 2012-2014*

72. In February, 2012, the Government launched a Special Programme for the Creation of Jobs for the Youth and Women (PSCE/JF) with a budget of CFAF 10.2 billion for 2012. This programme aims at contributing to the reduction of unemployment and under-employment among the youth and women. It intends to roll out actions for graduate youths, young dropouts and uneducated youths, rural youths and women and to introduce job creation incentives.

73. According to the half-yearly situational report, actions undertaken as part of the implementation of the PSCE/JF have ensured the attainment of the following outcomes:

- recruitment of 83,720 youths and women for labour-intensive work (HIMO) ;
- 13,634 youths, including 6,599 women, were taken through introduction to working life programmes;
- 2,137 youths, including 809 women, were taken through pre-employment programmes;
- 5,433 young graduates, including 1,730 women, were registered for training in entrepreneurship;
- 673 youths were recruited for the local authorities;
- 9,663 youths were engaged as volunteers in development projects;
- 65 young dropouts or illiterate youths were recruited for training in the handling of public works and mining equipment ; they have been undergoing training since 4 June, 2012 ;
- 7,684 young dropouts or illiterate youths, including 3,767, women, were recruited for « labour-intensive » public works in the 49 urban communes, and
- at least 257 women's associations and groups are receiving technology adapted to their production and processing needs.

74. In addition to the PSCE, the Government, in partnership with UNDP, introduced the Programme for the enhancement of incomes and the promotion of decent jobs (PARPED) to the tune of about 2 billion CFA Francs.

➤ *Programmes for the employment of disadvantaged persons and groups*

75. The National Employment Agency (ANPE) ensures the proper determination of the real employment needs of enterprises in order to guide existing skilled workers and to define the priority axes for training programmes which are increasingly in higher demand. The ANPE serves as an interface between job seekers and employers. It regularly publishes advertisements on job vacancies and internship programmes. In addition, the Government has established a Youth Initiative Support Fund (FAIJ) dedicated to the financing of projects for young entrepreneurs who lack material and financial guarantees. A sponsor must stand

warranty for financing to be obtained. The financial package attracts a low interest rate of 2% for persons with disabilities, 3.5% for girls and 4% for the other entrepreneurs.

- 76.** According to the statistics of the Ministry of Finance, the results obtained by the FAIJ from 2008 to 2011 are as follows: 16,981 youths trained in entrepreneurship, 3,111 micro-projects were financed and 12,220 jobs were created. Loans provided for this period stood at CFAF 13,973,126,035. From 2000 to 2011, while ensuring entrepreneurial management techniques training, the Employment Promotion Support Fund (FAPE) provided an amount of CFAF 4,223,583,241 for the creation and consolidation of 1,431 projects. This led to the creation and consolidation of 6,982 jobs. In 2010, the Fund was able to recover CFAF 404,000,000 out of the expected CFAF 500,000,000, representing a rate of 80.82%.
- 77.** In addition to the facilities for accessing credit, the Government is working to promote the training of job applicants and stimulate on-the-job training through the Vocational Training and Apprenticeship Support Fund (FAFPA). This Fund ensured the training of 581 apprentices at a cost of eighty-seven million, four hundred and sixty-one thousand, nine hundred and forty-five CFA Francs (87,461,945), nine hundred and eighty nine (989) SME/SMI workers at a cost of CFAF 106,869,693, 372 rural actors at a cost of CFAF 20,286,935 and 986 craftsmen at a cost of CFAF 78,043,478. Every year, 10,000 youths also undergo training in project start-ups and job-seeking techniques. The desire to facilitate access to sources of financing by entrepreneurs led the Ministry of Youth, Employment and Vocational Training to introduce a single window into which all funds are pooled (FAIJ, FASI, FAPE and FAFPA) and placed under its supervision.
- 78.** With regard to older persons, measures have been taken to improve their situation. Thus, retirees can now receive short-term loans (24 months) from the banks to enable them to carry out income-generating activities. They also receive free medical check-up once a year, while some of their medical bills are subsidized. Similarly, a policy for the retraining of retired soldiers has been adopted. In addition, the Government decided in September, 2013 to take charge of the health needs of 3,690 older persons and support for 1,125 individual projects of older persons.
- 79.** In order to boost agricultural production and to promote the employment of disadvantaged social groups, particularly women in the agricultural sector, the State took measures which focused on small-scale village irrigation schemes for the development of off-season crops.
- 80.** With regard to persons with disabilities, the State is offering support to certain associations for the introduction of production workshops. It can deploy its personnel to associations or specialized establishments which offer vocational training. In this area, numerous private entities are also involved in the training of persons with disabilities in dressmaking, batik, agriculture, gardening, chalk manufacturing, pottery, etc.

➤ ***Redeployment of Workers***

- 81.** The Government introduced a national support plan for retrenched and retired workers (Decree No.2008-049/PRES/PM/MEF/MTSS of 6 February, 2008 on the establishment of a national support fund for retrenched and retired workers). This fund assists in improving the living conditions of this category of persons by financing their projects.

➤ *Promotion of Employment in the Informal Sector*

- 82.** In the face of the objective constraints hindering the informal economy, particularly ignorance of management and accounting principles, the State adopted in July, 2008, a yearly Training Programme for 5,000 youths in Entrepreneurship (PFE). The objective of the programme is to promote youth entrepreneurship by focusing on their job-creation initiatives and on the incentive to set up micro, small and medium-scale enterprises. In 5 years, the programme intends to train 25,000 youths. At the end of the training programmes, projects retained are financed by the Youth Initiative Support Fund. At the end of the first three editions (2008 to 2010), a total of 12,388 youths received training in private entrepreneurship; 5,971 project plans were forwarded to the Youth Initiative Support Fund (FAIJ) for financing. 3,315 of these projects were financed. These financed projects ensured the creation of 2,122 direct jobs and 6,142 indirect jobs.
- 83.** Financial institutions (banks and decentralized credit entities) which were hesitant to finance the informal sector are beginning to develop an interest in it. Similarly, the actions taken by the Informal Sector Assistance Fund (FASI) and the Assistance Fund for Women's Income-Generating Activities (FAARF) are contributing to the promotion of the sector. The managers of the FASI are assisting entrepreneurs and ensuring that they have access to the regular banking system; this action ensured the structuring of beneficiaries and their removal from the informal sector. From 1999 to 2011, the FASI ensured the financing of 14,819 micro-projects and the creation of 42,432 jobs. The total amount of loans granted over this period stood at CFAF 6,774,316,762.
- 84.** With regard to the Ministry of Industry, Trade and Crafts, the decentralization of the Business Start-Up Centres (CEFORE) at Dédougou, which brought the number of regional offices to nine, ensured the establishment of 4,951 new registered businesses in 2011. Over the same period, 25 big businesses actually began operations, thereby creating 528 permanent jobs and generating investments to the tune of CFAF 13,221,124,181.
- 85.** Stock breeding also contributed to the fight against poverty in the rural areas in particular. In terms of the creation of direct jobs, stock breeding annually engages more than 900,000 persons in production on a full-time basis, while 60,000 to 90,000 others are engaged in processing and marketing activities (MRA, 2005). This performance was achieved thanks to the Stock Breeding Development Fund (FODEL), projects and programmes as well as State support, among others. From 2010, seven credit operations headed by the FODEL led to a total of 948 direct beneficiaries, including 350 women. In 2000, support for an operation named « *éleveurs leaders* » [Leading Stockbreeders] ensured the training of 181 entrepreneurs (including 45 women). The operation generated a total of 482 jobs (including 189 for women).

➤ *Technical and Vocational Training Programmes*

- 86.** In 2007, in order to increase the avenues for vocational training, the Government established the Vocational Training Strengthening Programme financed by the Taiwanese Cooperation Agency. This programme ensured the building and provision of equipment for the Ziniaré Vocational Training Centre which was inaugurated in 2010 (with a capacity of 1,200 learners) and the extension of the Vocational Evaluation and Training Centre. The Government also introduced a national voluntary programme in 2006. This programme offers opportunities to young graduates to acquire professional experience in the areas of

education, health, the environment, economic development, support for small-scale enterprises and decentralization. From 2008 to 2010, it ensured the placement of 1,913 youths.

87. As part of the bilateral cooperation process, more than a hundred youths were awarded scholarships for technical and vocational training.

Adopt a law aiming at criminalizing torture and Take measures to disseminate the Robben Islands Guidelines, particularly for the attention of Officers tasked with the application of the laws

88. Burkina Faso ratified the Optional Protocol to the Convention against Torture on 7 July 2010. A law on the prevention and crackdown on torture and related practices was adopted on 27 May, 2014.

89. The Convention against Torture and its Additional Protocol have been widely disseminated. Training activities are regularly organized by the Ministry of Human Rights for persons tasked with law enforcement (policemen, gendarmes, soldiers...) and health personnel to enable them to ensure that the laws and duties enshrined therein reflect in their everyday practices. Thus, from 2009 to 2011, 225 Officers of the Criminal Investigation Department received training on subjects relating to the Convention against torture. Conferences on the Convention are also organized every year at the National Police Academy, National Active Non-Commissioned Officers' Academy, National Non-Commissioned Gendarmerie Officers' Academy and the Georges Namoano Military Academy. From 2010 to 2012, these conferences were organized for 120 army officer-cadets, 300 non-commissioned officers, 2,700 police cadets and 600 gendarmerie cadets. Furthermore, training for the empowerment of health officers in the area of the fight against torture was organized for 50 health officers in July, 2012. In December, 2013, about a hundred officers of the defence and security forces received training on subjects relating to the Convention against Torture and the Robben Island Guidelines.

Implement accompanying measures of the law on quota in order to increase the rate of representation of women in decision-making bodies

90. Actions have been taken as part of the implementation of the law on the institution of a quota for parliamentary and municipal elections. These actions are basically centred on the information and sensitization of the political stakeholders and the people. The details have been presented in the second part of this report dealing with the implementation of the Maputo Protocol on the Rights of Women in Africa.

Ensure an effective implementation of the law on female genital mutilation and strengthen measures aimed at eradicating the practice of excision

91. A national council to combat the practice of excision has been introduced (Decree No. 116-2011/PRES/PM/MASSN of 2 February, 2011). Sensitization activities involving traditional and religious leaders are being conducted against this phenomenon throughout the country. To facilitate the exposure of violence against children, a toll-free number, 116, has been established at the Ministry of Social Welfare and National Solidarity. The Regional Social Welfare and National Solidarity Directorate of the Centre recorded 157 exposed cases of violence from September, 2011 to April, 2012.

- 92.** The commitment of the Government was also given concrete expression through the adoption of the 2009-2013 national plans of action to promote the elimination of female genital mutilation with the prospect of achieving zero tolerance. Actions were taken to sensitize the general public on the criminal nature of these acts. Similarly, training sessions on the subject were run for persons responsible for the implementation of the laws and the other concerned professionals. Thus, in 2010, 104 training sessions were run on Female Genital Mutilation (FGM); through sensitization and advocacy, 68,215 persons were reached for the fight against FGM. Health officers have acquired knowledge and skills in the handling of the after-effects of excision. Besides, community outposts have been put in place to strengthen sensitization and advocacy with the authorities and opinion leaders.
- 93.** The government has strengthened prevention and the fight against social cankers through the organization of 2,189 sensitization sessions on the fight against the practice of female genital mutilation as well as the medical treatment of the after-effects of excision of 34 victims in 2012. The year 2011 was characterized by the implementation of the joint UNFPA/UNICEF programme for the eradication of the cross-border practice of excision and its 2009-2013 plans of actions. The programme aims at promoting the fight against the practice of excision with a view to ensuring zero tolerance by 2015.
- 94.** According to the 2012 annual yearbook of the Ministry of Justice, the number of persons sentenced and held in the prisons for practising female genital mutilation dropped from 42 in 2009 to 13 as at 31 December, 2012, representing a drop of 30.95%. To support victims and to assist them to readjust, the government organs responsible for these issues have reception outfits tasked with counselling and directing women who have suffered violence. Many associations are involved in this area through the establishment of counselling centres which often go as far as providing victims with technical and financial assistance (provision of legal counsel, absorption of medical bills, temporary accommodation of the victim, etc.).
- 95.** Note should also be taken of the adoption by the United Nations General Assembly of Resolution A/c.3/67/L.21 of 17 October, 2012 on the intensification of global action aimed at eliminating female genital mutilation, presented by Burkina Faso on behalf of the African Group. The country is pursuing the inclusion of the teaching of these modules on Female Genital Mutilation in the primary and secondary school curricula of the six (6) regions of the country.
- 96.** In order to strengthen cooperation by Parliament to fast track the eradication of cross-border excision, the National Assembly, in collaboration with the Association of European Parliamentarians with Africa and the UNFPA, organized a follow-up meeting on 5 September, 2012 in Ouagadougou initiated as part of the « *Role of Parliamentarians in the Eradication of Female Genital Mutilation.* » This meeting was followed by sensitization activities.
- 97.** In September, 2012, the Burkinabe Network of Islamic Organizations held a national conference to draw the attention of the public to FGM and to fight against this practice. The organizers explained that contrary to the popular belief, excision is not a Muslim tradition.
- 98.** The government continues to work with the local people in order to fight against FGM through regional committees set up to fight against the practice of excision. These regional committees brought together representatives of the Ministries of Social Welfare, Education and Literacy, Secondary and Higher Education, Women's Affairs, Justice, and Health as well as representatives of the Police, the Gendarmerie and local and religious leaders. The

government also pursued the implementation of its national plan of action called « *Zero Tolerance of FGM* » which aimed at reducing this practice by at least 30 % in 2013. To this end, it organized sensitization and training campaigns as well as identification and support programmes for victims of this practice.

99. The combined effects of the law, the sensitization actions and the very strong involvement of governmental, traditional and religious authorities have brought about remarkable progress in the fight against FGM. However, it is still being practised clandestinely and continues to affect much younger girls. In the face of this situation, vigilance and sensitization actions are being pursued to ensure the complete eradication of FGM.

Take urgent measures to fight against over-crowding in the prisons by giving priority to alternative detention measures, particularly for minor offences, and adopt practices which comply with all of the minimum rules for the treatment of prisoners

100. The 2010-2019 national justice policy and the national human rights and civic promotion policy (2013-2022) provide for measures aimed at improving the management of prisons, promotion and protection of the rights of prisoners, promotion and social reintegration of prisoners and the humanization of prison premises.

101. Concerning alternative sentences, the Burkinabe criminal code has made provision for educational measures for the education, rehabilitation, placement under guardianship or assistance for prisoners. These measures are applicable to minors under 18 who have been found guilty of crimes or offences. These are as follows:

- return of the minor to his family;
- placement of the minor under the supervision of a relative or a reliable person;
- placement of the minor in a charitable, religious or private institution, and
- placement of the minor in a specialized public establishment.

102. This provision is strengthened by Decree No.617-2010/PRES/MASSN/MJ/MEF on placement conditions and the monitoring of children in reception facilities and families. Furthermore, judicial sentences have become increasingly lighter for minor offences. Indeed, fines, general interest work or suspended sentences are applied in place of actual imprisonment. In addition to these are the sentences management measures taken by the Commissions responsible for the enforcement of sentences (semi-freedom, external placement, placement in open spaces, etc.), and reduction in duration particularly through the fast tracking of the judicial procedures and the exercise of presidential pardons twice a year (partial or full remission of sentences).

103. The number of prisons increased from 23 in 2009 to 24 in 2012. Mention should also be made of the completion of the construction of the Maximum Security Prison and the standardization of prison premises through the provision of various infrastructure in the Diébougou, Orodara, Manga, Bogandé and Ouahigouya prison and reform centres. In the prison and reform centres, the improvement in the living and prison conditions focused on the increase in the holding capacity of prison facilities, increase in the feeding budget, health and hygiene ; availability of more information on prisoners ; construction of water towers; grain mills as well as the construction of quarters for women and minor boys. Since 2007, a prisoner's day has been observed every year in all the courts for recreational, sporting and sensitization activities.

104. The Ministry of Human Rights organizes professional visits to prison premises and makes recommendations for the improvement of the situation of prisoners. Furthermore, regular training sessions are provided for prison wardens, the defence and security forces as well as health officers on standards relating to the rights of prisoners. Several other departments, particularly the Ministries of Health, Security and Social Welfare are working to make prison premises more humane through interventions in their areas of speciality.

105. Efforts towards the introduction of sentencing according to the characteristics of the offender (external placement, semi-freedom and permission to go out), the experience of general interest work at Gaoua and the popularization of prison work are part of the effort to make prison conditions more humane. The Laye Centre, the Gampéla specialized education and training centre as well as the André DUPONT Children's Home at Orodara encourage the welfare of children in conflict with the law.

Establish early warning and prevention mechanisms in order to resolve issues of conflict within communities

106. The State and the other stakeholders are also carrying out various sensitization and mediation activities with regard to the management and prevention of communal conflicts which are the cause of most serious human rights violations. Thus, 758 training sessions for 33,310 stakeholders were organized from 2008 to 2012 by the Ministry of Agriculture. In 2012, 36 rural land departments under the authority of the communes were set up to investigate the ownership of rural lands. Furthermore, 551 village land committees, 419 village land reconciliation committees have been set up to manage rural land issues. The Ministry responsible Human Rights and Civic Promotion has also organized training sessions on communal conflict management techniques, including the one organized from 12 to 14 December, 2013 in Ziniaré on conflict management between farmers and stockbreeders. The various measures ensured the strengthening of the capacity of stakeholders with regard to the prevention and management of communal conflicts.

Guarantee access to basic services like schools, health care and potable water for the indigenous Fulani and Tuareg populations

107. Access to basic services like schools, health care and potable water is guaranteed for all without discrimination, particularly those based on ethnic, social and other considerations. Measures taken by the government are described in the sections on the implementation of every economic, social or cultural right.

Facilitate the procedures for the registration and handing down of supplementary judgments with regard to birth certificates for children whose birth has not been registered

108. As part of the implementation of this recommendation, the government, through the Ministry of Local Government and Security, was involved in a process aimed at revamping the registry system through the establishment of a Directorate for the modernization of the registration process in 2011. Besides, in 2012, it adopted a national registration strategy covering the period 2012-2016. This strategy aims at improving the performance and

efficiency of the registration of particulars to ensure that every individual enjoys his rights through the computerization of all the registry centres.

Increase the number of reception centres for women accused of witchcraft and adopt specific measures to ensure their protection

109. The processes for the passage of a law concerning women accused of witchcraft are on-going. In addition to punishing perpetrators of violence against this social stratum, it aims at encouraging the reintegration of victims into their communities of origin. Reception centres for victims of social exclusion, including women accused of witchcraft and excluded from their communities, have been set up. There are thirteen (13) reception centres which have been recognized by the Ministry of Social Welfare and National Solidarity. Besides, in 2012, the government adopted a national plan of action against the social exclusion of persons accused of witchcraft. The related offences have been factored into the draft criminal code.

Provide the National Human Rights Commission with human resources and an adequate budget to ensure the discharge of its human rights promotion and protection mission and ensure that it complies with the Paris Principles, particularly where its independence is concerned.

110. Initially established by a Decree, the National Human Rights Commission (NHRC) is now governed by Law No. 062-2009/AN of 21 December, 2009. The necessary texts for the normal running of the institution have been passed. Particular mention can be made of Decree No.2010-559/PRES/PM/MPDH on the organization and running of the NHRC, which was passed on 21 September, 2010 to make the new institution function. Another decree, Decree No. 2012-869/PRES/PM/MDHPC on the appointment of Commissioners to the National Human Rights Commission, was passed on 3 October, 2012. The new members of the NHRC, who are 24 in number and drawn from Ministries, Associations, traditional and religious communities, the Medical Association and the Bar, took office on 7 February, 2013. The Chairman of the NHRC, who was elected by the members of the Commission, took office on 27 March, 2013.

PART TWO: IMPLEMENTATION OF THE AFRICAN CHARTER ON HUMAN AND PEOPLES' RIGHTS

CHAPTER 1: HUMAN AND PEOPLES' RIGHTS

I. Civil and Political Rights

A. Right to Non-Discrimination and Equality before the Law

111. Non-discrimination is the first principle established by the fundamental law of Burkina Faso. Indeed, Article 1 of the Constitution stipulates that: "All Burkinabes are born free and equal in law." The equality of the citizenry before the law, according to Burkinabe law, implies that all citizens are treated on an equal footing before all the courts, without any discrimination whatsoever. As has been stated in the previous report, the rules of access and procedures before any court are the same for any person subject to trial. Burkina Faso also ratified the UNESCO Convention against Discrimination in Education on 4 September, 2012.

B. Right to Life and Physical and Moral Integrity

112. The right to life is not only proclaimed and guaranteed by the Constitution (Article 2), but also by other legal enactments, particularly the law of 1996 on the Criminal Code which provides for sanctions against any person who makes an attempt on the life of another person. Thus, all forms of attempt on the life of a person (murder, infanticide, parricide, poisoning, termination of pregnancy, genocide...) attract punishment (Articles 313 et seq. of the Criminal Code).

113. Concerning the death penalty, Burkina Faso has signed the moratorium of abolitionist countries. A draft of the law on the ratification of the Second Protocol to the International Covenant on Civil and Political Rights aimed at abolishing the death penalty has been prepared. However, consultations held as part of Consultative Council for political reforms in 2011 on the issue did not reach a consensus for the abolition of the death penalty. However, consultations are on-going to better prepare the minds of the public for the ratification of the 2nd Protocol to the ICCPR.

C. Banning of Torture and Cruel, Inhuman or Degrading Punishment or Treatment

114. Since the previous report, Burkina Faso has continued to make efforts to ban torture by ratifying the Optional Protocol to the Convention against Torture on 7 July, 2010. This ratification comes on the heels of a number of actions taken by the Government, among which is the organization in Ouagadougou on 24 June, 2010, of a conference on the theme: "*Role of the Convention against Torture and other Cruel, Inhuman or Degrading Punishment or Treatment and its Optional Protocol on the Protection of Human Rights.*"

115. Several measures have been taken for the implementation of the Convention as well as its Optional Protocol. Among others, these measures are as follows:

- organization of a conference on "*the Convention against torture and Other Cruel, Inhuman or Degrading Punishment or Treatment and its Optional Protocol*" at the Georges NAMOANO Military Academy at Pô, on 2 December, 2011, and the National Active Non-Commissioned Officers Academy (ENSOA), on 27 June, 2012, and

- passage of the law on the prevention and elimination of torture and similar practices in Burkina Faso, on 27 May, 2014. This law also provides for the introduction of a national torture prevention mechanism.

Other measures have been taken. These include, in particular, training activities for the defence and security forces as well as health officers, as described under the recommendation on the passage of a specific law to eliminate torture.

D. Right to the Safety of the Person and Banning of Arbitrary Arrest and Detention

- 116.** In Burkina Faso, the Constitution and certain institutions (the Judiciary) guarantee the freedom and safety of any individual. This is particularly attested to by the provisions of Article 3 of the Constitution by virtue of which “*No one may be deprived of his freedom if he is not being tried for acts provided for and punishable by law. A person may only be arrested, held, deported or exiled in accordance with the law.*” Article 125 of the Constitution designates the Judiciary as the custodian and guarantor of individual and collective freedoms.
- 117.** Burkina Faso’s criminal law provides for conditions under which an individual can be deprived of his freedom. In particular, these are in cases where criminal suits which may lead to the arrest of an individual suspected to have committed an offence or implicated in the commission of the said offence. Thus, he cannot be held in custody for more than seventy-two (72) hours (Article 62 of the criminal procedure code). It may be extended by 48 hours upon the authorization of the State Prosecutor of Burkina Faso or the examining magistrate who has jurisdiction in the matter. For serious offences, (terrorism, association with criminal intent, offences against national security, etc.), special laws prescribe longer custodial periods and provide for the necessary guarantees to ensure the respect of human dignity. For a few years now, the Ministry of Human Rights, the Bar and a few Associations have been organizing brainstorming seminars or workshops in order to improve upon the situation or condition of the individual being held in custody. Finally, the government has constructed custodial facilities in some towns to meet international standards.
- 118.** An order for committal into prison custody, another measure to deprive persons of their freedoms, can be made against an accused person. However, the implementation of this measure also comes with rules protecting the individual against whom it is invoked. Thus, according to the legal requirements, it can only be resorted to in exceptional cases (Article 136 of the criminal procedure code). The duration of custody depends on the circumstances surrounding the matter (geographical situation of the individual and the length of the prison sentence imposed). It is between five days and six months at most (Articles 137 and 138 of the Criminal Procedure Code). Where necessary, the six-month limit may be extended. However in such an eventuality, legal precautions are taken to avoid arbitrary or wrongful detention. The extension (order by the examining magistrate) must be justified by special reasons. The same goes for the summing-up for the prosecution (Article 138 of the Criminal Procedure Code).
- 119.** The individual in custody is entitled to apply for bail at any stage of the procedure. Under Articles 140 and 141 of the criminal procedure code, “*the accused person or his counsel may submit an application for bail to the examining magistrate at any time...Any accused person or defendant may also apply for bail at any stage of the proceedings*” It is observed that, in practice, most persons in custody avail themselves of this right.

120. Any public servant or any other representative of the authorities who orders or causes to be ordered any arbitrary act against the individual freedom, the civic rights of one or several persons or the prevailing laws suffers criminal sanctions. If he provides justification to the effect that he acted upon a lawful order from his superior, he is exempted from the sanction, which sanction in this case is only applicable to the superior who gave the order (Article 141 of the Criminal Code). The sanction is severer where the person involved is a Minister. The criminal law expressly provides for damages which are calculated per day in arbitrary detention and per person.

121. Furthermore, any accused person who is arrested upon the issuance of an arrest warrant and kept in a prison for more than twenty-four hours without interrogation is considered to have been detained arbitrarily. Judges or civil servants who ordered or knowingly tolerated this arbitrary detention are punishable by the sanctions provided for in the matter (Article 124 of the Criminal Procedure Code). Finally, unlawful detention, kidnapping and illegal arrests are also provided for and punishable by Article 356 et seq. of the Criminal Code.

122. In the face of the upsurge in insecurity, owing in part to the political and social crises in the sub-region, the government operationalized a national domestic security strategy in 2012. The following main actions were taken in 2012:

- strengthening of the operational resources of the security services;
- construction of an operational coordination centre for the Civil Defence Directorate (DGPC);
- recruitment of nine hundred and thirty-two (932) security officers;
- promotion of local policing;
- implementation of the IRAPOL project (Identification, Rapprochement, Policing) which consists of getting all the security forces to work in synergy towards the fight against crime (Police, Gendarmerie, Customs, Revenue, Water and Forestry, etc., and
- strengthening of the fight against insecurity towards the organization of day and night patrols as well as swoops throughout the country.

123. These operations ensured the dismantling of several criminal networks and the seizure of knives, firearms as well as huge quantities of hard drugs. In spite of these efforts, insecurity remains one of the main concerns of the people in several regions of Burkina Faso. That is why at its meeting held on 27 March, 2013, Cabinet authorized the special recruitment of 2,000 officers for the Police Service. The objective is to attain a sizeable increase in the staffing position of the Police, representing an increase of 50% of the authorized annual levels of recruitment in the face of the upsurge in insecurity; this was to enable it to pursue the necessary reforms for the strengthening of its security apparatus and for it to be better equipped to meet the expectations of the people.

E. Right to a Fair Trial

124. Article 4 of the Constitution grants all Burkinabes and all persons living in Burkina Faso the benefit of equal protection by the law. Everyone is entitled to have his case heard by an independent and impartial court. Similarly, every accused person is presumed innocent until his guilt is established. These principles apply to both nationals and foreigners, without distinction of race, colour, ancestry or national or ethnic origin. The rights of the defence, including the right to freely choose a legal counsel, are also guaranteed for all and before all courts.

F. Freedom of Thought, Conscience and Religion

- 125.** The freedoms of belief or non-belief, conscience, religious opinion, worship and practice of customs of one's choice are guaranteed by the Constitution (Article 7). Everyone can enjoy these freedoms, subject to the respect of the law, public order, public decency and the human person. The Criminal Code proscribes any infringement of these freedoms. Thus, under Article 132 of the Criminal Code provides that: *“Any act of discrimination or behaviour which runs contrary to the freedom of conscience and the freedom of worship likely to incite people against one another shall be punishable by a term of imprisonment of between one and five years and banishment for a period of five years.”*
- 126.** In Burkina Faso, one can observe that the religious and customary practices of one another are tolerated and accepted. The various religious communities live in peaceful cohabitation. Better still, religious communities sometimes organize meetings in order to contribute to the maintenance of social peace and the development of Burkina Faso.
- 127.** Burkina Faso held its first National Forum on Secularism from 27 to 29 September, 2012. This important meeting, which brought together participants from the religious communities, customary and traditional chieftaincy representatives, the State, civil society organizations and professional bodies, highlighted the importance of religion in societal life as well as the need for religious cohabitation and tolerance in order to guarantee unity and social cohesion.

G. Right to Information and Freedom of Expression

- 128.** A national communications policy was adopted in 2012. It aims at assisting in the implementation of the projects/programmes of the productive and social sectors and in contributing to the strengthening of governance. The national communications policy has the following fundamental missions:
- ensure access to the means of communication and their ownership by the people;
 - ensure the inclusion of communications in the development programmes, projects and policies;
 - strengthen the professionalism of stakeholders of the sector in the area of communications;
 - create a legal and institutional environment conducive to the development of the sector;
 - ensure awareness in the area of communication, and
 - contribute to the international reputation of Burkina Faso.
- 129.** The freedom of opinion and the press as well as the right to information are guaranteed by (Article 8). Thus, everyone can express and disseminate his opinions in accordance with the prevailing legal rules. These freedoms are established. According to the prescriptions of the information code (Articles 1, 4 and 5), *“The right to information shall be part of the fundamental rights of the Burkinabe citizen. The establishment and running of information agencies as well as radio, television and cinema outfits shall be free, in accordance with the prevailing laws and regulations. Foreign productions in the area of communication and information shall be accepted for dissemination where they do not undermine moral values, national sovereignty and professional ethics.”* Through their reality, the various freedoms reflect the commitment of the Burkinabe government to the building of a democratic State.
- 130.** Burkina Faso has 30 television stations, including 15 commercial stations, one community television station, three (3) public television stations, one international television station, 6 religious television stations and 4 multichannel package distribution operators. There are 148

radio stations, including 34 commercial radio stations, 45 community radio stations, 8 religious radios stations, 20 communal radio stations, 3 international radio stations and 8 public radio stations. With regard to the written press, there are several types of newspapers, including 7 dailies, 10 weeklies, 16 fortnightlies publications, 25 monthly publications, 1 bi-monthly publication and several special newspapers. Furthermore, multi-channel package distribution operators (4) enable families to have access to the programmes of international networks.

- 131.** The freedom of the press is regulated by an independent administrative authority called the High Communications Council (CSC). The CSC is tasked with ensuring compliance with the law and ethical rules by the media. It is also tasked with protecting the freedom of the press from all breaches, irrespective of their source, as well as defending the rights of the citizenry, particularly children and the family, from all possible media breaches. Furthermore, the CSC ensures the balanced handling of information.
- 132.** It can be observed that our country is making consistent progress in the ratings of international institutions for nations enjoying true press freedom and freedom of expression. Thus, according to the latest ratings of Reporters Without Borders, our country occupied the 46th position in the world and the 5th position in Africa in 2013. This performance was made possible by the favourable legal and institutional environment. Thus, in accordance with its tradition for over a decade now, the government renewed in 2012 and 2013 the financial subvention of CFAF 250 million granted to the private media in order to assist them in their public service mission.
- 133.** The press in Burkina Faso is a means of expression of freedom and to express one's self or to express one's opinions. Indeed, in Burkina Faso, individuals are having regular and increasing access to the press (newspapers, on-line and electronic in particular) to express their points of view and their opinions on the conduct of public affairs. They also resort to the media to express their points of view or criticisms of the electoral, economic and social politics. Besides, the interconnection of the public service in an intra and internet network has facilitated access to information by the citizenry over the last few years. However, the citizenry have difficulties in accessing economic and social information. These difficulties can partly be explained by the inadequacy of financial resources. Be that as it may, the State of Burkina Faso has been making considerable efforts to ensure access to this type of information (seminars, leaflets, sensitization, radio and television programmes...).

H. Freedom of Association, Demonstration and Assembly

- 134.** Special provisions have been dedicated to the freedoms of assembly and demonstration (provided for by Article 7 of the Constitution). Indeed, Articles 1 and 6 of Law 22-97 of 21 October, 1997 made provision for the freedoms of public and private demonstrations and assembly, subject to compliance with the relevant legal requirements. Under Article 21 of the Burkinabe Constitution, "The freedom of expression shall be guaranteed. Everyone has the right to form an association and to freely participate in its activities. The running of associations shall be in accordance with the prevailing rules and regulations. Trade union rights shall be guaranteed. Trade unions shall conduct their activities without constraints and limitations, other than those provided for by law." Thus, Law No. 10/92 ADP of 15 December, 1992 on the freedom of association (Article 2) provides that "*associations shall be formed freely and without prior administrative authorization. Their validity shall be governed by the general principles of law applicable to contracts and commitments (...).*

They may be officially approved.” This freedom is enjoyed without distinction by all natural persons and legal entities, be they Burkinabe or foreigners, and subject to the rules governing same. However, it should be noted that this law is being reviewed to take account of the concerns expressed by civil society organizations and the requirements of international conventions.

135. The legal framework is very conducive to the establishment of associations in Burkina Faso. Associations can freely meet, demonstrate and organize activities in Burkina Faso. This freedom enabled civil society to play a positive role in the nurturing of democracy and to contribute to the entrenchment of the values of pluralism. In Burkina Faso, many associations are working freely towards the defence of human rights. According to a country-wide survey conducted by the Ministry of Local Government, Decentralization and Security (MATDS) from 4 January to 31 May, 2012, the number of active associations with registration receipts stood at 9,727.

136. Trade union rights are also recognized. The Constitution guarantees the right to strike (Article 21 of the Constitution). The Labour Code provides that: *“duly constituted trade associations may freely meet to consider and defend their professional interests. They may form unions at the local and national levels”* (Article 299). The trade union movement has made an impact on the history of Burkina Faso. From the 1960s to the 1980s, trade unions played an important role in social and political life insofar as some of their demands led to considerable changes – political and social. Furthermore, there is a multiplicity of trade unions. There are seven (7) groups of affiliated unions and more than fifteen autonomous unions. Unions mobilize and demonstrate freely in Burkina Faso. It goes without saying that the enjoyment of the right to form associations requires compliance with the prevailing laws and regulations.

I. Freedom of Movement, Right to Asylum and Prohibition of Collective Expulsion

137. The free movement of goods and persons is a major concern for Burkina Faso. Article 9 of the Constitution establishes the right to move both within and without the borders as follows: *“The free movement of persons and goods, the free election of residence as well as the right to asylum shall be guaranteed within the framework of the prevailing laws and regulations.”* The freedom of movement is strengthened by the convention of the Economic Community of West African States (ECOWAS) to which Burkina Faso is party. Indeed, ECOWAS, which has been in existence since 1975, guarantees the free movement of persons and goods as well as the freedom of establishment. In practice, it is observed that the enjoyment of these rights presents some difficulties in certain member countries. In spite of these difficulties, particularly the requirement of a residence permit (even for nationals of the other member countries), ECOWAS is a legal framework which has ensured the realization or effective enjoyment of the freedom of movement, establishment and election of domicile in member countries, particularly within and near the borders of Burkina Faso. An ECOWAS identity card has even been introduced and achieved considerable success (in Burkina Faso), particularly with regard to nationals of the Community who are involved in trading or economic activities.

138. The Ministry of Foreign Affairs and Regional Cooperation has organized a series of sensitization and information workshops on the free movement of persons and goods, the right of establishment and residence within ECOWAS and on the projects and programmes

of the sub-regional organizations in Burkina Faso. The first stage took place from 14 to 15 June, 2013 at Pô, then at Tenkodogo, Fada, Gaoua and Koudougou.

- 139.** A National Committee for the Monitoring of the Free Movement of Persons and Goods, and the Right of Residence and Establishment within ECOWAS has been in place since 2010 (Order No. 2010-005/PM/CAB of 18 February, 2010). At the 4th session of the said committee held on 26 July, 2012 in Bobo-Dioulasso, issues relating to irregular practices along the corridors of the UEMOA region were tackled. The President of Burkina Faso was appointed by his peers to lead the implementation of the protocol on the free movement of persons and goods on 26 October, 2013.
- 140.** On 10 July, 2013, the government adopted a decree on the establishment, composition and running of the National Committee for the Monitoring of the Free Movement of Persons and Goods, and the Right of Residence and Establishment within ECOWAS. This Decree, which replaced the Prime Minister's order of 18 February, 2010 on the establishment of the said Committee, aims at strengthening the legal and institutional framework for the implementation of community enactments relating to the free movement of persons and goods as well as the right of residence and establishment in our country. The report on these irregular practices shows that during the fourth quarter of 2011, there was an increase of 10% in the number of checks as well as a decline of 2% and 19% of the duration of checks and racketeering respectively. For every country crossed, the number of checks over 100km was between one and three. With regard to racketeering over 100km, the amounts varied between CFAF 800 and CFAF 4,500, depending on the country, while the duration of checks was between 11 and 27 minutes. The removal of non-tariff barriers along the corridor is an important lever for the strengthening of economic integration and the development of economic activities at the national and sub-regional levels.
- 141.** Burkina Faso recorded about 53,000 Malian refugees, following the crisis which affected the Republic of Mali in 2012. In order to meet the needs of these populations, the Government, with the support of its partners, formulated and implemented a response plan covering the sectors of the promotion and protection of human rights, supply of survival kits, animal resources, etc. Thus, special measures were taken to grant *prima facie* refugee status to refugees. They were also registered by the relevant departments, while cards were issued to them to have access to provisions, health services, etc. Finally, human rights sensitization and training activities, particularly on the International Convention on the Elimination of All Forms of Racial Discrimination and Law No. 042-2008/AN of 23 October, 2008 on the status of refugees in Burkina Faso, were carried out for them as well as for the local populations in order to encourage peaceful cohabitation.

J. Right to Participate in Public Affairs

- 142.** Article 11 of the Constitution guarantees the enjoyment of civil and political rights, subject to compliance with the legal conditions for the enjoyment of the same. Furthermore, Article 12 provides that *“all Burkinabes, without any discrimination whatsoever, are entitled to participate in the management of the affairs of State and society. To this end, they may vote and be voted for under the conditions provided for by law.”* Similarly, Article 13 of the Constitution guarantees the free formation of political parties, and specifies that the latter participate in the shaping of political life, the education of the people and the exercise of the right to vote.

143. The recognition of the right of association extends to political parties whose number continues to rise since the beginning of the democratic process in Burkina Faso. In this regard, the Constitution (Article 13) provides that “political parties and groups shall be freely formed.”

144. Progress made in the area of elections has shown an increase in the level of participation with every electoral season. Drawing lessons from previous elections, Burkina Faso has, for the first time, experimented with the biometric system during the combined municipal and legislative elections of 2 December, 2012, which were based on a consensual voter’s register, thereby guaranteeing its security and integrity. Although there is room for improvement, this innovation led to a participation rate of 73%.

II. Economic, Social and Cultural Rights and the Principle of Non-Discrimination in their Enjoyment

145. Economic, social and cultural rights are recognized by the Burkinabe Constitution. Numerous provisions of the Charter have been factored into the national law. Most of these enactments were cited as and when each right came up for consideration.

A. Right to Property

a) Legislative and Practical Measures Taken to ensure the peaceful enjoyment of the Right to Property

146. According to Article 15 of the Constitution, “*the right to property shall be guaranteed...it shall only be waived in cases of public need and after due legal process has been observed....*” The implementing laws of the Constitution have been adopted. Particular mention can be made of Law No. 034-2009/AN of 16 June, 2009 on the rural land regime and Law No. 034-2012/AN of 02 July, 2012 on the reorganization of the agrarian and land system. Among others, they aim at ensuring equitable access for all rural stakeholders, natural persons and legal entities under public and private law. The peaceful enjoyment of the right to property is manifested by the action instituted against current disturbances that have characterized possession. Mention can also be made of action for disturbance of possession which is a preventive measure. Finally, claims for repossession deals with violent dispossession. All these actions can be brought before a judge by any interested person.

147. In the event of a compulsory surrender of estate for a public purpose, prior compensation is paid to the victim, except in emergency situations or in cases of force majeure (Article 545 of the Civil Code). In the event of a public acquisition by the State, provision is also made for appropriate measures. First, prior investigation is conducted and orders for compensation are issued. The prior investigation ensures that the concerns and interests of the individual or enterprise are taken into account. Subsequently, the rights of the concerned person or enterprise are assessed financially. All this is done in a participatory manner in order to make a better assessment of the interests of the concerned parties.

b) Status of measures taken to ensure that members of vulnerable and disadvantaged groups, particularly indigenous populations/communities who have suffered historical land-related injustices, have an independent access to and use of their lands, be

entitled to claim their ancestral rights and receive proper compensation for this destruction or historical and current alienation of their wealth and resources.

148. According to Law No. 034-2009/AN of 24 July, 2009 on the rural land regime, rural lands belong to the Nation. In this regard, the State, as the custodian of the general public interest, performs the following:

- ensure the rational and sustainable management of rural lands;
- fight against land speculation in the rural areas and encourage the effective development of rural lands for the well-being of the people;
- ensure the sustainable use of rural lands in the interest of future generations;
- work towards the effective legal recognition of the legitimate local land rights of the rural populations;
- ensure the guarantee of the right to property and the regularly established possession of rural lands, and
- generally ensure the protection of national interests and the preservation of the national landed property in the rural areas.

The State only takes the national interest into account to ensure the management of lands. It guarantees free administration and justice in land-related issues for all.

c) Equality and Non-Discrimination in Access, Acquisition, Possession, Hereditaments and Control of Land and Housing, particularly by women and members of low-income groups.

149. In unplanned rural areas, legal pluralism actually exists (customary law and modern law) with a preponderance of customs which are unfavourable for groups like women. In planned rural areas, the requirements specify that women are beneficiaries of planned plots. In addition to women, other groups like the youth can access land and use it appropriately.

150. All lands under the rural land regime of the State are surveyed, demarcated and registered in the name of the State. The same goes for lands under the rural land regime of the local authorities. The State and local authorities can proceed with the expropriation of a legal entity or natural person for a public purpose or the exercise of the right of pre-emption, in accordance with the prevailing enactments. In accordance with Article 75 of the law on rural lands, organize special programmes on the individual or group allocation of planned rural lands of their respective rural land regimes for the benefit of disadvantaged groups of farmers such as small-scale farmers, women, the youth and stockbreeders.

151. The possession of rural lands can also be exercised on an individual basis (when the land at issue comes under ownership of one person only) or a collective basis (when the land at issue comes under ownership of several persons, particularly a family). The owner is issued with a rural land possession certificate which has the value of a title of possession and is transferrable by inheritance. It can also be transferred inter vivos at no cost of charge or for a consideration and in accordance with the conditions provided for by the enactments on the reorganization of the agrarian and land sector in Burkina Faso. In the event of a dispute over its ownership, the owner may institute a possessory action before the courts of competent jurisdiction. The judge before whom a possessory action is brought may visit the site in order to ascertain the reality of the land situation and collect the necessary additional information. He may request the assistance of a relevant expert registered by the courts and tribunals of Burkina Faso.

B. The Right to Work

a) Prohibition of slavery, forced labour and economic exploitation of children and other members of vulnerable or disadvantaged groups

152. Concerning the fight against child trafficking, there are 23 operational transit centres in the different regions and provinces. Additionally, from 2009 to 2011, 2616 child trafficking victims received care and assistance. From 2008 to 2011, 480 children were rehabilitated. They received support for reintegration into such areas as sewing, masonry, literacy, hairdressing, tie-and-dye including a return to school. Thirty (30) children were provided with installation kits and educational initiatives in open environments. Fifty (50) children were put into apprenticeship to learn trades and 140 families were trained and provided with support for income-generating activities.

153. International abduction of children is also a known phenomenon in Burkina Faso. According to the 2012 annual statistical yearbook of the Ministry of Justice, the number of abductions increased from 103 in 2009 to 139 in 2012. In view of the effective management of these cases, on 12 October 2010, the Government established a central authority responsible for issues of adoption and civil aspects of international abduction of children. The National Council for the Monitoring, Protection and Responsibilities of the Child (CNSPDE) which has now become the National Council for Children (CNE) also carries out awareness-raising campaigns in risk areas and organizes training sessions for social workers and officials responsible for the implementation of laws.

b) Right to freedom of association

154. Freedom of association is guaranteed by Article 21 of the Constitution of Burkina Faso. The conditions for exercising this freedom are determined by Law No. 10-92/ADP of 15 December, 1992 on freedom of association, Law No. 013-1998/AN of 28 April 1998 on the legal regime applicable to employment and employees in the Civil Service, Law No. 028-2008/AN of 13 May 2008 on the labour code of Burkina Faso. Article 27 of Law No. 10-92 stipulates that “*trade unions shall be established freely and without any prior authorization. Such a union shall be established by means of a press statement containing the identity of three (3) principal leaders. The legal existence of a trade union is subject to prior declaration at the Ministry of Public Freedoms and to compliance with the provisions of the labour code or any other legal text in lieu of or in reference thereof*”. The obligation for the declaration falls on the leaders of the union.

- Collective Bargaining Mechanisms

155. A collective bargaining mechanism is available in Burkina Faso. These negotiations are generally held within the framework of the development of collective agreements and establishment Agreements and of the Labour Advisory Commission. Furthermore, there is a negotiation framework between the government and the unions. The Labour Advisory Commission has been created at the Ministry of Labour. It is made up of an equal number of employers and workers appointed by the employers and workers’ organizations with the highest representation or by the Ministry of Labour in the event of lack of representative organisations pursuant to Article 302 (3) of the Labour Code. The Labour Advisory Commission may be consulted on all labour-related issues, on the labour force and social security in addition to cases where its opinion is automatically required.

156. Finally, an annual meeting between the government and the trade unions of Burkina Faso has been organised since 2007. It is a framework for dialogue and consideration of grievances of public sector workers. Besides the annual government/workers' union meeting, the following are also organised :

- ✓ An annual Government/private sector meeting for the improvement of the business climate and the labour market ;
- ✓ A government/private sector meeting for the consideration of private sector concerns ;
- ✓ A bi-partite employers/labour unions' meeting which takes place at least once in every two years for salary negotiations in the private sector.

157. Some specific statutes prohibit the right to strike by certain bodies in spite of the principle that all workers are entitled to this right. They include in particular personnel of the police service, the military, magistrates and personnel of the prisons' security guards.

c) Protection against arbitrary, unfair and unjustified dismissals and resignations caused by involuntary resignations and other unfair labour practices

158. The State has put in place some legal guarantees designed to protect workers from arbitrary dismissals. Thus, the law provides for situations where dismissal can be resorted to (professional incompetence, refusal to proceed to an assigned station, vacation of post...) and lays down conditions for advance notification. In order to protect workers from arbitrary dismissals, the procedure complies with very strict rules, such as summons, compensations for interested parties, granting of authorisations for workers to search for new jobs.

159. Moreover, the worker enjoys social protection in the area of work-related risks, health care, family benefits, old-age insurance under conditions provided for by law. Any public sector worker who falls victim to arbitrary dismissal has a number of remedies (informal administrative complaint, hierarchical appeal and court action). When the worker is unlawfully dismissed by the authorities, he is entitled to the restoration of his career prospects and to compensation. Article 99 of the Labour Code makes it mandatory for the employer who plans to retrench a worker, for economic reasons, to consult the representatives of the worker to find all possible solutions that would enable jobs to be kept. The worker and the union representatives can be dismissed only when the job has been eliminated and after prior notification of the competent labour inspector. Should these provisions not be adhered to, it would automatically lead to payment of damages to the worker, pursuant to Article 102 of the labour code.

d) Working conditions

- **Statutory working hours and overtime**

160. According to Article 137 of the labour code, the statutory working hours for employees or unskilled workers of either sex, of all ages, working by time, job-by-job basis or piece rates are forty (40) hours/week in all public or private institutions. In the farms, the working hours have been fixed at two thousand four hundred (2400) hours per year, the weekly duration has been determined by regulations by the Minister of Labour upon the advice of the Labour Advisory Commission. Article 138 stipulates that the working hours in excess of the statutory weekly duration are viewed as overtime and they give rise to extra pay. The modalities for the implementation and the rate for additional hours of work done in the daytime or in the night, during working days, Sundays and holidays are determined by collective bargaining or failing

that, through regulations by the Minister of Labour upon the advice of the Labour Advisory Commission. However, exemptions may be granted through regulatory mechanisms by the Minister of Labour, in consultation with the Labour Advisory Commission.

- **Leave**

161. The relevant enactments provide for leave to which active workers are entitled. All salaried employees are entitled to leave with pay to be borne by the employer and it is to be calculated on the basis of two and half calendar days per month of actual service, except where provision is made for more favourable provisions by the collective agreements or individual contracts. Workers who fall below eighteen years are entitled to a leave of thirty calendar days without pay if they request for it, regardless of the length of their service. This leave is in addition to the earned leave based on the work done at the time of their departure.

162. Female employees or trainees who are less than twenty-two years of age are entitled to two days of additional leave for each dependent child. The special permissions which have been granted to the employee during family events directly affecting the household are not deducted from the period of the paid leave within the annual limit of ten working days. The expectant mother shall be entitled to maternity leave of fourteen weeks, at the earliest 8 weeks or latest four weeks prior to the expected date of confinement, whether the child is born alive or not (Article 145 of the labour code).

163. Every employee may take a leave of absence without pay from their employer for a period of six months renewable once for the maintenance of each dependent child. In case of serious illness of the child, the period indicated above may be extended for one year renewable once. Authorisations for leave of absence without pay may also be granted to the employee within the limit of fifteen working days not deducted from the period of paid leave to enable the employee take a refresher course, a cultural or sporting education programme; to represent a recognised public utility association, to participate in the activities of the latter; to represent Burkina Faso in an international sporting and cultural competition.

164. Other special leave granted in addition to public holidays may be deducted from the period of paid leave if they have not been the subject of compensation or recovery of days already granted. The right to the enjoyment of leave is obtained after a minimum actual working period of twelve months, except otherwise provided under collective agreements or work contracts. The employee engaged on hourly basis or by day for a short-term job not exceeding a day, receives his leave allowance at the same time as an earned wage, latest by the close of the working day in the form of a compensatory allowance for his paid leave.

165. The employer must pay before the start of the leave or for the entire period of the leave, at least an allowance equal to the average of the wages and different compensation components enjoyed by the employee for the twelve months preceding the date of the leave. With regard to public sector workers, with the exception of teaching personnel or other professions specified by special provisions, the duration of administrative leave is generally thirty (30) days with salary for eleven (11) months of completed service.

- **Equality and non-discrimination in terms of compensation**

166. Article 19 of the Constitution stipulates that, *“the right to work is recognised and is equal for all persons. It is prohibited to discriminate in matters of employment and wages on the basis of sex, colour, social origin, ethnic group or political opinion”*. In accordance with this

principle, the Labour Code states in Article 182 that “wages are equal for all workers irrespective of their origin, sex, age and status”. In the absence of collective agreements or where the latter is silent on the issue, the wages are determined by agreement between the parties, between the employer and the employee. The determination of the remuneration and the rates of remuneration must comply with the principle of equality of remuneration between male and female workers for work of equal value. In practice, no gender-related discrimination is applicable in terms of access to employment. Female candidatures are gradually encouraged through advertisements of offer of employment.

- **Sexual harassment at the work place**

167. The Labour Code defines, prohibits and punishes sexual harassment in Articles 37 and 422. Article 422 punishes sexual harassment with a fine of between CFAF 50 000 and 300 000 and a term of imprisonment of between one month and three years or to one of the two penalties only. In the event of a repeat offence, the penalty is a fine of between CFAF 300 000 and 600 000 or a term of imprisonment of two months to five years or to one of these penalties only.

- **Occupational safety and hygiene**

168. Article 20 of the Constitution states that, “*The State shall ensure constant improvement in working conditions and protection of the employee.* First and foremost, with regard to the private sector, the labour code makes it mandatory for the head of the facility to take all the necessary measures to ensure safety and protect the physical and mental health of the employees in the company including temporary workers, trainees and interns. He must particularly take all the necessary measures to ensure that the work place, the machinery, equipment, substances and the work processes placed under his control do not present any risks for the health and safety of the employees. The labour inspector regularly carries out controls at the work place in order to ascertain compliance by the employers with the conditions of work laid down by law. Similarly, Law No. 15-2006/AN of 11 May 2006 on the social security regime applicable to salaried employees and related occupations in Burkina Faso prescribes the occupational risks branch in charge of prevention and benefits in the event of accident at work or of an occupational disease.

169. The protection of civil servants against occupational risks is governed by specific enactments organising each type of employment and managed by the National Social Security Fund (CNSS) and the Civil Servants’ Pension Fund (CARFO). Thus, a victim of occupational accident or disease shall be entitled to medical care required by his condition including a compensation for disability resulting from it. These services are applicable based on a report presented by the health committee from the date on which the accident occurred or the occupational disease was first medically diagnosed. In the event of temporary inability to work, the insured shall be entitled, either to the above-mentioned medical care listed thereof and maintenance of salary or wages. In case of a permanent disability, the employee shall be entitled not only to medical care for the injuries or the aftereffects arising from it, but also a disability pension. In the latter case, the degree of his disability must be at least 15%. In case of a demise of a civil servant or private official following an occupational accident or disease, his heirs or assigns shall be given survivors’ pension or allocation.

C. The Right to Health

a) Legislative and Administrative Measures for the supply of essential drugs, in particular ARVs

170. The fight against the HIV/AIDS pandemic has been strengthened through free treatment with antiretroviral drugs since 1st January 2010. The government, with the support of the WHO and cooperation organizations, has taken a lot of measures to remove any bottlenecks in the distribution of pharmaceutical products to avoid shortages. The prevalence of HIV, according to the demographic and health survey (EDS-IV) was 1% in 2010 as against 1.9% in 2003.

171. Medical care for people living with HIV has been provided free of charge since January 2010 in 99 public and private health facilities in 13 regions. The number of sick people using antiretroviral drugs increased from 36 248 in 2011 to 38,790 in 2012. Among the sick people are 1,878 children and 36,912 adults including 25,705 women. The proportion of people living with HIV/AIDS admissible for ARV treatment and who were on ARV in 2012 according to the annual SP/CNLS and CMLS/Health Report was 82.46% as against 78.99% in 2011. The contribution of the communities to ARV therapy was 7598 patients, or 19.59. % out of all the patients on ARV treatment in 2012. This contribution is far greater in the Centre region where the rate stands at 13.50%.

172. The results obtained in 2012, according to the Ministry of Social Welfare and National Solidarity are as follows :

In the area of care for persons living with HIV (PLWHA):

- 44,579 PLWHA out of which 31,854 women received psycho-social and spiritual care;
- 1756 PLWHA out of which 1264 women received food and clothing support.

In the area of care for orphans and vulnerable children (OVCs),

- 34,942 OVCs were registered out of which 18,208 girls were provided with assistance in the area of family support for OVCs ;
- 1182 new birth certificates were issued ;
- 1700 OVCs of which 100 new cases were sent to learn apprenticeships in workshops ;
- 24,802 OVCs were registered and sent for apprenticeships out of which 1582 new OVCs received home visits (VAD) and school visits (VAE) ;
- 100,663 OVCs out of which 4,900 new cases were reached through conversational group sessions and the Thursday club;
- 11,985 OVCs out of which 1882 new cases received food support ;
- 15 OVCs received legal assistance ;
- 325 OVCs received community meals.

173. According to the 2013 health sector review, the number of HIV expectant women who received full prophylactic ARV drugs for PMTCT in 2012 was 2556 out of 2754 pregnant women found to be HIV-positive who gave birth in a health facility, representing a 92.8% coverage of ARV for PMTCT. In the absence of the 2012 data, according to the EDS IV, the HIV prevalence was 1% in 2010 among the overall population as against 1.9% in 2003 (EDSIII). Thus, a drop was noted in the prevalence rate over the period. The sero-surveillance in the sentinel sites, the overall HIV prevalence among the 19-49-year age bracket was 1.7% in 2011 as against 1.6% in 2010. Among people within the 15-24 year age bracket, the prevalence rate was 0.7% just as in 2010. A list of essential generic drugs is defined every year for every level of care according to the national health system. The prices of EGD are determined every year by decree from the Minister of Health.

b) Measures taken to ensure universal immunization against major infectious diseases, epidemic and endemic diseases

174. Measures have been taken to ensure that some health services are provided free of charge for all children within the age group earmarked for immunization during the period of major endemic diseases (tuberculosis, leprosy, sleeping sickness, trachoma, Guinea worm, filariasis, lymphatic conditions, onchocerciasis) epidemics (measles, yellow fever, cholera , endemic influenza, etc.). According to the 2013 health sector review, the key actions taken towards the universal immunization coverage in 2012 were the following :

- organisation of four immunization campaigns against poliomyelitis (JNV) which enabled the following coverage rates to be attained : 101.34% for the first campaign ; 100.7% for the second campaign and finally 101.68% for the third campaign ;
- elimination of maternal and neo-natal tetanus following the validation survey carried out in January 2012 ;
- development of a plan for the introduction of vaccines against rotavirus, pneumococcus and the second dose of anti-measles vaccine ;
- review of the immunization guide ;
- acquisition of vaccines and consumables estimated at a total cost of one billion seven hundred million CFA francs (CFAF 1 700 000 000).

175. These actions enabled the following performance indicators to be attained as presented in the table below :

Table 5: Performance Indicators of the EPI

Indicators	Level attained at the end of 2012	Standard
Promptness of EPI monthly reports	100%	100%
Completeness of the monthly reports	100%	100%
Non-polio AFP rate per 100.000 inhabitants of less < 15 years of age	3,97	> 2
Percentage of stool collected within 14 days	89%	> 80%
Percentage of Districts which have reported at least one (1) case of suspected measles with sample	100%	>= 80%
Percentage of Districts that have reported at least one (1) case of suspected yellow fever with a sample	100%	80%
Percentage of suspected cases of yellow fever reported with a blood sample	100%	80%

Source: 2013 Health Sector Review

The key challenges faced are the following: strengthening of equipment, infrastructure, logistics, and the introduction of new vaccines.

c) Contribution of national plans and policies to health care and adequate medical treatments

176. The national health development plans place high premium on the issue of access to healthcare services. Thus, the 2011-2020 PNDS, through its strategic orientation No. 8 referred to as “*increase in health financing and improvement in financial access by the population to health services*”, aims, among others, at reducing the proportion of expenses for services and medicines borne by low-income households. For this purpose, a subsidy of more than one billion six hundred thousand million CFA francs (1 600 000 000) is provided annually by the State for emergency obstetrical and neo-natal care. By means of its strategic orientation No. 5 code-named “*development of infrastructure, equipment and health products*”, the PNDS should contribute to the reduction of the average radius of theoretical activity of 7.2 km in 2011 to 5km by 2020.

d) Protection of individuals and groups from environmental, industrial and occupational risks

177. Climate change has greatly affected the economies and the ecosystems of the geographical space of West Africa, in particular Burkina Faso. The most affected part is the rural sector, as agriculture is affected in particular by soil degradation; irregular and unpredictable rainfall patterns and drought, hence culminating in the decline of productivity of crops and availability of water resources. The effects on this sector have negative consequences on the people since the latter are more than 80% rural. To address this problem, a national multi-risk plan for preparation and response to natural disasters and humanitarian crises was adopted in 2012. It is targeted at fighting against some recurrent phenomena, such as increased temperatures, drought, floods, epidemics, animal and pest diseases, food and nutritional crises.

178. In the area of employment, the Labour Code gives priority to the improvement of working conditions of employees. Thus, in Article 235, every head of service is mandated to take the necessary measures to ensure the protection of the safety, the physical and mental health of workers in his employment including temporary workers, trainees and interns. He must also ensure that the workplace, the machines, the equipment, substances and working procedures under his control do not pose any risks to the health and safety of the workers. According to the statistics of the National Social Security Fund (CNSS), between 2005 and 2009, 10,408 work-related accidents and occupational diseases were recorded, representing an average of 2 082 cases per year. The compensation paid was in excess of 4 435 406 740 FCFA or an average cost of CFAF 426 154 per occupational risk (*Statistical Yearbook of the CNSS No.17- 2009, Page 123 Table 6.1.2, December 2010.*).

179. Several structures provide interventions in the area of labour safety and health. They include the following :

- The National Technical Advisory Committee on Hygiene and Safety, the advisory opinion of which is required as a matter of obligation for any health and safety-related labour concerns;
- The Labour Inspectorate is mandated to oversee basic control and enforcement of hygiene and safety measures in business environments under its territorial jurisdiction. It is also

empowered to investigate breaches of the rules of hygiene and safety and to prepare reports, summons and findings against defaulting employers.

- The National Social Security Fund (CNSS): it is specifically mandated to control the enforcement of regulatory provisions in the area of hygiene and security in business enterprises; investigations where necessary in companies with risk profiles ; information, education and training of workers in the area of hygiene and safety ; compensation for workplace accidents and occupational diseases ;
- Workers' Health Centre (OST) : its main objective is to promote and maintain the highest possible standard of physical and mental well-being of all workers in all professions ;
- The BURKINA Mines and Geology Agency is mandated to ensure, among others, the enforcement of prescriptions relating to the regulation of hazardous, insalubrious and inconvenient establishments.

180. In accordance with legislative and regulatory provisions, some initiatives have been developed in companies to put into effect a better protection of workers. They include :

- Labour safety and health committees which cooperate in the implementation of policies and programmes for the prevention of occupational risks ;
- Safety department which is the manifestation of the actual will of the company to resolve safety and health problems of the workers ;
- Medical services of companies and inter-companies are responsible for ensuring periodic medical check-ups, visits to workplaces and the assessment of occupational risks, information, training and sensitisation of workers on occupational risks and the means of guarding against them.

181. It should also be noted that some private structures make interventions in the area of workplace safety and health, some of them are: IGEMA AFRIQUE, ERGO SERVICE, BUNEE (National Environmental Assessment Agency, RPN (Radio Protection and Nuclear Safety), the activities of which are exclusively directed at the formal sector, leaving majority of the population together in the informal sector without any real protection. Regarding visits to companies, joint outreaches are often organised by the Labour Inspectorate, the National Social Security Fund, the National Fire-fighting Brigade and the Workers' Health Centre. These outreaches are done on an informal basis without any real impact.

182. Burkina Faso was recognised as a “Compliant Country” by the Extractive Industries Transparency Initiative (EITI) in January 2013. This international acclaim for the country translates all the efforts made to ensure that mining operations are consistent with standards required by the international community. However, the government, conscious of the concerns and expectations of the population in the mining sector, established regional frameworks for dialogue on mining resources in 2012 in order to find sustainable solutions for the concerns of the target population.

e) Measures taken to ensure the right not to be used for medical or scientific trials without one's free consent

183. The different professional Associations in Burkina Faso collaborate to ensure compliance with the cardinal values of the health workers' profession. They include the professional

Associations of medical doctors, pharmacists, male and female nurses, dental surgeons, midwives and male midwives, which are governed by specific laws enacted in 2012. These laws mandate the different practitioners to comply with the principles of morality, probity and confidentiality. Thus, for example, the activities of the doctor must be regulated by a professional code of conduct, the interest of the patient and public health.

184. In the area of research, the patient is considered as a participant in the research process. Consequently, he is informed about the objective and purpose of the research. Furthermore, he is free to give his consent or not. An ethics committee has been established to ensure compliance with the key rules and principles in the area of research. Any research project which does not meet these requirements cannot be carried out.

f) Recognition, development, efficiency, modernisation and integration of traditional medicine into the public healthcare system

185. The practice of traditional medicine is recognised by Article 143 of the public health code in Burkina Faso. This provision is strengthened by Decree No. 2004-567/PRES/PM/MSMCPEA/MECV/MESSRS of 14 December 2004 on the adoption of the national policy on medicine and traditional medicine. The Ministry of Health has for the past ten years intensified its support for traditional medicine and national pharmacopoeia. About 30 000 stakeholders carry out the practice as self-employed persons. The achievements are the adoption of the national policy and texts regulating the practice of the profession, the establishment of a framework for collaboration, supervision of traditional health practitioners and traditional drug marketing approvals.

186. On 4 October 2011, during the celebration of the 9th African Traditional Medicine Day, 32 traditional health practitioners received their approved licences to practice the profession. In October, 2012, the first week of traditional knowledge was organised. Additionally, traditional medicine was incorporated in the 2001-2010 and 2011-2020 National Health Development Plans.

g) Measures taken to guarantee sexual and reproductive health, in particular, to reduce maternal mortality rate and stillbirths rate including infant and child mortality

187. The level of infant-child mortality is worrisome in Burkina Faso. This situation is attributable to infectious and parasitic diseases and the spread of HIV which has become a major developmental issue. In order to strengthen the fight against this scourge, the government adopted a programme in 2011 covering the period 2011-2015 for the prevention of mother-to-child transmission of HIV.

188. The integrated management of childhood Infections (IMCI) is a strategy aimed at contributing to the reduction of mortality of children below 5 years. The key achievements in this area in the first half of 2012 are: support for the structures in the provision of care for malaria and diarrhoea in 9 districts in the North and Centre-North regions, the training of 28 IMCI officials and 65 in TETU (sorting, assessment and emergency treatment), the extension of the implementation of the IMCI with a proportion of 78% of the concerned health facilities, etc. For the vulnerable groups such as Orphans and Vulnerable Children (OVCs), expectant mothers, persons living with HIV (PLWHA) and poor people, the State makes interventions in the area of mechanisms of free subsidy through the health facilities. Towards this end, an emergency

obstetrical and neonatal programme (SONU) has been adopted and the financing projected to the tune of CFAF 4 196 075 000 every year is scheduled for the period 2006-2015.

D. The Right to Education

a) Implementation of the principle of free education

189. The principle of free primary education is affirmed by Law No. 013-2007/AN of 30 July 2007 on the Framework Law on Education of Burkina Faso. In accordance with Article 6 of this Law, basic public education is free in Burkina Faso. However, the participation of freely-constituted grassroots communities in partnership with the State and local authorities is accepted. The principle of free education has brought about growth in enrolments of pupils at the basic education level. The gross enrolment ratio which was 71.8% in 2007/2008, increased to 79.6% in 2011/2012 and 81.3% in 2012-2013. At the post-primary level of education, Junior Secondary School (6^{ème}, 5^{ème}, 4^{ème}, 3^{ème}), free education was operational in 131 communes in 2012 (against 45 communes in 2008) out of the 350 communes in the country. Other measures have been taken to reduce the cost of school fees. This includes in particular the reduction of the registration fees in public schools by half, rental of school textbooks at highly reduced prices and the offer of subsidies to private schools by the State.

190. These efforts contributed to an improvement of indicators. Thus, the gross enrolment ratio at the post-primary level increased from 32.3% in 2010-2011 to 34.9% in 2011-2012, then to 36.7 % in 2012-2013. The total number of schools increased from 1415 in 2010-2011 to 1578 in 2011-2012, representing an increase of 163 schools. The BEPC pass rate was 52.16% in 2012 as against 30.64% in 2011. In 2013, this ratio declined to 22.6%. The Baccalauréat also recorded a drop in performance with the pass rate of 34.9 % in 2013 as against 38.38 % in 2012 and 40.81 in 2011.

b) Introduction of national languages in education

191. The introduction of national languages into education is one of the major objectives of the government as outlined in the 2012-2021 basic education strategic development programme. A department responsible for bilingual education has been established for this purpose at the Ministry of Education and Literacy and the implementation of this programme is being pursued gradually based on requests made by the concerned communities for the opening or change of the conventional academic schools into bilingual schools. Since December 2009, 88 requests have been awaiting action. In 2011-2012, twenty-two schools were integrated into the bilingual system, out of which 18 were opened and 4 changed.

Table 6: Trend of indicators in the bilingual primary education system

Indicator	2009/2010	2010/2011	2011/2012	2012/2013
Number of schools	108	127	150	159
Number of classrooms	448	483	532	600
Number of teachers	448	483	532	NA
Number of pupils	17773	20295	23235	NA
Number presented at the CEP(Primary School Leaving Certificate)	2834	2982	3078	NA
Pass rate at the CEP (PSLC)	60.38%	61.77%	64.43%	NA

Source: Directorate General of Basic Education (MENA)

In the bilingual schools, 9 transcribed national languages are taught in addition to French and they take into account 70% of dialects. The Government, through MENA, has provided the bilingual schools with 60517 textbooks and educational guides in 2011/2012. However, it has been observed that stocks have run out for bilingual textbooks in Mooré, Dioula and Nuni.

192. It must be underscored that the ELAN-Afrique Initiative (School and National Languages in Africa) which is a product of LASCOLAF (Languages of Instruction in Francophone Africa) carried out field studies on the orientations and practices regarding languages of instruction in 8 Sub-Saharan African countries including Burkina Faso. According to the LASCOLAF report prepared in 2010, the proportion of bilingual schools in primary education in 2009 stood at 4.33% taking into account the different co-existing systems. In this light, our country has expanded the multilingual-based education continuum (CBAM) for the period 2011/2020 followed by a 2012/2014 action plan. This programme is part of the PDSEB dynamic. The objective of the MENA is to bring the proportion of bilingual schools at the primary level to at least 5% by 2014.

c) The freedom of parents or tutors to establish and choose schools other than those selected by public authorities for their wards

193. No formal obligation is imposed on the parents in the selection of schools for their wards. The establishment of private education schools is encouraged by the government which cannot single-handedly shoulder this responsibility. The parents of pupils and students, through their associations have the right to express and present their opinions on the functioning of the school systems, their strengths and weaknesses, vocational training, higher education and schools and establishments derived therefrom or dependent on them. Thus, since 2009, an annual conference is organised every year for secondary schools, thus bringing together representatives of public administration, the private educational sector, unions and parent-teacher associations. These meetings provide the opportunity for the participants to take stock of the school environment, determine the factors for the worsening of this environment by highlighting the role and place of the various stakeholders and to propose solutions. Similar meetings take place at all levels of education in Burkina Faso, particularly at the primary level.

d) Academic freedom and institutional autonomy of higher educational institutions

194. The higher educational institutions in Burkina Faso comprise the universities, advanced institutes, the professional schools of higher learning and the laboratories. They are governed by Decree No. 2008-645/PRES/PM/MESSRS of 20 October 2008 on the organisation of higher education.

195. The public universities are State-owned public scientific, cultural and technical institutions with a legal personality and they also enjoy financial, administrative and academic autonomy. They are non-denominational. Their financing and functioning are mainly ensured by the State. They can receive resources from bequests, donations and foundation, remunerations for services and various forms of grants.

196. The public-owned institutions of higher learning may conclude cooperation agreements either among themselves or with private establishments. Concerning private institutions of higher learning, their mode of financing and operations are carried out by natural persons or

corporate bodies governed by private law. They are under the technical supervision of the Ministry of Higher Education. The establishment, opening, organisation and functioning of the private institutions of higher learning are governed by the relevant texts, particularly Decree No. 2010-386/PRES/PM/MESSRS/MEBA/MASSN of 29 July 2010 on the regulation of private education in Burkina Faso. The functioning of these institutions is governed by specific guidelines. Finally, the private institutions of higher learning receive annual grants from the State to the tune of one hundred million CFA francs (100 000 000).

e) Access by children belonging to vulnerable groups to the education system

197. In the area of access to public institutions, keen attention is paid to children of the highly underprivileged sections of the society, both for the implementation of the infrastructural development plan and for the deployment of teaching personnel. The State has taken a number of measures to support parents of pupils by the free distribution of school textbooks, the elimination of school fees at the basic education level and gradually at the post-primary level; they also include the creation of school canteens, the adoption of alternative methods of education (satellite schools, centres of non-formal basic education...), the fight against violence perpetrated against girls in schools, the extension of educational opportunities, the adoption of new mechanisms of education particularly inclusive education, bilingual and trilingual education.

f) Measures taken to ensure gender equality at all levels of education

198. Education in Burkina Faso is inclusive. Specific measures have been taken by the government and its partners to support disadvantaged sections of the society. This is a reference to Law No. 012-2010/AN of 1st April 2010 on the protection and promotion of the rights of persons with disabilities and its implementing Decree No. 2012-828/PRES/PM/MASSN/MEF/MS/ /MENA/MESS of 22 October 2012 which provides social support measures to people with disabilities in the area of education. Furthermore, a National Multisectoral Council for the Protection and Promotion of Persons with Disabilities (COMUD/Handicap) has been established by Decree No. 2012-406/PRES/PM/MASSN/MEF/MS of 15 May, 2012. The members of the above Council were inaugurated on 8 November 2012. It aims at combining the efforts of the various stakeholders making interventions in the area of promotion and protection of the rights of people with disabilities in order to properly incorporate their concerns.

199. Furthermore, the Government adopted a National Accelerated Girl-Child Education Strategy (SNAEF) on 8 June, 2012. The objective of this strategy is to contribute to the establishment of an education system devoid of all forms of gender-based inequalities and abuses by providing for both girls and boys the essential conditions for their access, maintenance and success in schools and for their socio-professional lives.

200. With regard to the young ones who have no education or have dropped out of school, they have been integrated through the opening of non-formal basic education centres (104 centres in 2012), the gradual development of bridges between the formal and non-formal education (70 centres between 2011 and 2012), the validation of benchmarks for experimentation and innovations in non-formal basic education. Moreover, partners of civil society also make interventions to promote non-formal education of teenagers.

E. The right to culture

a) Contribution of national plans and policies to the protection of positive African values consistent with international human rights standards

201. In order to ensure the protection and promotion of positive African values, an emerging theme “Education in Art and Culture” has been introduced into education programmes. This module is based on the fact that education of a people cannot be successful unless it is founded on culture and authentic values which are the genuine expression of their soul and identity. The government has also started the gradual transcription of the national languages followed by their introduction into the education system as languages taught or as languages of instruction.

b) Legislative and other measures taken to eliminate negative social and cultural practices

202. Article 380 of the Criminal Code punishes practices relating to female genital mutilation. Furthermore, a National Council for Combating the Practice of Excision was established. Its mission is to work towards the eradication of excision. In order to strengthen parliamentary cooperation to accelerate the abandonment of cross-border excision, the National Assembly organised a follow-up meeting on 5 September 2012 in Ouagadougou, in collaboration with the Association of European Parliaments with Africa and the UNFPA, initiated as part of the project dubbed “*The role of Parliaments in the Discontinuation of Female Genital Mutilation*”. This meeting was followed by awareness-raising campaigns.

203. The year 2011 was marked by the implementation of the joint UNFPA/UNICEF programme for the abandonment of the practice of cross-border excision and its action plan for 2009-2013. This programme aims at promoting the fight against the practice of excision as part of the plan for zero tolerance by 2015. According to the 2011 statistical yearbook of the Ministry of Justice, the number of persons sentenced and detained in prisons for female genital mutilation decreased from 76 in 2008 to 16 on 31 December 2011. Finally, it can be noted that the General Assembly of the United Nations adopted Resolution A/c.3/67/L.21 of 17 October 2012 on the intensification of global action for the elimination of female genital mutilation, presented on behalf of the African Group by Burkina Faso. The country is continuing with the extension of the teaching modules on Female Genital Mutilation in primary and secondary school teaching programmes in 6 regions.

204. Furthermore, forced marriages, particularly those imposed by the families and those resulting from negative customary practices such the levirate are prohibited by the Personal and Family Code (Article 234). The same prohibition is applicable to the impediments and opposition to marriages based on race, caste, colour or religion.

c) Measures taken to encourage and protect cultural works and traditional knowledge systems.

205. The dissemination and promotion of Burkinabè cultural works is carried out through an active use of multimedia systems. It is also carried out through the performing arts, books, museums, public libraries, exhibitions and production of works of art and discography, through seminars, workshops, etc. The architects, planners and designers of public works and building engineers are encouraged to draw inspiration from traditional knowledge and know-how in designing buildings and public infrastructure in order to preserve the identity of Burkinabè cities

and villages. In order to ensure the security of creators, a Committee for the protection of literary and artistic works has been established. There is also a Burkinabè Copyright Office.

206. Burkina Faso has always demonstrated the cohabitation of State-oriented public cultural action and private initiatives to ensure the promotion of culture. This positive vision has brought about and caused the development of cultural events, which today, are considered among the most important and most recognised on the African continent. Thus, one may mention, among others :

- The Ouagadougou Pan-African Film and Television Festival (FESPACO);
- The National Cultural Week (SNC) ;
- The Laongo Granite Sculpture Symposium ;
- The Ouagadougou International Arts and Crafts Fair (SIAO) ;
- The Ouagadougou International Tourism and Hospitality Fair (SITHO) ;
- The Atypical Nights of Koudougou (NAK).

207. In addition to these major international events, there are also more than a hundred other cultural events which mark the cultural life of Burkina Faso every year. The cultural policy is aimed at incorporating burkinabè culture into the heart of any development programme and all political, social and economic activities. It takes into account the opening up to other peoples through cultural cooperation, inter-African and international exchanges as well as sources of mutual enrichment and guarantees of solidarity.

208. The protection and guarantee of cultural heritage are ensured by the State and its institutions, and to a certain extent, by the concerned local population. Generally, breaches related to cultural heritage are punishable under the criminal code and subject to the same procedural regime such as the common law as defined in the criminal procedure code. The right of every person to benefit from the protection of moral and material interests arising from any scientific, literary or artistic work of which he is the author is guaranteed by Article 28 of the Constitution of Burkina Faso. In accordance with this provision, legislative measures have been taken to promote and protect these rights. That applies to Law No. 032-99/AN of 22 December, 1999 on protection of literary and artistic works.

F. The Right to Housing

a) Legislative Measures taken to ensure that the State refrains from and must protect forced evictions from houses and lands

209. The Civil Code protects individuals from forced evictions by submitting termination of rent agreements based on certain conditions, particularly on the principle of notice or mutual consent. Law No.034-2012/AN of 2 July 2012 on Agrarian and Land Reform, which replaces the 1996 Law, lays down in Article 34 that the farm policy must ensure equitable and secure access by all to rural lands and integration of the youth into their communities. Similar to this legislation, Law No. 017-2006/AN of 18 May 2006 on the Code of Town and Country Planning and Construction provides for expropriation in the public interest and withdrawal of lands earmarked for public use by the State or local authorities, but subject to certain conditions. Expropriation concerns real estate property rights.

210. Under the terms of Article 301 of the Law on Agrarian and Land Reform, the procedure for expropriation in the public interest comprises the following stage :

- Declaration of intent to carry out a public interest project ;
- Public interest investigations ;
- Declaration of public interest ;
- Fragmented survey ;
- Declaration of Transferability ;
- Negotiation of Transferability.

211. The declaration of public interest can be amicably settled or result in a dispute before the administrative courts which can then resolve it through annulment of the act. The appeal should be exercised within a period of two (2) months with effect from the date of publication of the act of declaration of public interest. Within a maximum period of six months after the expiration of the period of notification, the expropriating authority shall allocate compensation, the amount of which has been brought to the notice of the transferee to cover all the direct, material and undisputed injury caused by the expropriation in accordance with the relevant enactments.

212. The withdrawal of lands subject to property possession for public interest may be followed by a programme of temporary or permanent relocation of the population of which the project execution must necessitate a displacement. Furthermore, a committee shall be created to undertake an assessment of the compensation to be paid to the affected parties. In the event of any disagreement on the amount of compensation, remedies for amicable settlement or litigation are available for the concerned parties. The withdrawal of the rights of enjoyment, the amount of compensation for withdrawal, the payment or deposit, the date on which the occupants must free up the lands shall be subject to an order by the sector Minister responsible for the issue or the president of the Community Council. Beyond this deadline set by the Order, the land title holders or the occupants of the lands shall be evicted pursuant to Article 331 of the Law on Agrarian and Land Reform (RAF).

213. Any occupation without any land titles of a private State property or urban lands belonging to local authorities is prohibited and eviction does not provide for resettlement or payment of compensation (Article 154). Lands for housing and those earmarked for other purposes other than housing that have not been developed after a certain period of time, may be withdrawn by the committees responsible for such matters. The public authority, after due notice, can automatically proceed to demolish and reclaim the location at the cost of the concerned party when the construction or the project has been undertaken on an occupied land without any right nor title, on State, local government lands or on a private individual's land or when it is a building developed with shoddy materials in the case of buildings used for the general public (Article 224) of the Town Planning Code). Whoever demolishes or causes the demolition of buildings or facilities without permission to demolish or violates the relevant legislative or regulatory provisions shall be liable to a fine of between two hundred thousand CFA francs (200.000) and two million (2.000.000) CFA francs.

214. As part of the implementation of urban development, holders of titles whose buildings appear on the list of those earmarked for demolition shall receive a fixed compensation in accordance with the relevant provisions on expropriation for purposes of public interest in return for buildings transferred to the institution in charge of the development. The same is applicable to occupants of buildings appearing on the list of the ones earmarked for demolition (Articles 138 et seq. of the Town Planning Code).

a) Implementation of housing schemes and other incentives designed to develop the construction of housing infrastructure

215. Within the context of the implementation of the national housing policy and development, the Government has established a Centre for Facilitation of Building Permits (CEFAC) on 15 May 2008. The CEFAC enables companies and individuals to carry out in a single location all formalities regarding the application for a building permit, a town planning certificate, a certificate of compliance and authorisation for demolition. This Centre aims at effectively promoting investments in the area of construction. For this reason, the conditions for the fulfilment of the formalities for obtaining building permits have been reduced considerably. Thus, the deadline for obtaining the building permit has been reduced from 226 days to 30 days. The cost of providing the service for category A building permits has been reduced from CFAF 886 383 to CFAF 45 500, accounting for 95% reduction, according to *the Annals of the Prime Minister's Office, 2009 Edition*. Furthermore, the Bank for Housing supports the Town Management Centre (CEGECI) in carrying out its management, maintenance, renovation and construction of social housing units.

216. Burkina Faso adopted a national social housing construction programme in 2009 dubbed the “10 000 Housing Units Programme” implemented in successive phases. The purpose of this operation is to enable low-income households to benefit from decent housing in the major urban centres of the country. This activity is reinforced by a self-construction support programme through the provision to the population of different types of building plans and technical advice as a follow-up to the development of their own buildings. In addition to this, there is also a waiver for Category A Building Permit holders in respect of the certificate of compliance certificate, that is owners of houses with ground floors used for housing with a total available floor area not exceeding one hundred and fifty sq. metres (Article 203 of the Town Planning Code).

217. To bring back hope to vulnerable people who are victims of negative beliefs, practices and phenomena, the building of solidarity housing units was initiated in the major cities of the country. After the completion of the first hostel situated in sector 23 of the capital, the second solidarity housing unit was built in sector 17 of the same city and inaugurated on 11 November, 2011. It is an attractive location for housing and it provides temporary support for needy people facing accommodation problems; people who are waiting to come out of assistance offered by social welfare workers..

218. In order improve urban and municipal management in Burkina Faso, the Government, through the Ministry of Urban Development and Housing, held the first general assembly of the people on land development on 24 and 25 October 2013. At the end of the deliberations, the following recommendations were made :

- Substantial contribution by the State in the process of urban planning, development and equipment ;
- Upward review of taxes on the use of public lands ;
- Introduction of taxes on developed and undeveloped property ;
- Delimitation of lands belonging to three stakeholders (the State, local governments and private individuals) ;
- Integration of the contribution of the population to financing land development operations ;
- Computerisation of land management ;

- Enforcement of the right of pre-emption on the sale of undeveloped lands as part of the allotments carried out by the State or local governments ;
- Enforcement of sanctions laid down in the texts against perpetrators of proven abuses in land management ;
- Concurrent development of land-use plan and municipal development plan;
- Technical support by the State to the communes and regions ;
- Sale of allocated lands through a system of sale by non-speculative mechanisms instead of the quasi free allocations done up to that point ;
- The passage of an implementing Decree on the Law on Agrarian and Land Reform within a period of one year to be made explicit in the mode of land transfer by laying emphasis on the sale by auction, by drawing lots or by invitation to tender;
- Development of environmental and social impact assessments in the allotment operations.

G. The right to social security

219. The Burkinabè government adopted a national social protection policy in 2012. The adoption of this policy and its action plan is a measure relating to the 2012 performance matrix of the Accelerated Growth and Sustainable Development Strategy (SCADD) on issues of social protection of the population. The above-mentioned policy is structured around the consolidation of insurance and social assistance, health risks, economic risks and finally the national framework for discussions on social protection. The policy proposes relevant strategies to prevent and address the main risks and promote access to medical care, education, vocational education and employment for deprived and vulnerable people.

220. All the workers covered by the provisions of the Labour Code are as a matter of obligation subject to the social security regime. Also covered under this regime are Government workers, public and local government workers, who as a result of legal and regulatory regimes do not enjoy any specific social security scheme. Pupils or students in schools or vocational training centres and trainees are treated the same way as workers and enjoy the same social security coverage.

221. Apart from salaried workers who are covered automatically by the scheme, coverage can be extended to persons exercising a vocational activity which does not subject them as a matter of obligation to the social security scheme. Such persons have the option to subscribe voluntarily to the insurance scheme in accordance with Decree No. 002/MTSS/SG/DGPS of 10 March 2008 on the modalities for affiliation, settlements and payment of contributions under the voluntary insurance scheme. With regard to public workers, the social security takes into account the pension scheme, protection against occupational risks (Law No.22-2006 AN of 16 November 2006 on the prevention and redress of occupational risks applicable to civil servants, military personnel and magistrates).

222. There are other types of community-based social security schemes such as the mutual health schemes. Brainstorming has been initiated with regard to the establishment a national health insurance scheme for all, through the sub-project « *Universal Health Insurance* ». Efforts have been made by the State and social security institutions for the improvement of social services. These efforts mainly touch on increases in pensions by 5% in 2007; 4% in 2009 and 5% in 2012. Another important aspect is the monthly payment of pensions which has been in force since 2009. The option for monthly payments is free.

223. The management of the social protection scheme is managed in principle by the CNSS and CARFO. However, there are some private insurance companies which can be solicited in addition to the services of these organisations. Among the workers in the private and parastatal bodies, the companies present different situations depending on their financial ability. Thus, local and community initiatives have been developed. They help to address the loopholes in the legal provisions. They include private commercial insurance, mutual health insurance, and micro-health insurance and pre-payment systems.

224. Active persons in the informal economy generally have only the traditional forms of social protection such as mutual assistance and solidarity because they belong to social groups. The incomes they derive from their vocational activities are rather low and unstable. Indeed, 45% of the population live below the poverty line and about 80% of these people are in the agricultural sector.

225. Foreigners who qualify for the eligibility requirements may, either collect the old-age pension in Burkina, or opt for the transfer of this pension to their countries of origin.

H. The right to food

a) Measures taken to guarantee the right of all to be protected from hunger and to mitigate and alleviate hunger even during natural and other disasters

226. A Ministry of Agriculture and Food Security was established in Burkina Faso in accordance with Decree No. 2013-104/PRES/PM/SGGCM of 7 March 2013 on the assignment of responsibilities to members of Government. Under the terms of this Decree, the Ministry shall be responsible for the following in collaboration with other Ministerial departments and public or private bodies :

- Development and implementation of the food and nutritional security policy ;
- Coordination and facilitation of the national food and nutritional security mechanism ;
- Quality control and standards of agricultural and agri-food products ;
- Incorporation of environmental and social impact studies and instructions in development projects and programmes ;
- Promotion of sustainable land management ;
- Production and dissemination of statistical information on food and nutritional security ;
- etc.

227. To address the difficult food situation resulting from the poor rainfall patterns of the previous years and massive influx of Malian refugees, the Government has implemented an Operational Plan for Assistance to the Vulnerable Populations (POSPV). This consisted in the collection of 56 792 tonnes of foodstuff, the sale of Japanese food aid, the supply of food to the population through 300 special shops and the implementation of the 2012 WFP Emergency Programme. Through efforts under the national budget and the accompanying support of the technical and financial partners and the different organisations operating in this area of activity, the government was able to address the challenge of food insecurity which threatened a part of the population.

228. The 2012/2013 agricultural season was the best. A surplus was recorded in the production of cereals. Estimated at 4 898 544 tonnes, this production rose by 33.6% as against the previous agricultural season (2011/2012), and 26.9% compared to the average for the last

five years. The same trend was recorded for the other food crops and cash crops. The achievement of these results was made possible by the accompanying measures adopted by the Government and its Technical and Financial partners estimated at CFAF 13 billion, according to the Prime Minister (*Address on 4 April 2013 on the State of the Nation*). Finally, the substantial contribution of off-season crops in the production recorded is as follows : 17 166,5 tonnes of maize, 12 896 tonnes of rice, 348 tonnes of cowpea, about 80 000 tonnes of tubers and 70800 tonnes of market gardening production.

229. In order to improve this situation, the government increased the number of special shops in September 2013, by creating 140 new ones with the aim of controlling the price of rice and maize. Similarly, the social safety nets were also reinforced for the benefit of vulnerable groups with food support extended to 500 000 needy people in 45 provinces of the country.

230. The government has established within the Ministry of Social Welfare and National Solidarity, a national solidarity fund to lend support to vulnerable people such as women, children, older persons and persons with disabilities. A solidarity chart has also been adopted and it demonstrates the will for mutual assistance which is a fundamental value of the burkinabè society. In view of the recent crises (energy, food, financial, economic) and natural disasters, mainly the 2009 and 2010 floods, the government, with the support of the development partners established social programmes intended to mitigate the negative effects of these shocks on the population. These programmes centred mainly on subsidies for emergency neonatal obstetrical care, the extension of school canteens, the distribution of food coupons to highly deprived households, the sale of foodstuffs at subsidised prices.

231. The National Emergency Assistance and Rehabilitation Council (CONASUR) provides support especially in the form of food and material assistance for the survival of the population during human-induced natural disasters (fire outbreaks, inter-community conflicts, road accidents, etc.) and natural disasters (food crises, floods, violent storms, destruction caused by animals). The requests of poor people are also received and considered. Thus, in 2010, the Permanent Secretariat of CONASUR recorded three hundred and forty-five (345) requests for support from associations and groups of vulnerable people. Two hundred and forty-five (245) of these requests were met. In 2011, out of one hundred and forty (140) requests for support, seventy-six (76) were met. In 2012, sixty-five (65) requests were recorded and twenty-two (22) received positive responses.

b) Measures taken by the State to protect the sources of food

232. Burkina Faso is a member of various international organisations (WTO, the International Plant Protection Convention, the FAO/WHO Codex Alimentarius Commission, the World Organisation for Animal Health (OIE) and CEI). It is also a member of the ISO (International Standards Organisation) through the FASONORM and several other national frameworks which participate in the activities of these organisations.

233. At the sub-regional level, it is UEMOA which organises, among others, the standardisation of technical and transnational procedures, processing, preservation, transportation of agricultural and agri-food products and services (Regulation No.03/2010/CM/UEMOA of 21 June 2010 establishing the standardisation plan for activities relating to accreditation, certification, standard-setting and metrology in the UEMOA countries).

234. At the national level, the quality of products and food services is governed by Law No.11-2007/AN of 24 May 2007 on the institution of a national standardisation system, certification, accreditation and promotion of quality standards in Burkina. There is also Decree 94-14 of 6 January 1994 on the national certificate of compliance, the purpose of which is to certify that products meant for consumption are consistent with quality standards in terms of acceptable weight, quantity and packaging in Burkina Faso. In order to introduce quality standards in the area of production, processing and distribution of agricultural and agri-food products in Burkina Faso, the Government through the Quality Standards and Agricultural Metrology Directorate (DMNA) of the Ministry of Agriculture, adopted a National Strategy for the Promotion of Standards and Quality of Agricultural and Agri-Food products in 2012.

235. Besides FASONORM which represents Burkina Faso as a national standards organisation at the international and regional institutional level, other public and private mechanisms exist for quality control.

Among these public institutions are the following:

- Directorate-General for Plant Production and the Directorate of Quality Standards and Agricultural Metrology, two bodies of the Ministry of Agriculture and Food Security ;
- Directorate General of Veterinary Services of the Ministry of Animal Resources ;
- Inspectorate General of Economic Affairs of the Ministry of Industry, Trade, Arts and Crafts;
- National Public Health Laboratory ;
- Ouagadougou Commune Health Action Directorate;
- National Biosafety Agency ;
- Customs Service.

Under the private bodies, the following can be cited:

- ECOCERT, FLO-CERT, Certicys and Lacon which operate mainly in the field of biological agriculture and equitable label ;
- COTECNA which works on problems of under-invoicing and import-related fraudulent practices.

236. Civil society organisations in Burkina Faso also carry out activities relating to sensitisation, training, advocacy and organisation of consumers. This applies to the Burkinabè Quality Management Association, the Consumers Association of Burkina, the Consumers League of Burkina (affiliate member of the International Consumers Organisation), the Organisation of Consumers of Burkina, Vigi-consommateurs, etc.

237. In spite of the measures taken, the main difficulty in the area of quality control lies in the fact that some companies are often developed and established at the family and small-scale level in terms of their operations, technical skills and even their highly localised ambition. Their focus is sometimes on a single less formalised external market.

c) Legislative measures taken to ensure that access to food is not used as a political weapon to reward supporters and punish their opponents or recruit militia

238. There is no discrimination as far as food and foodstuff distribution is concerned. The distribution of foodstuff is carried out by specialised bodies (the National Buffer Stock Management Company, the National Food Security Council, the National Emergency

Assistance and Rehabilitation Committee, the National Refugees Commission ...) according to the urgency and results of the Early Warning System (SAP) put in place to that effect.

- ***Take measures to ensure the storage of surplus food production in preparation for famines, drought and other disasters.***

239. An early warning system (SAP) has been put in place. It consists of collecting and analysing information for the prevention of all risks related to drought, locust outbreaks and floods and forecasts of cyclical factors likely to impact food accessibility. In case of an expected deficit, the National Buffer Stock Management Company (SONAGESS) takes responsibility to build and manage the National Buffer Stock (SNS). The SONAGESS and the Permanent Secretariat for the Coordination of the Cereal Policy (SP/CPC) are responsible for the management of the national buffer stock, the first body (i.e SONAGESS) managing the physical stock, the traditional volume of which is set at 35.000 tonnes and the second (SP/CPC) managing the financial stock corresponding to an equivalent of 25 000 tonnes of cereals. The SONAGESS also receives and preserves food aid sent to the State and the Cereal Market Information System (SIM).

- ***Adopt and implement nutritional strategies***

240. In 2007, the national nutrition policy was adopted. It aims at improving the status of nutrition among the population through enhanced supply services in the area of nutrition of health facilities and strengthening of community participation. About 224 regional trainers have been trained in nutrition activities. A new national protocol on provision of care for serious malnutrition has been implemented in the 13 health regions of the country. The National Health Information System (SNIS) has been reformed in recent years to consolidate its performance to enable it to ensure availability and use of health information. In order to improve the performance of the SNIS, a strategic plan has been adopted for the period 2011-2020. It seeks to ensure timely availability of quality accessible health information.

- ***Ensure that food aid does not negatively impact producers and local markets, and that it will be channelled appropriately to people most in need and must be accompanied by programmes which ensure food self-sufficiency among the beneficiary communities***

241. The food aid is received and stocked by SONAGESS. The aid is directed to risk areas identified by the Early Warning System (SAP) which is a mechanism consisting of several bodies and it provides information on the agricultural and food situation for one season. The food aid is exclusively directed to highly vulnerable segments of the population through distribution programmes which ensure food self-sufficiency to the beneficiaries. It has no negative impact on local producers.

I. The right to water and sanitation

a) Access to potable water

242. The water sector is part of the priorities of the State. To this end, a Ministry in charge of water, hydraulic infrastructure and sanitation was established in January 2013. Its missions, among others, consist of formulating and implementing development strategies for water resources, the supply of potable water to the population; implementing and managing water points (wells, dams, etc.). As part of the supervision mission of the quality of water for human consumption, the National Public Health Laboratory (LNSP) publishes every year a list of

mineral water that is not compliant with relevant standards and therefore unwholesome for consumption, based on Order No. 2006-246/MS/MAHRH/MCPEA of 9 October 2006 defining the standards to be complied with in the area of mineral water and other packaged water to be used as drinking water, etc.

243. The institutional framework of the potable water sector and sanitation in Burkina Faso consists of two policy documents and strategies :

- ***Water Policy and Strategy Document*** adopted in July, 1998 and reviewed in 2011: it defines the principles, priorities for use and the strategic guidelines for implementation of action plans.
- ***The National Sanitation Policy and Strategy Document*** adopted in July 2007: it defines the sanitation sub-sectors (liquid waste, rain waters, solid waste and gaseous waste).
- ***The Integrated Water Resource Management Action Plans (PAGIRE)*** adopted in March 2003 for the period 2003-2015: it defines the operational strategies, specific actions and the work plan to help renovate the institutional, technical and financial framework for the management of water resources in the country. Based on this, water agencies have been established on the five major water basins in the country. In order to guarantee the functioning of these agencies and ensure a minimum essential quantity of surface water and its optimum management, Law No. 058-2009/AN of 15 December 2009 on the institution of parafiscal levy for the water agencies, implementation of Decree No. 2011-445/PRES/PM/MEF/MAH of 11 May 2011 on the determination of the rates and modalities for the collection of raw water abstraction tax. This tax which is a financial contribution for water is levied for raw water abstraction operations, change of the water and pollution regimes. However, the raw water abstractions for domestic use are exempted from taxes. The rates for the raw water abstraction tax are set at one (CFA franc) per cubic metre (m³) of water collected for the production of drinking water, two hundred CFA francs (200) per cubic metre (m³) of water collected for the mining industries and other industries. For civil engineering works, the rate is fixed at ten (10) CFA/m³ for backfill and twenty CFA (20) francs/ m³ for concrete cast and all types of concrete.
- ***The National Potable Water Supply and Sanitation Programme (PN-AEPA)*** for 2015 was adopted in December 2006. This programme contains a rural segment coordinated by the bodies at the Ministry of Water and Sanitation; and an urban segment managed by the National Water and Sewerage Cooperation (ONEA).

244. In order to supply drinking water to the deprived, ONEA has implemented a new strategy for extending services to unserved areas called “AEP Peripheral Areas Project”. This pilot project helped to provide service to the suburbs of Toukin, Bissighin, Nioko 2, Bogodogo and Zongo of the Ouagadougou commune. Following the compelling results, this strategy is being popularized in the other communes, especially in Houndé.

Table No. 7: Access to potable water

Year		2009	2010	2011
Rate (%)	Rural Area	54.9	56.6	58.5
	Urban Area	72	75	80

Source: General Public Report PN-AEPA, 2011

Table No.8: Rate of Access to Sewerage Schemes in the Urban Area

Year	2009	2010	2011
Rate (%)	19	21	24

Source: General Public Report PN-AEPA, 2011

245. A national advocacy campaign was launched on 29 June 2010 with the theme “Access to adequate sewerage for all, an essential factor to ensure health, dignity and prosperity in Burkina Faso” through which the political leaders and the economic operators as well as people of goodwill committed themselves to support the population in carrying out sewerage facilities.

b) Measures taken to ensure physical and secure access to installations or services for the provision of adequate, safe and regular water supply

246. As part of the implementation of the PN-AEPA, new facilities were put in place. The following tables capture the status of these facilities.

Table No. 9: New Physical Facilities under AEPA per year in the urban areas

	Unit	2009	2010	2011	Cumul
Increase in the storage capacity (tanks)	m ³	150	4 150	300	4 600
Increase in the expansion of the network	km	333,2	362,3	339	1 034,5
Number of individual connections	u	17 307	18 825	31719	67 851
Number of public fountains	u	120	156	273	549
Increase in production capacity	m ³ /j	820	1 779	32 554	35 153

Source: ONEA, 2011

Table No. 10: New sewerage projects per year in urban areas

	2009	2010	2011
Number of independent sewerage projects	8 664	3 458	10 218
Number of public and health sewerage projects	178	176	231
Number of connections to the public sewerage system	126	415	03

Source: ONEA, 2011

247. The rate of equipment of primary schools with boreholes in the rural areas increased from 36.84% in 2009 and to 41.70% in 2011. The proportion of schools with running water in the urban areas increased from 31.98% to 43.70% over the same period (Source: DEP/MENA, Statistical Yearbooks of National Education). In 2011, 4903 family latrines were built in the rural areas. Moreover, the “Water Sector Project in Urban Communities (PSEU)” undertaken in

2011 by ONEA enabled water production capacity at the Ziga treatment centre to be increased with a production capacity of 66% of the total consumption of potable water for the Ouagadougou population. The number of ONEA centres increased from 42 in 2006 to 46 in 2011 and 48 in 2012, the target is to attain 56 by 2015.

c) Procedures for disconnecting water services and waste systems

248. As a result of the social nature of the water supply system, the procedures for disconnecting water and waste disposal systems are in line with the rules contained in the service regulations. Thus, before any disconnection of water and waste disposal services, the National Water and Sewerage Corporation informs the concerned consumers in advance through the media and a reminder is served for unpaid water bills. Furthermore, ONEA has a legal department to investigate claims by citizens in case of violation of their rights.

d) Protection of natural water resources from contamination by harmful substances and pathogens in particular by extractive industries

249. The importance ascribed by Burkina Faso to environment is shown first of all in the preamble to the Constitution which affirms the absolute need to preserve environmental resources. The environmental and social impact assessment (ESIA) therefore a legal instrument for the implementation of the principle of prevention for anticipating the damage that could be inflicted on the environment through human-induced activities. A lot of legislative and regulatory texts have been adopted for the promotion and protection of the environment, water resources and the preservation of the health of the population. The most important ones are :

- Law No. 17-2014 AN of 20 May 2014 on the prohibition of the production, importation, marketing and distribution of non-bio-degradable plastic packages and sachets;
- Law No. 006-2013/AN of 22 April 2013 on the environmental Code of Burkina Faso.

250. At the institutional level, at least three (3) Ministries are directly concerned with mining exploitation activities in Burkina Faso, namely :

- ***The Ministry of Mines and Quarry is responsible for the development and implementation of the Government policy in the area of the development of energy and mining***

In the area of mining, it is responsible for the:

- ✓ Intensification of geological and mining research and the management of mining heritage ;
 - ✓ Boosting gold production ;
 - ✓ Controlling industrial and mining safety and the quality of mining products ;
 - ✓ Strengthening the capacity for the administration, promotion, monitoring and control of the mining sector.
- ***The Ministry of Environment and Sustainable Development*** is the guarantor of the institutional coordination of the quality of the environment of Burkina Faso. In this regard, it ensures the implementation and monitoring of government policy in the area of environmental protection and sanitation. As part of the exercise of this mission, it depends on the National Environmental Assessments Bureau (BUNEE) which is responsible for the implementation and technical monitoring of the environmental policy.

Under the powers conferred on it, the analysis, validation of the environmental impact assessment, the monitoring and control of reports as well as the surveillance of Environmental and Social Management Plans (PGES) constitute an integral part of its activities.

- ***The Ministry of Water Resources*** is responsible for ensuring the implementation and monitoring of government policy in the area of agriculture and water resources. Towards this end, it is responsible for the :

- ✓ Development and control of legislation in the area of water and sanitation
- ✓ Design, implementation and management of water facilities and other water points (boreholes, wells and dams) ;
- ✓ Assistance towards the implementation of hydraulic infrastructure by third parties and the supply of potable water to the population.

251. Generally, the mining companies have their own water reservoirs for purposes of mining. The companies which do not have may draw water from other reservoirs upon payment of a compensatory tax.

J. The right to family protection

a) The right to marriage

252. The right to marriage is recognized by the Constitution which stipulates in Article 23 that “...marriage is based on the free consent of the man and the woman. Any discrimination based on race, colour, religion, ethnic group, caste, social origin, fortune shall be prohibited under marriage”. In accordance with this provision, Article 240 of the Personal and Family Code (CPF) states that there shall be no marriage without the consent of the proposed spouses expressed at the time of celebration of the marriage. Thus, forced marriages shall be prohibited, particularly marriages imposed by the families and those resulting from customary rules which compel the surviving spouse to marry one of the relatives of the deceased. The payment of a dowry either in cash or in the form of providing a service shall also be prohibited. In the event of any violation, the offending parties shall be liable to penalties of fines and/or imprisonment in accordance with Articles 376 and 379 of the Criminal Code.

b) The minimum age required for marriage

253. The minimum age for marriage is fixed by the Personal and Family Code (CPF) at 17 years for girls and 20 for boys, except where a special dispensation is granted for serious reason by an Order of a Civil Court (Article 238 of the CPF). This disparity in fixing the age for marriage detrimental to the girl, resulted in the authorities commissioning a study in 2010 on “the review of the provisions that are discriminatory to the Personal and Family Code of Burkina Faso” in order to identify and to align the discriminatory provisions of the CPF with regional and international texts on the rights of women and girls ratified by the country. This study recommended the review of Article 238 of the afore-mentioned Code to harmonise it with international conventions.

c) Measures seeking to ensure equality of rights and responsibilities of the spouses during the marriage and its dissolution

254. In accordance with the CPF, the spouses enjoy the same rights and are subject to the same obligations during the marriage and its dissolution. Thus, they assume together the moral and material responsibility of the household, each one of them has the right to exercise a profession without the consent of the other, on condition that the exercise of this profession is not detrimental to the supreme interest of the family . Furthermore, they have the obligation to feed, maintain and educate the children. Where the matrimonial regimes do not settle the issue of contribution of the spouses to the responsibilities of the household, they shall contribute proportionally according to their respective abilities.

d) Monogamy as a form of common law marriage

255. In order to promote the full development of spouses and to fight against socio-economic bottlenecks and feudal conceptions, monogamy has been established as the form of common law marriage. However, polygamy is accepted under conditions that preserve the rights of women. In the case of the polygamy option, the married woman can object to the marriage with her husband if she has evidence that she and her children have been abandoned by the husband. Moreover, the husband is obliged to ensure that all his spouses are given equal treatment.

e) Protection against any interference in the life of the family unless the welfare of the children and a member of the family is threatened

256. The peace in the family is a major concern for the State which is making efforts on daily basis to ensure their welfare. Thus, any harm to the privacy of individuals is prohibited by the Constitutions (Article 6) and the Criminal Code (Article 371).

f) Rights and responsibilities of spouses with regard to children during the marriage and its dissolution

257. By the single act of marriage, the spouses have an obligation to feed, maintain and educate their children. If the matrimonial regimes do not settle the issue of contribution of the spouses to the responsibilities of the household, they contribute proportionally according to their respective abilities. Each of the spouses collects their wages and salaries, but cannot use them freely until they have settled their household expenses.

258. In case of failure to honour one's obligations, the defaulting spouse shall face the sanctions laid down in Article 306 of the CPF based on the decision of the civil court which can :

- Authorise one spouse to take a separate residence ;
- Without the consent of the other spouse, prohibit the spouse from freely disposing of their own property or those of the community.

259. In case of divorce, the custody of the children is given to one of the spouses depending solely on the interest of the children. However, children below seven (7) years must be in the custody of the mother, except under special circumstances where the custody of the child would be harmful to the latter. The spouse, on whom the custody of the children has not been conferred, has the right to oversee their maintenance and their education; this includes the obligation to contribute to the expenses concerning them.

III. Specific measures for the implementation of group rights

A. The rights of children

260. According to the general population and housing census, the population of Burkina Faso is very youthful with 46.6% of the inhabitants below 15 years and 53% below 18 years. Burkina Faso has since 2009 been implementing a project dubbed “work of children in mines and small-scale quarries”. The implementation of this project has made it possible since then to withdraw 11 123 children from 23 small-scale mines and quarries out of which 6 021 are boys and 5 012 girls.

261. On 13 September 2011, the official launch of the hot line (Number 116) was carried out to enable the population to denounce cases of violence perpetrated against children. On 26 June 2012, the government adopted a national plan of action to fight against the worst forms of child labour. The intended objective for the adoption of this plan of action is to minimize the incidence of child labour by 2015, through the adoption and implementation of political, social, economic and institutional actions for the eradication of the worst forms of child labour. To strengthen the protection of children in situations of armed conflicts, the government has raised the minimum age for recruitment into the armed forces from 18 to 20 years by adopting Decree No.560-2012/PRES/PM/MDAC of 5 July 2012 on the organisation of operations for recruitment into the army.

262. In the area of child trafficking, in spite of the enactment on 15 May 2008 of a law on the establishment of a National Watchdog Committee, for 2012, 1910 people fell victim to trafficking including 1554 internal trafficking (1 115 boys and 433 girls) and 356 cross-border trafficking (306 boys and 50 girls). In respect of the latter aspect, Burkina has signed several agreements with Mali and a new bilateral agreement in the area of the fight against cross-border trafficking of children is due to be signed with the Republic of Côte d’Ivoire. Additionally, the Law on the definition and crackdown on the sale of children, child prostitution and pornography was enacted in 2014.

263. Several awareness-raising campaigns on the rights of children have been carried out. For the year 2012, 308 educational talks, 309 film debates, 21 radio broadcasts, 1065 counselling sessions, 61 radio missions, 61 theatre-fora and 101 patrols were carried out on the worst forms of child labour. Furthermore, two training sessions were organized in 2013 for 100 video club operators and cyber-café managers on the disastrous consequences of pornography on the education of children. The same training was organised for 48 local security committee servicemen. Similarly, conferences on the rights of the child were organised for 1500 student-teachers of national basic education schools. Finally, a seminar was organised in 2012 for 24 police officers and gendarmes on the protection of the rights of minors in conflict with the law.

B. The rights of persons with disabilities

264. According to the General Population and Housing Census of 2006, out of 14 017 262 inhabitants of Burkina Faso, 168 094, (or 1.2%) have disabilities. These are mainly people with physical disabilities (26.44%), the visually impaired (17.50%), hearing impaired (12.20%) and mentally deficient persons (14.90%). It is also clear that the handicap affected more men than women with 52.7% and 47.3% respectively. The majority of the people with disabilities (80.6%) can be found in the rural communities.

265. In view of the large number of people with disabilities, after ratifying the United Nations Convention on the Rights of Persons with Disabilities on 23 July 2009, Burkina Faso made a series of efforts to enforce the rights stipulated therein. Thus, a Law on the promotion and protection of persons with disabilities was enacted on 1 April 2010. The intended objective for the enactment of this law is to promote and ensure full and equal enjoyment of all human rights and fundamental freedoms by people with disabilities and to guarantee respect for their inherent dignity.

266. To ensure the implementation of this law, the government passed four implementing decrees on 12 July 2012. These Decrees came into force on 29 October 2012. The first decree (No. 2012-824/PRES/PM/MASSN/MEF/MS of 22 October 2012) touches on the issuance of disability cards to physically-challenged persons in Burkina Faso. With these disability cards, the physically-challenged persons holding them enjoy some benefits particularly in the area of health, education, employment, transportation and housing. The benefits range from the reduction of costs of services to total exemptions depending on the degree of disability or according to whether the person concerned is deprived or not.

267. The second decree (No.828-2012/PRES/PM/MASSN/MENA/MESS of 22 October 2012) concerns social measures for physically challenged persons concerning health and education. It stipulates the rate of reduction of orthopaedic equipment, wheel chairs, tricycles, prosthetics and white canes. It also stipulates the modalities for exemption from hospitalisation fees and participation by physically-challenged persons in examinations and school and university entrance examinations.

268. Furthermore, any person physically-challenged person declared indigent enjoys full and free health care for consultation, care, medical examinations and hospitalisation in State-owned health centres and health facilities in the communes. The person also enjoys free and full uptake of school fees/registration fees in schools and in public and community educational institutions and universities as well as expenses for orthopaedic equipment, wheel chairs, ordinary tricycles, auditory or visual prosthetics, white canes and braille-marked learning aids.

269. For people with disabilities not declared indigent, they benefit from a 50% reduction in case of partial invalidity and 80% in case of total invalidity for consultation fees, healthcare, medical examinations and hospitalisation fees in State-owned health centres or health facilities in the communes. They also enjoy 25% reduction in case of partial invalidity and 50% in case of total invalidity for school expenses and/or registration fees in educational institutions of the State or the communes. Furthermore, they benefit from 50% reduction in the area of orthopaedic equipment, wheel chairs, ordinary tricycles, hearing aids and visual prosthetics, white canes and braille learning aids depending on the degree of invalidity.

270. The third decree (No. 2012-824/ PRES/ PM/MASSN/MEF/MS of 22 October 2012) concerns social measures for persons with disabilities in the areas of vocational training, employment and transportation. Concerning employment, any employer recruiting 50 workers is under an obligation to reserve a quota of at least 5% to persons with disabilities.

271. The fourth decree concerns the adoption of the national strategy for the protection and promotion of persons with disabilities. This strategy which covers the period 2012-2021 lays particular emphasis on the risks of marginalisation and exclusion of persons with disabilities by promoting their access to factors of production and to basic social services. The adoption of this

strategy is part of the specific and inclusive policy development dynamic in terms of protecting and promoting the rights of persons with disabilities.

272. Within the context of strengthening the institutional framework for the promotion and protection of the rights of persons with disabilities, the Government has created the National Multi-Sectoral Council for the Protection and Promotion of the Rights of Persons with Disabilities (COMUD/Handicap) by Decree No. 2012-406/PRES/PM/MASSN/MEF/MS of 15 May 2012. It is a team made up of 90 members mostly from the ministerial departments, several institutions and associations working in the area of protection for persons with disabilities and representatives of all regions headed by Governors. This Council is charged with protecting and promoting the rights of persons with disabilities and carrying out periodic assessment of the implementation of the United Nations Convention and the Law of 1 April 2010. The inauguration of members was done by the Prime Minister on 8 November 2012. The COMUD/Handicap has a Permanent Secretariat which is its implementation body.

C. The rights of Older Persons

273. The last general population and housing census of Burkina Faso recorded 712 573 older persons aged 60 and above and more than 5.1% of the total population. For the protection of their lives, the older persons do not have a specific legal protection which meets their specific needs. Just like any other citizen, they enjoy rights recognized by the Burkina Constitution and some texts or international instruments. In view of their state of vulnerability, the Government is undertaking several initiatives in order to ensure suitable protection in order to provide a more adapted protection commensurate with their situation.

274. Concerning measures in relation to this framework, the Ministry of Human Rights prepared a report on the status of the rights of Older Persons in September 2011. This report highlighted the fact that though achievements have been made in the area of protecting and promoting the rights of older persons, there are still some inadequacies regarding the full realisation of the above-mentioned rights. Concerning the inadequacies contained in this report, it emerged that there is no specific text regulating the rights of older persons. That is the reason why the Ministry of Human Rights has initiated a draft legislation on the promotion and protection of the rights of older persons in Burkina Faso in order to reinforce the legal framework for the protection of this vulnerable section of the population. This draft legislation was validated by the Technical Committee for the Review of Draft Laws (COTEVAL) on 2 May 2013 and it will soon be submitted for review by the Council of Ministers before its passage by the National Assembly.

275. The Ministry of Social Welfare and Solidarity organised a National Forum on Older Persons on 22 and 23 October 2012. The holding of this first edition of the national forum on older persons established a firm determination by the Government to create a priority framework for listening, for dialogue and direct consultation with Older Persons. In order to incorporate their concerns, the Ministry of Social Welfare and National Solidarity embarked on the division of the key recommendations of the Forum of 4 March 2013 along the lines of ministerial departments.

D. The rights of persons living with HIV/AIDS

276. The 2012 UNAIDS report estimated the average prevalence rate of HIV infection amongst the overall population of Burkina Faso to be 1.1% at the end of 2011. According to the

same report, the number of persons living with HIV is estimated at 120 000 people, including 56 000 women and 17 000 children below the age of 15 years.

277. Several national texts govern the fight against HIV/AIDS in Burkina Faso. The following can specifically be mentioned :

- Law No. 049-2005 AN of 21 December 2005 on Reproductive Health. Article 14 of this Law states that any person suffering from a sexually transmissible infection (STI) and a Human-Immune Deficiency Virus/Acquired Immune Deficiency Syndrome (HIV/AIDS) in particular, must enjoy civil, political and social rights without any discrimination ;
- Law No. 030-2008/AN on the fight against HIV/AIDS and protection of the rights of people living with HIV/AIDS. Articles 3, 4,5 and 6 of this law lays down measures for the education and prevention of HIV infection amongst the general population and specific groups ;
- Decree No. 2010-744/PRES/PM/MS on the implementation modalities of Law No. 030-2008/AN on the fight against HIV/AIDS and protection of the rights of people living with HIV/AIDS.

278. In the area of work , Article 38 of Law No. 28-2008/AN of 13 May 2008 on the Labour Code makes it mandatory for employers not to discriminate in any form regarding access to employment, keeping employees in employment or dismissal, particularly in relation to the people infected with HIV, whether real or perceived.

279. Moreover, in 2001, the government adopted three strategic frameworks for the fight against HIV/AIDS and STIs, the last of which covers the period 2011-2015. The goals pursued under these frameworks, among others, include the contribution to the reduction of HIV transmission, strengthening medical and community care for persons screened as positive, improvement in the protection and socio-economic care for infected and affected persons. The cost of the last strategic framework is estimated at CFAF 170.78 billion. In the area of strengthening access to ARV treatment and other validated therapies, the medical care aspect is carried out by 95 health facilities, both public, private and community ones in the 64 health districts of the 13 health regions. Among these structures, 45 take care of paediatric care.

280. In the area of prevention, efforts have been made to strengthen the geographic expansion of the prevention of mother-to-child transmission of HIV/AIDS (PMTCT) implemented in 70 health districts in Burkina Faso. Furthermore, the number of sites that have incorporated the PMTCT into their minimum health packages has increased from 1620 in 2011 to 1 723 in 2012, representing a 97.3% coverage rate. The promotion of the use of condoms has been maintained. The quantity of condoms of all kinds sold and distributed in 2011 was 20 839 200 as against 19 575 296 in 2010. The fight against HIV/AIDS is dependent on four key entities: the Institutional Sector and Ministries; the private sector and corporate bodies; the territorial administrative entities sector and the communities. Indeed, in every ministerial department and in the institutions, Ministerial Committees for Combating AIDS (CMLS) have been established to ensure prevention and care for persons living with HIV/AIDS. The community sector brings together all the civil society stakeholders, Non-Governmental Organisations, networks of grassroots associations and other Community-based Organizations (CBOs) which provide service providers in the area of prevention. The prevention activities planned by the stakeholders of this sector are funded by resources of the AIDS Common Basket (PCS) of the SP/CNLS-IST and by many other partners. In fact, at the national level, a Permanent Secretariat of the National Anti-AIDS and Sexually Transmissible Diseases Council Transmissible (CNLS-IST) was

established in 2011. The CNLS-IST is the technical body responsible for the coordination, technical support, monitoring of all Anti-HIV/AIDS and STI activities carried out by the different stakeholders. The Permanent Secretariat is managed by a Permanent Secretary who is appointed by Decree by Council of Ministers.

CHAPTER 2: DUTIES

281. Each individual living in Burkina Faso has duties towards the family and the society at large, towards the State and other legally recognised local authorities and to the International community. These duties are derived from international conventions, the Constitution and relevant laws and regulations in Burkina Faso.

I. The duties of the individual towards the family and the society

282. Any individual in Burkina Faso has a moral duty towards his family. This duty is expressed by respect, solidarity, mutual assistance and assistance. The Criminal Code compels the father and mother to ensure the protection, supervision and the custody of minor children living under their roof, failing which sanctions will be applied in accordance with Article 406 of the Code with a penalty of between two months and one year and a fine of between 50.000 to 300.000 CFA francs or one of these penalties only :

- The father or the mother of the family who for no serious reason abandons the family residence for more than two months or avoids all or part of the moral or material obligations resultant from parental authority, guardianship, custody or from marriage. The timeline of two months cannot remain uninterrupted except by a return to the household involving the will to definitively come back to family life ;
- The husband, who, knowing that his wife is pregnant, voluntarily abandons her without any urgent cause for more than two months”.

283. The children in turn, are under an obligation to obey, submit to and respect their parents. Indeed, according to Article 508 of the Personal and Family Code, “at any age the child must honour and respect his/her father and mother and other descendants, including his uncles, aunts and an elder or enfranchised brothers and sisters”.

284. The duties of a citizen towards others are two-fold, legal and moral. Every citizen must first of all respect the rights of others which are the same as his rights. Thus, a citizen has a right to the respect of his privacy and must scrupulously respect that of others. Similarly, he must not prevent someone from freely expressing themselves on the basis of the supposed superiority of their own ideas. He must respect the freedom of others, testify about and provide them assistance.

285. But the duties of citizens towards one another are not limited to legal obligations and must be complemented by a moral dimension. Indeed, he must live as a citizen by demonstrating civil consciousness and civility. The attitude of citizens to one another is cardinal to make life bearable in the society. Politeness, respect and the ability to provide assistance to someone in difficulty are all cardinal factors for citizenship; the social connection established between an individual and the State.

286. Every individual has the duty to respect and consider his fellow beings without any discrimination and to maintain with them relations likely to promote, safeguard and strengthen respect and mutual tolerance. The duty of the individual towards society is also demonstrated by

respect for morals. Shall be considered an act of public indecency any intentional act contrary to public morals carried out publicly and in a private location within public view, likely to offend decency and the moral feeling of people who happen to be involuntary bystanders. That is the reason why Article 410 of the Criminal Code penalises anyone who commits public indecency with imprisonment of between two months and two years and a fine of between 50.000 and 600.000 francs.

II. Duties towards the State and local authorities

287. In the first place, the citizens must respect the law and try, through civic attitude, to cause it to be respected. Furthermore, the citizens, depending on their abilities through their tax contributions, must participate in financing the costs borne by the State for the benefit of the national community shared among all the citizens.

288. The citizens must also participate in the defence of the country, in wartime, but also in peace time. They must, in accordance with Article 10 of the Constitution, defend the fatherland and territorial integrity from any violation.

289. Moreover, individuals must avoid causing harm to public property or Republican institutions. Thus, insurrection movements and acts of tax avoidance by every citizen are prohibited. According to Article 166 of the Constitution: “Treason against the State and breach of the Constitution are treasonable crimes against the people”. Article 167 stipulates that the source of any legitimacy derives from this Constitution. Consequently, any power which does not emanate from this Constitution, particularly power usurped through a coup d’Etat or a military putsch is illegal. In this case, the right to civil disobedience is guaranteed for all citizens. Similarly, Article 168 states that the burkinabè people prohibit any idea of personal power. It also proscribes any oppression of a fraction of the people by another fraction. Every individual must contribute in whatever way towards the edification of the nation, towards the sustainable development of the country.

290. Finally, any person has the duty to protect and promote the environment. The protection, the defence and the promotion of the environment are a duty for all. Consequently, “Any person who produces or keeps urban waste under conditions likely to cause harm to the health of public safety or the environment in general is required to ensure its removal” (Article 29 of the Constitution and Article 32 of the Environmental Code). The participation of individuals in the promotion of the environment is manifested practically by individual and collective actions towards sanitation and improvement in the quality of life as well as reforestation.

291. In spite of these provisions, in recent years, there has been an increase in tax evasion in Burkina Faso, reflecting particularly in the general trend of citizens ignoring their duties towards the State, the community or towards other citizens. These practices of tax avoidance relate to all sections of the society, though they are more rampant in the urban centres than in the rural areas. The resurgence of tax evasion which cropped up during the socio-political crises faced by the country, particularly in the first half of 2011 confirms this overall observation.

292. In a bid to bring together the objective conditions for responsible citizenship through awareness raising, information and training, the Government adopted a national human rights policy and civic promotion in April 2013 and organised a national forum on civic responsibility on 30 and 31 May 2013 with the idea that the implementation and success of the policy calls for synergy of actions by all stakeholders.

III. Duties towards the international community

293.

The duties towards the international community are implemented as part of the commitments made by the State and also as part of international morality. Thus, the individual has a duty in keeping with the principle of solidarity to demonstrate such an action during natural and technological disasters towards a brotherly people confronted with such difficulties in any part of the world. This duty of solidarity can be shown through messages of compassion, gifts in kind or in cash, the acceptance of other people on one's territory through accommodation and cohabitation.

PART THREE: IMPLEMENTATION OF THE ACHPR PROTOCOL ON THE RIGHTS OF WOMEN IN AFRICA

294. The Additional Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women Africa, adopted in Maputo on July 11 2003 under the auspices of the African Union was ratified by Burkina on 9 June 2006.

CHAPTER I: BACKGROUND INFORMATION

I. Description of the legal framework relating to the rights of women in Burkina Faso

295. Generally, the burkinabè legal framework is favourable to the protection of the rights of women in Burkina Faso. It consists of international human rights instruments, the Constitution, legislative and regulatory texts. Though there are no national texts dealing specifically with women's issues, the legal framework generally contains provisions that are favourable to women.

At the international level, the following:

- The UNESCO Convention against Discrimination in Education, ratified on 9 September 2012;
- The African Union Convention for the Protection and Assistance to internally displaced persons in Africa, ratified 26 April, 2012 ;
- The Optional Protocol to the Convention against Torture, ratified on 7 July 2010;
- The African Charter on Democracy, Elections and Governance, ratified on 6 July, 2010;
- The Convention against Enforced Disappearances, ratified on 3 December 2009;
- The Convention on the Rights of Persons with Disabilities and its Optional Protocol, ratified on 22 August 2009 ;
- The Bamako Convention on the Ban of the Import into Africa of Hazardous Wastes and the Control of Transboundary Movements and the Management of Hazardous Waste Products in Africa, ratified on 10 June 2009.

At the national level, this particularly concerns:

- Law No. 034-2012/AN of 2 July 2012 on Agrarian and Land Reform : According to this Law, the land-use planning and the sustainable development of the territory, management of forestry and other natural resources as well as the regulation of real estate rights are governed, among others, by the principles of gender, respect for human rights and equity;
- Law No. 033-2012/AN of 11 June 2012 on the review of the Constitution : apart from the fact that the Constitution of 11 June 1991 had already laid down the principle of equality of birth for all burkinabè nationals, its review in 2012 enabled the issue of gender development to be incorporated ;
- Law No. 0034-2009/AN of 24 July 2009 on rural land regime : its confers the same rights of access to and possession of lands to both men and women ;
- Law No.010-2009/AN of 16 April 2009 on the determination of quotas for legislative and municipal elections : the passage of this law is a step forward in the regulatory plan looking at the social environment ;
- Law No. 029-2008/AN of 15 May 2008 on the fight against human trafficking and similar practices : it provides for sanctions, especially severe ones, in the event where the victim is a

vulnerable person (pregnant woman, child) or where it leads to mutilation or permanent disability ;

- Law No. 028-2008/AN of 13 May 2008 on the Labour Code of Burkina Faso: this law sets forth equal opportunities for men and women in the area of access to employment. A special protection is granted to pregnant women who enjoy the necessary rest for their well-being ;
- Law No. 055-2004/AN of 21 December 2004 on the General Code of Territorial Authorities of Burkina Faso which confers on both men and women the same rights of participation in citizenship action and the management of local affairs;
- Law No. 013-98/AN of 28 April 1998 as amended by Law No.019-2005/AN of 18 May 2005 on the legal regime applicable to employment and Civil Service which guarantees access to public employment by any person without any gender-based discrimination ;
- The Personal and Family Code of 1989: it seeks the improvement of the legal status and the social protection of women and children. It establishes the legal bases for social justice within the family.

II. Applicability or incorporation of the Protocol in the National Courts

296. Article 151 of the burkinabè Constitution lays down the principle of primacy of international human rights law over domestic legislation, as long as the former has been ratified. According to the burkinabè legal system, duly ratified international conventions are directly applicable when they provide rights directly to citizens. In case of contradiction, international law is viewed as superior to the domestic law. Immediately the ratification instruments are published, the text of the international law can be a source of reference for both third parties and for judges. The latter may not need a law for special incorporation. Thus, the provisions of the protocol can be directly invoked by the citizens before the national courts.

III. Description of State institutions related to the Protocol

A. The Ministry of Women's Affairs and Gender (MPFG)

297. The Ministry of Women's Affairs and Gender was established on 10 June 1997 by Decree No. 97-270/PRES/PM. Its main mission consists of ensuring the implementation and monitoring of government policy in the area of the socio-economic development of women. In 2012, the gender aspect was domesticated and its name changed to the Ministry of Women's Affairs and Gender (MPFG). The MPFG has thirteen (13) regional directorates responsible for the implementation and monitoring of the missions assigned to the Ministry within their territorial jurisdiction. It must also be noted that the creation of Women's Centres in all the provinces of Burkina Faso was to assist in promoting the development of burkinabè women through provision of support for the setting up projects, implementing economic activities etc. Facilitators from the MPFG are in charge of the supervision of women.

B. The Ministry of Justice, Human Rights and Citizenship

298. The Ministry of Justice, Human Rights and Civic Development (MJDHPC) is responsible for the implementation of the government's human rights policies and civic development among the citizenry. Through its agency responsible for the protection of human rights abuses, the MJDHPC ensures promotion and protection of group rights including those of women.

C. The Institutional and Ministerial Units for Gender Development

299. The Ministry of Women's Affairs and Gender (MPFG) has adopted a strategy of delegating responsibility which aims at actually involving all stakeholders in the implementation of its missions. In the pursuit of this ambition, institutional and ministerial units for the promotion of gender were established in all the ministries and public institutions of the country. Furthermore, as part of the cross-cutting implementation of the national gender policy, these units are in charge of ensuring the mainstreaming of gender in the plans and programmes of their institutions or ministries.

300. The major actions carried out by the ministerial and institutional units are the following :

- Awareness raising/information activities on the national Gender Policy Document ;
- Campaigns for the popularisation of the said document ;
- Facilitation of communications on gender-sensitive planning ;
- Training of members of the unit and the staff of the Ministry or the institution ;
- Participation in consultation meetings with the MPFG and other partners (Civil Society Organisations and Technical and Financial Partners) ;
- Advocacy for the Inclusion of Gender in their structures and in the authorities of the structures for substantial mobilisation of resources.

All these actions are carried out with the technical support of the Permanent Secretariat of the National Gender Promotion Council (SP/CONAP-Genre).

D. Regional and Communal Gender Promotion Councils

301. Councils have been established within the territorial administrations. Their missions are summed up as follows :

- Implement the national gender policy in the territorial administrations ;
- Take gender into account in the local development plans ;
- Incorporate gender systematically in any planning document ;
- Effectively address any inequalities and gender abuses in its territorial jurisdiction ;
- Hold sessions annually;
- Participate in Gender CONAP Sessions.

E. The Information, Training, Research Action Centre for Women (CIFRAFG)

302. The CIFRAFG is a structure attached to the Ministry of Women's Affairs and Gender. It is responsible for the development and implementation of the policy of constant exchanges in analysing and producing relevant and reliable information. In this context, its missions are the following :

- Ensure the training of women and any other target public by incorporating the gender dimension ;
- Carry out research actions in order to improve the socio-economic situation of women ;
- Provide decision-makers with comprehensive studies on all issues relating to women.

F. The National Gender Promotion Council (CONAP Genre)

303. The CONAP Genre is a national decision-making and guidance agency on gender issues which brings together representatives of the government, national institutions and those of development partners (civil society, religious and customary communities, the private sector, local stakeholders and technical and financial partners).

304. Since its establishment in 2010, the CONAP Genre has met two times in Ordinary Session (2011 and 2012). The first session which was held on 13 to 14 April 2011 had as theme “Promoting Gender Equality and Empowerment of Women to Better Build Together an Emerging Burkina Faso”. The second, under the theme “The Issue of Financing the PNG Implementation”, was held from 8 to 9 May 2012. The two sessions made recommendations which have been implemented by the different stakeholders, that is, the allocation of a budget for the operationalisation of the units. This recommendation of the 2012 session has been actualised in each ministry or institution.

G. National Women’s Forum

305. The National Women’s Forum is a framework for a biennial consultation instituted in 2008 to enable the women to exchange directly with the President of Faso on their concerns in the area of development. On this occasion, women make recommendation for the improvement of their living conditions. The last forum was held on 5 and 6 March 2014.

H. Collaboration with the other ministerial departments and partnership with the institutions and civil society organisations

306. As part of the implementation of the national policy for the promotion of women, the MPFG collaborates with the other ministerial departments, the institutions and civil society organisations operating in this area of activity. This partnership is expressed in such action as :

- The registration of associations in the directory of the Ministry of Women Affairs and Gender ;
- The integration of the representatives of Associations in the labour committees and in decision-making bodies ;
- The exchange of information through focus days, seminars, round-tables ;
- Joint missions.

307. There are also bilateral and multilateral cooperation relations (Embassies, International Organisations). They are generally one-time and they are reflected in :

- Financial support for the projects of local governments ;
- Participation in joint networks and consultative frameworks ;
- Exchange of information ;
- Meetings and participation in seminars and workshops.

308. In the area of civil society, the supporting partners of organisations and women’s associations are many and of diverse persuasions. They are represented by international NGOs, development projects, etc. On the whole, the objective set by the civil society partners is to improve the living conditions of women. The NGOs mainly support already existing women’s organisations with the aim of enabling them to acquire collective property and to establish management structures.

IV. General Information on the Gender-related Budget

309. The activities relating to gender is basically financed by the National Gender Fund (FNG). It is a mechanism for managing funds made available to the stakeholders as part of the implementation of the national gender policy. The establishment of a Fund was borne out of the will of the State and its partners to have a sustainable mechanism in place for the mobilisation of adequate resources for financing the different operational plans of action under the PNG. The

administration of the FNG is carried out by a Management Council comprising of 11 members from the Ministries, institutions, CSOs and the technical and financial partners.

310. It must also be mentioned that five (5) million CFA francs has been earmarked in the budget of every Ministry for the operation of the gender units.

V. Information on the inclusion of gender issues into all aspects, into all policies and capacity building issues

A. The Accelerated Growth and Sustainable Development Strategy (SCADD)

311. Adopted in 2010, the SCADD is a reference framework for all types of development interventions, including the promotion of gender at all levels. It recommends that cross-cutting issues such as gender should be a constant feature at all levels of dialogue, policies and during all the processes of formulating policies and sector programmes (Axes 1 and 4). These guides will be developed to facilitate the implementation of the strategic orientation.

312. The vision of the government is to :

- Improve access and control in an equal and equitable manner for all Burkinabès, both men and women, to basic social services,
- Promote equal rights and opportunities for women and men in terms of access and control of resources and equitable sharing of revenue,
- Improve equal access by men and women to decision-making spheres,
- Promote the institutionalisation of gender through its integration into planning and budgeting systems as well as policy implementation at all levels,
- Promote the respect of rights and elimination of violence,
- Promote gender for a change of behaviour in favour of equality between men and women in all spheres of socio-economic life, and,
- Develop an active gender partnership in Burkina Faso.

B. National Gender Policy (PNG)

313. Adopted on 8 July 2009, the PNG is a response by Government to the commitments made at both the regional and international level. It focuses specifically on Strategic Axis 4 “the promotion, institutionalisation of gender through its integration into planning, budgeting and policy implementation systems at all levels”. To achieve this objective, the MPFG commissioned a diagnostic study in 2012 on gender-related inequalities in the ministries and institutions followed by the development of sector-based action plans for the inclusion of gender in public policies. The PNG is based on the compelling need for a constant fight for equality and equity among the sexes in strict respect of the fundamental rights of the individual. This will be reaffirmed through the constitutionalisation of gender during the review of the Constitution by Law No. 33-2012/AN of 11 June 2012.

314. As part of its training activities, the MPFG identifies the main stakeholders operating in the area of planning such as Directors of Research, Planning and Budgeting in order to strengthen their capacity for gender promotion.

C. National Human Rights and Civic Promotion Policy

315. The PNDHPC 2013-2022 and its first plan of action (2013–2015) are a follow-up to the 2001 human rights promotion and protection and take into account the developments at the

national and international level. This policy mostly takes into account the promotion and protection of group rights including the rights of women.

D. National Health Policy

316. The national health policy, adopted in 2000 and implemented through the National Health Development Plan (PNDS) 2001–2010, was reviewed in 2011 with the aim of improving the welfare and the health of the population by 2020. The implementation of the PNDS 2001–2010 made it possible to obtain results in terms of improved health coverage, the quality and use of services, the provision of health services in the area of assistance for births, emergency obstetrical care, the fight against epidemics, and immunisation with the introduction of new vaccines including care for endemo-epidemic diseases.

317. The PNDS 2011-2020 is based on the principles of primary health care and the values of equity, social justice, solidarity, accountability, ethics, probity, respect of the cultural identity of communities and the rights of patients including the gender dimension and good governance. The PNDS grants special attention to the health of vulnerable groups (women, children, older persons ...) impacted by transmissible and non-transmissible diseases and characterised by high morbidity and mortality.

E. National Employment Policy

318. Adopted on 15 May 2008, this policy falls within the context of continued efforts by the Government to fight against poverty, promote economic development and social progress. The policy provides for actions through sustained projects by the technical and financial partners. The State has gradually put in place an operational mechanism for addressing poverty and unemployment, including the support fund for income-generating activities for women, the support fund for youth initiatives, the support fund for the informal sector and the Special Programme for Employment Creation for the period 2012-2014.

F. National Micro-Finance Strategy

319. The National Micro-Finance Strategy (SNMF) and its plans of action for 2012-2016 adopted by the Government aims at promoting access by a large proportion of the population (women, the youth and rural dwellers), within an inclusive finance framework, to diversified and adapted financial services provided by Decentralised Sustainable and Supervised Financial Systems (SFD) operating within a favourable legal, regulatory and fiscal environment. It takes into account the gender aspect through its cross-cutting strategic orientation dubbed “Inclusion of Gender into Micro-Finance”. The major constraints for access to SFD services according to the SNMF are due to their low knowledge of credit mechanisms, the difficulty of mobilising guarantees, their low managerial and management capacity, the offer of products adapted to their needs.

320. Recognising the existence of opportunities either within the sector or via development projects, five (5) major areas of positive action have been selected to guide the cross-cutting actions for the female clients:

- Matching credit products meant for women, particularly in the rural areas in order to promote the transition between the types or levels of credit ;
- Professionalisation of credit services based on needs assessments and delivery of products to women to ensure an offer of products more adapted to the needs of the clients ;

- Development of financial and non-financial education, elements which positively influence the conduct of economic activities by women ;
- Encouragement of savings with adapted products, which will constitute an additional source of guarantee and a factor for the mitigation of risks relating to unforeseen issues in life.

To achieve this, the 2012-2016 Action Plans/SNMF aim at promoting:

- The development of initiatives for the coordination of resources in the micro-finance sector in Burkina Faso (as consultation and coordination are two fundamental dimensions for the successful implementation of the SNMF) ;
- Development of existing initiatives of SFD concerning the approach to female clients ;
- Integration of educational initiatives without discounting business rationality; and the
- Development of female initiatives to enhance their contribution to the process of expansion of the SFD in the zones not yet covered.

G. Basic Education Strategic Development Programme 2012-2021

321. In order to avoid a breakdown in the strategic management of the education sector, the Government, with the support of its partners, adopted new programme in 2012 called the Strategic Basic Education Development Programme (PDSEB), which replaced the Ten-Year Basic Education Development Plan (PDDEB). The overall targeted objective by the PDSEB is to create conditions for a harmonious and sustainable development of the education sector of Burkina Faso. It includes the establishment of a reference framework serving as a crucible for actions of all the stakeholders (national stakeholders and international partners) in the implementation of the sectoral development objectives.

322. To ensure the implementation of the objectives of the PDSEB within the timelines and expected conditions, the axes of interventions will be developed. They include, among others, the promotion of inclusive education at all levels, equality and equity of access for all , the reform of programmes and curricula as well as the production of adapted learning and teaching aids.

CHAPTER 2: IMPLEMENTATION OF SPECIFIC PROVISIONS OF THE PROTOCOL

I. Civic and political rights

A. Elimination of discrimination against women

323. All forms of discrimination including such ones based on sex are prohibited by the Constitution (Article 1) and the Labour Code (Article 48). Similarly, Article 132 of the criminal code penalises any act of gender-based discrimination by imprisonment of between 1 and 5 years. Furthermore, other legislative and regulatory texts, plans and policies in all areas of activity establish this principle.

324. Since the establishment of the Ministry of Women's Affairs and Gender in 1997, important actions have been carried out to promote gender equality. A series of awareness-raising campaigns have been undertaken to propagate all the provisions of national and international texts that promote the cause of women. Thus, the MPFG popularised 2000 copies of the Protocol to the African Charter on Human and Peoples Rights on the Rights of Women in Africa in 2011. One can also mention the sensitisation and training activities carried out as part of the implementation of the national gender policy with the aim of promoting participatory and equitable development of men and women (by ensuring equal access to resources and to decision-making corridors) through respect for their fundamental rights. A workshop for judicial stakeholders engaged in the management of cases of gender-based violence was organised in September 2013.

A. The Right to dignity

325. As part of the fight against violence perpetrated against women, some measures were taken by the government to rehabilitate women's dignity. Thus, the Ministry for the Advancement of Women, Social Protection and National Solidarity and the Ministry of Justice and Human Rights have reception facilities, guidance and counselling services for victims of rights abuses including women. Additionally, at the Ministry of Territorial Administration and Security, there is a reception facility, guidance and handling of cases of women or children who fall victim to rights abuses. Several NGOs and associations also express their concerns through the creation of counselling centres which even sometimes go as far as providing technical and financial support (provision of a lawyer, uptake of the medical fees and temporary accommodation of the victim) and also try to support women through guidance and counselling. A department in charge of cases of women victims of gender-based violence has been established at the Ministry of Women's Affairs and Gender.

326. Sexual harassment at work places (Article 37 of the labour code), prostitution by way of soliciting and pimping (Articles 423 et seq of the Criminal Code) are prohibited.

B. The right to life, integrity and security

327. All forms of exploitation, inhuman or degrading treatment and punishments are prohibited by the Constitution, the Criminal Code and the Law on the fight against the practice of excision. A study on "*the strengthening of the legal instruments on violence against women*" was conducted in 2012 to strengthen and promote the enforcement of these texts. Furthermore, some institutions such as the Ministry of Women's Affairs, Social Welfare and National Solidarity, the Ministry of Justice and Promotion of Human Rights operate in the area of human rights abuses against women.

C. Elimination of Harmful Practices

328. The Criminal Code punishes in Articles 376 to 383 on marital offences, female genital mutilation and unsafe abortions. The government has embarked on the fight against harmful practices such as female genital mutilation, forced marriages, the levirate, etc. Thus :

- 500 paralegals comprising members of civil society organisations operating in the area of promoting and protecting women's rights were established in 2012 for the protection of women and men victims of domestic violence ;
- 60 employees of the Ministry of Women's Affairs and Gender were trained in women's rights and provision of care for victims of violence and 30 employees were also trained in 2010 in listening skills and verbal communication techniques for the provision of improved services to victims of violence.

329. To give a new impetus to the fight against excision, the government decided to transform the National Excision Control Committee into a Council. Awareness raising campaigns involving the traditional chiefs and religious leaders have been carried out against this phenomenon across the country.

330. Concerning genital mutilations, it must be noted that the United Nations General Assembly adopted Resolution A/C.3/67/L.21, of 17 October 2012, on the intensification of global action for the elimination of female genital mutilation, on the initiative of the African Group led by Burkina Faso. The violence perpetrated against women and girls is prohibited and penalised under the Criminal Code, particularly Article 417 which penalizes with imprisonment of between 5 and 10 years against perpetrators of rape. The Criminal Code punishes assaults and battery, and indecent assault against a person of either sex. Moreover, Article 380 of the Criminal Code penalises female genital mutilation with a term of imprisonment of between six months and three years and a fine of CFAF 150 000 to 900 000. A national excision control committee was established. Awareness raising actions involving traditional chiefs and religious leaders have been carried out against this phenomenon across the country.

331. The combined effect of the law, awareness raising campaigns and the strong involvement of the government, customary and religious authorities led to significant achievements in the fight against the FGM. However, the practice persists underground and this affects girls at an increasingly early age. In the face of such a situation, the vigilance and awareness raising campaigns are on-going for the complete eradication of the FGM. To facilitate the denunciation of violence perpetrated against children, Burkina Faso officially launched a hot line, number 80 00 11 52 on 13 September 2011. In 2012, this number was changed into three digits: 116, which is very easy to be memorised by children. The Regional Directorate for Social Welfare and National Solidarity of the Centre recorded 157 cases of violence denounced between September 2011 to April 2012.

D. The rights relating to marriage

332. Cf. Part One, right to the protection of the family.

E. Access to Justice and Equal Protection before the Law

333. Cf. Recommendation on access to justice.

F. The right to participation in the political process and decision-making

334. According to Article 12 of the Constitution “All Burkinabès without any distinction whatsoever have the right to participate in the management of the affairs of the State and the society. As such, they are voters and eligible under conditions laid down by law”. Since the adoption of Law No. 10-2009 of 16 April 2009 on the fixing of quotas for legislative and municipal elections in Burkina Faso, the government has taken some positive steps for the benefit of women and young girls. They include :

- The preparation of Note No. 2012-0027/MATDS/SG/DGLPAP on the implementation of Law No. 10-2009/AN of 16 April 2009 on the fixing of quotas for legislative and municipal elections in Burkina Faso ;
- The organisation of an advocacy with political leaders for a better positioning of women on the electoral lists in 2012;
- The organisation of a workshop on the popularisation of the law on quotas in the thirteen (13) regions for the administrative, customary and religious authorities and political leaders in 2012;
- The organisation of a training workshop for women candidates vying for leadership positions in the forty-five (45) provinces of Burkina Faso in 2012 ;
- The conduct of a study relating to the monitoring of the law on quotas in the 2012 elections.

These actions have brought about an improvement in the status of the rights of women as shown in the table below.

Table No.11: Status of women in the National Assembly regarding 4 mandates

Years	Total Number	Number of Men	Number of Women	Percentage of women
1997-2002	111	102	9	8.01%
2002-2007	111	98	13	11.71%
2007-2012	111	94	17	15.31%
2012-2017	127	107	24	18.81%

Source: Updated Extract of Data by the Burkinabè Coalition for the Monitoring of the Implementation of CEDAW, 2010

Table12: Situation of women Mayors and Municipal Councillors

Year	Mayors			Municipal Councillors		
	Men	Women	Total	Men	Women	Total
2008	328	23	351	14 627	3 896	18 523
2013	349	21	370	11 400	6 400	17 800

335. Generally, it can be noted that there was a slight development in the participation of women in public and political life. Efforts still need to be made to ensure an improved representation by women, particularly by eradicating socio-cultural bottlenecks, the effective enforcement of the Law on quotas, etc.

II. Economic, social and cultural rights

A. The right to education and training

336. The right to education is recognised and guaranteed by the Constitution in Articles 18 and 27. The education policy is also derived from Law No. 013-2007/AN of 30 July 2007 on

national education policy. Through the PDDEB, the government has given priority to literacy of women and girl drop-outs and illiterate ones by increasing the non-formal education centres and adopting affirmative action measures for girls.

337. In order to guarantee the same admission criteria for boys and girls, the State has taken a number of measures – not only to re-establish the gender balance but also to support parents of pupils by granting scholarships to girls, the free distribution of textbooks to pupils, the elimination of school fees at the basic education level and gradually at the post-primary level, the creation of school canteens, the use of alternative forms of education (satellite schools, non-formal basic education centres, bridge centres...), combating violence perpetrated against women and girls, the expansion of educational intake, the adoption of new methods of education, particularly inclusive and bilingual education.

338. All these efforts have contributed to the increase in the gross enrolment ratios and literacy of girls. In the 2011/2012 academic year, the number of school children who registered at the primary school level stood at 2 344 031 (including 364 987 in private schools) or an increase of 6.3% as compared to the 2010/2011 academic year. The newly registered pupils in primary class 1 increased from 444 519 in 2010/2011 to 470 288 pupils (including 223 513 girls) in 2011/2012, representing an increase of 5.8%. The Gross Intake Rate (GIR) also increased over the 2010/2011 rate from 85.7% to 88.3%. The GIR parity index rose from 0.97 in 2010/2011 to 0.98 in 2011/2012; which highlights a reduction in gender disparities in the area of access to education. The Gross Enrolments Rate (GER) increased from 77.6% to 79.6% between 2010/11 and 2011/12, accounting for an increase of 2 percentage points. This increase is greater among the girls (2.9 as against 2.4 percentage points for boys). This indicates a reduction in disparities between girls and boys concerning participation in education. The following Table presents the statistical trends for girls and boys at the primary school level.

Table No. 13: Trends in the enrolment ratios for primary schools between 2009 and 2013

SCHOOL YEAR	GROSS ENROLMENT RATE			NET ENROLMENT RATE			COMPLETION RATE		
	Boys	Girls	Total	Boys	Girls	Total	Boys	Girls	Total
2009-2010	78,3	71,2	74,8	59,8	55,0	57,4	49,2	42,5	45,9
2010-2011	80,2	75,0	77,6	62,6	59,1	60,9	55,1	49,1	52,1
2011-2012	81,1	78,1	79,1	63,2	61,1	62,2	56,6	53,7	55,1
2012-2013	81,6	81,0	81,3	63,5	62,8	63,2	59,3	59,7	59,5

Source: DEP/MENA

339. With regard to measures taken to sensitise parents, teachers and decision-makers on the importance of educating girls, they range from the organisation of consultative meetings to publicity in the media. Indeed, the establishment of parent-teacher associations, the creation of the Ministry of Women’s Affairs and the Directorate for the Promotion of Girls’ Education at the MENA, the establishment of a quota system in the process of recruitment and different actions in the area of awareness raising bear testimony to the will of the government to promote the rights of the girl child to education.

340. In 2012, the Government adopted a National Accelerated Girl-Child Education Strategy (SNAEF). The vision of SNAEF is to contribute to the establishment of an education system devoid of all forms of gender inequalities and inequities, by providing girls and boys with the basic conditions for their access, maintenance in school and their socio-professional success. The implementation of this national strategy is based on the following strategic orientations: the

mobilisation of girls for education, capacity building of stakeholders at the grassroots, the improvement of the school environment, fast-tracking of access by girls to education, the promotion of actions for the maintenance of girls in the education system, the improvement of the pass rate of girls, etc. Finally, at the level of higher education, 60% of the rooms in the University residential facilities are set aside as a matter of priority for girls.

B. Economic rights and social protection

341. Some measures have been initiated to promote access by women to credit. Micro-credit institutions such as the Women's Income-Generation Activities Assistance Fund (FAARF) and the Assistance Fund for Income-Generating Activities for Women Farmers (FAAGRA) have been established. A Special Assistance Window for Women Entrepreneurship with a budget of 5 billion CFA francs has also been established.

342. Women employees enjoy the same benefits as the men with regard to social protection in the area of occupational risks, healthcare, family benefits and old-age insurance under conditions provided for by law, etc. "equal pay for all workers irrespective of their origin, their sex, age or status" (Article 182 of the Labour Code. In the absence of collective agreements or where they are silent, the pay shall be determined by agreement between the employer and the employee. The determination of pay and the fixing of the rate of remuneration must respect the principle of equal pay between male and female employees for work of equal value. In practice, there is no gender-related discrimination in the area of access to employment. Female candidates are increasingly encouraged through offers of employment notices.

343. Any public employee who falls victim to unlawful dismissal has a number of avenues for redress (appeal, hierarchy or court). An employee who is unfairly dismissed by the authorities has the right to have their careers reactivated or receive compensation.

344. Cattle-rearing also contributes to poverty alleviation especially in the rural areas. In the area of direct employment created, cattle-rearing provides employment on annual basis to 900 000 fulltime workers for production, and between 60 000 and 90 000 others for processing and marketing activities (MRA, 2005). These performances were attained thanks, among others, to the Livestock Development Fund (FODEL), to projects and programmes and to support by the State. With effect from 2010, seven credit transactions led by FODEL yielded 948 direct beneficiaries, including 350 women. Support for an operation dubbed "Cattle-rearing leaders" in 2010 made it possible to train 181 promoters (including 45 women). The operation generated a total of 482 jobs (including 189 women). A Special Guarantee Fund has also been created with an amount of CFA francs 500 million at the Société financière de garanti (SOFIGIB).

C. The right to health and to the control of reproductive functions

345. The right to health of the women is taken into account in the PNDS 2011-2020. Under this programme, the rate of maternal mortality is projected to be reduced from 27.5% in 2012 to 49.9% in 2015. The State also intervenes in this area through mechanisms of free grants to the health facilities for the benefit of vulnerable groups such as Orphans and Vulnerable Children (OVCs), pregnant women, people living with HIV/AIDS (PLWHA). The expected financing for the period 2006-2015 amounts to CFAF 4 196 075 000 annually according to the programme for Emergency Obstetrical and Neonatal Care (SONU). There are also other types of community-based social security such as the mutual schemes. The brainstorming has started on the

establishment of a national health insurance scheme for all citizens under the sub-project called “Universal Health Insurance”.

346. Table No.14: Trends of PNDS indicators for the last five years.

INDICATORS	YEARS				
	2008	2009	2010	2011	2012
Average radius for theoretical action	7.54 km	7.5 km	7.38 km	7.2 km	NA
Prevalence of low birth weight	27.4%	26.0%	25.7%	24.4%	24.4%
Prevalence of severe acute malnutrition	3.8%	2.7%	2.8%	2.4%	1.8%
Rate of assisted childbirth by a qualified birth attendant	66.5%	73.2%	76.0%	78.3%	79.9%
Rate of Caesarean section operations among the expected births	1.5%	1.4%	1.6%	1.8%	2.5%
Rate of coverage in CPN4	16.9%	20.5%	22.3%	25.5%	31.0%
Percentage of pregnant women having benefitted from TPI2	NA	47.1%	62.37%	62%	NA
Rate of coverage in VAT among pregnant women	84.8%	92.3%	92.3%	90.9%	NA
Percentage of pregnant women infected with HIV who receive full treatment	91.07%	85%	90.05%	92%	92.8%

Source: Extract of the 2013 Health Sector Review

D. The right to food security

347. The measures concerning the right to food security by women has been developed in part one of the report in paragraphs 49 et seq.

E. The right to adequate housing

348. There is no discrimination in housing. Men and women enjoy the same right to housing. The housing policies and programmes considered earlier in this report aim at promoting this right.

F. The right to a positive cultural environment

349. The manifestation of cultural, intellectual, artistic and scientific activity is free and it is exercised in accordance with the relevant enactments. Thus, women have the same rights as men, to :

- Participate in recreational activities, sports and all aspects of cultural life ;
- Benefit from scientific progress and its applications ;
- Protection of intellectual property for scientific, literary and artistic productions of which they are the authors.

350. There are women artistes in all the cultural sectors. Similarly, different cultural manifestations such as the National Week of Culture (SNC), the Atypical Nights of Koudougou (NAK), the Ouagadougou International Arts and Crafts Fair (SIAO), the Pan-African Film and Television Festival of Ouagadougou (FESPACO) record a high participation of women.

G. The right to a healthy, viable environment and to sustainable development

351. Article 29 of the burkinabè Constitution stipulates that the right to a healthy environment is guaranteed; the protection, the defence and promotion of the environment are a duty for all.

This provision has been included in the new environmental Code (2013) in Articles 5 and 6. The Ministry of Environment and Sustainable Development is responsible for the implementation of the Government policy on the environment. To achieve the missions entrusted to it, it carries out activities such as awareness-raising campaigns on eco-citizenship notions in the school environment.

352. The policy of sustainable development focuses on all sectors of activity by involving all socio-professional segments without any exclusion. But to incorporate the gender dimension, the State has adopted a support strategy for the economic empowerment of women which is part of the sustainable development dimension. For example, access by women to modern energy was supported by a national multi-functional platform programme for poverty alleviation (PN-PTFM/LCP) which has been implemented since 2005 and which has made it possible to create 53 500 direct jobs and 800 indirect jobs. Similarly, access by women to technology has also been promoted by the Special Job Creation Programme (PSCE) since 2012, and the operation 100 000 ploughs launched in 2011 for rural households.

H. Right of the widow to the right of inheritance

353. In Burkina Faso, the widow inherits the deceased husband in accordance with Article 741 of the Personal and Family Code (CPF) according to which the surviving spouse, against whom there is no judgement for divorce having the force of *res judicata*, enjoys the right to inherit even though there may be parents. Thus, Article 742 of CPF states that when the deceased leaves behind children or descendants belonging to them, the surviving spouse has a right to a quarter of the estate. Article 743 further states that in case there are no descendants and the deceased leaves one or several relatives, the surviving spouse has a right to a quarter of the estate. But where the deceased does not leave any relatives, the share of the surviving spouse is equal to half of the estate. Article 744 stipulates that in case there is no close relative entitled to inherit, the estate is devolved altogether upon the surviving spouse.

I. The rights of women's groups enjoying special protection

354. As a result of their status as highly vulnerable people, some women enjoy social protection from government and its partners. They include :

- Women living with a disability ;
- Widows ;
- Older women ;
- Women in distress.

355. The implementation of the rights of persons with disabilities is managed by the State, through its ministerial departments responsible for Human Rights and Civic Promotion; Health; Social Welfare and Education. As such, the creation of a Directorate for the Protection and Promotion of Persons with Disabilities, the MASSN has just brought up a Decree No. 2012-406/PRES/PM/MASSN/MEF/MS of 15 May 2012, the National Multi-Sectoral Council for the Protection and Promotion of the Rights of Persons with Disabilities in Burkina Faso (COMUD/Handicap). Many civil society organisations are also active on the ground and are working towards the respect of the rights of persons with disabilities. These organisations have grouped themselves into an umbrella body called Burkinabè Federation of Associations of Persons with Disabilities (FEBAH) and the National Network of Organisations of Persons with Disabilities (RENOH).

356. The inclusion of the issue of persons with disabilities has been particularly demonstrated, during the period under review by the enactment of Law No. 012-2010/AN of 1 April 2010 on the protection and promotion of the rights of persons with disabilities. This Law has instituted a disability card and the holders of such cards are entitled to some benefits in the areas of health, education, vocational training, employment, communication, social integration, transportation, housing and living conditions, sports and leisure; it also includes culture and the arts, the promotion and protection of social welfare.

357. Concerning older persons, many actions and measures have been taken to provide assistance, especially to the most deprived (gifts, home visits, organisation of a Day for Older Persons, etc.). The ministry of Social Welfare and National Solidarity has within its fold a department for the protection of older persons with the mandate to implement government actions aimed at protecting older persons. The Ministry of Human Rights prepared a report in 2011 on the situation of Older Persons in Burkina Faso.

358. The MASSN has a Directorate for the Promotion and Protection of Older Persons. There are thirteen (13) private reception centres recognised by the Ministry of Social Welfare and National Solidarity. The main objective of these centres is to take charge of older persons especially the ones who are victims of social exclusion. The MASSN also ensures supervision of the Solidarity Court in Sector 12 and the Delwindé Centre in Sakoula which receives vulnerable people including older women accused of witchcraft and therefore excluded from their communities. Furthermore, the Centre for Listening and Care for Older Persons was established in 2009 in Sector 28 of Ouagadougou.

359. Concerning older persons, measures have been taken to improve the situation particularly for retired persons. Thus, the retired persons can henceforth enjoy short term loans for a period of 24 months from the banks to enable them carry out income-generating activities. They also benefit from free annual medical check-up and a subsidy for some medical expenses. In the same way, a policy of reconversion of military personnel on retirement has been adopted.

360. In October 2012, the national forum for older persons made some health, social, political, economic recommendations. Furthermore, sensitisation activities were organised by the Ministries of Women's Affairs and Gender, Human Rights and Civic Promotion, Social Welfare and National Solidarity as part of the fight against all forms of inequalities and inequities relating to gender. Cases of violence perpetrated during the socio-political crisis faced by Burkina Faso in 2011, were the subject of psychological, health, financial care in collaboration with the Ministry of Finance and Economic Planning.

III. The Right to Peace

361. In December 2012, Burkina Faso benefitted from the development and validation of action plans for the implementation of resolution 1325 (women, peace and security) and 1820 (sexual violence against civilians –weapons of war) of the United Nations Security Council. Furthermore, two (2) Burkinabè women received training on the contribution of women to conflict resolution organised by ECOWAS.

362. Finally, the government has started enriching the programmes with themes such as “education for peace” and “social education and gender” which provide for equitable education of girls and boys.

IV. Protection of women in armed conflicts

363. The Ministry of Women's Affairs and Gender has carried out several assessment missions to Malian refugee sites to collect, among others, the specific needs of women and girls. Thus, as a response to the government plan, the Ministry of Women's Affairs and Gender has undertaken the following actions :

- Training on : the reproductive rights of women, gender-based violence in crisis situations, early and forced marriages; as well as modules on the protection of the civilian population in times of war, especially women and children ;
- Donation of materials and hygiene kits ;
- Granting of micro-credits.

364. Other ministerial departments provide support on the ground. Thus, the Ministry of Human Rights and Civic Promotion carried out awareness raising and training activities for refugees and the local population in order to promote social cohesion.

V. Redress

365. Women have the same rights of access to the courts just as the men. The main difficulty resides in the ability to produce evidence of perpetration of violence to which they have been subjected without which no prosecution can be possible. Several public and private structures operate in the protection and guidance of victims of violence. They include mainly :

- The Ministry of Social Welfare and National Solidarity ;
- The Ministry of Women's Affairs and Gender ;
- The Ministry of Justice, Human Rights and Civic Promotion ;
- The Courts, Police Stations and the Gendarmerie Brigades ;
- Civil Society Organisations (especially the Burkinabè Movement for Human and Peoples' Rights, Promo-Femmes, the Association of Widows and Orphans, Voix de Femmes, the Association of Burkina Lawyers, WILDAF, the PUGSADA Association).

VI. Monitoring of the Implementation of the Provisions of the Protocol

366. The Ministry Women's Affairs has established a framework for the protection and promotion of women's rights dubbed National Commission for the Implementation of the Commitments of Burkina Faso for Women (CNSEF) (Decree No.2008-482/PRES/PM/MPF/MEF of 3 July 2008 on the establishment, responsibilities and composition of the National Commission for the Monitoring of the Implementation of Commitments to the Development of Women). The CNSEF is a consultative body comprising representatives of ministerial departments and civil society organisations. It issues opinions and recommendations on the implementation of the commitments of Burkina Faso to women.

367. The powers of the CNSEF are to:

- List the statements of commitments of Burkina Faso designed to promote women;
- Stimulate initiatives to make decision-makers and the population aware of these different commitments ;
- Ensure the effective implementation of the different commitments ;
- Work towards compliance with timelines for the production of progress reports for the commitments accompanied by a monitoring mechanism ;
- Participate in consultative frameworks relating to the different commitments ;

- Support the ratification of existing or upcoming legal instruments that enhance socio-economic, political and cultural advancement of women in Burkina Faso.

Conclusion

368. Since the presentation of the previous report of Burkina Faso, a lot of progress has been achieved in the area of civil and political rights. Most of the recommendations made by the African Commission on Human and Peoples' Rights have been implemented. Moreover, efforts have been made towards the prevention of torture and punishment of perpetrators of this practice with the enactment of the law on the definition of torture and related practices. The efforts have also touched on the intensification of awareness raising actions for the entire population.

369. In the area of economic, social and cultural rights, progress has been made in spite of the difficulties encountered. Many programmes, policies and strategies have been enacted, implemented, particularly in areas such as health, education, culture, housing and labour. One of the major innovations is the passage of Law No. 2012-034/AN of 2 July 2012 on Agrarian and Land Reforms and Law No. 034-2012/AN of 2 July 2012 on Agrarian and Land Reforms and tools for the management of community conflicts. Furthermore,

370. The situation of vulnerable persons such as women, children and persons with disabilities has also improved with the establishment of principles of free services in the area of health and education and the fight against all forms of discrimination.

371. Notwithstanding these headways, it must be noted that the implementation of some rights is confronted with difficulties related mostly to inadequate resources, to lack of knowledge about legislation, the persistence of socio-cultural bottlenecks, climatic uncertainties and to the international economic and political context. Several actions have been taken by different public and private stakeholders in order to gradually remove the constraints and create the conditions for actual effectiveness of human rights.

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