

## **BURKINA FASO**

### **CRC A/51/41 (1996)**

#### Concluding observations

46. The Committee considered the initial report of Burkina Faso (CRC/C/3/Add.19) at its 135th to 137th meetings (CRC/C/SR.135-137), on 7 and 8 April 1994, and adopted, at its 156th meeting, on 22 April 1994, the following concluding observations.

#### Introduction

47. The Committee expresses its appreciation to the State party for its report, which has been prepared in conformity with the Committee's guidelines, and for the submission by the Government of Burkina Faso of written replies to its list of issues. It notes with satisfaction that the supplementary information provided by the delegation made it possible to engage in a frank and constructive dialogue with the State party.

#### Positive factors

48. The Committee welcomes the measures undertaken by the Government of Burkina Faso since the entry into force of the Convention on the Rights of the Child in 1990 to promote and protect the rights of the child. It notes the adoption by the Government of Burkina Faso of the national plan of action and the establishment of the follow-up and Evaluation Committee to monitor its implementation; the adoption of legislative measures prohibiting female circumcision and the setting up of a National Committee to Combat Female Circumcision; and the announced revision of penal and labour legislation, which will, *inter alia*, bring the national law into conformity with the international standards for the protection of the rights of the child set forth in the Convention.

49. The Committee appreciates very much the willingness and the readiness of the Government of Burkina Faso to cooperate with various intergovernmental and non-governmental institutions in the field of the promotion and protection of the rights of the child in accordance with the standards set forth in the Convention. The efforts made by the Government to involve, at the national and local levels, customary and religious leaders in the implementation of the rights of the child are also appreciated.

#### Factors and difficulties impeding the application of the Convention

50. The Committee is aware of the difficulties encountered by Burkina Faso, particularly those associated with the low level of adequate resources, and the implementation of the structural adjustment policies and the recent devaluation of the Communauté financière africaine (CFA) franc. Certain traditional practices and customs, prevailing particularly in rural areas, also create difficulties for the application of the provisions of the Convention. The Committee notes that the

Government of Burkina Faso is well aware of the existing difficulties impeding the implementation of the Convention and much appreciates the frankness and self-critical approach of the report in this respect. The Committee, furthermore, notes the commitment expressed by the Government to do everything, through national as well as international actions, in such a difficult situation, to ensure that children's problems are treated with the highest possible priority.

#### Principal subjects of concern

51. The Committee expresses its concern about the negative effects of poverty and structural adjustments on the situation of children in Burkina Faso, as illustrated by the high rate of infant mortality, malnutrition, as well as the low level of health services and school attendance.

52. The lack of adequate mechanisms for the collection of data on the situation of children is also a matter of concern.

53. The Committee expresses its serious concern at the persistence of discrimination against girls and women. The Committee is concerned at the low school attendance and high drop-out rates among girls, especially at the primary level, and at the continuing practices of female circumcision, forced marriages and domestic violence, as well as the low coverage and acceptance of family planning programmes.

54. The Committee is also concerned about the persistence of some discriminatory social attitudes towards vulnerable groups of children, including those born out of wedlock and disabled children. The lack of adequate recourse and complaints procedures for children, victims of cruel treatment, including domestic violence, for cultural as well as material reasons, is also a matter of concern.

55. The Committee feels that the vaccination programmes are not adequate, both in terms of the range of vaccines offered and the groups covered, and do not correspond to the real needs, especially in rural areas.

56. The Committee notes that the sanctions set forth in the legislation as regards juvenile offenders, especially in cases carrying the death penalty or life imprisonment, reduced respectively to life imprisonment or to 20 years' imprisonment, are excessively high. Harsh sentences, as well as the occurrence of arbitrary detention of juveniles and the admittedly very difficult conditions of detention, are not in conformity with the provisions of articles 37 and 40 of the Convention.

57. The Committee also expresses its concern about the lack of adequate training provided to law enforcement officials and judicial personnel in the light of article 3 of the Convention.

58. The Committee is also concerned about the lack of adequate protection provided to child workers, in particular those employed in agriculture, domestic service and the informal sector.

#### Suggestions and recommendations

59. The Committee recommends that a comprehensive strategy be elaborated and effectively

implemented by the Government of the State party to eradicate the existing discrimination against girls and women. In that context, special efforts should be made to prevent existing practices of forced marriage, female circumcision and domestic violence. More attention should be paid to the wider dissemination of knowledge about modern methods of family planning.

60. The Committee also recommends that special efforts should be made by the Government to pursue the process of bringing the existing legislation into line with the provisions of the Convention and to take fully into account the interests of the child in the course of drafting new legislation, including through the possibility of considering a comprehensive legislative act on the rights of the child. The penal and labour codes, now under revision, should be brought into line with the relevant provisions of the Convention.

61. The Committee recommends that the personnel dealing with children be provided with adequate training, with particular emphasis being placed on the provisions of the Convention.

62. The Committee also suggests that part of the training of law enforcement personnel, judges and other relevant personnel be devoted to an understanding of international standards on juvenile justice, including the Beijing Rules, the Riyadh Guidelines and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty. The national penitentiary system should be reformed to assure appropriate treatment of children deprived of their liberty, including through non-institutional measures.

63. The Committee, being aware of the lack of necessary financial resources to implement some of the recommendations formulated above, strongly recommends that the State party consider requesting assistance from the Centre for Human Rights, under its programme of advisory services and technical assistance, in the field of the administration of juvenile justice. It is also suggested that support from the international community be made available, in particular in the fields of legislative review, training of law enforcement personnel, judges and other administration of justice officials, and for the development of an adequate system for the collection of data on the situation of children.

## **CRC CRC/C/121 (2002)**

428. The Committee considered the second periodic report of Burkina Faso (CRC/C/65/Add.18), submitted on 11 October 1999, at its 825th and 826th meetings (see CRC/C/SR.825 and 826), held on 30 September 2002, and adopted, at its 833rd meeting, held on 4 October 2002, the following concluding observations.

### **A. Introduction**

429. The Committee notes with appreciation the submission of the State party's second periodic report. The Committee welcomes the written replies to its list of issues (CRC/C/RESP/18), as well as the additional information provided in the annexes. The Committee also notes with appreciation the presence of a high-level delegation, which contributed to an open dialogue and a better understanding of the implementation of the Convention in the State party.

### **B. Follow-up measures undertaken and progress achieved by the State party**

430. The Committee notes with appreciation:

- (a) The adoption of the 1996 Law on Education (Law 13796/ADP), of the 10-year Development Plan for Basic Education (2001-2010), and of the Law establishing a new Penal Code (Law 4396/ADP);
- (b) The establishment of a Ministry for the Promotion of Human Rights, of a Children's Parliament, and of a National Council for the Promotion of Children;
- (c) The ratification of ILO Conventions No. 138 concerning the Minimum Age for Admission to Employment and No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour;
- (d) The introduction of the rights of the child in the school curricula in primary education at an experimented stage;
- (e) The prohibition of female genital mutilation under the new Penal Code and the establishment of the National Committee to Combat Female Circumcision;
- (f) The establishment of the National Youth Forum to Fight Against HIV/AIDS.

### **C. Factors and difficulties impeding progress in the implementation of the Convention**

431. The Committee acknowledges that the external debt and the limited availability of skilled human resources have had a negative impact on the social welfare and on the situation of children and have impeded the full implementation of the Convention. Furthermore, the coexistence of customary law and statutory law does affect the implementation of the Convention in the State

party where traditional practices are not conducive to respect for children's rights.

#### D. Principal subjects of concern and recommendations

##### 1. General measures of implementation

##### Previous recommendations of the Committee

432. The Committee regrets that some of the concerns and recommendations (CRC/C/15/Add.19) it made upon consideration of the State party's initial report (CRC/C/3/Add.19) have been insufficiently addressed, particularly those contained in paragraphs 14, 16, and 18. Those concerns and recommendations are reiterated in the present document.

433. The Committee urges the State party to make every effort to address its recommendations contained in the concluding observations on the initial report that have not yet been implemented and to address the list of concerns contained in the present concluding observations on the second periodic report.

##### Legislation

434. The Committee notes that new laws have been adopted by the State party to harmonize the existing legislation with the Convention, but remains concerned that domestic legislation, including customary law, still does not fully reflect the principles of the Convention and that customary law does impede the implementation of the Convention.

435. The Committee, in line with its previous recommendations (ibid., para. 15) encourages the State party to take all necessary measures to ensure that its domestic legislation conforms fully to the principles and provisions of the Convention. In that respect, the Committee recommends that the State party:

- (a) Take all necessary steps to harmonize existing legislation and customary law with the Convention;
- (b) Consider adopting a comprehensive children's code which will reflect the general principles and provisions of the Convention;
- (c) Ensure the implementation of its legislation.

##### National Plan of Action

436. The Committee welcomes the information that a two-phase National Plan of Action (phase I 2000-2005 and phase II 2005-2010) has been adopted as a follow-up to the previous National Plan of Action, taking into account the Outcome Document of the United Nations Special Session on Children, entitled "A World Fit for Children". It further welcomes the establishment of a National Council for the Promotion of Children chaired by the President of the State party and of

an Inter-Ministerial Technical Committee for the implementation of the new National Plan of Action. But the Committee is concerned that the lack of sufficient human and financial resources may seriously hamper the implementation of the National Plan of Action.

437. The Committee recommends that the State party take all necessary steps for the full implementation of the National Plan of Action, inter alia by making the two bodies that have been set up as effective as possible and by supporting the implementation process with the necessary human and financial resources within the framework of international cooperation. The State party is also encouraged to seek technical and other assistance from the United Nations Children's Fund (UNICEF), the World Bank and international non-governmental organizations.

#### Coordination

438. The Committee notes the reorganization and decentralization of the Follow-up and Evaluation Committee for the National Plan of Action for Children and welcomes the midterm evaluation of the National Plan of Action for Children conducted in 1996. In addition, the Committee notes that the Ministry of Social Action and National Solidarity and the Evaluation Committee have an important role to play in the coordination of activities for the implementation of the Convention, but remains concerned at the insufficient human and financial resources allocated to coordination among the various programmes and ministries, which affects the implementation of the Convention.

439. The Committee recommends that the State party take all necessary measures to allocate sufficient human and financial resources to the coordination mechanism.

#### Independent monitoring structures

440. The Committee welcomes the establishment, in 2001, of the National Commission on Human Rights. Nevertheless, the Committee is concerned that the Commission is not yet fully operational and that its mandate does not include the power to receive and address individual complaints of violations of the rights of the child.

441. The Committee encourages the State party to consider the structure and functions of the National Commission on Human Rights, in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (The Paris Principles) (General Assembly resolution 48/134, annex) and in light of the Committee's General Comment No. 2 on national human rights institutions, to enable it to monitor and evaluate progress in the implementation of the Convention at the national and, if appropriate, at the local level. In addition, the institution should be empowered to receive and investigate complaints about violations of child rights in a child-sensitive manner and address them effectively. To this end, the Committee recommends that the State party allocate sufficient financial and human resources to the National Commission on Human Rights and encourages the State party to seek technical assistance from, among others, the Office of the United Nations High Commissioner for Human Rights (OHCHR) and UNICEF.

#### Resources for children

442. The Committee welcomes the priority given to the allocation of resources to health and education, especially in the State budget for 2002, and notes with concern the chronic budget deficits in spite of aid plans established through international cooperation, the World Bank, United Nations agencies and bilateral donors.

443. While recognizing the difficult economic conditions, the Committee recommends that the State party:

(a) Make every effort to increase the proportion of the budget allocated to the realization of children's rights to the "maximum extent ... of available resources" and, in this context, to ensure the provision, including through international cooperation, of appropriate human resources and to guarantee that the implementation of policies relating to social services provided to children remain a priority;

(b) Develop ways to assess the impact of budgetary allocations on the implementation of children's rights, and to collect and disseminate information in this regard;

(c) Undertake a study on the impact of structural adjustment programmes on the right of children to social services.

#### Data collection

444. The Committee welcomes the plans for a permanent system of data collection, but is concerned at the lack of systematic and comprehensive collection of disaggregated data for all areas covered by the Convention and in relation to all groups of children in order to monitor and evaluate progress achieved and assess the impact of policies adopted with respect to children.

445. The Committee recommends that the State party develop a system of data collection and indicators consistent with the Convention and disaggregated by gender, age, and urban and rural area. This system should cover all children up to the age of 18 years with specific emphasis on those who are particularly vulnerable, including child victims of abuse, neglect or ill-treatment, children with disabilities, children belonging to ethnic groups, refugee and asylum-seeking children, children in conflict with the law, working children, adopted children, street children, and children living in urban areas. It further encourages the State party to use these indicators and data to formulate policies and programmes for the effective implementation of the Convention

#### Training/dissemination of the Convention

446. The Committee is aware of the measures undertaken to promote widespread awareness of the principles and provisions of the Convention and welcomes the establishment of a Ministry for the Promotion of Human Rights. The Committee is of the opinion that these measures need to be strengthened by providing the necessary resources. In this respect, the Committee is concerned at the lack of a systematic plan to introduce training and awareness among professional groups working for and with children.

447. In line with its previous recommendations (ibid., para. 16), the Committee recommends that the State party:

- (a) Strengthen its efforts and systematize the dissemination of the principles and provisions of the Convention as a measure to sensitize society to children's rights through social mobilization;
- (b) Systematically involve community leaders in its programmes in order to fight against customs and traditions which impede the implementation of the Convention, and adopt creative measures of communications for illiterate people;
- (c) Undertake systematic education and training in the provisions of the Convention for all professional groups working for and with children, in particular parliamentarians, judges, lawyers, law enforcement officials, civil servants, municipal and local workers, personnel working in institutions and places of detention for children, teachers, health personnel, including psychologists, and social workers;
- (d) Make sure that the new Ministry for the Promotion of Human Rights is paying adequate attention to children's rights and their implementation throughout the State party;
- (e) Further promote human rights education, including the rights of the child, in school curricula, beginning in primary school, as well as in the curricula for teacher training;
- (f) Seek technical assistance from, among others, OHCHR, UNESCO and UNICEF.

## 2. Definition of the child

448. The Committee is concerned at the practice of forced and early marriage, which is still widespread. In addition, the Committee is concerned at the difference between the minimum age of employment (14 years) and the age for the end of compulsory education (16 years).

449. The Committee recommends that the State party:

- (a) Ensure respect for the minimum age of marriage set up in the Code of the Individual and the Family (art. 238) and amend article 376 of the Penal Code in that regard, and develop sensitization programmes involving community and traditional leaders and society at large, including children themselves, to curb the practice of early and forced marriage;
- (b) Take all necessary measures to ensure that employment of children does not interfere with their right to education.

## 3. General principles

### Non-discrimination



450. While noting that discrimination is prohibited under the Constitution, that acts of discrimination are an offence under the new Penal Code and that several measures have been taken to promote the rights of girls and women (establishment of the Ministry for the Advancement of Women and of the Department for the Promotion of Girls' Education, etc.), the Committee is concerned at the persistence of de facto discrimination in the State party. In particular, the Committee is concerned at the disparities in the enjoyment of rights, e.g. in education, experienced by children belonging to the most vulnerable groups, among others, girls, children with disabilities, children born out of wedlock, children born of incest and children living in rural areas.

451. In line with its previous recommendations (ibid., para. 14), the Committee recommends that the State party:

- (a) Make greater efforts to ensure that all children within its jurisdiction enjoy all the rights set out in the Convention without discrimination, in accordance with article 2;
- (b) Prioritize and target social services to children belonging to the marginalized and most vulnerable groups through a proactive and comprehensive strategy;
- (c) Ensure effective law enforcement, undertake studies and launch comprehensive public information campaigns to prevent and combat all forms of discrimination, where needed within the framework of international cooperation.

452. The Committee requests that specific information be included in the next periodic report on the measures and programmes relevant to the Convention undertaken by the State party to follow up on the Durban Declaration and Programme of Action adopted at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, taking account of the Committee's General Comment No. 1 on article 29, paragraph 1, of the Convention (aims of education).

#### Respect for the views of the child

453. While welcoming the establishment of a Children's Parliament, the Committee is concerned that, owing to traditional attitudes, respect for the views of the child remains limited within the family, in schools, in the courts before administrative authorities and in society at large.

454. The Committee encourages the State party to pursue its efforts:

- (a) To promote and facilitate, within the family, the schools, the courts and administrative bodies, through the adoption of legislation, respect for the views of children and their participation in all matters affecting them, in accordance with their age and maturity and in light of article 12 of the Convention;
- (b) To provide educational information to, among others, parents, teachers, government administrative officials, the judiciary, traditional leaders and society at large on children's rights to participate and to have their views taken into consideration;

(c) To promote the activities, and take duly into consideration the decisions, of the Children's Parliament and take care that all groups of children are represented.

#### 4. Civil rights and freedoms

##### Birth registration

455. While noting the obligation to officially register all births, the Committee remains concerned at the large number of children whose birth is not being registered, that no specific measures have been taken to raise awareness concerning the need to register all newborns, and at the difficulties of obtaining a birth certificate.

456. In light of article 7 of the Convention, the Committee urges the State party to strengthen its efforts to ensure that all children are registered at birth, including through awareness-raising campaigns, and to consider facilitating the procedures governing birth registration and for obtaining birth certificates.

##### Ill-treatment

457. The Committee is concerned at the poor conditions of detention of children in police or gendarmerie stations, amounting in many instances to cruel, inhuman or degrading treatment as spelled out in article 37 (a) of the Convention. In addition, the Committee is concerned at methods used by law enforcement officials which may jeopardize the life of children.

458. The Committee urges the State party to take all necessary measures to improve the conditions of detention of children, particularly in police and gendarmerie stations, and to ensure that each case of violence and abuse is duly investigated, that perpetrators are brought to justice without undue delay and that victims receive compensation.

#### 5. Family environment and alternative care

##### Recovery of maintenance

459. While domestic legislation includes provisions for maintenance allowance, the Committee is concerned at the lack of implementation of these provisions, owing mainly to widespread ignorance of the law.

460. The Committee recommends that the State party:

(a) Make widely known the provisions of domestic legislation concerning maintenance allowance, especially to mothers who are illiterate, and support them if necessary in understanding legal actions;

(b) Ensure that professional groups dealing with this issue are adequately trained and that courts

are stricter regarding the recovery of maintenance from solvent parents who refuse to pay;

(c) Take the necessary measures to ensure as much as possible the maintenance of children born out of wedlock and children of single-parent families by their parents, particularly their fathers;

(d) Undertake a study on the economic and social situation of children of polygamous marriages and how this affects their rights.

### Adoption

461. While noting the ratification by the State party of the Hague Convention on the Civil Aspects of International Child Abduction, of 1980, and the Convention on Protection of Children and Cooperation in respect of Intercountry Adoption, of 1993, the Committee is concerned at the very little interest in formal adoption in the State party, which may lead to the practices of *confiage* and customary adoption and to an increase in intercountry adoptions with no adequate monitoring mechanism.

462. The Committee recommends that the State party urgently take all necessary measures aiming at ending the practices of *confiage* and customary adoption and at improving the regular periodic review of the placement of children with adoptive families. In addition, the Committee recommends that the State party undertake efforts to enhance its capacities to monitor intercountry adoptions.

### Protection from abuse and neglect

463. While noting that child abuse is prohibited under the Penal Code, the Committee is concerned at the incidence of abuse, including sexual abuse, and neglect of children in the State party and that insufficient efforts have been made to protect children. In addition, the Committee is concerned at the lack of statistical data and a comprehensive plan of action, as well as the insufficient infrastructure.

464. The Committee recommends that the State party:

(a) Undertake a study on violence, including sexual violence, against children within the family, at school and in other institutions in order to assess the scope, nature and causes of this practice with a view to adopting and implementing a comprehensive plan of action and effective measures and policies, in conformity with article 19 of the Convention, and to changing attitudes;

(b) Take all necessary steps to introduce the legal prohibition of the use of corporal punishment in schools and other institutions and at home;

(c) Properly investigate cases of violence, through a child-sensitive judicial procedure, notably by giving appropriate weight to children's views in legal proceedings, and apply sanctions to perpetrators, having due regard to guaranteeing the right to privacy of the child;

- (d) Establish an appropriate complaint procedure and inform children about this mechanism;
- (e) Provide services for the physical and psychological recovery and social reintegration of victims of rape, abuse, neglect, ill-treatment, violence or exploitation, in accordance with article 39 of the Convention, and take measures to prevent the criminalization and stigmatization of victims;
- (f) Take into consideration the recommendations of the Committee adopted at its days of general discussion on violence against children (CRC/C/100, para. 688 and CRC/C/111, paras. 701-745);
- (g) Seek technical assistance from, among others, UNICEF and WHO.

#### 6. Basic health and welfare

465. While taking note of the adoption of several national programmes relating to child survival, the Committee is deeply concerned at the high infant and under-5 mortality rates and low life expectancy in the State party. The Committee also remains concerned that health services in the local areas continue to lack adequate resources (both financial and human). In addition, the Committee is concerned that the survival and development of children in the State party continue to be threatened by early childhood diseases, infectious diseases, diarrhoea and malnutrition. Concern is also expressed at the poor state of sanitation and at the insufficient access to safe drinking water, especially in rural areas.

466. The Committee recommends that the State party:

- (a) Reinforce its efforts to allocate adequate resources and develop and implement comprehensive policies and programmes, including the strengthening of the expanded programme of immunization, to improve the health situation of children, particularly in rural areas;
- (b) Facilitate greater access to primary health services, reduce the incidence of maternal, child and infant mortality, prevent and combat malnutrition and malaria, especially among vulnerable and disadvantaged groups of children, and promote proper breastfeeding practices;
- (c) Take the necessary measures to deal with emergency situations, including to combat epidemics of diseases such as meningitis;
- (d) Pursue additional avenues of cooperation and assistance for the improvement of child health with, among others, WHO and UNICEF.

#### Adolescent health

467. The Committee notes the establishment of children's centres, but remains concerned that insufficient attention has been given to adolescent health issues, including developmental, mental and reproductive health concerns, and substance abuse. The Committee is also concerned at the particular situation of girls, given, for instance, the very high percentage of early marriages, which can have a negative impact on their health.

468. The Committee recommends that the State party:

- (a) Undertake a comprehensive study to assess the nature and extent of adolescent health problems, with the full participation of children and adolescents, and use this study as a basis for the formulation of adolescent health policies and programmes, paying particular attention to adolescent girls;
- (b) Strengthen sexual and reproductive health education, mental health and adolescent-sensitive counselling services and make them accessible to adolescents.

#### HIV/AIDS

469. While noting the establishment of a National Anti-AIDS Committee and of the National Youth Forum to Fight against HIV/AIDS, and the efforts of the State party in that respect (e.g. agreement with pharmaceutical companies to secure access to low-priced AIDS drugs), the Committee remains extremely concerned at the high incidence and increasing prevalence of HIV/AIDS amongst adults and children and the resulting number of children orphaned by HIV/AIDS.

470. The Committee recommends that the State party:

- (a) Increase its efforts to prevent HIV/AIDS, taking into consideration the recommendations of the Committee adopted on its day of general discussion on children living in a world with HIV/AIDS (CRC/C/80, para. 243);
- (b) Urgently consider ways of minimizing the impact upon children of the HIV/AIDS-related deaths of parents, teachers and others, in terms of children's reduced access to family life, adoption, emotional care and education;
- (c) Seek further technical assistance from, among others, UNAIDS.

#### Traditional harmful practices

471. While welcoming the prohibition of female circumcision under the new Penal Code and the new structure of the National Committee to Combat Female Circumcision, the Committee is concerned that female circumcision is still widely practised in the State party. In addition, the Committee is concerned at the use of other traditional harmful practices, such as food taboos.

472. The Committee urges the State party to continue its efforts to end the practice of female genital mutilation and to combat food taboos which negatively affect the health of children, inter alia, through enforcement of legislation and implementation of programmes sensitizing the population to their harmful effects.

#### Children with disabilities

473. While noting the plans for a national rehabilitation policy and a national plan of action, the Committee is concerned at the lack of statistical data on children with disabilities in the State party, at the situation of children with physical and mental disabilities and, in particular, at the limited specialized health care, education and employment possibilities available to them. The Committee is concerned further that poor health conditions and poverty are leading to an increase in the number of children with disabilities.

474. The Committee recommends that the State party:

- (a) Ensure the use of adequate and comprehensive data in the development of policies and programmes for children with disabilities;
- (b) Review the situation of these children in terms of their access to suitable health care, education services and employment opportunities;
- (c) Take note of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96, annex) and of the Committee's recommendations adopted at its day of general discussion on the rights of children with disabilities (CRC/C/69, paras. 310-339);
- (d) Allocate adequate resources to strengthen services for children with disabilities, support their families and train professionals in the field;
- (e) Strengthen policies and programmes of inclusion in regular education, train teachers and make schools accessible;
- (f) Carry out studies to assess the causes of disabilities in the State party in order to establish a strategy to prevent disabilities;
- (g) Sensitize the population to the human rights of children with disabilities;
- (h) Seek assistance from, among others, UNICEF and WHO.

#### Standard of living

475. The Committee notes the challenging socio-economic situation, the adoption in 2000, of the Poverty Reduction Strategy Paper and the comprehensive debt reduction package recently agreed under the International Monetary Fund/World Bank Enhanced Heavily Indebted Poor Countries Initiative. However, it is concerned about the increasingly large number of children who do not enjoy their right to an adequate standard of living, including children belonging to poor families, AIDS orphans, street children and children living in remote rural and other underdeveloped areas.

476. In accordance with article 27 of the Convention, the Committee recommends that the State party:

- (a) Reinforce its efforts to provide support and material assistance to economically disadvantaged families and to guarantee the right of children to an adequate standard of living;
- (b) Pay particular attention to the rights and needs of children in the Poverty Reduction Strategy Paper and in all programmes intended to improve the standard of living in the country;
- (c) Cooperate and coordinate its efforts with civil society and local communities.

## 7. Education, leisure and cultural activities

477. The Committee notes with appreciation the adoption of the 1996 Education Act, the increase in budget allocations for education, the adoption of the 10-year Development Plan for Basic Education (2001-2010), the focus put on education in the Poverty Reduction Strategy Paper and the creation of “satellite schools”, but remains deeply concerned at the high illiteracy rate in the State party, which affects more women than men, the lack of pre-school education, the still low enrolment in primary and secondary education, the very high percentage of repeaters and dropouts in primary education, the low quality of education, the high pupil-teacher ratio, the very low percentage of children who complete primary education and the important regional disparities. In addition, the Committee is concerned that primary education is not totally free and that parents have still to pay for supplies. The Committee also welcomes the efforts undertaken by the State party to increase the school enrolment of girls, but remains concerned at the disparities in school enrolment between boys and girls. These and other concerns which are related to the state of education in the State party are reflected in the following recommendations.

478. The Committee recommends that the State party:

- (a) Ensure that all children, especially girls, wherever they live, including the least developed areas, have equal access to educational opportunities;
- (b) Take all necessary measures to make primary education completely free;
- (c) Provide resources to help children go to secondary school;
- (d) Take the necessary measures to identify the causes of the high rate of repetition and dropout in primary schools and take steps to address the situation;
- (e) Establish bridges between formal and non-formal education;
- (f) Take the necessary measures to improve the quality and management of education;
- (g) Raise awareness about the importance of early childhood education and develop programmes to increase enrolment at the pre-school level;
- (h) Take measures to enable children with disabilities to have access to regular schools and to

ensure that these children have access to formal and vocational educational opportunities;

(i) Orient education towards the aims mentioned in article 29, paragraph 1, of the Convention and in the Committee's General Comment No. 1 on the aims of education;

(j) Provide teachers with adequate training and encourage more women to become teachers;

(k) Implement the ban on corporal punishment in schools and train teachers in the use of alternative measures of discipline;

(l) Encourage the participation of children at all levels of school life;

(m) Seek technical assistance from, among others, UNESCO and UNICEF.

## 8. Special protection measures

### Economic exploitation, including child labour

479. While noting with appreciation the ratification by the State party of ILO Conventions No. 138 concerning the Minimum Age for Admission to Employment and No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour and the ongoing programme with the International Programme for the Elimination of Child Labour (ILO/IPEC) the Committee is deeply concerned at the fact that child labour in the State party is widespread and that children may be working long hours at young ages, which has a negative effect on their development and school attendance.

480. The Committee encourages the State party to continue its collaboration with ILO/IPEC. In addition, the Committee recommends that the State party strengthen the implementation of its labour laws and increase the number of labour inspectors.

### Sale, trafficking and abduction

481. While welcoming the efforts undertaken by the State party to combat child trafficking through a national programme and, in particular, the adoption of a travel document with five other countries of the region, the Committee is deeply concerned at the number of trafficked children who are exploited in the State party and in neighbouring countries.

482. The Committee recommends that the State party:

(a) Take measures to prevent and combat the sale and trafficking of children, including an awareness-raising campaign and educational programmes, particularly for parents;

(b) Facilitate the reunification of child victims with their families and provide adequate care and reintegrative programmes for them;

(c) Ratify the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women



and Children, supplementing the United Nations Convention against Transnational Organized Crime;

(d) Continue to seek assistance from ILO/IPEC.

#### Street children

483. The Committee notes the pilot project involving UNICEF and non-governmental organizations to deal with the issue of street children, but expresses its concern at the increasing number of street children and at the lack of a systematic and comprehensive strategy to address this situation and to provide these children with adequate assistance.

484. The Committee recommends that the State party:

(a) Ensure that street children are provided with adequate nutrition, clothing, housing, health care and educational opportunities, including vocational and life-skills training, in order to support their full development;

(b) Ensure that these children are provided with recovery and reintegration services for physical, sexual and substance abuse, protection from police brutality and services for reconciliation with their families;

(c) Undertake a study on the causes and scope of this phenomenon and develop a comprehensive strategy to address the increasingly large number of street children, with the aim of preventing and reducing this phenomenon.

#### Commercial sexual exploitation and pornography

485. The Committee is concerned about the increasing number of child victims of commercial sexual exploitation, including prostitution and pornography. Concern is also expressed at the insufficient programmes for the physical and psychological recovery and social reintegration of child victims of such abuse and exploitation.

486. In light of article 34 and other related articles of the Convention, the Committee recommends that the State party undertake studies with a view to assessing the scope of commercial sexual exploitation of children, including prostitution and pornography, and implement appropriate policies and programmes to prevent this practice and for the recovery and reintegration of child victims, in accordance with the Declaration and Agenda for Action and the Global Commitment adopted at the 1996 and 2001 World Congresses against Commercial Sexual Exploitation of Children.

#### Administration of juvenile justice

487. The Committee is concerned at the absence of juvenile courts and juvenile judges, and at the limited number of social workers and teachers working in this field. In addition, the Committee is deeply concerned at the possibility that children of 16 and 17 years of age are treated like adults and

can be subjected to the death penalty or life imprisonment, which is a serious violation of article 37 of the Convention; the failure to separate children from adults in jails (with the exception of the jails in Ouagadougou and Bobo Dioulasso); the poor conditions of detention; the frequent recourse to and excessive length of pre-trial detention (often because of the long time needed for inquiries); the absence of a formal obligation to inform parents about the detention; the possibility for children to appeal only through their parents; the very limited possibilities for the rehabilitation and reintegration of juveniles following judicial proceedings; and the sporadic training of judges, prosecutors and prison staff.

488. The Committee recommends that the State party take the necessary steps to reform the legislation concerning the system of juvenile justice in line with the Convention, in particular articles 37, 40 and 39, and other United Nations standards in the field of juvenile justice, including the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines), the United Nations Rules for the Protection of Juveniles Deprived of their Liberty and the Vienna Guidelines for Action on Children in the Criminal Justice System.

489. As part of this reform, the Committee particularly recommends that the State Party:

- (a) Ensure that persons of 16 and 17 years of age are not treated like adults and enjoy the full protection of the Convention;
- (b) Undertake all necessary measures to ensure that juvenile courts are established and trained juvenile judges appointed in all regions of the State party;
- (c) Consider deprivation of liberty only as a measure of last resort and for the shortest possible period of time, limit by law the length of pre-trial detention, and ensure that the lawfulness of this detention is reviewed by a judge without delay and regularly thereafter;
- (d) Provide children with legal and other assistance at an early stage of the procedure;
- (e) Amend legislation to allow children to appeal a decision without their parents;
- (f) Provide children with basic services (e.g. schooling);
- (g) Protect the rights of children deprived of their liberty and improve their conditions of detention and imprisonment, notably by establishing special prisons for children with conditions suitable to their age and needs and by ensuring the presence of social services in all detention centres in the country, and in the meantime by ensuring that they are separated from adults in all prisons and in pre-trial detention places throughout the country;
- (h) Ensure that children remain in regular contact with their families while in the juvenile justice system, notably by informing parents when their child is detained;
- (i) Introduce regular medical examination of children by independent medical staff;

- (j) Establish an independent, child-sensitive and accessible complaint system for children;
- (k) Introduce training programmes on relevant international standards for all professionals involved with the system of juvenile justice;
- (l) Make every effort to establish a programme of rehabilitation and reintegration of juveniles following judicial proceedings;
- (m) Take into consideration the recommendations of the Committee made at its day of general discussion on juvenile justice (CRC/C/46, paras. 203-238);
- (n) Request technical assistance in the area of juvenile justice and police training from, among others, OHCHR and other members of the United Nations Coordination Panel on Technical Advice and Assistance on Juvenile Justice.

#### 9. Optional Protocols

490. The Committee notes that the State party has signed, but not yet ratified, the two Optional Protocols to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, and on the involvement of children in armed conflict.

491. The Committee encourages the State party to ratify and implement the Optional Protocols to the Convention on the sale of children, child prostitution and child pornography, and on the involvement of children in armed conflict.

#### 10. Dissemination of documentation

492. Finally, in light of article 44, paragraph 6, of the Convention, the Committee recommends that the second periodic report and the written replies submitted by the State party be made widely available to the public at large and that the publication of the report be considered, along with the relevant summary records and concluding observations adopted by the Committee. Such a document should be widely distributed in order to generate debate and awareness of the Convention, its implementation and monitoring within the Government, the Parliament and the general public, including concerned non-governmental organizations. The Committee recommends that the State party request international cooperation in this regard.

#### 11. Periodicity of submission of reports

493. The Committee underlines the importance of a reporting practice that is in full compliance with the provisions of article 44 of the Convention. An important aspect of States' responsibilities to children under the Convention is to ensure that the Committee on the Rights of the Child has regular opportunities to examine the progress made in the implementation of the Convention. In this regard, regular and timely reporting by States parties is crucial. The Committee recognizes that some States parties experience difficulties in reporting in a timely and regular manner. As an exceptional measure, in order to help the State party catch up with its reporting obligations in full

compliance with the Convention the Committee invites the State party to submit its combined third and fourth periodic reports by 29 February 2007, the date on which the fourth periodic report is due.