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**ПООЩЕНИЕ И ЗАЩИТА ВСЕХ ПРАВ ЧЕЛОВЕКА, ГРАЖДАНСКИХ,
ПОЛИТИЧЕСКИХ, ЭКОНОМИЧЕСКИХ, И КУЛЬТУРНЫХ ПРАВ,
ВКЛЮЧАЯ ПРАВО НА РАЗВИТИЕ**

**Доклад Независимого эксперта по вопросу о последствиях политики экономической
реформы и внешней задолженности для всестороннего осуществления всех прав
человека, в частности экономических, социальных и культурных прав,
Бернарда Мудхо**

Добавление

МИССИЯ В БУРКИНА-ФАСО*

* Резюме доклада распространяется на всех официальных языках. Сам доклад, содержащийся в приложении к резюме, распространяется только на том языке, на котором он был представлен, и на французском языке.

Резюме

По приглашению правительства Буркина-Фасо и в соответствии со своим мандатом Независимый эксперт по вопросу о последствиях политики экономической реформы и внешней задолженности для всестороннего осуществления всех прав человека, в частности экономических, социальных и культурных прав, посетил Буркина-Фасо 23-27 апреля 2007 года. В ходе своих консультаций с представителями правительства, негосударственных субъектов и международного сообщества Независимый эксперт собрал из первых рук информацию о последствиях бремени внешней задолженности Буркина-Фасо, текущей экономической реформы и национальной стратегии по сокращению масштабов нищеты для всех прав человека.

Независимый эксперт пришел к выводу о том, что правительство Буркина-Фасо преисполнено твердой решимости решать проблемы в области прав человека, что подтверждает прогрессивная правовая основа и недавние институциональные изменения. Несмотря на прилагаемые значительные усилия для более эффективного осуществления принципов прав человека, необходимо продолжать и активизировать разъяснительную работу в таких областях, в которых принципы прав человека не согласуются с культурными традициями страны, в частности в том, что касается гендерного равенства.

Недавние инициативы по списанию долгов существенно облегчили бремя внешней задолженности. В настоящее время показатели приемлемости внешней задолженности значительно ниже пороговых уровней, установленных международными финансовыми учреждениями, и внешняя задолженность, как представляется, серьезно не угрожает способности Буркина-Фасо выполнять ее обязательства в области прав человека. Независимый эксперт призывает правительство продолжать его осмотрительную политику в вопросах задолженности и предлагает донорам оказывать ему помощь посредством максимально возможного финансирования стратегии национального развития с помощью грантов. Кроме того, Независимый эксперт рекомендует усилить элементы отчетности и участия в рамках процесса планирования и принятия решений относительно внешней задолженности, в частности посредством более систематического проведения консультаций с парламентом и гражданским обществом.

Средства на обслуживание задолженности, сэкономленные благодаря списанию долгов, Буркина-Фасо направляет в специальный фонд по борьбе с нищетой. Хотя определение приоритетных статей расходов этого фонда конкретно не основано на правозащитном подходе, у Независимого эксперта сложилось впечатление, что эти средства в целом направляются в области, имеющие отношение к экономическим, социальным и культурным правам. В секторах образования и здравоохранения фонд

содействует устранению преград на пути достижения целей развития, сформулированных в Декларации тысячелетия, и обеспечению соответствующих прав на здоровье и образование.

Цели, определенные в документе о стратегии сокращения масштабов нищеты (ДССН), и приоритеты в выделении соответствующих ресурсов в целом согласуются с последовательным осуществлением экономических, социальных и культурных прав. В процессе разработки ДССН находят свое отражение такие принципы прав человека, как равенство и участие. Независимый эксперт рекомендует активизировать этот процесс с помощью ориентированного на права человека подхода, более четко сформулировать обязанности государства по международному праву прав человека и определить средства для их выполнения. Процесс разработки ДССН также содействовал бы расширению возможностей и потенциала организаций гражданского общества, которые твердо намерены внести свой вклад в процесс ДССН, но не располагают пока людскими и материальными ресурсами и организационным потенциалом для формулирования своих замечаний относительно всех стадий этого исключительно сложного процесса, для их освещения и для оказания на них влияния.

Что касается экономической политики, то последствия серьезных усилий в рамках реформы систематически ранее не оценивались, что в ряде случаев негативно сказалось на занятости, сокращении масштабов нищеты и экономическом росте. Экономическую реформу следует направлять и освещать более систематически, с оценкой последствий, которые касаются не только экономических и социальных целей, но и обязательств государства по международному праву прав человека. Касаясь внешней торговли, Независимый эксперт отметил негативное воздействие субсидий, выделяемых промышленно развитыми странами на производство хлопка, для экспортного потенциала Буркина-Фасо в этом секторе. Международному сообществу следует воздержаться от такой практики, с тем чтобы позволить Буркина-Фасо ускорить свое экономическое развитие и выполнять свои международные обязательства в области прав человека.

Annex

**REPORT OF THE INDEPENDENT EXPERT ON THE EFFECTS OF
ECONOMIC REFORM POLICIES AND FOREIGN DEBT ON THE
FULL ENJOYMENT OF ALL HUMAN RIGHTS, PARTICULARLY
ECONOMIC, SOCIAL AND CULTURAL RIGHTS,
BERNARDS MUDHO**

**MISSION TO BURKINA FASO
(23 TO 27 APRIL 2007)**

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Introduction

1. At the invitation of the Government of Burkina Faso, the independent expert on the effects of economic reform policies and foreign debt on the full enjoyment of all human rights, particularly economic, social and cultural rights, undertook a country visit to Burkina Faso from 23 to 27 April 2007.
2. In accordance with Commission on Human Rights resolution 2000/82, which established the mandate of the independent expert, the objectives of the mission were: (a) to examine the effects of the burden of foreign debt and the policies adopted to face them on the capacity of the Government to adopt policies and programmes for the enjoyment of economic, social and cultural rights; (b) to examine the effects of economic reform policies on the full enjoyment of all human rights, in particular the policies adopted in the framework of the poverty reduction strategy; (c) to engage in dialogue with the Government, United Nations and international agencies and civil society on their efforts to secure all human rights, in particular economic, social and cultural rights; and (d) to recommend measures and actions linked to the areas of foreign debt, economic reform policies and human rights. The independent expert also examined possible inter-linkages with trade and other issues, including HIV/AIDS, bearing in mind resolution 2004/18 of the Commission on Human Rights requesting him to further explore these aspects.
3. The independent expert was particularly interested in visiting Burkina Faso in order to examine the country's ability to comply with its human rights obligations in the context of the following economic reform and foreign debt-related issues:
 - (a) The country has established a good track record on macroeconomic performance over the past 10 years, with sustained real growth rates of more than 5 per cent per annum. Since 1991 the country has experienced substantial economic and social reform, including liberalization of the economy and development of the private sector. Despite its efforts Burkina Faso is still one of the countries with the weakest and most fragile levels of human development in sub-Saharan Africa, ranking 174 out of 177 on the United Nations Development Programme (UNDP) human development index;¹
 - (b) In the area of foreign debt, Burkina Faso has benefited from significant debt relief under the Heavily Indebted Poor Countries (HIPC) and Multilateral Debt Relief (MDRI) initiatives;
 - (c) Burkina Faso has a long-standing experience with the concept of Poverty Reduction Strategy Papers (PRSP), as it was one of the first countries to launch this process in the year 2000.
4. During his mission the independent expert had the opportunity to meet with the Minister for the Promotion of Human Rights and the Minister of Finance. He also met with senior officials of the Ministry of Foreign Affairs and Regional Cooperation, the Ministry of Economy and Development, the Ministry for the Promotion of Women, the Ministry for Basic Education

¹ UNDP Human Development Report 2006.

and Alphabetization, the Ministry of Justice, the Ministry of Trade, Enterprise Promotion and Crafts and the Ministry of Health.

5. The independent expert had meetings with the President of the *Cour de Cassation* (High Court), the national ombudsman (mediator), the national director of the Central Bank, representatives of the national ethics committee, the chamber of commerce and the national human rights committee. He consulted the President of the economic commission of the West African Economic and Monetary Union (UEMOA)² and donor representatives. In addition, the independent expert had the opportunity for an extensive exchange of views with representatives of civil society and with the United Nations country team. The mission was undertaken during the final stage of the legislative election campaign and the independent expert could unfortunately not meet with Members of Parliament.

6. The independent expert undertook a half-day field visit which allowed him to receive a first-hand impression of the impact of economic reform and the benefits of debt relief on the education and health systems in a rural area.

7. The independent expert wishes to thank the Government of Burkina Faso and in particular the Ministry for the Promotion of Human Rights for the assistance and support provided to the mission and for its indispensable coordination role. He also wishes to thank the United Nations country team and all those organizations and individuals who provided valuable information.

I. GOVERNMENT COMMITMENT IN THE FIELD OF ECONOMIC, SOCIAL AND CULTURAL RIGHTS

A. The legal framework

8. Burkina Faso has ratified all major international human rights treaties, including the International Covenant on Economic, Social and Cultural Rights (ICESCR). In its preamble, the Constitution makes reference to the Universal Declaration of Human Rights and to the international treaties on economic, political, social and cultural rights. *Titre I*, chapters III and IV explicitly state that the Constitution “recognizes and aims to promote” economic, social and cultural rights.

9. The Constitution of Burkina Faso gives precedence to international agreements, such as ratified human rights conventions, over national legislation. The national commission of codification has however undertaken to integrate international human rights obligations into national law, a work that is still ongoing. This integration exercise is meant to provide easier access to human rights law, in particular for professionals within the justice system. In spite of training and sensitization efforts, judges cannot always access relevant international texts or have the necessary experience to give effect to international norms, especially in remote areas.

² *Union Economique et Monétaire Ouest Africaine.*

10. The legal system entitles right holders to institute proceedings for appropriate redress before a court if the State or other duty bearers fail to comply with economic, social and cultural human rights norms and standards. Most interlocutors considered Burkina Faso's legal codes to be progressive in this regard. However, there are currently no concrete cases before local courts in the area of economic, social and cultural rights, which refer to international human rights law.

11. Most interlocutors admitted the limits of the formal legal system with regard to the enforcement of human rights norms. The access of women to ownership of land was cited as a prominent example. Burkina Faso has signed the Convention on the Elimination of All Forms of Discrimination against Women and in legal terms there is no difference between men and women regarding access to land ownership. However, interlocutors admitted that the vast majority of women do not in reality benefit from the possibility of owning land. Parts of society, in particular in rural areas, do not recognize the formal law promoting the equality of men and women in this field, as it is seen to be in contradiction with cultural traditions. Related cases are rarely brought to justice, but are dealt with by traditional chiefs. When brought to justice, court decisions are often not well received by the majority of society, thus putting social pressure on the complainant. In this context the need for continued extensive information and sensitization efforts to redress the situation was emphasized by all interlocutors. These efforts should also include the translation of relevant legal provisions, currently only available in French, into local languages.

B. The institutional framework

12. In recent years Burkina Faso has undertaken significant institutional efforts in the area of human rights. In December 2001 the Government established a National Commission on Human Rights as a permanent framework for dialogue between public and non-governmental actors concerned with human rights issues. Commission members include representatives of human rights non-governmental organizations (NGOs), trade union representatives, representatives of the relevant government departments, and representatives from professional associations.

13. The Ministry for the Promotion of Human Rights was created in June 2002. The main tasks of this Ministry include the promotion and protection of human rights through: (a) information, training and awareness creation on democratization, human rights and citizen's obligations; (b) popularization of human rights-related texts and documents; (c) support to civil society regarding human rights-related action; (d) action to ensure better protection of individual and collective rights; (e) implementation and follow-up of international human rights agreements; (f) implementation of specific measures to promote, consolidate and protect the rights of vulnerable groups.

14. The Ministry's National Human Rights Action Plan identifies the following priority areas in the field of economic, social and cultural rights:

(a) Better access to education, in particular development of a programme for access to education for girls, promotion of the creation of libraries and laboratories, promotion of enrolment of vulnerable groups of children;

(b) Better access to health, in particular access to generic drugs and the launch of a national debate on a national health insurance system;

(c) Reinforcement of the right to work, in particular contributing to the reform and reinforcement of the social security system, the development of an action plan against child labour and the reform of the pension system;

(d) Protection of citizens and consumers, in particular support to consumer associations, establishment of laws and institutions related to consumer protection, establishment of rules on the responsibility of medical doctors and public hospitals;

(e) Consolidation of the right to adequate housing, proposals for an urbanization policy and a habitat improvement policy, support for the integration of international recommendations on housing in national legislation.

15. The national ombudsperson (mediator) is an independent authority, appointed for a five-year, non-renewable term, by presidential decree. He/she deals with disagreements between private citizens, associations, and the administration or other State agencies. The ombudsperson's office does not have any decision-making power but it can request government authorities to revise their decisions. The ombudsperson reports directly to the Head of State, including on cases where government entities have refused to accept a suggested amicable solution. In the past, the suggestions of the ombudsperson have been accepted in 85 per cent of all submitted cases. Most cases involving the ombudsperson concern conflicts between the State and its civil servants and land property cases, but also complaints from government suppliers and cases of non-implementation of court decisions. Cases regarding economic, social and cultural rights are rarely submitted to the ombudsperson. However, it was learnt that in some instances the ombudsperson intervened against the denial of access to public health facilities or the closure of public schools. In all such cases the parties accepted the suggestions of the ombudsperson's office.

16. The Economic and Social Council is an advisory body that renders opinions on government bills, ordinances or decrees that are submitted to it. The Head of State can seek advice from the institution on any social and economic issue. In addition the Council can provide, on its own initiative, judgements on the way social and economic policy is carried out by the Government. While the Council could be an important tool for strengthening government accountability in areas linked to economic, social and cultural rights, it currently lacks the necessary human and material resources to undertake comprehensive evaluations of the Government's policies.

C. Reporting obligations in the area of economic, social and cultural rights

17. Two initial government reports to the Committee on Economic, Social and Cultural Rights (CESCR), which were due in the years 2000 and 2005, have not yet been submitted. The independent expert was informed that capacity constraints within the Ministry for the Promotion of Human Rights, in particular in terms of human resources and training of staff, have delayed submission of the reports. He was, however, assured that the reports were currently being prepared and would be submitted in the near future.

II. BACKGROUND ON THE EDUCATION AND HEALTH SECTORS IN BURKINA FASO

18. About 25-30 per cent of the national budget is currently spent in the social sectors. The health sector receives about 10 per cent of national budget allocations and the education sector about 12 per cent. The share of the budget spent on the justice system increased from 0.3 per cent in 2000 to 1.1 per cent in 2006.
19. The Government considers basic education a national priority. Activities in this area are based on a basic education sector plan,³ which is the main implementation tool of Burkina Faso's poverty reduction strategy regarding education. The main objectives of the plan are: increased enrolment and literacy rates, a better coverage of preschool education, increased quality of education, and strengthened school management capacity. The plan is financed through the national budget, a common financial protocol with several development partners and through HIPC debt relief funds.
20. Efforts undertaken by the Government, in particular massive mobilization campaigns in rural areas have led to an impressive increase in net enrolment rates for basic education, from 41 per cent in 2001 to 66 per cent in 2006/2007. As a consequence, the Government is now facing a big demand for additional teachers and infrastructure such as classrooms. Government representatives stated that, in many cases, a standard classroom, built for 50 pupils, hosted only 10 children prior to the mobilization campaigns, but now accommodates about 100-150 children. The independent expert was informed that certain communities have started setting up their own improvised classrooms but expect the Government to provide a sufficient number of qualified teachers.
21. The independent expert was informed that the relative success in increasing enrolment has not been sustainable in all cases. High dropout rates during the first month of the school year can mainly be attributed to poverty because: (a) the income of many families relies on the additional wages children earn in small businesses or the cotton sector; and (b) while Burkina Faso does not charge or levy school fees for basic education, not all expenses related to basic education are covered by the Government. These expenses constitute important economic obstacles for many families and are generally considered as equivalent to and sometimes greater than school fees. Usually, these expenses include mandatory contributions to parents' associations,⁴ as well as expenses for school materials, textbooks, school meals, uniforms and in some cases transport.
22. A second serious problem concerns the quality of basic education. Several interlocutors pointed out that the national Constitution guarantees access to education, but not its quality. Consequently, the relatively high enrolment rates for basic education contrast with low graduation rates of only 36 per cent, which is partly attributable to a lack of well-trained teachers.

³ *Plan décennal de Développement de l'Éducation de Base révisé 2001-2010.*

⁴ *Associations de parents d'élèves.*

23. Gender equality in basic education has not yet been fully achieved. Several interlocutors pointed out that the discrimination regarding girls' education is not primarily due to economic constraints, but is a question of cultural traditions and mentality that can only be changed in the long run through sensitization and civic education. In fact, priority is often given to the education of boys as they are expected to carry on the family line, while girls would eventually become part of a different, i.e. their husband's, family. Sensitization campaigns, in particular through the creation of mothers' associations, as well as economic incentives, have recently led to an increase in the enrolment of girls. The parity index for enrolment in basic education is currently 0.85 girls per 1 boy. The Government's objective is to reach parity, within the framework of obligatory, free and universal basic education, by 2015.

24. Several interlocutors emphasized that the Government's focus on basic education has created a bottleneck regarding the passage from primary to secondary education. They pointed out that sustainable economic development cannot be based on basic education alone and would require a higher proportion of the population receiving secondary or higher education.

25. As for health, Burkina Faso's Constitution recognizes basic health as a right. The Government's National Health Development Plan 2001-2010, set up to implement its health sector policy, gives priority to increased national health coverage, improved quality of health services, improved measures to combat both transmittable and non-transmittable diseases including HIV/AIDS, measures against malnutrition, and increased institutional capacities. While the Government has identified health as a priority area, its commitment to invest 15 per cent of the national budget in health has not yet been achieved.⁵

26. Significant efforts by the Government, the donor community and NGOs have led to a decrease in the incidence of HIV/AIDS from 4.7 per cent of the population in 2003 to 2.3 per cent in 2007. The medium-term objective of the Government is to bring the incidence of HIV/AIDS below 1 per cent.

III. DEBT AND DEBT RELIEF

A. The debt situation in Burkina Faso

27. During the 1980s a lack of domestic resources to finance development-related investments led to an accumulation of foreign debt, which reached a level at the beginning of the 1990s which creditors considered to be excessive. Burkina Faso's debt was subsequently treated several times by the Paris Club, in 1991 under Toronto terms, in 1993 under London terms and in 1996 under Naples terms.⁶ However, Paris Club debt accounted for only 15 per cent of Burkina Faso's overall foreign debt burden, while 85 per cent of loans had been contracted with multilateral institutions. In 1996 Burkina Faso's external debt stock reached US\$ 683.5 million and debt

⁵ Given during the Heads of State Summit on HIV/AIDS, Tuberculosis and Other Related Infectious Diseases in Abuja in 2001.

⁶ Concessional debt restructuring terms granted to low-income countries.

service absorbed 30 per cent of the national budget. With a net present value (NPV) of debt to export ratio of 240 per cent, the debt stock was considered unsustainable by the international financial institutions.

28. In 1997 Burkina Faso became eligible for debt relief under the original HIPC initiative that included for the first time debt owed to multilateral financial institutions such as the World Bank and the International Monetary Fund (IMF). The country reached its “completion point” under the original HIPC initiative and eligibility under the enhanced HIPC initiative in the summer of 2000. Despite HIPC relief, Burkina Faso’s external debt stock had increased to US\$ 1.75 billion by the end of 2004 and reached US\$ 2 billion by the end of 2005. Over 70 per cent of this debt was owed to multilateral creditors, such as the International Development Association (49.2 per cent), the African Development Bank (18.1 per cent) and the IMF (5.3 per cent).⁷ In 2006 Burkina Faso qualified for the Multilateral Debt Relief Initiative (MDRI) leading to cancellation of outstanding debts to the World Bank, IMF and African Development Bank. In the framework of MDRI, 75 per cent of all debt was cancelled and the debt stock dropped to US\$ 980 million.⁸

29. The goal of the HIPC initiative and MDRI was to contribute to growth and poverty reduction by increasing Burkina Faso’s “fiscal space”, i.e. the amount of resources available to finance poverty-related expenditure. According to World Bank estimates or calculations, Burkina Faso’s annual debt service dropped from US\$ 58.9 million or 2.1 per cent of gross domestic product (GDP) before HIPC and MDRI (1998) to US\$ 31.5 million or 0.5 per cent of GDP in 2006. Debt service savings from MDRI alone are estimated to amount to US\$ 17.6 million in 2006.

30. Illegitimate or odious debt: Government authorities informed the independent expert that Burkina Faso has not contracted illegitimate or odious debt in the past. The country does not hold debt incurred by a past Government or regime for purposes that do not serve the interest of society. Debt was essentially contracted to finance the country’s development process, in particular through projects in the infrastructure and social sectors.

B. Debt sustainability

31. The joint World Bank-IMF debt sustainability assessment framework uses policy dependent thresholds in order to determine the sustainability of a country’s debt. Burkina Faso received a rating of 3.76 in the latest Country Policy and Institutional Assessment (CPIA), which qualifies it as a strong performer. Indicative debt burden thresholds for countries in this category are a net present value (NPV) of debt to exports ratio of 200 per cent; a debt to GDP ratio of 50 per cent; and a debt to revenues ratio of 300 per cent. Debt service ratios to exports and to revenues are 25 and 35 per cent respectively. With an NPV of debt to exports of 85.8 per cent, to GDP of 10.6 per cent, to revenues of 85.4 per cent and debt service ratios to exports and to revenues of 5.5 per cent each, Burkina Faso was well below these thresholds in 2006.

⁷ Burkina Faso: Joint Bank-Fund Debt Sustainability Analysis, September 2005.

⁸ IMF Staff Assessment of MDRI, December 2005.

32. The IMF and World Bank expect ratios to increase in the coming years, without surpassing the indicative thresholds under a baseline scenario.⁹ Debt sustainability would however be threatened: (a) in case of major shocks in the cotton sector, due to the dominance of this sector in the economy; and (b) in case of increased public borrowing on less favourable terms (meaning a 2 per cent increase in interest for new borrowing).

33. The notion of debt sustainability currently employed by the Government of Burkina Faso is based upon the above-mentioned framework. Government authorities do not currently take alternative indicators into account, such as the financial ability to reach the Millennium Development Goals on time, or the ability to comply with economic, social and cultural rights obligations under international human rights law. However, given the relatively low debt burden following HIPC and MDRI debt relief, it is unlikely that foreign debt service (US\$ 31.5 million per annum) is currently a decisive factor for Burkina Faso's financial ability to honour its human rights obligations, especially when compared to the annual amount of official development assistance (US\$ 659.6 million)¹⁰ or the volume of overall government expenditure (US\$ 1.12 billion).¹¹

34. Several of Burkina Faso's development partners pointed out that indebtedness might increase quickly to dangerous levels if the Government had recourse to loans in order to combat the country's development challenges. The Government affirmed its intention to take an appropriately cautious approach to new borrowing, without however excluding an expansion of loans if available grants do not meet development ambitions.

C. Accountability and participation

35. In order to improve the supervision of debt accumulation and debt management, Burkina Faso has established a number of institutional bodies. These include a National Public Debt Committee¹² which examines all new loan requests. The Committee assesses in particular the conformity of loan projects with the country's development objectives. The Government can only negotiate a loan agreement if the corresponding project has been positively assessed and recommended by the Committee.

36. The National Public Debt Committee is an important tool for supervising Burkina Faso's foreign debt situation and ensuring debt sustainability. However, currently only State institutions

⁹ IMF country report 07/153, May 2007.

¹⁰ World Bank: Burkina Faso Data Profile, 2005.

¹¹ IMF country report 07/153, May 2007.

¹² *Comité national de la dette publique* - CNDP.

and the Central Bank are members of this entity.¹³ A more systematic participation of Parliament and relevant civil society stakeholders could strengthen the accountability and participation elements of Burkina Faso's debt process. Currently Parliament is only involved at the stage of ratification of loan agreements.

D. Impact of debt relief on economic, social and cultural rights

37. Poverty reduction expenditure is included in the budget both as regular appropriations and as allocations to a special anti-poverty account, which is credited with HIPC and MDRI debt relief funds that the State would otherwise have repaid to international creditors.¹⁴ Sixty per cent of available HIPC funds have been used for education and health, of which 60 per cent for education and 40 per cent for health. Since 2003, the scope of priority sectors has been extended and now also includes the promotion of women's rights, employment, social action, and, since 2004, justice, mines, quarries and energy, as well as economy and development.¹⁵ The extension of eligible sectors has led to a relative decrease of the share attributed to health and education sectors. However, as the overall amount of available HIPC and MDRI resources has increased, the contribution to these sectors has not decreased in absolute terms. The independent expert was informed that in 2007 all available HIPC funds had been spent on infrastructure investments in the above-mentioned sectors.

38. The basic education sector has benefited from HIPC resources since 2000/2001 and most funds have been used for classroom construction, recruitment of teachers, scholarships and textbooks in the 20 most disadvantaged provinces of the country. While some representatives of civil society pointed out that it was difficult to observe tangible effects of HIPC funds on the ground, most interlocutors recognized an overall positive impact.

39. In the area of basic health, HIPC funds have essentially been used for infrastructure, recruitment of health workers, vaccines, equipment, training measures and to facilitate access to drugs. The main target was access to health for children and pregnant women, consistent with Millennium Development Goals 4 and 5, i.e. the reduction of child mortality and improvement of maternal health. As a result of HIPC funding, medical consultation and preventive medical care can be provided free of charge to pregnant women and children under the age of 3. In addition, the Government intends to provide free health care to extremely poor parts of the population. However, this intention is currently facing several operational obstacles.¹⁶ The Government's

¹³ The Ministry of Economy and Finance, a representative of the Head of State, a representative of the Prime Minister, the Director-General of the Treasury, the Director-General for economy and planning, the Director-General for cooperation, the Director-General of the budget, a representative of the Central Bank.

¹⁴ Since 2003 HIPC-funded programmes are shown as a separate annex to the budget.

¹⁵ Joint evaluation of budget support, May 2006.

¹⁶ E.g. the Ministry of Social Action, which is supposed to identify beneficiaries, does not have the necessary capability to do so.

approach, focusing on basic health, is reflected in the eligibility rules for the use of HIPC resources. Some interlocutors pointed out that training of specialists such as gynaecologists, paediatricians, and surgeons is expensive and time-consuming, but cannot be financed with HIPC funds.

40. HIPC funds have also been used in areas such as women's rights. The construction of *maisons des femmes*, autonomous places where women can meet without permission of their husbands, was among the main priorities identified by the beneficiaries themselves.

41. The independent expert gained the overall impression that HIPC resources have been used in areas relevant for economic, social and cultural rights. In the education and health sectors funds have been focused on addressing identified bottlenecks and ensuring a better fulfilment of the corresponding rights to health and education.

IV. ECONOMIC REFORMS AND THE POVERTY REDUCTION STRATEGY PAPER

A. The Poverty Reduction Strategy Paper process in Burkina Faso

42. In 2000, Burkina Faso became one of the first developing countries to prepare a full Poverty Reduction Strategy Paper (PRSP) and donors have progressively aligned support to the PRSP. The central objective of the PRSP is the improvement of the living conditions of the population. To this end, the vision outlined in the 1995 Letter of Intent for Sustainable Human Development, based on the concept of human security, has been harmonized with the intention of accelerating the realization of the Millennium Development Goals. The main pillars of Burkina Faso's PRSP are: (a) accelerating broad-based growth; (b) promoting access to basic social services for the poor; (c) increasing employment and income-generating activities for the poor; and (d) promoting good governance. A general update of the strategy was undertaken in October 2004, aimed in particular at the creation of an enabling environment for business, competition and private investment, a more extensive mobilization and more efficient and effective use of financial resources, better targeting and acceleration of social sector reforms (with free primary education, the improvement of health services and the fight against HIV/AIDS as key elements), and a more explicit partnership with civil society organizations.

43. The elaboration of the PRSP did not explicitly follow a human rights-based approach built on the obligations of duty bearers under international human rights law. However, economic, social and cultural rights objectives are generally congruent with the PRSP, in particular regarding the focused allocation of resources to the areas of health and education. Also, human rights principles such as equality and participation have been part of the PRSP process and should now guide and inform its implementation.

B. Ownership, participation and accountability

44. The elaboration of the first PRSP was dominated by the Government in coordination with a number of international partners. The document contained several elements defined by the international partners as conditionalities for development funding. Civil society participation did not play a major role in the elaboration process - only some consultative workshops were organized.

45. With the general review of the PRSP in 2004, the process significantly improved: civil society was more involved and is now more interested in strategic poverty reduction issues. Government officials pointed out that in contrast to earlier Structural Adjustment Programmes in which the World Bank and IMF were the only major relevant partners, the current PRSP approach is a more broadly participatory process, including civil society actors and other donors. This ensures that the policy suggestions of the international financial institutions are assessed in a more critical way. In turn, these assessments by domestic partners can help the Government to better resist external requests and conditionality. The results of PRSP implementation are evaluated each year against several poverty indicators and, in this context, the Government considers itself to be under strong scrutiny, not only from development partners, but also from civil society. Government officials see the inclusion of civil society as an interesting framework, even if it limits the Government's room for manoeuvre.

46. In the context of the PRSP review, civil society organizations were requested to nominate representatives for the overall process as well as for the sectoral and thematic committees. The *Cellule nationale de renforcement des capacités* participated on behalf of civil society organizations in the PRSP process. However, several civil society organizations criticized the way the participation process was conducted and claimed that civil society input and recommendations had not been sufficiently taken into account.

47. The independent expert gained the impression that the PRSP process is open to full civil society involvement and that civil society organizations are strongly committed to contributing to the process. However, civil society does not currently have the capacity to follow and influence all elements of this highly complex process. In contrast to other partners such as the international community or governmental authorities, civil society does not yet possess the necessary human and material resources to deal with voluminous and complex technical policy proposals and documents within very tight deadlines, and to formulate detailed alternatives to all sector policies. Several government interlocutors regretted the absence of tangible civil society input on several important thematic issues.

48. The independent expert suggests that empowerment of civil society organizations should be an integral part of the PRSP process and donors should support programmes set up to this end. Government authorities reconfirmed their commitment to support civil society. The institution of new support instruments, such as objective-based contracts, is envisaged in order to strengthen civil society capacities and involvement.

49. Due to the then ongoing legislative election campaign, the independent expert was unfortunately not able to meet with Members of Parliament involved in the PRSP process.

C. Reform policies

50. Since the 1990s Burkina Faso has implemented a wide range of economic reform policies. However, the impact of important reform steps has not been systematically assessed and the Government monitors their effects only through global indicators at macro level, such as poverty indicators, or through other indicators linked to the Millennium Development Goals.

51. As an example, the privatization process of public enterprises has not been analysed with regard to its impact on employment, poverty reduction and economic growth. In general, interlocutors pointed out that the first wave of privatizations during the 1990s was not properly monitored by government authorities and led to mixed results. In some cases new owners did not respect commitments made and privatization resulted in workers being made redundant, with serious social and economic consequences. The agricultural sector, where Burkina Faso has an important economic potential, was cited as a negative example, in particular the privatization of the public fruit and vegetables export company, Flex Faso, which disappeared some years after its privatization. Other sectors, such as banking and insurance, have benefited from privatization. This sector is now considered less vulnerable, with expanded activities and providing services not available in Burkina Faso before privatization. The independent expert gained the impression that the privatization process, including the social commitments of private owners, is now better monitored and accomplished. The most recent privatization of the telephone company, ONATEL, did not lead to the massive dismissal of workers.

52. Better integration of Burkina Faso into the international trade system would have an important positive impact on the country's development process and its ability to better comply with economic, social and cultural rights. However, any liberalization in this area should be based on an extensive impact assessment and designed and sequenced with a view to maximizing its development and human rights benefits. In the context of regional Economic Partnership Agreements currently negotiated with the European Union, Burkina Faso is in the process of defining sectors that are not yet competitive in an international context. The country is establishing a list of sensitive products that will be excluded from liberalization during a transition period. The European Commission and other development partners have reiterated their commitment to increasing trade-related development aid in order to progressively improve the competitiveness of Burkina Faso's economy.

53. The independent expert was informed, and he duly noted, that vulnerable regions in Burkina Faso currently face important food security problems, despite record harvests during the last year. Interlocutors mentioned increased food exports to neighbouring countries as one element responsible for this phenomenon. The Government should assess the impact of regional trade flows on the availability of food and implement trade safeguarding clauses, if and when necessary, in order to comply with right to food obligations.

54. Cotton is Burkina Faso's most important export product and domestic production costs are among the lowest in the world. According to government information, about 40 per cent of the population earns its living from the cotton sector. This natural comparative advantage is undermined by the international trade regime which allows developed countries to subsidize production and export of cotton. In the case of Burkina Faso, the pressure on world market prices generated by subsidies leads to a loss of export income that NGOs estimate to be higher than the country's HIPC debt service savings.¹⁷

¹⁷ *Cultivating Poverty: The Impact of US Cotton Subsidies on Africa*, Oxfam briefing paper 30 (2002).

V. CONCLUSIONS AND RECOMMENDATIONS

55. On the basis of the numerous discussions held and observations made during his visit, the independent expert concluded that there is a clear and demonstrable political commitment by the Government of Burkina Faso to address human rights challenges, as manifested by progressive legislation and recent institutional improvements. Significant efforts have been undertaken to improve the enforcement of human rights principles enshrined in international and domestic law, such as equality and non-discrimination. However, formal law faces major implementation problems in areas where it is in contradiction with Burkina Faso's traditional cultural context, and in particular with regard to gender equality. The Government and civil society actors are encouraged to continue and increase sensitization efforts in this area, in particular in rural areas and with regard to discrimination against women.

56. Debt relief obtained through the Heavily Indebted Poor Countries and Multilateral Debt Relief initiatives has substantially reduced Burkina Faso's foreign debt burden, which currently does not appear to threaten the country's capacity to comply with its human rights obligations. The Government is, however, encouraged to continue its prudent debt policy and to avoid new non-concessional loans to finance its development ambitions. The Government and its international development partners are encouraged to make sure that the national development strategy can be financed to the largest possible extent by grants.

57. In order to strengthen the accountability and participation elements within the foreign debt planning and decision process, recourse to Parliament and civil society advice should be more systematically undertaken. The consultation of human rights actors in particular would be an important added value to the process. This could be achieved through institutionalized civil society participation in the work of the National Public Debt Committee.

58. The achievement of the Millennium Development Goals is the central objective of Burkina Faso's PRSP. However, compliance with the Goals does not automatically engender progress regarding international human rights obligations. Future reviews of the strategy should aim at strengthening the PRSP by clearly stipulating the obligations of the State under the international human rights treaties it has ratified, and by elaborating on the means to implement them. Human rights norms and principles such as equality, non-discrimination, participation, inclusion, accountability and the rule of law should guide and inform the implementation of the PRSP. In this context the independent expert commends the inclusive approach and participatory process adopted in the PRSP.

59. Burkina Faso's civil society organizations are strongly committed to contributing to the PRSP process. However, civil society does not yet have the human and material resources and organizational capacity to comment on, inform and influence all stages of this highly complex process. Empowerment and capacity-building of civil society organizations should be an integral part of the PRSP process. To this end, the Government and the donor community should continue and increase their support to civil society organizations in order to allow their more effective involvement.

60. The ongoing privatization of public enterprises and current negotiations in the area of foreign trade should be guided and informed more systematically by impact assessments that not only include economic and social objectives but also the State's obligations under international human rights law. With regard to the right to food, the Government should assess the impact of regional trade flows on the ability to provide food for all, and implement trade safeguarding measures if necessary.

61. The production and export subsidies provided by industrialized countries for cotton undermine the development potential of this sector in Burkina Faso. The international community should refrain from this practice, in the context of the international trading system, in order to allow Burkina Faso to accelerate its economic development and its compliance with international obligations in the area of economic, social and cultural rights.
