



**General Assembly**

Distr.  
LIMITED

A/HRC/WG.6/3/L.12  
16 December 2008

ENGLISH  
Original: ENGLISH/FRENCH

---

HUMAN RIGHTS COUNCIL  
Working Group on the Universal Periodic Review  
Third session  
Geneva, 1-15 December 2008

**DRAFT REPORT OF THE WORKING GROUP ON  
THE UNIVERSAL PERIODIC REVIEW\***

**Burkina Faso**

---

\* The final document will be issued under the symbol A/HRC/10/80. The annex to the present report is circulated as received.

**CONTENTS**

|  | <i>Paragraphs</i> | <i>Page</i> |
|--|-------------------|-------------|
| Introduction .....   | 1 - 4             | 3           |
| I. SUMMARY OF THE PROCEEDINGS OF THE<br>REVIEW PROCESS .....             | 5 - 97            | 3           |
| A. Presentation by the State under review .....                          | 5 - 33            | 3           |
| B. Interactive dialogue and responses by the<br>State under review ..... | 34 - 97           | 7           |
| II. CONCLUSIONS AND/OR RECOMMENDATIONS .....                             | 98 - 102          | 22          |
| <b>Annex</b>   |                   |             |
| Composition of the delegation .....                                      |                   | 27          |

## **Introduction**

1. The Working Group on the Universal Periodic Review, established in accordance with Human Rights Council resolution 5/1 of 18 June 2007, held its third session from 1 to 15 December 2008. The review of Burkina Faso was held at the 12th meeting, on 9 December 2008. The delegation of Burkina Faso was headed by S.E. Mrs. Salamata Sawadogo, Minister for the Promotion of Human Rights. At its meeting on 11 December 2008, the Working Group adopted the present report on Burkina Faso.
2. On 8 September 2008, the Human Rights Council selected the following group of rapporteurs (troika) to facilitate the review of Burkina Faso: Switzerland, Qatar and Madagascar.
3. In accordance with paragraph 15 of the annex to resolution 5/1, the following documents were issued for the review of Burkina Faso:
  - (a) A national report submitted made in accordance with paragraph 15 (a) (A/HRC/WG.6/3/BFA/1);
  - (b) A compilation prepared by the Office of the United Nations High Commissioner for Human Rights (OHCHR), in accordance with paragraph 15 (b) (A/HRC/WG.6/3/BFA/2);
  - (c) A summary prepared by OHCHR, in accordance with paragraph 15 (c) (A/HRC/WG.6/3/BFA/3).
4. A list of questions prepared in advance by the United Kingdom of Great Britain and Northern Ireland, Denmark, Germany, Latvia, the Netherlands and Sweden was transmitted to Burkina Faso through the troika. These questions are available on the extranet of the universal periodic review.

## **I. SUMMARY OF THE PROCEEDINGS OF THE REVIEW PROCESS**

### **A. Presentation by the State under review**

5. At the third meeting, held on 9 December 2008, Her Excellency Ms. Salamata Sawadogo, Minister for the Promotion of Human Rights, made a statement introducing the national report.
6. After congratulating the President and members of the Human Rights Council on their election and Ms. Pillay on her appointment as United Nations High Commissioner for Human Rights, the Minister said that the national report of Burkina Faso was the outcome of a broad-based consultation with all stakeholders in the country, including civil society.

7. With regard to the normative framework, she said that the Constitution enshrined the basic rights and obligations of persons, non-discrimination and gender equality and the principle of the precedence of international treaties and agreements over national legislation.
8. As part of efforts to strengthen the promotion and protection of human rights, new public institutions had been established, and she drew the Working Group's attention to the following in particular.
9. The National Human Rights Commission; a bill was currently under consideration to bring that institution into line with the Paris Principles.
10. The Commission on Information Technology and Freedoms, which was responsible for enforcing the Act on the Protection of Personal Information.
11. The Higher State Supervisory Authority, with which citizens could register complaints, investigated economic fraud and corruption on the part of the administration in its dealings with individuals and private-law corporations. The Authority could publish reports and refer any violations of the above-mentioned legislation directly to the judicial authorities.
12. Burkina Faso had made combating corruption a priority, including in the context of its poverty reduction strategy.
13. Every year national days for women, farmers and young people were organized during which there was an opportunity for direct dialogue with the Head of State on their concerns and the implementation of the relevant sectoral policies.
14. The national action plan to reform the justice system 2002-2006 and its consolidation plan had led to the adoption of many measures aimed at improving the living and working conditions of judges and justice system employees.
15. Measures had also been adopted to improve prison conditions: new prisons and reform institutions had been built; psychological counselling, literacy training, sentencing reform and work opportunities in the prisons had helped facilitate the reintegration of prisoners into society; and Ouagadougou prison had been enlarged to relieve overcrowding. Women and minors were held separately and received special attention in the areas of food, health care and hygiene. Minors were provided with vocational training and social workers in the prisons helped them keep in touch with their families.

16. With a view to reducing violence against inmates, prisoners were provided with brochures in the national languages explaining their rights and obligations.
17. Burkina Faso was considering abolishing the death penalty and no executions had in fact taken place.
18. Steps would be taken to ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.
19. As in the past, Burkina Faso would continue to cooperate with the special procedures of the United Nations.
20. Burkina Faso acknowledged that it had not fulfilled all its reporting obligations to treaty bodies. Accordingly, it would make a formal request for technical assistance in creating national mechanisms to draft its reports.
21. In accordance with the principle of non-discrimination, the issues of gender and gender equality were incorporated into all national policies and strategies. Great efforts had been made at both the political and economic levels with a view to protecting and promoting women's rights.
22. Despite the measures adopted by the State to promote education for girls, inequality persisted. Her Government would continue its efforts to remedy that situation.
23. In the health sector, the Hospitals Act guaranteed equal access to health care for all. Mothers' and children's health were still major priorities in national development programmes. Steps had been taken to reduce maternal and child mortality, for example.
24. As for women's social and economic situation, all projects and programmes implemented under the poverty reduction strategy framework took due account of women. Other measures included: implementation of the national microfinance strategy action plan, which would promote women's access to microfinance; construction and renovation of the "*maisons des femmes*" and centres for the advancement of rural women; and the establishment of a national commission for follow-up of Burkina Faso's commitments in the area of women's rights.
25. Strategies had been developed to eliminate violence against women, including awareness campaigns, prosecution of perpetrators and care for victims.

26. With regard to female circumcision, she said that efforts were under way in the field, in cooperation with technical and financial partners, NGOs and other associations. A national committee to eliminate female circumcision was likewise working at the grass-roots level. By law, practitioners and their accomplices were prosecuted, tried and punished. A “Zero tolerance for female genital mutilation by 2012” action plan was being implemented. Medical care was provided to victims.

27. Burkina Faso had a law on trafficking in persons and similar practices. In the area of cross-border trafficking of children, it had signed a bilateral agreement with Mali and a multilateral subregional cooperation agreement to combat child trafficking. It had likewise signed a cooperation agreement with the countries of western and central Africa on combating human trafficking, especially trafficking of women and children.

28. On the issue of sexual exploitation and sexual violence, in 2005 Burkina Faso had ratified the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography.

29. In 1999, in partnership with the International Labour Organization (ILO), the Government had launched a national programme to eliminate child labour. It organized public information and awareness campaigns and promoted a policy of socio-economic development for families at risk. Legal or disciplinary sanctions were imposed on persons responsible for child trafficking or trading, or violence against children. A sectoral action plan relating to young girls working in urban areas had also been adopted.

30. In follow-up to the commitments made on the occasion of its candidacy for membership of the Human Rights Council, Burkina Faso had adopted laws authorizing the ratification of the Convention on the Rights of Persons with Disabilities and the protocol thereto as well as the International Convention for the Protection of All Persons from Enforced Disappearance.

31. Burkina Faso had been strengthening the right of access to justice in recent years, for example by increasing the number of courts and judges. A decree establishing a legal aid was intended to facilitate access to justice for the destitute, which showed that the Government had understood the need to increase access to justice for the destitute and was acting to make that right a reality.

32. Individuals placed in custody by a prosecutor in cases of *flagrante delicto* must appear before a judge within two to three days. If an investigating judge ordered preventive detention, they must by law extend it within six months. As to the time taken to reach a verdict, that varied greatly depending on such factors as the complexity of the case, the attendance of the parties and witnesses and the availability of expert evidence.

33. Despite the Government's efforts, problems remained with regard to the promotion and protection of human rights. Burkina Faso therefore formally requested the support of the Human Rights Council and its procedures, and of the international community, in the areas dealt with in paragraphs 19 to 21 of its national report.

### **B. Interactive dialogue and responses by the State under review**

34. During the interactive dialogue, statements were made by 46 delegations. A number of delegations thanked the Government for its comprehensive national report and for the high quality of its presentation. Statements were made welcoming the State's commitment to the review and the use of electronic and print media, which ensured wide consultations with stakeholders and transparency in the preparation of the national report, which openly addresses the challenges the country faces. A number of delegations praised the State's continuous efforts to improve its human rights situation despite numerous challenges, including the difficult situation resulting from poverty. The ratification of most human rights treaties was also noted. A number of delegations welcomed the strengthening of the national institutional framework by the establishment, *inter alia*, of the Ministry for the Promotion of Human Rights and institutions such as the national human rights commission.

35. France congratulated Burkina Faso on the progress made, particularly regarding freedom of religion and the respect of the rights of minorities, indigenous people and human rights defenders. Although it stressed that, since 1988, Burkina has *de facto* abolished the death penalty, France recommended that Burkina Faso (a) adopt legislation abolishing it. Despite the independence of the judiciary, the Constitution provides that the Head of State can appoint and dismiss members of the judiciary. France inquired about the State's intentions to reinforce the independence of judiciary. It also enquired about the measures intended by the Government to fully guarantee freedom of the press. France noted that sanctions against perpetrators of violence against women are rarely applied and recommended that Burkina Faso (b) adopt specific legislation to prevent and punish violence against women. While noting that there is no specific legislation to prevent discrimination against

persons with disabilities, France recommended that the Government (c) take every possible measure to put an end to all discrimination against them. It also recommended that it (d) continue to implement the United Nations Convention against Corruption to prevent and punish corruption.

36. Turkey welcomed the recent legislative reforms and the measures to combat the marginalization of women and to eliminate discrimination against women. It encouraged Burkina Faso to pursue its efforts to combat discrimination against women based on customary traditional cultural practices, which illustrated the importance of education. It therefore encouraged Burkina Faso to increase its action and promote access to education. Turkey noted a delay with regard to the State's reporting to treaty bodies and its request for technical assistance to train national professionals.

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

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



reaffirming the moratorium on death penalty adopted in 2008. It echoed the call of the delegation that (e) the international community should assist Burkina Faso to fulfil its international human rights obligations.

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

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

41. While commending the fact that torture is prohibited, Denmark was concerned that torture and cruel, inhuman and degrading treatment persist in detention centres and prisons. It noted the prohibition of violent conduct by prison and detention officers, and requested further information on the plans to end such conditions. It asked when the Government intends to establish an effective national preventive mechanism. Denmark recommended that Burkina Faso take all steps to improve prisoners' condition and ratify the Optional Protocol to the Convention against Torture in the near future and establish a national preventive mechanism.

42. The Netherlands noted the challenges in access to justice and the measures to reform the justice system, and recommended that Burkina Faso further strengthen measures to improve public

access to the justice system and its independence by, inter alia, providing sufficient means, and that Burkina Faso report on the results of these measures in the next review report. It recommended that Burkina Faso consider the structure and function of the national human rights commission in accordance with the Paris Principles. It commended Burkina Faso for reducing female genital mutilation significantly and recommended that it share best practices with other countries and continue to take measures to fully eradicate female genital mutilation. It recommended that Burkina Faso consider ratifying the Optional Protocol to the Convention against Torture.

43. Viet Nam noted the progress made in the area of economic and social rights, the elaboration of a legal and judicial system and, as an example of good practice, the establishment of the Ministry for the Promotion of Human Rights. It recommended that Burkina Faso increase its efforts to see through its commitments set out in the national report, especially with regard to campaigning against poverty and ignorance and reinforcing the legitimate rights of specific social groups in the country.

44. Mexico welcomed the creation of national institutions for the promotion and defence of human rights, particularly for the most vulnerable: women, children and the elderly. It invited Burkina Faso to continue its efforts in awareness-raising and information, particularly given the high rates of illiteracy still in the country. Mexico recommended that Burkina Faso (a) continue with its efforts by ratifying the Optional Protocol to the Convention against Torture, and (b) extend an open and standing invitation to all special procedures of the Council. Mexico emphasized that Burkina Faso should pay greater attention to trafficking in and exploitation and abuse of minors, which have reached alarming levels, and to the situation of women. It noted the legal and institutional framework to promote women but also the obstacles to the full implementation of laws. Noting that older women require greater protection from the State, it recommended (c) that efforts be redoubled to eliminate discrimination against women and that the Government apply the Convention on the Elimination of All Forms of Discrimination against Women fully. Mexico highlighted the challenge of improving the penitentiary system, characterized by overcrowding in prisons and the lack of access to immediate legal aid. It was concerned at the presence of private militia and a sort of “local police”, in parallel to the public security police. Mexico recommended that the State (d) abolish capital punishment and (e) consider ratifying the Second Optional Protocol to the International Covenant on Civil and Political Rights abolishing the death penalty.

45. Encouraged by the way Burkina Faso complies with international commitments in human rights, Benin encouraged Burkina Faso to continue its efforts to sign and ratify the relevant human

rights instruments. Benin noted that Burkina Faso is already a party to the Convention against Torture, and welcomed the signature of the Optional Protocol thereto in 2005. Benin enquired about national measures to ensure ratification of the Optional Protocol and about efforts to prevent torture. Benin recommended that Burkina Faso make an effort to ratify the Optional Protocol in order to set up a national preventive mechanism, like in Benin.

46. Chad welcomed the fact that Burkina Faso is party to a number of international instruments and recommended that the Government continue efforts to improve the human rights situation in the country and that, with the support of the international community, it take up the major challenges it faces.

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

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

49. Albania noted with satisfaction the effective measures taken to reduce the practice of female genital mutilation and encouraged Burkina Faso to (a) continue its efforts in order to definitely

eliminate the practice. Albania recommended that Burkina Faso (b) abolish the death penalty by adopting a law commuting all death sentences and that Burkina Faso (c) accede to the Second Optional Protocol to the International Covenant on Civil and Political Rights. Albania recommended that Burkina Faso (d) consolidate cooperation with OHCHR to reinforce its national capacity in human rights, cited in paragraph 108 of the national report.

50. Algeria congratulated Burkina Faso for submitting to the African Peer Review Mechanism and welcomed the creation of the national human rights commission and the policies adopted, particularly regarding the right to primary education, to facilitate access to health care and to combat ill-treatment of children. It drew special attention to the promotion of the role of women in society. Algeria recommended that Burkina Faso accede to the 1960 UNESCO Convention against Discrimination in Education. Algeria recommended that the international community provide further technical and financial assistance to Burkina Faso, particularly in education, health and employment. Algeria also encouraged the Government to continue its initiative to combat and put an end to the practise of excision.

51. The United Kingdom commended the creation of the Ministry for the Promotion of Human Rights and the national human rights commission, and encouraged Burkina Faso to ensure that the commission is in full compliance with the Paris Principles. It recommended that Burkina Faso strengthen awareness-raising efforts in rural areas, where some cultural traditions inhibit women's rights. It noted the Government's decision in 2007 to provide free education until 16 years of age and the progress towards universal enrolment and gender parity at the primary level, but referred to the concerns of the Committee on the Rights of the Child that child labour is widespread. It recommended that all necessary measures be taken to ensure that employment of children does not interfere with their right to education. While acknowledging that the Penal Code provides for capital punishment and that there is de facto moratorium on its application, it recommended that Burkina Faso consider taking steps to abolish the death penalty in all circumstances. It encouraged Burkina Faso to take further steps to submit periodic reports to the treaty monitoring mechanisms and to implement recommendations in a timely fashion.

52. Azerbaijan commended the State's collaboration with international human rights institutions. It was concerned about problems in the effective protection of women's rights, gender inequality, the lack of full-scale children's rights and reform of the judicial and penal system. Azerbaijan enquired about progress made on these issues.

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

54. China noted considerable progress achieved with regard to the right to education, children's rights and the elimination of discrimination against women. It noted that the national report identified poverty and illiteracy as main challenges and that therefore technical support from the international community for capacity-building is greatly needed. China recommended that the international community give a positive response to the reasonable request of Burkina Faso for technical and financial assistance.

55. Mauritius noted the participation of Burkina Faso in the African Peer Review Mechanism and its signature of the Bamako Declaration. It welcomed the establishment of the Ministry for the Promotion of Human Rights, the independent national electoral commission, the national human rights commission and the establishment of a parliamentary committee on general, institutional and human rights affairs. It noted the high rate of illiteracy and the low rate of secondary schooling, and the challenge of providing education owing to a lack of infrastructures and human resources. Mauritius appealed to the international community to support the efforts of Burkina Faso to combat poverty and ensure the right to education for all. Mauritius appealed to OHCHR to provide appropriate technical assistance to enhance the State's capacities in terms of promoting human rights in the areas mentioned in paragraph 108 of the national report.

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

57. Sweden referred to reports on the lack of independence in the judicial system, impunity and corruption that obstruct the rule of law. Sweden noted with interest that Burkina Faso has adopted a

strategy for 2008-2010, including the establishment of a process whereby individuals can report human rights violations. Sweden requested whether the complaint procedure has been set up and asked about any initial experiences in this process. Sweden recommended that Burkina Faso intensify its efforts to reinforce the human rights protection system, fight impunity and ensure the independence of the judicial system. Sweden remained concerned at the situation of women's rights, especially sexual and reproductive health and rights, rape, including marital rape, polygamy and women's limited rights to inheritance. Sweden recommended that Burkina Faso increase efforts to strengthen the respect of women's rights and to promote gender equality.

58. Belgium welcomed the creation of a ministry for the promotion of human rights, but expressed concern about the lack of an independent justice system and the uncompleted fight against corruption. While noting that the reform of justice and the fight against corruption are key priorities and that the justice inspectorate has been strengthened, Belgium emphasized that tangible efforts and concrete actions are needed. National courts have not yet been seized of any case of corruption. Belgium enquired about measures taken to improve the working of justice and when the higher State supervisory authority will be able to publish a report, which can be translated into tangible measures to combat corruption. Belgium recommended that Burkina Faso (a) make every possible effort to ensure that justice can operate independently and that all political influence on the legal system is eliminated. With regard to corruption, Belgium recommended that (b) the Government translate its intentions into tangible results and measures. Belgium recommended that (c) the national human rights commission be independent, in conformity with the Paris Principles, particularly in adopting its competences and funding.

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

60. Following the interactive dialogue the Minister for the Promotion of Human Rights replied to the first cluster of questions.

61. With regard to freedom of the press, she said that the Information Code, was a liberal piece of legislation; in that favourable legal framework radio stations and the private press flourished. The right to information was a fundamental right of citizens of Burkina Faso. Any censorship was exercised by journalists themselves. She requested more information on the allegations of pressure exerted on journalists.

62. As for prison sentences, she noted the legal provision for alternatives to prison such as community service.

63. Measures to combat stereotypes included awareness campaigns and efforts to enlist the support of traditional leaders. Female genital mutilation was punishable by law. Turning to women's land rights, she said that a draft bill on property rights was under consideration. Sexist stereotypes had been removed from school textbooks.

64. Measures to eliminate discrimination against girls included symposiums on boosting girls' enrolment in school, the establishment of an office for the promotion of girls' education, the formation of mothers' educational associations to encourage education for girls and training on the gender-perspective for teaching staff.

65. The specific needs of children with disabilities were taken into account in the education system; special modules were being piloted in teacher training colleges.

66. Measures to combat child trafficking and the worst forms of child labour included studies to evaluate the extent of the problem, implementation of a national strategy to combat the problem, the adoption of a law criminalizing child trafficking, the establishment of 255 watchdog committees in provinces, communes and villages, the establishment of 23 transit centres, and other initiatives.

67. The reform of the judicial system in 2004 included the establishment of special juvenile courts.

68. Malaysia welcomed the measures taken to improve the situation of women. It noted that more efforts could be made to address discrimination in that domain. Malaysia recommended that Burkina Faso (a) consider enacting legislation on violence against women, including domestic violence, as recommended by the Committee on the Elimination of Discrimination against Women. Malaysia also recommended that Burkina Faso (b) intensify its efforts to combat trafficking in girls and women for sexual exploitation, inter alia, through the implementation of a national strategy to

combat this issue. Malaysia supported and (c) called on the international community to respond favourably to the State's request for capacity-building and technical assistance in various fields of human rights.

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

70. While noting the role played by the Constitutional Council and the independent national electoral commission in referendums and elections, Zambia expressed the hope for clear terms of reference of these bodies to avoid conflicts of interest. Zambia welcomed the introduction of human rights and civic education in schools. It appreciated the 2006-2015 strategic policy on children's rights, but requested further information on the activities of the children's parliament. Zambia noted the establishment of the Ministry for the Advancement of Women and that obstacles to the implementation of the relevant laws and the Convention on the Elimination of All Forms of Discrimination against Women persist. It called on the Government to ensure that all obstacles in this regard are addressed, including the issue of witchcraft. It also called upon the international community and OHCHR to provide Burkina Faso with technical assistance to allow it to meet its reporting obligations to treaty bodies.

71. Nigeria noted the creation of the Ministry for the Promotion of Human Rights and the establishment of human rights committees in the national Parliament. It also noted the progress made in the fight against female genital mutilation and the continuing efforts in education and public awareness of human rights, citing the significant progress made in the primary education of the girl-child. Nigeria called on the Council and the international community to provide urgently technical and financial assistance to Burkina Faso to support its efforts and for the eventual implementation of the recommendations from the review process.

72. Brazil congratulated Burkina Faso for its support to regional human rights initiatives, like the African Peer Review Mechanism. It welcomed efforts aiming at establishing a national legal framework for human rights, especially the creation of the Ministry for the Promotion of Human Rights, the Ministry for the Advancement of Women and the national human rights commission. Brazil enquired about the State's intentions to address customary practices that discriminate against women. Brazil recommended that Burkina Faso (a) consider fostering national strategies to combat child labour and to promote decent work, and (b) consider the extension of a



standing invitation to the special procedures of the Council. Brazil recommended (c) the abolishment of the death penalty in accordance with General Assembly resolution 62/149, and that Burkina Faso (d) continue efforts towards the full elimination of female genital mutilation.

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

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

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

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

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

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

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

80. Latvia noted with appreciation the Government's respect for freedom of religion and its policy measures promoting the role of women in development and the agricultural sector. In the light of the cooperation of Burkina Faso with the special procedures, Latvia recommended that Burkina Faso consider extending a standing invitation to all special procedures of the Council.

81. Cameroon welcomed the creation of a number of institutions and the ministry for the promotion of human rights. Cameroon encouraged Burkina Faso to complete all reports to be submitted to treaty bodies; ensure the functioning of the various structures that have been set up; enhance the work of the independent national human rights commission; continue to raise awareness among traditional communities about the protection and promotion of the rights of older people, particularly elderly women; develop regional cooperation to counter trafficking in children; and draft a proper migration policy.

82. Canada noted that Burkina Faso is a reference in West Africa with regard to stability, economic development and good governance. Canada noted the concerns expressed by non-governmental organizations at the poor detention conditions in penitentiary centres. Canada recommended that the Government (a) intensify dialogue with the international community on the issues of ill-treatment by submitting to the Committee against Torture the reports that are due. It also recommended that Burkina Faso (b) invite the Special Rapporteur on torture to make an official visit to the country. Canada noted the concerns of several actors, in particular ILO, stating that Burkina Faso is a sending, receiving and transit country for trafficked children. It acknowledged the efforts made to combat this scourge, particularly the adoption of its national action plan in 2007. Considering the information by the ILO committee of experts that only 18 individuals have been convicted for this crime since 2003, Canada recommended that the Government (c) intensify its efforts to implement the national action plan to combat trafficking, particularly by bringing to justice and systematically convicting those individuals held responsible. Canada congratulated Burkina Faso on promoting a language that does not discriminate between

men and women when referring to human rights and on the creation of the ministry for the promotion of human rights. It recommended that Burkina Faso (d) continue its efforts so that the language truly reflects gender equality.

83. Senegal welcomed the considerable efforts made by Burkina Faso to comply with its commitments to human rights and its concern to meet the deadlines of treaty bodies. Senegal encouraged Burkina Faso to continue to ensure the realization of the rights to health and education, and its efforts to enhance the means at the disposal of the judiciary. Senegal asked Burkina Faso for information on its good practices, in particular the measures to ensure the effective promotion of women and to build capacities of civil society.

84. Mali welcomed the progress made in education, health and justice. It encouraged the international community to support the State's initiatives to improve the socio-economic situation of the population. It called upon the international community to assist Burkina Faso to strengthen its capacities in the area of human rights.

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

86. The Syrian Arab Republic welcomed the pioneer projects that Burkina Faso undertook in the information and awareness-raising activities to familiarize the general public with the universal periodic review mechanism. It recommended that Burkina Faso continue its efforts to protect and promote human rights in conformity with its self-pledged commitments and the development needs of society.

87. Australia welcomed that Burkina Faso has not carried out the death penalty since 1988 and encouraged the Government to (a) take the steps to abolish the death penalty under the law. It welcomed the establishment of a ministry for the advancement of women and the efforts to eradicate female genital mutilation, and (b) encouraged the Government to continue its efforts in

this regard. It noted the concerns of the Committee on the Elimination of Discrimination against Women about the trafficking of women and girls for sexual exploitation. Australia recommended that (c) Burkina Faso implement a national strategy to combat this issue.

88. South Africa noted that considerable efforts had been made to promote the human rights of women, especially through the ministry for the advancement of women, and commended the Government for making human rights education for the general public a priority. It recommended that the Council make available the requisite support in the areas highlighted under section VII in the national report for the effective promotion and protection of human rights.

89. Responding to the second cluster of questions, the Minister gave the following replies.

90. Concerning the Higher State Supervisory Authority and efforts to combat corruption, she said that an auditor-general and a number of auditors had been appointed, trained and sworn in. A plan of action, was in preparation and would be adopted in December 2008. Reports could therefore be expected in 2009.

91. With regard to the juvenile justice system, the Minister said that 19 juvenile judges had been appointed in judicial districts that had no juvenile courts.

92. Turning to the national policy for the advancement of women, she said that a mid-term review of the plan of action for the advancement of women for 2006-2010 was under way.

93. As for forced marriage, she said that the Code of the Individual and the Family set the minimum age of marriage for girls and boys at 17 and 20 respectively. Marriage before those ages required the approval of the parents. A programme to combat child marriage should be launched soon and would include strategies to involve traditional leaders.

94. The Inter-Ministerial Committee on Human Rights and International Humanitarian Law coordinated Government efforts in international human rights law. The Committee had reaffirmed the independence of the National Human Rights Commission and the Parliamentary Committee on general, institutional and human rights affairs. Her Ministry provided technical assistance to those bodies.

95. With regard to the right to housing, she said that support from the international community would increase the number of low-cost housing units provided through her Government's housing initiative from 10,000 to 50,000.

96. The children's parliament, established in 1997, had played an active part in the implementation of children's programmes. It had for example promoted sponsorship of at least 1,000 disadvantaged children.

97. Lastly, she said that the National Health Promotion Plan 2006-2010 took into account the need to increase children's access to health care.

## II. CONCLUSIONS AND/OR RECOMMENDATIONS

98. The recommendations formulated during the interactive dialogue have been examined by Burkina Faso and the recommendations listed below enjoy the support of Burkina Faso:

1. Accede to the 1960 UNESCO Convention against Discrimination in Education (Algeria);
2. Continue to implement the United Nations Convention against Corruption to prevent and punish corruption (France);
3. Ensure the effective application of the Convention against Torture (Luxembourg), ratify the Optional Protocol thereto (Netherlands, Mexico, Benin, Denmark, Luxembourg) and establish a national preventive mechanism (Benin, Denmark);
4. Ensure that the statute of the national human rights commission is in conformity with the Paris Principle, to ensure that it is fully operational, as recommended by the Committee on the Rights of the Child (Luxembourg); consider the structure and function of the national human rights commission (Netherlands); ensure its independence, particularly in adjusting its competences and funding (Belgium), in accordance with the Paris Principles (Netherlands, Belgium);
5. Submit regularly reports to treaty bodies (Gabon), take further steps to present periodic reports to the treaty bodies and implement the recommendations in a timely fashion (United Kingdom);
6. Intensify dialogue with the international community on the issue of ill-treatment by submitting the reports due to the Committee against Torture (Canada);
7. Take every possible measure to put an end to discrimination against people with disabilities (France);

8. Continue efforts so that the language referring to human rights truly reflects gender equality (Canada); increase efforts to strengthen the respect of women's rights and to promote gender equality (Sweden); redouble efforts to eliminate discrimination against women and apply the Convention on the Elimination of All Forms of Discrimination against Women fully (Mexico); ensure that full access is given to rural women to education, health care and credit, as well as to land and housing as recommended by the Committee on the Elimination of Discrimination against Women (Luxembourg); and strengthen awareness-raising efforts in rural areas where some cultural traditions inhibit women's rights (United Kingdom);
9. Consider the establishment of a de jure moratorium on death penalty with a view to abolishing capital punishment in national legislation (Italy); adopt legislation aimed at ultimately abolishing death penalty (France); and consider steps to abolish the death penalty in all circumstances (United Kingdom);
10. Take all steps to improve prisoners' condition (Denmark), improve detention facilities and overall detention conditions, also by means of training law enforcement officials in human rights (Italy);
11. Share best practices with other countries regarding female genital mutilation (Netherlands), pursue efforts to continue to make exemplary progress with regard to the effective abolition of sexual mutilation (Luxembourg) and continue efforts to fully eradicate it (Netherlands, Albania, Brazil, Australia);
12. Continue its initiative to combat and put an end to the practise of excision (Algeria);
13. Intensify efforts to combat trafficking in girls and women for sexual exploitation (Malaysia) through the implementation of a national strategy to combat this issue (Malaysia, Australia); intensify efforts to implement the national action plan to combat trafficking, particularly by bringing to justice and systematically convicting those individuals held responsible (Canada);
14. Set up an anti-trafficking public campaign and take measures to protect victims and give them the necessary legal and psycho-social assistance and societal reintegration, and indicate the needs for technical assistance and capacity-building to the international community (Slovenia);

15. Effectively implement the international instruments ratified that focus on the protection of the child and children's rights (Italy); make further efforts to ensure that the social services provided for children remain a priority (Djibouti) and take appropriate measures to protect the most vulnerable children, particularly girls, disabled children and rural children, and ensure effective protection of children against sexual abuse, all forms of violence and exploitation, trafficking and child labour (Luxembourg);
16. Consider fostering national strategies to combat child labour and to promote decent work (Brazil); and develop and implement preventative and protection policies and measures for the victims of child labour (Slovenia);
17. Take all necessary measures to ensure that employment of children does not interfere with their right to education (United Kingdom);
18. Continue to strengthen educational policies (Angola), make even greater efforts in the right to education (Côte d'Ivoire) and, with the assistance of the international community, strengthen its human and institutional capacity in education and health (Ghana);
19. Pursue its efforts to ensure the schooling of girls and the re-schooling of children who have dropped out of or who have never gone to school, with the support of the United Nations (Burundi), and continue to make progress in the campaign to achieve universal basic education, including through non-formal education, with the support and cooperation of the international community (Bangladesh);
20. Intensify efforts to reinforce the human rights protection system and fight impunity (Sweden), further strengthen measures to improve public access to the justice system (Netherlands) and ensure the independence of the judicial system (Sweden, Netherlands) by, inter alia, providing sufficient means, and report on the results of these measures in the next review report (Netherlands);
21. Continue efforts to protect and promote human rights in conformity with its self-pledged commitments and the development needs of society (Syrian Arab Republic);
22. Effectively promote and protect human rights and seek the support of the Council in the areas highlighted under section VII in its national report (South Africa), consolidate



cooperation with OHCHR to reinforce its national capacity in human rights, cited in paragraph 108 of the national report (Albania), enhance its capacity to promote human rights in the areas mentioned in paragraph 108 of the national report, with the appropriate technical assistance of OHCHR (Mauritius), increase efforts to see through its commitments set out in the national report, especially with regard to campaigning against poverty and ignorance, and reinforce the legitimate rights of specific social groups in the country (Viet Nam);

23. Continue efforts in economic, social and cultural rights to consolidate the advances already made (Cuba); improve the socio-economic situation with the support of the international community (Mali); with the support and cooperation of the international community, continue to fight poverty, ensuring that the benefits are accrued by all citizens in all regions; continue to improve the health-care system and combat deadly diseases, such as HIV/AIDS (Bangladesh); combat poverty and ensure the right to education for all, with the support of the international community (Mauritius);
24. Fulfil, with the help of the international community, its international human rights obligations (Chile); enhance its capacity to promote and protect human rights, with the support of the international community, in terms of capacity-building and technical assistance in human rights, as requested by Burkina Faso (Malaysia);
25. Continue efforts to promote and protect human rights with all possible technical assistance by the international community and OHCHR (Pakistan); implement its ambitions in the promotion and protection of human right with the technical support of the international community (Gabon); continue efforts to improve the human rights situation in the country and, with the support of the international community, meet the major challenges it faces (Chad); meet challenges, particularly high poverty and illiteracy, with the technical and financial assistance of the international community (China); overcome, with the technical and financial assistance of the international community, the constraints and challenges particularly in the area of education, health and employment (Algeria);
26. Continue its positive efforts in the promotion and protection of human rights, including, with the support of developed countries, through its commitment to allocate 0.7 per cent of GDP to ODA (Cuba);

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

99. The recommendations noted in the report in paragraphs 35 (b), 38 (a), (b), (c) and (d), 44 (b) and (d), 49 (c), 58 (a), (b), 68 (a), 72 (b) and (c), 74 (a), 78 (c), 80, 82 (b), 87 (a), above did not enjoy the support of Burkina Faso.

100. Burkina Faso takes note of the recommendations reflected in paragraphs 35 (b), 38 (b), 58 (a) and (b), 68 (a), 74 (a) and offers the following comments:

Burkina Faso takes note of the recommendations reflected in paragraphs 38 (b) and 74 (a) regarding freedom of the press. It considers that they are unfounded, since the concerns expressed in these recommendations were largely addressed in its national report and interventions. Burkina Faso also considers that the recommendations in paragraphs 35 (b) and 68 (a) are unfounded, since a legislative framework punishing violence against women has already been put in place and applied. Regarding recommendation 58 (a), Burkina Faso believes that it has sufficiently been taken into account in the national report, statements and the responses given during the interactive dialogue. With regard to the recommendation in paragraph 58 (b), it is worth pointing out that the Higher State Supervisory Authority, which was created recently, reflects the State's resolve to fight corruption. Burkina Faso invites Belgium to support it in this fight and subsequently evaluating the results.

101. The following recommendation will be examined by Burkina Faso, which will provide responses in due time. The responses of Burkina Faso will be included in the outcome report to be adopted by the Council at its tenth session:

Abolish death penalty by adopting a law commuting all death sentences that have been pronounced (Albania).

102. All conclusions and/or recommendations contained in the present report reflect the position of the submitting State(s) and/or the State under review thereon. They should not be construed as endorsed by the Working Group as a whole.

**Annex**

**COMPOSITION OF THE DELEGATION**

La délégation du Burkina Faso était dirigée par S.E. Madame Salamata SAWADOGO, Ministre de la promotion des droits humains et composée de quinze membres:

S.E. M. Prosper VOKOUMA, Ambassadeur, Représentant Permanent du Burkina Faso à Genève;

M. Marc SOMDA, Conseiller Technique du Ministre de la Promotion des Droits Humains;

Mme Myriam KONSIMBO/POUSSI, Directrice générale de Promotion et de la Vulgarisation des Droits Humains;

M. Fortuné Gaétan ZONGO, Directeur Général de la Protection et de Vulgarisation des Droits Humains;

Mme Sabine BAKYONO/KANZIE, Deuxième Conseiller à la Mission Permanente du Burkina Faso à Genève;

Mme Clarisse MERINDOL/OUOBA, Conseiller Juridique à la Mission Permanente du Burkina Faso à Genève;

M. François de Salle BADO, Président de la Commission Nationale des Droits Humains;

M. Boukaré LINKONE, Ministère de la Promotion des Droits Humains;

M. Tuansi Bruno LOYA, Ministère de la Santé;

Mme Florentine KIMA, Ministère de la Justice;

Mme Emma KINDA, Ministère de l'Enseignement de Base et de l'Alphabétisation;

M. K. Célestine SAWADOGO, Ministère du Travail et de la Sécurité Sociale;

Mme Harguietta CONGO, Ministère de l'Action Sociale et de la Solidarité Nationale;

Mme Hélène OUEDRAOGO/TP, Ministère de la Promotion de la Femme.

-----