



**International Convention on
the Elimination of All Forms
of Racial Discrimination**

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Committee on the Elimination of Racial Discrimination

**Reports submitted by States parties under article
9 of the Convention**

**Combined twelfth to nineteenth periodic reports of States
parties due in 2011**

Burkina Faso*, **

[6 November 2012]

* This document contains the combined twelfth to nineteenth periodic reports of States parties due in 2011. For the sixth to eleventh periodic reports and summary records of the meetings at which the Committee considered those reports, see documents CERD/C/304/Add.41 and CERD/C/SR.1236, 1237 and 1242.

** In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not formally edited before being sent to the United Nations translation services.

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I. Introduction

1. Burkina Faso is a party to the International Convention on the Elimination of All Forms of Racial Discrimination, which it ratified on 18 July 1974. Several measures have been taken to comply with its international commitments under the Convention, particularly articles 1 to 7, and to prevent all practices likely to promote racial discrimination. This report presents the measures taken to give effect to the Convention.

2. The country's population is made up of several different races and a range of ethnic groups. This racial, ethnic and cultural diversity is part of the wealth of the country's people. Despite the diversity, however, there is a good level of social cohesion in the population.

3. This report, drawn up after the previous report of 1997,¹ highlights the legislative, administrative, judicial and other measures taken by Burkina Faso to give effect to the Convention. It was prepared by the technical services of the Ministry of Human Rights and Civic Promotion in collaboration with other Government departments and public institutions, taking account of the guidelines. It was discussed in a validation workshop attended by public sector agencies and civil society organizations working on issues related to human rights. The draft report was also submitted to the Interministerial Committee on Human Rights and International Humanitarian Law and adopted by the Council of Ministers.

4. In accordance with the general guidelines,² the first part of this document provides general information on the country and the second part looks at the measures taken to comply with articles 1 to 7 of the Convention.

II. Part one: General information on Burkina Faso

A. Land and population

1. Land

5. Burkina Faso is a landlocked Sahelian country. Ouagadougou is its capital and the second city is Bobo-Dioulasso. It is located in the Niger Bend, in the heart of West Africa, and has a surface area of 274,122 km². It borders Côte d'Ivoire in the south-west, Ghana and Togo in the south, Benin in the south-east, Niger in the east and north-east, and Mali in the west and north.

6. The climate is of the Sudano-Sahelian type, characterized by a long dry season from October to April and a rainy season from May to September. The vegetation is Sudano-Sahelian.

7. The drainage network comprises many watercourses, including the Mouhoun, the Nakambé and the Nazinon.

8. Average annual rainfall is 250–500 mm in the far north, 500–1,000 mm in the centre-north and 1,000–1,300 mm in the west and the south-west.

¹ CERD/C/279/Add.2.

² General guidelines regarding the form and contents of reports to be submitted by States parties under article 9, paragraph 1, of the Convention (CERD/C/70/Rev.5).

9. The country's natural environment is arid, the topsoil is generally thin and soil fertility is low.

10. Burkina Faso is subdivided into regional and local authorities (13 regions and 351 communes) and administrative districts (13 regions, 45 provinces and 351 departments).

2. Population

(a) Demography

11. The population is growing significantly. It increased from 7,964,705 inhabitants in 1985 to 10,312,609 in 1996 and 14,017,262 in 2006, according to the final results of the general population and housing censuses for those years. The final results of the most recent census (2006) show that there are now 6,768,739 men and 7,248,523 women in the country, or 93 men for every 100 women. Women represent 51.7 per cent of the overall population and men 48.3 per cent. Population density was estimated at 51.8 inhabitants per square kilometre in 2006 and the annual population growth rate was 3.1 per cent. The population was estimated to be 16,967,845 in 2011.

12. Burkina Faso is going through rapid urbanization. The level of urbanization was 12.7 per cent in 1985, 16.2 per cent in 1996 and 22.7 per cent in 2006 according to the results of the 2006 census. Centre region had the highest level of urbanization (77.5 per cent) followed by Hauts-Bassins region with 34.7 per cent. These two regions have the two largest cities in the country: Ouagadougou and Bobo-Dioulasso. By contrast, the Sahel and East regions have the smallest urban populations, with 6.5 per cent and 6.3 per cent respectively.

13. The population of Burkina Faso is unevenly distributed, with 80 per cent living in rural areas. Twenty-one per cent of men and 19.5 per cent of women live in towns.

(b) Ethnic groups

14. Burkina Faso has about 60 ethnic groups of different sizes. Not all of them live in specific geographical areas. Because of their traditional economic occupations, some ethnic groups are present throughout the country, particularly in urban centres, large villages and areas that are good for farming or livestock.

(c) Languages

15. Burkina Faso has a mosaic of national languages with some 60 national languages spoken. Mòoré is the most common, and is spoken by more than half of the resident population (50.5 per cent), Fulani comes second with 9.3 per cent, followed by Gulmancema with 6.1 per cent, Dioula with 4.9 per cent, Bissa (3.2 per cent), and Bwamu (2.1 per cent). French is the official language.

(d) Religion

16. Burkina Faso is a secular State with four major religious groups. Information on the different religions is given in the common core document that forms the first part of the report submitted by Burkina Faso.³

³ HRI/CORE/1/Add.30.

B. General legal framework for the protection of human rights

1. Normative framework

17. In Burkina Faso, the legal framework for the protection of human rights is based on the principle of the rule of law. The Constitution of 11 June 1991 is the source of the rule of law. Its title I (articles 1 to 30) proclaims civil, political, economic, social and cultural rights, as well as the different rights of specific groups and “third generation” rights, such as the right to peace, the right to a healthy environment, etc.

18. The procedures for exercising the various rights enshrined in the Constitution are established by a series of laws passed by the National Assembly and decrees issued by the Government. The most important pieces of legislation include:

- The Personal and Family Code;
- The Criminal Code and the Code of Criminal Procedure;
- The Labour Code;
- The Social Security Code;
- The Electoral Code;
- The Information Code;
- The Environmental Code;
- The Town Planning and Construction Code;
- The Public Health Code.

These texts establish legal protection for human rights and give citizens grounds for demanding that they be respected.

19. Article 151 of the Constitution stipulates that “duly ratified or approved treaties and agreements shall, once promulgated, have primacy over laws”.

2. Institutional framework

(a) Government

20. Because it has the major function of implementing laws, the Government plays an important role in the area of human rights. It thus adopts measures to prevent violations and to promote and protect human rights, as well as specific measures to ensure the enjoyment of those rights. Human rights are of a cross-cutting nature and relate to all sectors of public policy.

(b) National Assembly

21. The National Assembly contributes significantly to the implementation of human rights, including by adopting legislation on the exercise of individual and collective rights, voting on the budget and monitoring public policy.

(c) The Judiciary

22. Pursuant to article 125 of the Constitution, the judiciary is the guardian of individual and collective freedoms and, as such, is responsible for ensuring that the human rights and freedoms guaranteed by the Constitution are upheld. It hears and rules on complaints filed by citizens and punishes violations of their rights.

3. Procedural safeguards

23. A legal framework can only be effective if an individual who claims that his or her rights have been violated may appeal to the courts, the administration or mediation bodies to obtain a just remedy for the violation. Article 4 of the Constitution guarantees equal protection of the law for everyone living in Burkina Faso. Everyone has the right to have their case heard by an independent and impartial court. Similarly, it recognizes the principle of the presumption of innocence.

24. In practice, no restrictions are applied at the judicial, administrative or any other level, and all appeals are treated equally. Any person who considers that his or her rights have not been respected may refer the matter to a civil, administrative or criminal court, the Ombudsman or the administrative authority that issued the prejudicial decision. The conditions for filing an appeal with these authorities are broadly the same, with just a few differences.

(a) *Appeals to the courts*

25. The law establishes the subject-matter and territorial jurisdiction of the different courts. Individuals who claim that their rights have been violated may bring the matter before the competent court and claim reparation for harm suffered and/or punishment of the wrongdoer. Referral to the courts is not conditional upon criteria relating to the nationality of the complainant. Referral to the courts is not conditional upon criteria relating to the nationality of the complainant. The court rulings are binding and individuals may call on law enforcement officials to enforce a ruling in their favour.

(b) *Appeals to an administrative authority*

26. Citizens whose rights have been violated may refer their cases to the administrative authorities in several ways. When an administrative act adversely affects the rights of an individual, he or she may apply to the administrative authority concerned for reconsideration or to a higher administrative authority for review of the decision. Such an application is submitted in the form of a simple letter to the administrative authority concerned.

27. Citizens may also file complaints with the relevant authorities if their rights are violated by any natural or legal person. These remedies enable the authorities to take measures to address or put an end to situations that undermine human rights and to punish those responsible if necessary.

(c) *Appeals to the Ombudsman*

28. A complaint signed by the individual concerned may also be submitted in writing directly to the Ombudsman. Complainants should ensure that their submission contains an account of the dispute and all the supporting evidence needed to investigate the case. It is preferable to apply first to the provincial delegate, if such exists, for advice on the best course in respect of the documentation to be submitted, the procedure to be followed or resolution of the dispute. The complaint may also be submitted through an elected representative (member of Parliament, mayor or town councillor), if there is one, in which case it should simply be sent to that person, who then forwards it to the Ombudsman.

29. There is no fee for submitting a complaint to the Ombudsman, which must, in all cases, be done in writing. However, for a complaint to be admissible, the complainant must be able to show proof that the administration concerned has been given an opportunity to respond. The administration thus has four months to respond to the complainant. The complaint may be submitted only once that period has elapsed.

30. The Office of the Ombudsman may also assume jurisdiction of its own motion in any matter that falls within its jurisdiction whenever there are reasonable grounds to believe that the rights of a person or a group of persons have been or may be adversely affected by an act or omission of a public agency.

31. The submission of a complaint to the Ombudsman does not suspend the deadlines for filing an administrative or judicial remedy; this means that the complainant may, if he or she so wishes, initiate a case in the courts at the same time. The Ombudsman may also be seized of the case at the request of the President or the Government.

III. Part two: Information relating to articles 1 to 7 of the Convention

Article 1

Definition of racial discrimination

32. There is no specific definition of racial discrimination in national law. However, the Constitution, in article 1, paragraph 3, provides that “Discrimination of any kind, particularly that based on race, ethnicity, region, colour, sex, language, religion, caste, political opinion, wealth or birth, is prohibited”. This constitutional provision covers discrimination based on race, colour, descent and national or ethnic origin. The prohibition of discrimination contained in other legislative and regulatory texts includes distinctions based on the same criteria. It covers both direct and indirect forms of racial discrimination.

33. No reservation, restriction, limitation or derogation is made to the prohibition of racial discrimination in the country. The differential treatment that is practised based on nationality or alien status mainly concerns access to jobs related to national sovereignty, such as those in national defence, the diplomatic service and the judiciary, which are reserved exclusively for nationals.

34. Burkina Faso has not taken any specific actions aimed at protecting or promoting a certain race or ethnic group. Some positive steps have been taken to promote the effective enjoyment of rights by certain categories of persons, such as those with disability, the elderly, women and children. However, these measures do not target a certain race or ethnic group.

Article 2

Condemnation of racial discrimination

(a) *Measures taken in the context of the prohibition of racial discrimination*

35. Equality between human beings and the prohibition of all forms of discrimination are two of the principles set forth in the Constitution. Similarly, many legislative and regulatory texts prohibit all forms of discrimination. Furthermore, no political parties or groupings may be formed on a tribalist, regionalist, denominational or racist basis (Constitution, art. 13).

36. Article 132 of the Criminal Code establishes a penalty of 1 to 5 years’ imprisonment and 5 years’ restricted residence for any act of discrimination or manifestation contrary to freedom of conscience or freedom of worship that is likely to set individuals against each other.

37. The same provision defines an act of racial discrimination as any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic

origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life.

38. The Personal and Family Code grants equal enjoyment of civil rights to nationals and foreigners, thus prohibiting any idea of discrimination. The Code gives effect to the idea of equality by stating, in its article 234, for example, in respect of marriage, that “Marriage results from the free and conscious wish of a man and a woman to take each other as spouses. Accordingly, any impediments or objections to marriage on the basis of race, caste, colour or religion are prohibited.”

39. Labour legislation (Act No. 28-2008/AN of 13 May 2008 establishing the Labour Code, article 4) also prohibits any discrimination in respect of employment and occupation. It defines discrimination as: “(1) any distinction, exclusion or preference based on race, colour, sex, religion, political opinion, disability, pregnancy, national descent or social origin that has the effect of destroying or impairing equality of opportunity in employment or occupation; (2) any other distinction, exclusion or preference that has the effect of destroying or impairing equality of opportunity or treatment in employment or occupation.”

40. Article 38 of the Act prohibits an employer making “any discrimination of any kind in relation to access to employment, conditions of work, vocational training, job retention or dismissal, particularly in relation to real or apparent HIV status”.

41. Act No. 56/93/ADP of 30 December 1993 on the Information Code, in its article 112, paragraph 2, condemns the defamation of a group of people because of their racial or regional origin or religious affiliation, when intended to incite hatred between citizens or inhabitants.

(b) *Specific measures to ensure the development and protection of certain racial groups*

42. Burkina Faso applies the principle of the unity of the country and equality of treatment of all racial groups and individuals living in the country. No specific measures are therefore taken. Projects and programmes are implemented without consideration of any particular racial group but rather according to the resources of the State and of the development plan. Thus, for example, the health-care infrastructure development plan has no objective other than the establishment of proper health infrastructure throughout the country.

Article 3

Condemnation of racial segregation and apartheid

43. Burkina Faso is a party to the International Convention on the Suppression and Punishment of the Crime of Apartheid, which it ratified on 24 October 1978, and the International Convention against Apartheid in Sports, ratified on 29 June 1988. There are no specific national provisions that expressly condemn racial segregation but it may fall under article 132 of the Criminal Code as mentioned above.

Article 4

Measures designed to prohibit incitement to racial hatred

(a) *Measures to eradicate all incitement to racial hatred*

44. Article 112, paragraph 2, of the Information Code condemns the defamation of a group of people because of their racial or regional origin or religious affiliation, when

intended to incite hatred between citizens or inhabitants. The penalty is imprisonment for between 1 month and 1 year and a fine of 100,000 to 1,000,000 CFA francs.

45. Organizations which incite and encourage racial discrimination may be disbanded and their leaders prosecuted. Act No. 10/92/ADP of 1992 on freedom of association, in its article 47, states that “The dissolution of any association, union or merger of associations may take place only after the period set by its statutes or as a result of a decision taken by its higher instance. However, if it is established ... that an association has an unlawful cause or objective, or that it engages in activities contrary to its statutes, or in events likely to disturb public order, morality and peace or of a nature to cause such disturbances or, finally, has the character of a private militia or a subversive organization, the association may be dissolved.” The leaders of such associations may be prosecuted under article 132 of the Criminal Code.

46. In Burkina Faso, about 60 ethnic groups live side by side in harmony, assisted by such traditional regulatory mechanisms as *la parenté à plaisanterie* (a tradition that allows members of certain groups to mock each other without harming their relationship). This encourages the intermingling of different ethnic groups in both the individual and the collective consciousness.

47. However, conflicts between farmers and pastoralists are often a result of the development of extensive livestock production and the expansion of cultivated areas. Initially such disputes are generally managed informally within the community using a negotiation mechanism between the protagonists to seek an amicable solution, in accordance with the traditional values and customs in the area. If that does not work, the interested parties refer to formal structures. The administration, in this case the prefecture, may thus be seized of the matter. However, such disputes very frequently degenerate into violent clashes between communities with disastrous consequences.

48. With the resurgence in conflict situations, the Government, through the Ministry of Human Rights and Civic Promotion, undertakes mediation to manage conflicts over land. Some villages and departments also have commissions working towards conciliation and the amicable settlement of conflicts between farmers. They were set up by joint administrative order No. 2000-31/MRA/AGRI/MEE/MEF/MATS/MEN/MIHU of 21 July 2000 on the resolution of disputes between farmers and livestock herders.

49. The Ministry of Human Rights has also done some awareness-raising work in several locations on conflicts between farmers and herders. It has developed and produced 5,000 copies of a manual on the management of community conflicts between farmers. The manual has been widely disseminated, especially to civil society, to strengthen their capacity in the management of these conflicts.

(b) *Additional measures*

50. Burkina Faso has not taken any additional measures under general recommendations 1 of 1972, 7 of 1985 and 15 of 1993 adopted by the Committee in relation to article 4 of the Convention.⁴ However, existing legal and regulatory provisions already penalize the acts targeted by article 4 of the Convention, and particularly the dissemination of ideas based on racial superiority or hatred, or incitement to racial discrimination, as well as all acts of violence or incitement to such acts against any race or group of persons of another colour or ethnic origin, and also the provision of any assistance to racist activities, including the financing thereof.

⁴ HRI/GEN/1/Rev.9, vol. II, pp. 7, 14 and 22.

(c) *Information on the implementation of decision 3 (VII) adopted by the Committee on 4 May 1973*⁵

51. Criminal provisions are largely contained in the 1996 Criminal Code and the Information Code of 1993.

52. Thus article 132 of the Criminal Code establishes a penalty of 1 to 5 years' imprisonment and 5 years' restricted residence for any act of discrimination or manifestation contrary to freedom of conscience or freedom of worship that is likely to set individuals against each other. This provision makes it possible to prosecute perpetrators of acts of racial discrimination. The article is contained in section I, chapter 4, of the Criminal Code, entitled "Offences of a racial, regionalist, religious, sexist or caste-based nature".

53. Article 112, paragraph 2, of the Information Code also provides for criminal penalties of imprisonment for between 1 month and 1 year and a fine of 100,000 to 1,000,000 CFA francs for the perpetrators of defamation of a group of people because of their race, in either general or specialized publications, posters, audiovisual media or any other means of mass communication. There has been no significant change since 1997 in the legislation concerning criminal sanctions for discrimination. There are for the moment no specific provisions relating to racial segregation.

Article 5

Protection against racial discrimination

(a) *The right to equal treatment*

54. As mentioned above, article 4 of the Constitution guarantees all individuals living in Burkina Faso equal protection under the law. Everyone is entitled to have his or her case heard by an independent and impartial tribunal. It further states that every accused person is presumed innocent until proven guilty. These principles apply to both citizens and foreign nationals living in the country, without distinction as to race, colour, descent or national or ethnic origin.

55. Burkina Faso has adopted two major pieces of legislation in the context of the fight against terrorism. These are Act No. 60-2009/AN of 17 December 2009 punishing acts of terrorism in Burkina Faso and Act No. 61-2009/AN of 17 December 2009 on combating the financing of terrorism. These two acts do not include any discriminatory measure and apply to all persons without distinction.

56. Regarding investigations into complaints of racial discrimination, it should be noted that no competent authority has registered any complaint concerning acts of racial discrimination.

57. The right to a defence, including the right to freely choose a defence counsel, is also guaranteed in all courts. In practice, no restrictions are imposed and all requests are treated equally in terms of both the judicial and the administrative aspects. Any person who considers they have been wronged may refer the matter to a court, the Ombudsman or the administrative authority that issued the prejudicial decision, or any other legally competent authority.

58. The conditions for filing an appeal with these authorities are broadly the same, with just a few differences. Procedure requires foreign plaintiffs to put up a surety known as an

⁵ *Official Records of the General Assembly, Twenty-eighth Session, Supplement No. 18 (A/90/18), p. 122.*

exceptio judicatum solvi (surety paid by a foreign national in legal proceedings). The amount of the surety is set by the court to cover the payment of damages in the event of a conviction. The payment of this surety is required only if the defendant so requests *in limine litis* (that is, at the very beginning of the proceedings).

59. There is no charge for filing a case with the courts in Burkina Faso. The criteria for the jurisdiction of the different courts are set down in law, and are the same as in other countries of Latin tradition. They take account of:

- The place of residence of the defendant, in the case of civil procedure;
- Location, in the case of a right in rem or a building;
- The place where the offence was committed, in the case of a criminal tort.

60. Nationality and race are not factors taken into account in access to justice in Burkina Faso.

61. There are two channels for referring civil and commercial cases to the courts: petitions and writs. Petitions are generally used in civil cases, including in disputes relating to personal and family law. There are no special conditions for this type of referral other than the jurisdiction of the court as defined by law. The nationality or race of the petitioner cannot affect the jurisdiction of the court which, if a foreign national is involved, may invoke the rules of private international law to resolve the dispute. Petitions are also used in contractual matters. Writs are the second mode of referral to the courts, and are used in non-contractual and non-intentional tort.

62. In labour affairs, under article 338 of Act No. 28-2008/AN of 13 May 2008 on the Labour Code, the main requirement for taking a case to a labour court is that there must be an individual dispute between a worker and his or her employer or an apprentice and his or her master over an employment or apprenticeship contract. However, before the case is brought before a labour court, the labour inspectorate begins conciliation proceedings. In the absence or failure of conciliation, legal proceedings are initiated. Migrant workers also have access to these courts, which settle:

- Disputes relating to industrial accidents or occupational diseases, including those involving the application of the social security scheme;
- Individual disputes relating to the application of collective agreements and regulations that serve the same purpose;
- Disputes between workers over employment contracts and direct action by workers against employers;
- Disputes between workers and employers about work and between the social security institutions, their beneficiaries and the taxpayer;
- Complaints by contractors against subcontractors.

63. Article 344 of the Labour Code stipulates that: "Proceedings in employment disputes may be brought before the court free of charge." Workers also benefit from legal assistance to have judgements in their favour enforced. This provision applies to all workers covered by the Labour Code, including migrant workers. Thus, no distinction is made between Burkina Faso nationals and foreign nationals.

64. All persons living in Burkina Faso may also apply to the administrative courts on *ultra vires* grounds for the annulment of illegal administrative acts that are prejudicial to their interests. They may also submit a full appeal to the courts for compensation for any harm suffered as a result of an administrative act.

65. Any person who is the victim of a criminal offence may either file an ordinary complaint with the police or prosecutor's office or bring a criminal indemnification action before an investigating judge. Such a complaint or action may lead to the conviction of the perpetrator and payment to the victim of compensation for any harm suffered.

(b) *Right to security of person and protection by the State against assault or bodily harm*

66. There have been no proven cases of racial discrimination in matters of security of person in Burkina Faso. Because of this, no action has been taken specifically to protect any given racial group. General measures are taken as part of national security policy to protect the whole population living in Burkina Faso. To date, no ongoing or past legal case linked to discrimination has been identified in legal statistics.

(c) *Political rights*

67. All Burkina Faso citizens, without distinction, have the right to exercise their political rights. They are all entitled to vote and to be elected in accordance with the law. A number of constitutional and legislative provisions lay down the organization and conduct of the different elections, as well as the conditions for participation. They include chapter 2 of the Constitution, Act No. 014-2001/AN of 3 July 2001 on the Electoral Code and its amendments, Act No. 32-2001/AN of 29 November 2001 on the Political Parties and Groupings Charter, Act No. 028-2005/AN of 14 June 2005 on the establishment, composition, powers and ways of work of the Higher Council for Communication and Act No. 003-2000/AN of 11 April 2000 on the Constitutional Council. Article 242 of the Electoral Code explains the conditions to be fulfilled by Burkina Faso nationals and foreigners who wish to be elected as municipal councillors.

68. The wish to encourage the exercise of political rights at all levels of society was validated on 16 April 2009 with the adoption of Act No. 010-2009/AN, which sets quotas for legislative and municipal elections in Burkina Faso. The Act encourages political parties to ensure that each sex makes up at least 30 per cent of their candidates and reduces by half the public funding for election campaigns of any political group that does not follow this rule.

(d) *Other civil rights*

69. Any person living in Burkina Faso has the right to move freely and to choose where to live in the country. The same applies to the right to leave the country and to return to one's own country. This is subject to the granting of an entry visa for foreign nationals, with the exception of citizens of the member countries of the Economic Community of West African States (ECOWAS). There are no specific situations that would require a balance to be found between the exercise of some civil rights and the right to protection against racial discrimination.

(e) *Economic, social and cultural rights in particular*

70. The Government spares no effort to ensure that all its citizens, and anyone living in territory under its jurisdiction, may enjoy economic, social and cultural rights. However, economic and climatic factors do constitute major obstacles to the realization of these rights. Economic, social and cultural rights are recognized in the Constitution, the preamble of which clearly expresses commitment to the international human rights instruments, as well as many legislative and regulatory texts.

(i) The right to work

71. The right to work is enshrined in article 19 of the Constitution, which provides that: “The right to work is recognized as an equal right for all. Discrimination in employment and remuneration, including that based on sex, colour, social origin, ethnicity or political opinion, is prohibited.” In order to give effect to this, two distinct but complementary policies are implemented by the Ministry of the Civil Service, Labour and Social Security, which works in both the public and the private employment sectors. Similarly, the Ministry of Youth, Employment and Vocational Training works in the private and the semi-public sectors. The policies are implemented through recruitment into the civil service and employment in the private sector. They are designed to provide a certain number of jobs under a general labour policy constructed mainly on the basis of two Acts, No. 013-98/AN of 28 April 1998 establishing the legal regime applicable to civil service employment and employees and No. 028-2008/AN of 13 May 2008 on the Labour Code.

72. The ban on racial discrimination is reaffirmed by Act No. 013-98/AN establishing the legal regime applicable to civil service employment and employees, which, in its article 9, enshrines the principle of equal access to public employment, thus prohibiting all forms of discrimination between candidates for jobs. Accordingly, no candidate for a job may be discriminated against on grounds of his or her religious beliefs, political opinions, ethnicity or sex. Further, article 11 provides for the possibility, in certain circumstances, of recruiting candidates of foreign nationality as temporary civil servants.

73. Access to public employment is generally through competitive examinations in the conditions set out in articles 9 to 13 of Act No. 013-98/AN, which comply with the spirit of article 19 of the Constitution. There are both direct and professional competitive examinations. In addition to temporary civil servants, the Government also recruits on the basis of qualifications and tests. The latter use a pass mark that is set in advance, while recruitment on the basis of qualifications is for staff whose level or diploma is not appropriate to a competitive examination. Recruitment on the basis of qualifications also covers those cases where the number of applicants is equal to the number of posts to be filled. Staff have been thus recruited or promoted in all sectors of public administration. Larger numbers of staff have been recruited in the health, education, security, defence, agriculture and livestock sectors.

74. Any person living in Burkina Faso, without distinction of race or origin, has the right to work in the private sector. Article 4 of Act No. 028-2008/AN on the Labour Code prohibits any discrimination in employment. It defines discrimination as:

- Any distinction, exclusion or preference, particularly based on race, colour, sex, religion, political opinion, disability, pregnancy, national extraction or social origin, which has the effect of nullifying or impairing equality of opportunity or treatment in matters of employment or occupation;
- Any other distinction, exclusion or preference which has the effect of nullifying or impairing equality of opportunity or treatment in matters of employment or occupation.

75. Burkina Faso has also ratified the International Labour Organization Discrimination (Employment and Occupation) Convention, 1958 (No. 111).

(ii) The right to form and join trade unions

76. Like the freedom of association, trade union freedoms are recognized for all without exception by the Constitution of June 1991. Article 21, paragraph 2, specifies that “trade union freedoms are guaranteed. Union activities are not subject to any limitations or

restrictions except those set forth in the law.” Article 22 further provides that “The right to strike is guaranteed, and is exercised in accordance with the legislation in force.”

77. The overall framework is laid down by Act No. 10-92/ADP of 14 December 1992 on freedom of association and Act No. 028-2008/AN on the Labour Code. The former sets out the general conditions for the establishment of associations and trade unions and the exercise of their activities. Its article 2 stipulates that: “Associations may be formed freely and without prior administrative authorization. Their validity shall be governed by the general legal principles applicable to contracts and obligations. However, they have legal capacity only in the conditions laid down by this Act. They may be recognized as public-interest associations.” The conditions laid down by the Act include, among others, the issuance of a registration certificate by the authorities. Moreover, under article 28 of the Act, employers wishing to form a trade union must complete the following formalities:

- Convene a founding committee comprising at least 20 members;
- Submit to this committee for adoption statutes containing the name, aims, purpose, structure, headquarters and rules of procedure of the future trade union;
- Appoint leaders of the committee by means of a free vote. The minutes must mention the place and date of the committee meeting and the composition of the leadership, with the identities and full addresses of the first leaders of the union.

78. Article 275 of the Labour Code provides that workers and employers may freely establish professional associations for persons engaged in the same, similar or related occupations involved in the production of specific goods.

79. All workers and employers may freely join the union of their choice within their occupational group (art. 277). Children aged at least 16 may join trade unions, unless their father, mother or guardian objects (art. 283).

80. The founders of the union (art. 278) are required to register its statutes and the names of those who, in one capacity or another, are responsible for its administration or management. A local union must be registered at the office of the administrative district in which the union is established. If the union is national or international, this must be done at the ministry responsible for civil liberties. Copies of the statutes are sent to each of: the relevant labour inspector, the director-general of labour and the State prosecutor.

81. The members responsible for the administration or management of a trade union enjoy the protection granted to staff representatives against redundancies and arbitrary transfers.

82. In taking decisions on, in particular, recruitment, the organization and distribution of work, vocational training, promotion, pay, social benefits, disciplinary measures and dismissal, no employer may take account of whether a worker belongs to a trade union or not or is involved in trade union activities. The authorities may neither suspend nor dissolve workers’ and employers’ unions. They may be dissolved only by court order.

83. Professional unions have legal personality. They may thus exercise all the rights of a claimant in criminal proceedings in all courts and allocate a portion of their resources to both the establishment of housing for workers and the acquisition of real estate.

84. They may also create, administer or subsidize such works as:

- Social welfare institutions;
- Solidarity funds;
- Laboratories;
- Areas of experience;

- Educational works in the areas of science, agriculture or social issues, and courses and publications of interest to the profession.

They may subsidize producers' or consumers' cooperatives as well as all public or private institutions of interest to workers, and sign contracts or agreements with any other trade unions, companies, enterprises or persons.

85. The movable and immovable property that trade unions require for their meetings, libraries and vocational training courses may not be seized. Trade unions must be consulted on all disputes and all matters related to their profession or economic branch (art. 297).

86. Legally established trade unions may meet freely to analyse and protect their occupational interests (art. 299). They may form federations at the national or local levels. The rights and obligations of trade unions established by Act No. 10-92/ADP on freedom of association are also recognized to trade union federations.

(iii) The right to housing

87. The principle of State ownership of all farm land is established in the law. Act No. 014/96/ADP of 23 May 1996 on agrarian and land reform in Burkina Faso states in its article 4 that: "The national territory is State property as of right." It establishes rules for access to and use of the land by the various stakeholders (natural and legal persons).

88. Burkina Faso has a low level of urbanization. Most households live in rural areas where buildings are generally of traditional construction. In towns, there has been a change from the traditional to the modern type of building, as a result of international exchanges and western influence, which introduced new building materials.

89. More than 90 per cent of housing is built by the people who live in it. The Government has encouraged private initiatives in direct housing construction, which has led to the emergence of private operators in real estate and land promotion. Act No. 017-2006/AN of 18 May 2006, establishing the Town Planning and Construction Code, encourages this trend.

90. A social housing programme has been introduced to give effect to the right to housing. The basic criterion for acquiring the housing is the applicants' income, together with the terms and conditions of sale. There is no positive discrimination in favour of any particular group.

(iv) The right to health, medical care, social security and social services

91. The right to health is recognized for any person living in Burkina Faso, without distinction. It is enshrined in articles 18 and 26 of the Constitution of 1997. These are complemented by article 6 of the Hospitals Act (No. 034-98/AN) of 18 May 1998, which provides that public and private hospitals, whether or not operated for profit, must guarantee equal access to all their services. However there are still some problems with the application of the right to health, linked particularly to the lack of health-care infrastructure and staff. The Government has therefore taken measures to improve the health situation in the country, with the adoption of a new national health policy and a national health development plan that have the following main objectives:

- To reduce perinatal and infant mortality;
- To provide health care for children, with emphasis on primary health care;
- To combat disease and malnutrition;
- To provide appropriate care for pregnant women and nursing mothers;
- To build up prevention and education as well as family planning services.

92. In practice, the right to health is implemented by means of the national health policy, which includes the national health development plan for 2001–2010. Implementation of the plan has made it possible to expand health infrastructure coverage in the country to a certain extent. This has been done in a rational and egalitarian manner, without favouring any one locality over another. The preparatory studies for the national health development plan did not put specific emphasis on any groups with certain needs. Therefore no specific provisions were made.

93. A new national health development plan for 2011–2020 has been drawn up to take account of developments in health-care needs.

94. The right to social security is governed by Act No. 015-2006/AN of 11 May 2006 on social security provision for employed persons and persons treated as such. It sets up a social security scheme to protect private sector employees and persons treated as such, and their dependants. The scheme includes:

- A family benefits section responsible for family benefits and maternity benefits;
- An occupational hazards section, responsible for prevention and the payment of benefits in the case of an accident at work or occupational disease;
- A pensions section, responsible for the payment of old age, invalidity and survivors' pensions;
- The Act also makes it possible to set up other sections.

95. The social security scheme is run by the National Social Security Fund, which has established a compulsory insurance scheme for all private sector workers. All workers in the public sector, the private sector and temporary civil servants covered by the Labour Code must also sign up to the insurance scheme.

96. There are several pieces of legislation governing social security for public sector workers. They establish social security coverage for civil servants and other public officials. The scheme is run by the Civil Servants' Pension Fund. The legislation includes, in particular:

- Act No. 013-98/AN of 28 April 1998 on civil service jobs and officials, and its decree No. 98-205/PRES of 29 May 1998;
- Decree No. 2004-81/PRES/PM/MFPRE/MFB of 5 March 2004 on age limits for retirement of public officials and the introduction of end-of-service leave;
- Act No. 015-2004/AN of 4 May 2004 on the minimum age for military personnel in the Armed Forces;
- Act No. 022-2006/AN of 16 November 2006 on occupational hazards, applicable to public service officials, the judiciary, the military and their dependants.

(v) The right to education and vocational training

97. There is free access to public institutions, without distinction of race, ethnic group or social origin. There are thus no inequalities between ethnic groups in education or vocational training. The infrastructure development plan takes account only of the needs of the education zones. Particular attention is given to the rural areas, which are the most disadvantaged in terms of educational infrastructure. This is also the case with the deployment of teaching staff.

98. The same rules exist for vocational education. There are several vocational training and trade institutions. Students are recruited through direct or vocational competitive examinations.

- (vi) The right to take part in cultural activities on equal terms

99. Under the Constitution, every citizen has the right to participate freely in cultural life and in the promotion and protection of traditional values. Burkina Faso is a mosaic of cultures, with some 60 ethnic groups. Each social or ethnic group may practice its culture, religion and traditions or customs, respecting the law, public order and morals.

100. In May 2005, the Government introduced a cultural policy with the objective of achieving more mixing of cultures. It sets high priority on encouraging cultural diversity and reaffirms the equality of cultures, as well as free and democratic access to cultural activities.

- (vii) The right of access to all public places

101. Access to public places or other places open to the public is free and without discrimination. Under the law, no limitation or restriction may be placed on the right of access to public places on the grounds of race, colour or ethnicity. Article 9 of the Constitution guarantees the freedom of movement of persons.

Article 6

Right of victims to a remedy

102. In Burkina Faso, the right to a remedy against acts of racial discrimination is assured first by the Constitution, in its article 4, which provides that: "All citizens of Burkina Faso and all persons living in Burkina Faso enjoy equal protection before the law. Everyone is entitled to have his or her case heard by an independent and impartial tribunal."

103. Thus, the right to a remedy, recognized and safeguarded by the Constitution, is given effect by the various laws and administrative acts. It must, however, be recognized that the right to a remedy as it is defined is not specific to cases of discrimination but applies to all human rights violations.

104. When a case is brought, the court hears it in a manner that is impartial and fair. If the allegation is well-founded, the court will find the perpetrator guilty. If it finds that harm has been caused, the perpetrator will be sentenced to provide compensation. In the case of a criminal prosecution, the State may be sued in warranty if the accused fails to appear. The procedure results in a conviction when cases of discrimination are brought before the different courts in the national judicial system. To date, there have been no cases of racial discrimination brought to the attention of the country's courts or administration. As such, it is difficult to establish a practice in the area. There is thus no jurisprudence on racial discrimination.

Article 7

Education and information on the prohibition of racial discrimination

- (a) *Education and teaching*

105. The principles governing education are set out by Act No. 013-2007/AN of 30 July 2007 on education policy, which implements article 27 of the Constitution relating to the right to education. Article 3 of the Act provides that all persons living in Burkina Faso have the right to education, without distinction of any kind, including on the grounds of sex, social origin, race, religion, political opinion, nationality or state of health. That right is exercised on the basis of fairness and equal opportunity for all citizens. While taking account of these constitutional and legal provisions, the educational system around does not allow discrimination, particularly when based on race. Incentives have been introduced to

encourage the education of girls and the school enrolment of children in the Sahel and Eastern regions, where enrolment rates are lowest. They include the provision of supplies for school canteens and the distribution of food to parents whose children attend school regularly.

106. The education reform that resulted from Act No. 013-2007 differentiates between four parts of the educational system: formal education, non-formal education, informal education and specialized education (see art. 2). Formal education includes formal primary, secondary and higher education, and technical and vocational training. Formal primary education includes preschool, primary and post-primary education. Primary and post-primary education constitute “compulsory basic education”. Preschool education, of a duration of two to three years, is intended for children aged between 3 and 6. There are several types of structure — public and private, formal and non-formal — that provide this type of schooling.

107. There are three subcycles in primary education, each of which lasts two years: the preparatory classes – CP1 and CP2; the elementary classes – CE1 and CE2; and the middle classes – CM1 and CM2. The target group for these classes is children aged between 7 and 12 years old. This type of education is provided by public and private structures, the latter being either secular or religious. However, it is now mandatory for children aged 6 to 16 years to be enrolled at school.

108. Secondary education consists of general secondary and technical and vocational education. General secondary education, which lasts seven years, is divided into two subcycles. The first cycle lasts four years and the official age group is 13- to 16-year-olds. The second cycle lasts for three years; the official age group is 17- to 19-year-olds. Secondary technical and vocational education has three subcycles: a two-year short cycle, a three-year intermediate cycle and a four-year long cycle. Finally, higher education is provided mainly in public and private universities.

109. Non-formal education covers all structured education and training activities that are organized in a non-school framework. It includes non-formal education for young people and adults over the age of 15 (non-formal education for adolescents aged 9 to 15 years and non-formal early childhood education). It is aimed at anyone who wishes to receive training in a specific area in a non-formal structure. Non-formal education is provided in:

- Permanent literacy and training centres;
- Non-formal primary education centres;
- Various other training and coaching structures.

110. Informal education refers to traditional teaching, particularly within the family, in traditional and religious communities, political organizations, social groups, the mass media and other means of communication, and associations.

111. Special education is provided by State-accredited public or private structures in institutional or non-institutional settings.

112. There has not been any study to look at measures designed to combat prejudice leading to racial discrimination in education and teaching. It should be noted that such prejudices do not exist in Burkina Faso. They therefore do not constitute a real problem requiring the education authorities to take special measures.

113. The ministries responsible for education and teaching are working together with the ministry responsible for human rights to include human rights education in the school curricula, which, together with lesson content and teacher training provision, are being developed in ongoing studies. The programmes produced in this framework will take

account of all aspects of human rights, including the topic of combating racial discrimination.

114. It should, in any case, be noted that teaching programmes, particularly in primary education, include modules on “emerging topics”, under which heading human rights education will be integrated into the official teaching programmes. The modules to be taught cover the various principles relating to human rights, including the right to equality and non-discrimination. A pilot implementation phase made it possible to train 1,698 teachers between March 2008 and September 2009.

(b) *Culture*

115. Associations may be created freely in Burkina Faso. A number of them have the objective of promoting culture. As the general cultural environment in the country is accepting of others despite their differences, cultural associations tend to promote the culture of Burkina Faso.

116. Burkina Faso has organized a number of cultural events, including:

- The National Week of Culture;
- The Panafrican Film and Television Festival of Ouagadougou;
- The Ouagadougou International Crafts Show;
- The Ouagadougou International Book Fair;
- The Ouagadougou International Tourism and Hospitality Trade Show.

117. Cultural associations and private promoters organize other events with State support, including:

- The International Festival of Masks;
- Atypical Koudougou Nights;
- The Ouagadougou International Theatre and Puppet Festival;
- Zorgho Warba Festival;
- Libyan, Syrian and Egyptian fairs;
- Pouni Festival of Masks.

118. In November 2009, Burkina Faso adopted a 10-year national cultural policy (2010–2019). The background to the policy is recognition of the essential role that culture plays in economic and social development, creating knowledge, know-how and life skills.

119. The policy is underpinned by the guiding principles of respect for reference values and preservation and promotion of the values of hospitality and self-respect. The intention is to make culture a factor not only in building an identity that can adapt to the challenges of the time, but also in consolidating social peace by contributing to economic growth and development through the creation of jobs, income-generating activities and social well-being.

120. The aim is to use the policy to create a national cultural symbiosis from the cultural diversity that exists in Burkina Faso. The challenge is to achieve cultural intermingling between the different societies in order to enhance their mutual understanding and encourage them to share specific values that will thus become the core national values, thus spreading local cultural values.

121. Our culture is generally characterized as being rooted in national values, by its human impact, its attractiveness and its openness to the world. It thus helps to build and

strengthen national identity, to consolidate peace and national cohesion. In their activities, the institutions and associations take account of the principles and values that emerge from the national cultural policy. In practice, no minority group suffers discrimination in the free practice of its culture. Cultural associations work to promote the different cultures that exist in the country. They are free to carry out their activities in accordance with legislation. These activities all contribute to the cultural development and social cohesion of the country.

122. *La parenté à plaisanterie* (a tradition that allows members of certain groups to mock each other without harming their relationship) is a part of the culture that deserves mention. It is a mode of behaviour specific to the relations between certain ethnic groups. It is expressed in a verbal exchange, a tone, words, attitudes, sometimes by an aggressiveness that the protagonists could not display towards other people who do not share this particular link that is *la parenté à plaisanterie*. It plays an important role in Burkina Faso society. It is a source of entertainment and amusement, but it is also and above all a social regulator, an outlet that makes it possible to defuse a tense situation or conflict. The social functions played by *la parenté à plaisanterie*, which have been studied and highlighted by sociologists in recent years, have led the Government and civil society organizations to encourage the practice, which is seen as contributing to the stability and peace of the country. Although it cannot always defuse all social tensions, particularly conflicts between farmers and herders, *la parenté à plaisanterie* is a good practice which plays an important role in the country's social cohesion.

(c) *Information*

123. Burkina Faso has strict rules on seeking and disseminating information, to guarantee the right to information for everyone while still preserving public order, morality, privacy and the ethics of the communication professions. In order to better monitor the activities of the media, both public and private, and to redress any irresponsible reporting, the Higher Council for Communication was established as a monitoring body by Act No. 028-2005/AN of 14 June 2005.

124. Article 18 of the Information Code provides that “No specialized or general news publication may contain any illustration, story, information or insert which violates privacy or is contrary to public morals or civic ethics, or seeks to justify racism or tribalism. Furthermore, such publications may not contain any advertisement or announcement likely to promote juvenile delinquency or moral depravity.”

125. Article 89 of the Code also refers to the Criminal Code, which provides criminal sanctions for the perpetrators of such facts or acts.

126. To combat racial prejudices that lead to racial discrimination, the official press agencies do not give space to any particular racial or ethnic group. However, the large number of languages in the country (about 60) is an obstacle to using all of the country's languages in the media, particularly the public media. Therefore only 16 national languages (Bissa, Bobo Mandaré, Bwamu, Dafing, Dagara, Dioula, Fulani, Gulmancema, Lobiri, Lyele, Mòoré, San, etc.) are used in news broadcasts on Radiotélévision du Burkina, the national radio and television company, and Radio Rurale radio station. The media publicize human rights in various ways. The public radio and television broadcasters include features on issues related to human rights in their programmes. Radiotélévision du Burkina broadcasts programmes that discuss issues related to human rights.

IV. Part three: Implementation of the recommendations of the Committee

127. At its 1236th and 1237th meetings, the Committee on the Elimination of Racial Discrimination considered the combined sixth to tenth periodic reports of Burkina Faso⁶ and adopted conclusions at its 1242nd meeting on 21 August 1997.⁷ At that time, the Committee noted the factors and problems hindering implementation of the Convention, raised some main subjects of concern and concluded with suggestions and recommendations.

A. Concerns

128. The Committee expressed concern at the lack of legal provisions required in order to implement fully the State party's obligations under article 4 of the Convention, and the absence of data on the enjoyment of economic, social and cultural rights by the different sections of the population and on their access to development programmes and projects in the different fields. It also regretted the lack of data on the demographic composition of the population and on the representation of ethnic groups at various levels of public life.

B. Suggestions and recommendations

1. Information on the provisions of article 132 of the Criminal Code and of Act No. 10/92/ADP of 15 December 1992 on freedom of association

129. The Committee wished to receive more precise information on the provisions of article 132 of the Criminal Code and Act No. 10/92/ADP of 15 December 1992 concerning freedom of association and, in particular, whether and how they provide for the prohibition of all acts of racial discrimination and of organizations which promote racial discrimination.

130. Article 132 of the Criminal Code penalizes racial discrimination, establishing a penalty of 1 to 5 years' imprisonment and 5 years' restricted residence for any act of discrimination or manifestation contrary to freedom of conscience or freedom of worship that is likely to set people against each other. An act of racial discrimination is defined as any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin that has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life.

131. Act No. 10/92/ADP of 15 December 1992 governs the exercise of freedom of association in Burkina Faso. In substance, the legislation sets out the principle whereby associations, non-governmental organizations and trade unions may be set up on the basis of a simple declaration.

2. Information on the composition of the population and the representation of ethnic groups

132. The Committee requested Burkina Faso to provide, in its next report, information in accordance with paragraph 8 of the reporting guidelines on the composition of the

⁶ CERD/C/279/Add.2.

⁷ CERD/C/304/Add.41.

population and on the representation of ethnic groups at various levels of public life, as well as on their enjoyment of economic, social and cultural rights.

133. It is difficult to assess representation of the different ethnic groups in the various levels of public life. Access to different trades and to leadership bodies is not based on ethnicity. In order to avoid discrimination based on ethnicity, ethnic group is no longer noted in official documents.

3. Lessons learned on the progress made in promoting national languages and access to education for the entire population

134. In Burkina Faso, teaching and education are governed by Act No. 013-2007/AN on education policy. Article 3 of the Act states that "Education is a national priority. All persons living in Burkina Faso have the right to education, without distinction of any kind, including on the grounds of sex, social origin, race, religion, political opinion, nationality or state of health. The right is exercised on the basis of fair and equal opportunity among all citizens."

135. The annual education budget is approximately 20 per cent of the national budget, together with a significant contribution from non-governmental organizations and other technical and financial partners. The Government provides support for private schools on the basis of agreements. Thus, under the agreement between the Government and the National Union of Private Educational Establishments, the State grants a lump sum of 250 million CFA francs to private non-religious educational establishments bound by the agreement. The agreement, signed on 16 December 2006, is valid for a renewable period of five years. The State makes a financial contribution of approximately 800 million CFA francs to the Catholic Church. The amount varies from year to year, depending on the differences between expenditure and revenue. The efforts to promote education are part of the Poverty Reduction Strategy Framework Priority Action Programme.

136. The national education system includes formal education, non-formal education and informal education.

(a) Formal education

Action taken to promote access to education includes:

- Mass recruitment of teachers (3,000 per year);
- An increase in education infrastructure with the construction and equipping of school facilities (1,000 classrooms per year);
- An end to biennial school intakes with the introduction of multigrade classes and/or the standardization of three-class schools;
- The adoption of incentives for the enrolment and retention of girls in school;
- The adoption of incentives to reduce regional disparities;
- The admission to informal education centres of children who have dropped out of school or have had no schooling;
- The setting up of satellite schools to bring schools closer to the children;
- The free distribution of textbooks and school supplies;
- Provision to exempt orphans and vulnerable children from parental contributions;
- Coverage of parental contributions of girls in the first year of compulsory primary education;

- Collection of food for the students.

137. The result of this has been an increase in pupil numbers (1,390,571 in 2005/06, 1,561,258 in 2006/07, 1,742,439 in 2007/08, 1,906,279 in 2008/09 and 2,047,630 in 2009/10). This growth has had a significant impact on the gross enrolment rate, which rose from 48.7 per cent in 2002/03 to 77.6 per cent in 2009/10. The gross rates of admission into the first year of primary school have increased throughout the country. They were 70.7 per cent in 2005/06, 78.3 per cent in 2006/07, 85.7 per cent in 2007/08 and 85.8 per cent in 2009/10.

138. There are clear improvements in the indicators of the quality of primary education as a result of the measures taken to keep pupils in the system, the fact that textbooks and school supplies are free, the provision of teaching materials for schools, and awareness-raising among the educational community of the importance of school enrolment in general and particularly that of girls.

139. The principles of basic education, including the free and compulsory nature of public primary education, have had a positive knock-on effect on indicators of post-primary and secondary education. However, the combined effects of the measures taken by the Government to promote universal access to education have led to overcrowding in the classroom. Efforts are therefore being made to build additional classrooms.

140. At the secondary level, between 2006 and 2010 the Government:

- Built 20 junior high schools and 22 additional classrooms in the provinces with low enrolment rates;
- Built 30 local junior high schools;
- Opened 45 new State educational establishments;
- Converted 9 junior high schools into senior high schools;
- Converted 2 junior technical high schools into senior vocational high schools;
- Started building 4 senior vocational high schools;
- Built 115 additional classrooms in existing schools.

141. These achievements have helped to increase post-primary and secondary general capacity, from 497 schools in 2003/04 to 904 in 2009/10, a relative increase of 81 per cent. The growth in school capacity has led to a rise in gross enrolment rates over the same period from 17.37 per cent to 27.4 per cent in post-primary education and from 7.15 per cent to 10.1 per cent in secondary schools. The education system reform has also had a significant impact, with the introduction of many different incentives to increase enrolment and retention in post-primary and secondary education. They include a 50 per cent reduction in enrolment fees in all post-primary educational institutions, free schooling in the 45 departments where the reform is being piloted, and an increase in the subsidy to authorized private educational institutions. These measures have helped to increase the transition rate into post-primary from 43 per cent in 2003/04 to 53.3 per cent in 2009/10, a rise of 10 percentage points. There is little technical and vocational education available to the public. However, there has been a net increase of 75 per cent in the number of technical institutions, from 67 in 2003/04 to 114 in 2009/10 (including 103 private schools).

142. The State gives an annual subsidy to authorized secondary schools. This was 400,905,000 CFA francs in 2005, 537,575,000 CFA francs in 2006, 478,500,000 CFA francs in 2007, 569,935,000 CFA francs in 2008 and 1,187,240,000 CFA francs in 2009.

143. Higher education has been booming in Burkina Faso since 2002, as is reflected by the increase in student capacity at the Universities of Ouagadougou, Bobo-Dioulasso,

Koudougou and Ouaga II. The number of universities and private higher schools has also risen from about 15 in 2002/03 to 29 in the 2009/10 academic year. The Government is continuing work to improve students' living and working conditions. The situation in 2009 was as follows:

- The number of scholarships was doubled, from 500 in 2003 to 1,000 in 2009; and the total amount awarded in student grants rose from 2,893,307,000 CFA francs in 2006 to 3,680,189,000 CFA francs in 2009;
- More support was provided and loans were granted (the number of students who benefited from such assistance rose from 12,930 in 2006 to 21,540 in 2009);
- Over 1,000 first-year students received such support;
- The capacity of student residences was increased;
- The number of meals served in university canteens also rose.

144. In spite of these efforts by the Government, higher education faces numerous related problems, including an upsurge in the number of students in universities, a shortage of university facilities, too few universities, strikes by teachers and students and the various social crises that the country is experiencing. To address these problems, the Government has set up universities in Fada N'Gourma, Ouahigouya and Dédougou. Other universities are planned in Kaya and Gaoua. The Government has also signed partnership agreements with a number of universities and private colleges: the University of Saint Thomas Aquinas (USTA), the Catholic University of West Africa (UCAO) and the Higher Institute of Informatics and Management (ISIG).

(b) *Non-formal education*

145. Non-formal education covers all structured education and training activities that are organized in a non-school framework. It is aimed at anyone who wishes to receive training in a specific area in a non-formal structure.

146. Non-formal education is provided in:

- Permanent literacy and training centres;
- Non-formal primary education centres;
- Various other training and coaching structures.

These centres play a very important role in the training and education of persons who have not been to school or who left school early. Government efforts to encourage non-formal education have consisted mainly of expanding the facilities available through the building and equipping of permanent literacy and training centres and non-formal primary education centres. As of 31 December 2009, there were 15,178 non-formal primary education centres in the country, of which 14,215 were in rural areas and 963 were in towns. In total, as of 31 December 2009, there were 2,655 literacy trainers, of whom 2,236 were working in rural areas and 419 in towns.

147. The content of the lessons taught in the different centres is set by regulation. The quality of literacy training and non-formal education is ensured by:

- Testing new curricula for initial literacy training, supplementary primary training and level 2 science and technology in the pilot permanent literacy and training centres;
- Developing terms of reference for the literacy training and non-formal education work, with staff training plans;

- Adopting an editorial policy for literacy training and non-formal education;
- Setting up, on 16 June 2008, a commission to work on the supply of teaching materials for literacy training and non-formal education;
- Organizing the Third National Literacy Forum in Ouagadougou, from 2 to 6 December 2008.

148. Burkina Faso has, in collaboration with its technical and financial partners, made huge efforts to improve its educational system. Innovative alternative teaching and training methods that use the national languages have been developed and implemented.

4. Information on, and multicultural and multi-ethnic understanding of, the powers and functioning of the Ombudsman and the institutions responsible for promoting human rights

149. Burkina Faso has the Ombudsman, the National Human Rights Commission and the Commission on Information Technology and Freedoms.

150. Instituted by Act No. 22/94/ADP of 17 May 1994, the Ombudsman is an independent authority that protects citizens against abuses by the public administration through mediation. Under article 11 of the Act, in particular, the Ombudsman deals with all complaints regarding the functioning of the State, local authorities, public institutions and any other public service bodies.

151. The Office of the Ombudsman can, *ex officio*, examine issues within its sphere of competence if it considers that a person or group of persons has been, or may be, harmed by an act or omission of a public body (art. 15). It makes recommendations and proposals to help strengthen the protection of civil rights and has delegates in some provinces of the country.

152. There is no fee for submitting an appeal to the Ombudsman, which must, in all cases, be done in writing.

153. The Ombudsman's report for 2010 mentions 880 disputes dealt with, 551 new applications received and 4,295 complainants. It also shows that mediation achieved successful outcomes in 145 disputes, partial success in 6, and was unsuccessful in 30 cases. A total of 192 applications were deemed unfounded, and 22 were closed because the complainants withdrew or gave up the case, etc.⁸

154. The National Human Rights Commission was established by Decree No. 2001-628 NEAR/MJPDH of 20 November 2001. Formally established on 10 December 2001, it is a State-funded advisory body, which provides a national framework for consultation between public bodies concerned with human rights issues, on the one hand, and representatives of associations, groups and non-governmental organizations involved in the protection and promotion of human rights, on the other.

155. Initially, however, the Commission did not meet the standards set out in United Nations General Assembly resolution 48/134 of 20 December 1993, which recommended that States should establish a national institution with a mandate "set forth in a constitutional or legislative text, specifying its composition and its sphere of competence" (annex, para. 2). To remedy this, on 21 December 2009 the National Assembly adopted Act No. 062-2009/AN establishing the new National Human Rights Commission. The Act completely overhauled the institution, giving it greater independence. It establishes clearly

⁸ www.aomf-ombudsmans-francophonie.org/les-membres_fr_000023.html (consulted on 16 April 2013).

that the Commission enjoys managerial autonomy and has the human resources it requires to accomplish its mission, in order to make it an effective source of advice and assistance for the Government in the field of human rights.

156. The Commission on Information Technology and Freedoms is an independent administrative authority established by Act No. 010-2004/AN of 20 April 2004 on the protection of personal data, the use of which it monitors. The rapid development of communications technology is a salient feature of Burkina Faso society. Furthermore, the concern for efficiency in both public and private administration has led to the compilation of large files containing data relating to individuals. Since the automated or manual processing of these data could lead to their misuse and the risk of interference in the private lives of individuals, the Government hopes this measure will serve as a check to protect personal data from any fraudulent or abusive use.

5. Ratification of the amendments to article 8, paragraph 6, of the Convention as adopted at the fourteenth meeting of States parties and the possibility of a declaration under article 14

157. The Committee recommended that the State party ratify the amendments to article 8, paragraph 6, of the Convention adopted at the fourteenth meeting of States parties and consider making a declaration under article 14. The recommendations concerning ratification and the declaration are currently being considered to decide whether such action is appropriate for Burkina Faso. A position will be adopted subsequently.

6. Quality of the report to be submitted

158. The Committee recommended that the State party ensure that its next periodic report, due on 17 August 1999, should be comprehensive, address all the points raised in the conclusions and follow the guidelines for preparation of reports.

159. The present report has been drawn up in accordance with the general guidelines regarding the form and contents of reports to be submitted by States parties under article 9, paragraph 1, of the Convention, adopted by the Committee at its 475th meeting (twenty-first session) on 9 April 1980, incorporating the additional guidelines for the implementation of article 7 adopted at the 571st meeting (twenty-fifth session) on 17 March 1982 and as revised at its 984th meeting (forty-second session) on 19 March 1993, at the 1354th meeting (fifty-fifth session) on 16 August 1999 and at the 1429th meeting (fifty-seventh session) on 21 August 2000.⁹

V. Conclusion

160. The drafting of this report after a very long delay has given the country an opportunity to review its implementation of the Convention. It shows that progress has undeniably been made. This includes the development and adoption of a national policy for the promotion and protection of human rights, the creation of a ministerial department dealing specifically with the promotion and protection of human rights and, in general, a gradual embrace of the human rights approach in projects and programmes.

161. The conclusion is that Burkina Faso is not really faced with a problem of racial discrimination. That being said, even though racial discrimination is not an issue, the Government has introduced human rights information, education and communication campaigns to bring greater cohesion to society. These truly contribute to social cohesion

⁹ CERD/C/70/Rev.5.

and make it possible for all the country's communities to live together in peace. They have also led to the development of legal standards and helped establish a legal framework for the effective protection of vulnerable groups.

162. The Burkina Faso Government reaffirms to the Committee its willingness to comply with the recommendations that will follow the dialogue based on the present report.
