



Convention on the
Rights of the Child

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COMMITTEE ON THE RIGHTS OF THE CHILD

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION

Initial reports of States parties due in 1997

BURKINA FASO*

[11 October 1999]

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* For the initial report submitted by the Government of Burkina Faso, see document CRC/C/3/Add.19; for its consideration by the Committee, see documents CRC/C/SR.135-137; for the Committee's concluding observations, see document CRC/C/15/Add.19.

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Note to reader

A first edition of this report was prepared in July 1998, consisting of two documents entitled "Replies to questions" and "Analytical report".

To aid the Committee on the Rights of the Child in considering the report, the two reports were merged into a single report, which constitutes the present edition.

This report covers the period 1993-1997.

Acronyms

ADB	African Development Bank
BF	Burkina Faso
IBD	Islamic Development Bank
COAFEB	Burkina Faso Coalition of NGOs and Women's Associations
CONAREF	National Commission for Refugees
CPF	Code on the Individual and the Family
CNSE	National Committee for Follow-up and Evaluation of the National Action Plan for Children
CM2	Second year, intermediate level
CP1	First grade
ENSS	National Social Work Training College
EPI	Expanded Programme of Immunization
FESPACO	Ouagadougou Pan-African Cinema and Television Festival
FNASS	National Secondary School and University Arts Festival
INSD	National Institute for Statistics and Development
MEG	Basic generic medicines
NAP	National Plan of Action for Children
NGO	Non-governmental organization
OBUFADE	Burkina Faso Coalition for the Rights of the Child
OAU	Organization of African Unity
PMSEP	Prize for best primary school show
SNC	National Culture Week
SIAO	Ouagadougou International Crafts Show
STD	Sexually transmitted diseases
STP/PAS	Permanent Technical Secretariat for Structural Adjustment Programmes
USSU-BF	Burkina Faso School and University Sports Union
WHO	World Health Organization
UNHCR	Office of the United Nations High Commissioner for Refugees

Introduction

1. Article 44, paragraph 1 of the Convention on the Rights of the Child stipulates that States parties must undertake to submit to the Committee, through the Secretary-General of the United Nations, reports on the implementation of the Convention within two years of its entry into force and, thereafter, every five years.
2. Burkina Faso ratified the Convention on 23 July 1990 and prepared its initial report in 1993. That report, together with an annex addressing additional questions, was presented before the Committee on the Rights of the Child on 7 and 8 April 1994.
3. This report has been prepared in fulfilment of States' obligation to submit a periodic report every five years, and is in conformity with the general guidelines of the Committee on the Rights of the Child.

General context

4. As one of the poorest countries in the world, with a per capita income estimated at \$780 in 1996 (in terms of purchasing power parity) according to the national report on sustainable human development 1997, Burkina Faso is aware of the need to meet the challenge represented by continuing poverty, whose most visible manifestations are illiteracy, malnutrition and low incomes.
5. The absolute poverty threshold is CFAF 41,099 and affects 44.50 per cent of the total population. The extreme poverty threshold, which is estimated at CFAF 31,749 per adult per year, concerns 27.8 per cent of the total population (1993 Priority Survey).
6. Crop farmers and polygamous households (especially women and children) are particularly affected by poverty.
7. To improve the well-being of the population, 49 per cent of which is under 15, the political authorities have since 1995 adopted a sustainable human development policy that is based on a concept of human security, aimed at providing every citizen with access to the following, on the basis of equal opportunities regardless of social sector or of gender:

Economic security from a paid job;

Health security, providing low-cost access to both curative and preventive primary health care, especially for women and children, the most vulnerable groups;

Food (including water) security;

Environmental security, aimed at guaranteeing a healthy environment, and an acceptable level of hygiene, which are essential factors in improving the state of health of the people, especially children;

Individual security affording to all the enjoyment of rights in a democratic State.

8. The approach to sustainable human development is aimed at choosing public investments and expenditures that will have maximum impact on the main social indicators.

9. In quantitative terms, with regard to children particularly, the following goals have been set for the year 2005: to raise the school enrolment rate for girls from 50 per cent to 60 per cent, to raise the literacy rate to 40 per cent, with special emphasis on rural areas and women; to bring the infant mortality rate down to 70 per 1,000 by 2000 (94 per 1,000 in 1993 - INSD demographic and health survey), to raise immunization coverage to 100 per cent and to reduce malnutrition among children.

10. With a view to making the sustainable human development policy operational, the Government of Burkina Faso together with its development partners will be organizing, throughout 1998, a sectoral round table of donors for social sector development, in order to present its programme of action in these sectors for the period 1998-2000 and to mobilize the additional resources necessary for implementing it.

11. Among the areas covered are health, education, employment and social integration.

I. GENERAL MEASURES OF IMPLEMENTATION (arts. 4, 42 and 44, para. 6)

12. Burkina Faso did not enter any reservations on ratifying the Convention.

A. Measures taken

13. In addition to the general measures of implementation already taken, which are discussed in the initial report, the Government has adopted the following new measures:

Promulgation on 24 June 1996 of Act No. 13/96/ADP of 9 May 1996, introducing the Education Act, which makes education compulsory from age 6 through 16;

Promulgation on 18 December 1996 of Act No. 43/96/ADP of 13 November 1996, introducing the Penal Code. The Code takes into account new categories of crime aimed at the protection of human rights, such as crimes against humanity, physical abuse of women and infringement of the freedom to marry.

14. Like other duly ratified international instruments, the Convention takes precedence over national legislation in cases of conflict. This principle is explicitly provided for in article 5 of the Penal Code. Pursuant to that provision, persons whose rights under the Convention have been violated are entitled to a remedy before the competent courts.

B. Mechanisms in place

15. The Follow-up and Evaluation Committee for the National Plan of Action for Children remains the national mechanism for the coordination, follow-up and evaluation of all activities aimed at the promotion of children's rights and at children's development (see initial report, p. 4).

16. In order to make it more effective, the Committee was reorganized in 1996 and a permanent secretariat established.

17. A midterm evaluation of the National Plan of Action for Children was conducted in 1996. The conclusions and recommendations of that evaluation indicated the need to adjust objectives and to organize a round table for donors in order to mobilize the resources needed for implementing activities.

18. In view of the magnitude of the problem of drug abuse for children, a National Committee to Combat Drug Abuse was established. The Committee was reorganized in 1997.

II. DEFINITION OF THE CHILD

19. In accordance with the Convention, a child is “every human being below the age of 18 years unless under the law applicable to the child, majority is attained earlier (art. 1)”.

20. The age of criminal responsibility in Burkina Faso (18 years) is in conformity with the definition of the child contained in the Convention. The minimum age for exercising certain rights varies according to situation.

A. Employment (see initial report)

21. The minimum age of employment (14) no longer corresponds to the maximum age of compulsory education (16). Harsh living conditions lead parents to send their children out to work early, especially in the agricultural and informal sectors.

B. Marriage (see initial report)

22. The Penal Code provides for new types of criminal conduct, including infringement of the freedom to marry. Anyone who forces another person into marriage shall be punished (art. 376).

23. Puberty as a criterion for marriage is not explicitly set forth in the Penal Code.

C. Military service and conscription (see initial report)

24. There is no minimum legal age for participation in hostilities.

D. Consent

25. The consent of children over 15 years of age is required for the determination of their name in cases where they were using their mother’s name and have subsequently been recognized by their father (CPF, art. 37), and for adoption (art. 474). Consent is not required for guardianship.

26. There is no legislation setting a minimum age for legal and medical consultations without parents' consent. There is also no minimum age for treatment or surgery without parents' consent.
27. The law does not set a minimum age for consent to sexual relations.
28. Children may testify in both civil and criminal cases, with the assistance of their parents. They may not swear an oath if they are under 16 years of age.
29. Children are represented by their parents or guardians in the courts. They may not lodge a complaint and request reparation before a court or any other competent authority.
30. Children must be represented in proceedings which concern them.
31. The law sets no minimum age for gaining access to information concerning one's biological family.
32. From conception onwards, children have the legal capacity to inherit if they are born living and viable. However, they must have attained the age of 20 in order to conduct real estate transactions by themselves.
33. Children may join associations, under the responsibility of their parents.
34. Choosing a religion for children is the prerogative of the parents who are responsible for raising them.
35. There is no minimum age for consumption of alcohol or other controlled substances.

E. Compulsory education

36. The Education Act sets forth an obligation to enrol children in school from the age of 6 through 16 years (art. 2). Legally speaking, this is a step forward. Practically, however, its implementation is thwarted by lack of school infrastructure, human resources, teaching materials, logistical means for follow-up and by poverty.
37. Thus the scope of this provision appears to be limited. It affected only 37.7 per cent of the school-age population in 1996, and destroyed the previously-existing balance between the ages of compulsory schooling and of employment (14 years). Harmonization is needed.

III. GENERAL PRINCIPLES

A. Non-discrimination (art. 2)

38. The principle of non-discrimination is defined in article 1 of the Constitution. All citizens and residents of Burkina Faso enjoy equal protection under the law (Constitution, art. 4).

39. The Penal Code provides punishment for offences of a racial, regionalist, religious, sexist or classist nature. The following is considered to be racial discrimination in the meaning of article 132 of the Penal Code: “any distinction, exclusion, restriction or preference based on race, colour, ascendance or national or ethnic origin, aimed at destroying or jeopardizing the recognition, enjoyment or exercise, under conditions of equality, of human rights and fundamental freedoms in the political, economic, social and cultural fields or any other area of public life” (Penal Code, art. 732).

40. In reality, however, discrimination between girls and boys persists where schooling is concerned. In 1995-1996, the school enrolment rate was lower for girls than for boys: 30.4 per cent as opposed to 44.76 per cent.

41. Disparities between urban and rural areas where primary schooling is concerned have not yet been eliminated. In 1995/96, 34.1 per cent of pupils attended school in the provinces of Kadiogo (88.7 per cent), Houet (54.06 per cent) and Boulkiemdé (48.30 per cent), where the three main towns are located, but where only 19.5 per cent of the school-age population lives.

42. Women’s unfavourable social status also leads to discrimination that is maintained by persistent sociocultural constraints.

43. Progress has, however, been achieved:

Increase of school enrolment rate for girls from 26.9 per cent in 1993/94 to 30.4 per cent in 1995/96;

Establishment of satellite schools beginning with the 1995/96 school year. Girls make up 50 per cent of their student bodies;

Prohibition of discrimination in employment and training (Labour Code, art. 1);

Confirmation of women’s equal access to land through Act No. 014/ADP of 23 May 1996, introducing the agricultural and land ownership reform in Burkina Faso;

Prohibition under the Penal Code of forced marriage, incitement to forced marriage and discrimination;

Adoption in 1995 of a national plan of action for girls’ education aimed at hastening the elimination of discrimination against girls;

Establishment in 1996 of a Department for the Promotion of Girls’ Education within the Ministry for Primary Education and Mass Literacy Programmes.

44. The State has also taken a number of measures in implementing its children’s policy:

Priority to girls in the assignment of scholarships in the secondary cycle, beginning with the 1995/96 school year;

Attribution of 60 per cent of the rooms in the student residential complex to girls, beginning with the 1996/97 academic year.

For other measures, see initial report, chapter III.

45. Enactment of legislation and the possibility for victims of discrimination to be heard in court are other measures in place to combat this phenomenon.

46. In practice, State policy is in keeping with the legislation: the national identity card contains no reference to individuals' ethnic and geographic origin, which is a source of differentiation.

47. Land-use planning and programmes are under way to combat poverty which is an essentially rural problem, are aimed at reducing the economic disparities between the different areas. In the field of education, measures have been taken and programmes established to eliminate disparities between boys and girls in the urban and rural areas (establishment of the Department for the Promotion of Girls' Education, Decree No. 96-351/PRES/PM/MEBA of 11 October 1996 on the organization of the Ministry for Primary Education and Mass Literacy Programmes). There is no discrimination against any group of children whatsoever.

48. In the longer term, women's unfavourable status (forced marriage, lack of access to land) remains a concern. Efforts are being made to address this problem at all levels (customary and religious chiefs, opinion leaders).

49. The popularization of the Code on the Individual and the Family through lectures given in the national languages in the rural areas and the training of communicators will be a positive contribution to the social situation of women.

50. In addition, the Penal Code has introduced new provisions on offences in the area of marriage. It lays down penalties for anyone who forces another person into marriage. Penalties are also established for complicity. (Penal Code, art. 376.)

51. Finally, Burkina Faso has acceded to the Beijing Platform for Action and taken steps to give effect to the World Conference on Women (Beijing):

Establishment of a national committee for follow-up of the conclusions and recommendations of the Fourth World Conference on Women;

Establishment of a coalition of Burkina Faso NGOs and Women's associations (COAFEB) in 1995;

Establishment of the Ministry for the Advancement of Women in June 1997.

52. No specific measures have been taken to collect data disaggregated in terms of groups of children: foreigners, refugees or asylum-seekers and migrants.

53. Children are protected against discrimination by the Constitution and the Penal Code, article 132 of which severely punishes any act of discrimination, but also by the possibility afforded them to lodge a remedy before the competent courts.

54. In practice there is some discrimination between girls and boys. Believing that boys perpetuate the family and the family name, parents are willing to make many more sacrifices to educate boys. Girls' social status does not allow them access to land. They are raised to perform housework.

55. Little progress has been made.

56. Where traditional practices are concerned, changes in attitude are the solution. Awareness-raising activities have been undertaken to this effect, in particular awareness-raising campaigns and the project on the popularization of the Code on the Individual and the Family.

B. Best interests of the child (art. 3)

57. This principle is taken into account in several areas:

The promotion of children's rights is a matter of concern which the State has expressed in article 24 of the Constitution. National laws and regulations, in particular the Code on the Individual and the Family, contain numerous provisions aimed at achieving the best interests of the child, including those relating to custody, parental authority, guardianship and social surveys (arts. 42 to 407, art. 522, etc.);

The courts ensure that the best interests of the child are respected through the application of the protective provisions established by law. Child offenders are dealt with under Act No. 19/61 of 9 May 1961 on juvenile offenders and children at risk. The courts also provide for protection for children who are the victims of offences (violence and other ill-treatment).

58. Allocations to the social sectors are also made with the best interests of the child in mind. They stood as follows in 1996 (source: STP/PAS):

*Operating expenditures

Ministry for Primary Education and Mass Literacy Programmes: 13.9 per cent

Health and Social Action: 11.1 per cent

*Investment and transfer expenditures

Ministry for Primary Education and Mass Literacy Programmes: 4.6 per cent

Health and Social Action: 2.2 per cent

59. The State is firmly committed to a policy of sustainable human development. It has adopted a programme that focuses on health, education and access to drinking water and paid employment.
60. Adoption is a measure that enables children to find families in a position to provide for their welfare. Rules exist governing adoption. An inquiry is necessary to determine whether the adopting family is able to provide for a child's care and provide him or her with a decent life.
61. As far as the administration of juvenile justice is concerned, Act No. 19/61 of 9 May 1961 establishes a procedure that takes children's interests into account.
62. With regard to placement, the social welfare agencies provide follow-up by inquiring into the child's living conditions.
63. The social security system provides for benefits, in the form of family allowances, in order to help ensure the child's interests. The family allowance is CFAF 1,000 per child per month.
64. The law invests parents with parental authority; thus they are the persons primarily concerned with providing children with the care needed for their well-being. For children enrolled in school, the costs of medical consultations and examinations are borne by the State. Such children are also entitled to an annual medical examination in their school.
65. With regard to street children, the Government, with support from UNICEF and the NGOs "Enfants du Monde" and "Save the Children Canada" has implemented a pilot project on Education in an Open Environment (AEMO), which promotes preventive and educational activities aimed at the children's socioeconomic reinsertion.
66. The project's main activities involve provision of various services (baths, laundry, repairs, health assistance, returning to one's family, apprenticeships, literacy courses, educational outings and games). The project covered 711 young people in 1997.
67. For abandoned children, orphans or children of parents who are unable to perform their parental duties, apart from the legislation on placement and follow-up of children in Burkina Faso, the authorities, with support from the Kindedorf International Association (Austria), have established a children's village, SOS-Kindedorf International, in Ouagadougou.
68. Institutions, government structures and public and private establishments are governed by legislation. Areas such as schools, secondary establishments and public day-care centres are governed by special regulations to ensure that they meet the educational objectives set by the State. They are monitored in order to ensure that legislation is being properly applied.

69. Legislation exists guaranteeing the best interests of the child. However, difficulties in implementing it persist in the following areas:

Administration of juvenile justice:

Lack of special protection for children under arrest;

Lack of accommodation for minors in 8 of the 10 jails and correctional facilities;

Lack of children's courts.

Adoption: Lack of arrangement for follow-up in respect of children adopted internationally.

70. In the civil sphere, most of the provisions relating to the best interests of the child are contained in the Code on the Individual and the Family. They are described in detail in the reply to question 14 in the annexed report.

71. In the criminal sphere, the adoption of the Penal Code, which takes new types of offences into account, has strengthened the protection of the best interests of the child, as the following examples indicate:

Forced marriage and incitement to forced marriage are punished, with provision made for aggravating circumstances when the girl involved is less than 13 years of age (Penal Code, art. 376).

Female genital mutilation is now punishable by law. Those responsible are liable to a prison term of six months to three years and a fine of 150,000 to 900,000 CFAF. The penalties in question are doubled when the person responsible is a member of the medical or paramedical corps (arts. 380-382). Punishment is also provided for accomplices to female genital mutilation.

72. Other offences are also listed, as follows:

Abortion (Penal Code, art. 383);

Voluntary interruption of pregnancy (art. 386);

Child neglect (arts. 391-392);

Desertion (arts. 406-409);

Preventing the identification of a child (art. 397);

Sexual offences (arts. 410 and 411-416);

Incest committed against a person under 18 years of age (art. 421), rape (art. 417);

Trafficking in minors (arts. 431-433);

Particularly severe punishment is provided for selling drugs to minors (art. 445).

73. Difficulties relating to rejection of children born out of wedlock, children of mentally-ill mothers, twins, children of unmarried mothers and especially children born of incest remain a disturbing aspect of traditional life. However, the authorization of voluntary interruptions of pregnancy in cases of rape or incest cannot be considered a satisfactory solution.

74. The ENSS training course for category “B” social workers contains material on children’s rights, including the best interests of the child.

75. The Government is endeavouring to introduce children’s rights into the formal education system.

C. Right to life, survival and development (art. 6)

76. In addition to article 2 of the Constitution which guarantees the right to life, the Penal Code protects the right to life from conception onwards by providing punishment for abortion and incitement to abortion and by considering infanticide to be a crime.

77. In the framework of the NAP, the State, anxious to ensure the child’s right to life and survival, has implemented a number of programmes aimed at improving social indicators, including the following:

Expanded Programme of Immunization (EPI) for children from 0 to 11 months and from 12 to 24 months and women of childbearing age (15-49 years);

Programme to combat diarrhoeal diseases;

Anti-malaria programme;

Programme to combat malnutrition, including promotion of breastfeeding.

78. The Education Act sets objectives for education, including that of enabling children to develop harmoniously and helping them to acquire knowledge and attitudes and to develop skills that will help them face life’s problems (arts. 6 and 7).

79. Deaths must be declared to the registrar by the surviving spouse, ascendants or descendants or any other person having information on the deceased person’s civil status (Code on the Individual and the Family, art. 117).

80. Despite the adoption of these programmes the situation has not really improved, as witnessed by the high infant mortality rate (94/1,000 in 1993 - INSD demographic and health survey) and child mortality rate (79.4/1,000 in 1991 - INSD demographic and health survey).

81. Deaths in clinics or prisons and their causes must be declared to the registrar and entered in the establishments' registers. Deaths must also be declared by parents (Code on the Individual and the Family, arts. 117-118). In rural areas, such declarations are not always made, often due to ignorance.

D. Respect for the views of the child (art. 12)

82. Children capable of forming their own views have the right to express their opinion before the courts on certain issues. In connection with adoption and the determination of their name, their opinions are taken into account when they are more than 15 years of age.

83. The Code on the Individual and the Family requires judges to seek the opinion of children over 15 years of age concerning their adoption and change of name when they had initially been recognized by their mother (arts. 474 and 37).

84. Although judges are required by law to seek the child's views, they are not required to take those views into account. They do so exclusively in terms of the child's interests.

85. Children's views are not always taken into account in the family environment. Parents take decisions for their children (see initial report, ch. III, p. 7).

86. In the schools, student representatives sit on deliberative bodies if their presence is required (Education Act of 9 May 1996, art. 39).

87. Children may express their views in the framework of asylum applications.

88. Children not having attained majority may go to court only when represented by their parents or guardians.

89. The Children's Parliament was established on 16 June 1997 in fulfilment of the corresponding provision of the Convention.

90. Measures taken to raise the awareness of families and the public at large and to encourage children to exercise their right to express their views are among the many measures adopted to make the Convention known.

91. With the exception of health personnel trained by the National School of Public Health (ENSP), who receive training in child development as a component of their child psychology courses, health personnel do not receive such training.

92. Members of NGOs receive training in children's rights.

93. University colleges, psychology departments and teachers' and nurses' training schools do not include courses on the Convention.

94. Judicial and political decisions are occasionally influenced by pressure from public opinion. No consultations or evaluation of complaints have been observed as yet.

IV. CIVIL RIGHTS AND FREEDOMS
(arts. 7, 8, 13-17 and 37 (a))

95. The Constitution, Code on the Individual and the Family and Penal Code guarantee children the civil rights and freedoms set forth in the Convention on the Rights of the Child.

A. Name and nationality (art. 7)

96. All births occurring in the territory of Burkina Faso must be declared to the registrar in the place of birth within a period of two months from the day of birth (Code on the Individual and the Family, art. 106). Responsibility for declaring the birth lies with the parents, one of the ascendants, close relatives or any other person having been present at the birth.

97. Hospitals, maternity wards and public or private health clinics maintain registers in which they enter births by order of date (art. 108).

98. To facilitate registration, registry offices have been opened in maternity hospitals and health units. Many births, however, take place outside of health centres due to the parents' poverty.

99. No specific measures have been taken for awareness-raising and mobilization of public opinion concerning the need to register births.

100. No specific measures have been taken to provide registry staff with appropriate training.

101. The following identity elements are taken into account in registering births: surnames, first names, date and place of birth, sex, names of father and mother or the person who has recognized the child, whether the father or mother.

102. When choosing a name for the child, the registrar must do so in such a way as not to affect the child adversely (art. 39).

103. The registrar is also prohibited from receiving or giving surnames or first names other than those confirmed by usage, tradition and religion (art. 35).

104. No discrimination exists.

105. The law grants children the right to know and be brought up by their parents. Articles 5 and 296 of the Code on the Individual and the Family stipulate that parents must keep their children in the home and that they are under the obligation to feed, educate and supervise them.

106. Children have the right to acquire a nationality, particularly in cases where lack of nationality would make them stateless: holders of Burkina Faso nationality are children born in Burkina Faso of a father or mother also born there, children born in Burkina Faso of unknown parents, children born in Burkina Faso who cannot claim any nationality of origin and newborn infants found in Burkina Faso (arts. 140, 142 and 143).

107. Minor children born in Burkina Faso of foreign parents and foreigners or stateless persons adopted by a Burkina Faso national may acquire Burkina Faso nationality (arts. 140, 142 and 143).

108. There is no specific provision for attribution or acquisition of nationality for children born out of wedlock; such children have the same rights as other children. Double nationality is not authorized.

109. No new provisions have been enacted (see initial report, chap. IV).

B. Preservation of identity (art. 8)

110. Preservation of identity is ensured by the provisions of the Code on the Individual and the Family concerning attribution and change of name (see initial report).

111. Preservation of the child's identity is ensured through registration in the civil register and the drawing-up of a birth certificate or judgement establishing the date of birth.

112. In addition, rules governing attribution and change of name are set forth in article 33 of the Code on the Individual and the Family ("No one may bear any surname or first names other than those listed on his or her birth certificate or judgement establishing the date of birth or mentioned additionally.").

113. Changes of name are governed by a procedure which makes it possible for the public prosecutor's office to exercise supervision, by conducting inquiries and making submissions; changes may be authorized only through a judgement handed down by the court of major jurisdiction in the place of birth. Such judgements are transcribed in the civil register entry for the person in question and his or her spouse and minor children.

C. Freedom of expression (art. 13) (See initial report, chap. IV, p. 9)

114. Children are recognized by the Constitution as having freedom of expression. They have the right to express themselves orally, in writing and through printed or artistic works (drawing, music, dance, games, speech, theatre ...). This right is an integral part of social policy, which the State guarantees.

115. Young people are involved in several national and international activities organized in the country, including:

The USSU-BF tournament;

The National Culture Week (SNC);

The Ouagadougou Pan-African Cinema and Television Festival (FESPACO);

The Ouagadougou International Crafts Show (SIAO).

116. The following are also worthy of mention:

Competitions: the prize for the best primary school show (PMSEP), the National Secondary School and University Arts Festival (FNASS) and poetry recitals for children;

Establishment of the Children's Parliament on 16 June 1997.

117. Children have the opportunity to express themselves through participation in forums organized in the country (regional summit on children, 16 June commemorations, etc.).

D. Freedom of thought, conscience and religion (art. 14)
(See initial report, p. 10)

118. This right is recognized by the Constitution in article 7. In practice, the exercise of this freedom is often influenced by parents.

119. No specific new measures have been taken to provide children with the possibility of manifesting their religion or beliefs. The Constitution guarantees this freedom, subject to respect for the law, public order, morality and human dignity.

E. Freedom of association and of peaceful assembly (art. 15)
(See initial report, chap. IV, p. 10)

120. Freedom of association is recognized by the Constitution, the only restriction being that it must be exercised in conformity with the legislation in force.

121. The Education Act authorizes students to establish associations within public and private educational establishments for the defence of their interests (Education Act, art. 40).

122. Children may create or join associations, but only under their parents' responsibility.

123. There are no recognized children's associations.

F. Protection of privacy (art. 16)

124. The inviolability of the home, domicile, privacy and family life and secrecy of correspondence are guaranteed by the Constitution. The Penal Code prohibits any undermining of privacy (arts. 371-375), individual freedom and inviolability of domicile (art. 360) or secrecy of correspondence (arts. 168-375).

125. The Act of 9 May 1961 on Juvenile Offenders and Children at Risk contains a special provision to protect children's privacy during legal procedures; article 23 prohibits the publishing of any accounts of discussions concerning minors or the reproduction of any pictures or drawings of them.

126. However, the law does permit access to domiciles under certain circumstances and under the conditions set forth in the Code of Criminal Procedure (searches and seizures) (Code on the Individual and the Family, art. 58) (see initial report, p. 19).

G. Access to appropriate information (art. 17)
(See initial report, p. 10 and annex, p. 12, question No. 20)

127. Children have access to information through radio, television and written material. As part of National Culture Week, children's literature has been introduced in both the national language and French.

128. No measures have been adopted to encourage international cooperation in this area.

129. Mention should be made of the national film censorship commission. For television programmes, public reaction and pressure from children's rights associations are effective means of censorship.

130. Mention may be made, however, of actions planned to improve access to appropriate information. These include:

Gradual introduction of reading and cultural activities centres (CLAC), with support from the French cooperation agency;

Increase of local radio stations and plans for television coverage of the entire territory, which will facilitate access to information for a maximum number of children.

**H. Right not to be subjected to torture or other cruel, inhuman
or degrading treatment or punishment (art. 37 (a))**

131. Article 27 of Act No. 19/61 of 9 May 1961 stipulates that parents who ill-treat their children shall be prosecuted. Article 332 lays down punishment for causing bodily harm to children under 15 years of age or depriving them of food or care to the point of jeopardizing their health.

132. In addition, article 535 of the Code of Criminal Procedure makes ill-treatment a ground for removal of parental authority.

133. Inhuman, cruel, degrading and humiliating treatment, physical or mental torture, ill-treatment inflicted on children and any form of degradation of the human being are prohibited by the Constitution (art. 2) and are punishable under criminal law.

134. Article 393 of the Penal Code punishes anyone who subjects to danger or abandons at an unfrequented location, a child or other person unable to protect himself or herself owing to his or her physical or mental state, or incites others to do so.

135. Children may lodge remedies, but they must exercise this right under the representation and authority of their parents or guardians. The prosecutor may initiate prosecution when applied to directly.

136. Despite all the steps and measures taken, child abuse continues because of the conspiracy of silence and because of insufficient efforts to raise awareness of both parents and children. Some brutal images have also been shown to the public on television.

137. No education or training activities have been undertaken to prevent all forms of ill-treatment.

138. Cases of ill-treatment are not always brought to the authorities' attention. Nevertheless, in 1996-1997 668 children were the victims of ill-treatment in three provinces (Kadiogo, Bazèga and Yatenga).

139. Complaints of ill-treatment may give rise to police inquiries, which frequently lead to judgements and punishment.

140. It should be understood, however, that the main difficulty in combating such practices lies in the fact that corporal punishment is a traditional child-rearing method that is still in force, especially in rural areas.

141. Children who are the victims of ill-treatment may be placed in an institution or with a trustworthy individual with a view to ensuring their physical and psychological rehabilitation and reintegration.

142. There is no independent monitoring system.

143. A broad awareness-raising campaign is needed to encourage neighbours and the public at large to report cases of child abuse, including those responsible, to the competent authorities.

V. FAMILY ENVIRONMENT AND ALTERNATIVE CARE

144. The importance of the family is recognized in law: the family is the basic unit of society (see initial report, p. 12).

A. Parental guidance (art. 5)

145. In defining the family, the Code on the Individual and the Family recognizes the nuclear - i.e. marriage-based - family, which it grants the right to educate its children and direct that education. Parental supervision also involves providing vocational guidance and moral and religious education for the child.

146. In practice, however, parental guidance is not merely the responsibility of the mother and father. The extended family also plays an important role.

147. There is no family counselling service or parental education programme.

148. However, awareness campaigns have been carried out in this regard and will continue to be carried out as part of the national plan of action for children. The Code is currently being popularized in order to give parents a better understanding of their rights and responsibilities.

B. Parental responsibilities (art. 18, paras. 1-2)

149. The responsibility for the child's upbringing rests primarily with the parents. They have a duty to provide a home (Code on the Individual and the Family, art. 511), to supervise their children's activities and personal relationships (art. 512), to protect their physical well-being and to defend their individual rights.

150. Parents may not be released from their obligation to care for their child. In cases of abandonment, therefore, the legal guardian is liable to punishment in the form of deprivation of parental authority and a criminal sentence (Penal Code, art. 406).

151. According to article 1384 of the Civil Code, parents are responsible for damages caused by their minor child.

152. No specific measures have been adopted to render appropriate assistance to parents and legal guardians in the performance of their child-rearing responsibilities.

153. Care is provided for children in every health centre in the country.

154. No specific measure has been adopted for children from single-parent families.

155. Special provision is made for children from the most disadvantaged groups by the technical services of the Ministry of Social Action and the Family and a number of NGOs and associations:

Free registration in school and pre-school;

Subsidies for school supplies;

Holiday camps;

Search for sponsors;

Budget allocations for the children placed (5 million CFAF in 1997). These allocations still do not meet the needs, however.

156. No disaggregated data exist.

157. Apart from the Ministry of Social Action and the Family, which is responsible for preparing, coordinating, following up and evaluating programmes for children, and a number of NGOs and associations, there are no institutions, establishments or services responsible for monitoring children's well-being.

158. Under the law, both parents have joint responsibility for bringing up and ensuring the development of their child. In practice, the precariousness of most parents' existence prevents them from discharging this responsibility effectively.

C. Separation from parents (art. 19)

159. If a child is separated from the family environment, both father and mother continue to exercise parental authority where this is not incompatible with the implementation of educational measures. If the parents are separated, custody is awarded to one or the other of them, taking account of the child's best interests. Custody of a child under the age of 7 should be awarded to the mother except where that would involve some risk. The parent who does not have custody has visiting and accommodation rights.

160. The child is considered domiciled with the parent who exercises the right of care, supervision and maintenance on the child's behalf.

161. In certain circumstances, notably in cases of child abuse or when the parents live apart, a child may be domiciled with one or other of his parents or exceptionally with a third party.

162. The decision concerning the place of residence rests with the courts of major jurisdiction. It is taken following a discussion between a judge and the parents to determine who is the best person to provide care, in the interests of the child (art. 402). If the judge has doubts concerning the parents' capacity, he may order a background inquiry (art. 403). Decisions concerning custody may be amended whenever the best interests of the child so require.

163. The court shall take into account any agreements on child custody the parents may have reached. In the absence of such agreement, the parents are given a hearing in court, at which they can present their case on how they intend to resolve the child's situation and on their respective ability to provide care, in the best interests of the child. Background enquiries shall take account of children's views. The decision rests solely with the court, however.

164. The parent who has not been awarded custody of the children retains the right to supervise their maintenance and education, and has visiting and accommodation rights. These rights can be denied only for very good cause, notably when they would run counter to the child's best interests (Code on the Individual and the Family, art. 405).

165. A child who is separated from both parents has the right to maintain personal relations and direct contacts with each of them on a regular basis. Very little account is taken of the child's views in this regard.

166. Persons who are detained or in prison have the right to parental visits upon authorization from the judge or the prosecutor. The bodies of persons who die in prison are returned to their family on request. There is no law against information being provided to children or parents regarding the place where a family member is detained or imprisoned.

167. There are no disaggregated data.

168. Progress has been made in implementing article 9 of the Convention to the extent that judicial decisions regulating visiting and accommodation rights in cases where a child is separated from one or both parents have been standardized.

169. The chief difficulty with regard to implementation of article 9, paragraph 2, is the fact that the interested parties may not take part in the deliberations. They may be given a hearing, however.

170. The State's objective for the future is to reduce the incidence of family breakdown, for example through family education programmes, since it is in the family environment that children should be cared for, educated and protected, learn social and cultural values and receive their preparation for life.

D. Family reunification (art. 10)
(See initial report, p. 13)

171. A child is authorized to enter Burkina Faso for purposes of family reunification provided he or she obtains an entry visa, if that is required having regard to the country of origin. A visa application has no adverse consequences for the applicant.

172. A child is authorized to leave Burkina Faso for the same purposes, subject to an authorization to that effect being signed by the person who has custody of the child. Travel documents are provided on sight of this authorization. Application to the competent authorities has no adverse consequences for the child submitting it.

173. Applications are dealt with by the Ministry of Territorial Administration, without discrimination and with due regard to the rights of the child.

174. No disaggregated data are available.

175. A child whose parents live in different countries may maintain direct contact of all kinds with both parents without restriction or interference of any kind by the competent authorities.

176. There are no restrictions.

177. The legislation on this matter complies with the provisions of the Convention.

E. Illicit transfer and non-return (art. 11)
(See initial report, p. 13)

178. The difficulties in this regard relate to monitoring, since there are no structures in place in the countries concerned.

F. Recovery of maintenance for the child (art. 27, para. 4)

179. Recovery of maintenance is carried out by court ruling or order. The amount is set by court decision, taking into account the child's needs and the income of the person who is to pay every month.

180. Maintenance is paid to the person caring for the child. In case of default - failure to pay for two months - recovery may be effected by direct deductions from pay and other revenue (Code on the Individual and the Family, art. 694).

181. Recovery may also be effected by confiscation of the property of the person responsible for maintenance payments.

182. Parents who evade maintenance payments may be made to pay by forcible recovery proceedings. They may be sentenced to prison and a fine (Penal Code, art. 407).

183. The right to maintenance and the recovery procedures apply for all children without distinction, as a means of protecting children's life, survival and interests.

184. Where a child is not registered in the civil registry, proof of parentage - on which maintenance is based - is difficult to establish in cases of dispute. In such cases, the law provides for the child to be supported by an allowance for education and maintenance, to be paid by those who had sexual relations with the mother during the legal period of conception (Code on the Individual and the Family, art. 465). However, in some cases the decision (enforcement procedure) is impossible to implement owing to the insolvency of those responsible for maintenance.

185. Under the reciprocal enforcement arrangements between France and Upper Volta, signed in Paris on 24 April 1961, and the agreement on the Common African and Mauritian Organization (OCAM), signed with 11 African countries in Antananarivo on 12 September 1961, decisions, including those relating to recovery of maintenance, may be enforced upon completion of certain procedures in the signatory countries.

186. No disaggregated data are available.

G. Children deprived of a family environment (art. 20)
(See initial report, p. 13)

187. Provision has been made for measures to protect and assist children deprived of a family environment, including establishment of a special service, adoption of a plan, for protection of children at risk; and adoption of kiti (decree) No. AN-VII-0319/FP/SAN-AS/SEAS of 18 May 1990 on the placement and monitoring of children, and kiti No. AN-IV 210/CNR/EP-SN of 26 December 1986 on orphanages and institutions for the care and custody of orphaned and abandoned children. Adoption is governed by the Code on the Individual and Family.

188. Alternative care is provided in the form of placement in an institution or an adoptive family, or enrolment in supervision and training centres in public or private institutions. Customary adoption is still practised in Burkina Faso.

189. Priority is given to placement in families rather than placement in institutions.

190. Monitoring is carried out by decentralized social services.

191. The principles of the Convention are observed.

192. Children placed in foster families receive the same ethnic, religious, cultural and linguistic education as the families' own children. In other cases, for example institutions and training centres, teaching is carried out in French, the official language of Burkina Faso, while having due regard to individual differences (National Education and Protection Institute INEPRO and Orodara Children's Centre).

193. No disaggregated data are available.

194. The Government is gradually increasing the importance it gives to care institutions and family placement, both through budget allocations - notably to INEPRO - and by establishing a national policy on special education. The problems in this area are the inadequacy of care structures and facilities and the lack of any central public institution for the reception and care of children aged 0 to 6.

H. Adoption (art. 21)

195. Adoption is regulated under articles 470 to 507 of the Code on the Individual and the Family, which set forth conditions, procedures and consequences, taking into account the child's best interests.

196. The courts of major jurisdiction are competent to authorize adoption. Adoption is authorized once the court has obtained information on the adopter's moral standing and financial position, and on his or her ability to provide the child with education and guarantee maintenance, growth and harmonious development. Such information is obtained by inquiry (Code on the Individual and the Family, art. 504).

197. The first step in the procedure is the submission of an adoption application, accompanied by the written agreement of the institution or the private individual caring for the child, or a certified copy of the required consent. This application is submitted to the court. Following the inquiry, and when the public prosecutor has given his opinion, a decision is handed down. This decision may be appealed.

198. Children whose mother and father are unknown or deceased, and abandoned children or children whose mother and father or the family council have duly consented to adoption, may be adopted.

199. Consent to adoption is given by an authentic deed drawn up by the civil court or the head of the administrative district where the consenting person is domiciled or resident, or before a foreign notary or before diplomatic or consular officials of Burkina Faso (Code on the Individual and the Family, art. 483).

200. Children's views are taken into consideration in cases of adoption if they are aged over 15.

201. Protection of the child is guaranteed by inquiries and by the checks carried out by the prosecutor and the court of major jurisdiction. The aim of these procedures is to find the child a family that can ensure his or her growth, development and education. Monitoring is carried out by the social services.

202. Full adoption (Code on the Individual and the Family, arts. 486-489, 494, 495, 497-499) has the effect of conferring on adoptees a relationship of filiation that replaces their original filiation. They cease to belong to their natural family. The adopted child has the same rights and obligations as a child born within the marriage.

203. Simple adoption, on the other hand, has the effect of making adopted children members of the adoptive family while retaining their rights, including hereditary rights, and their duty of maintenance, with respect to their natural family. Adoptees retain their surname and have a duty of maintenance towards the adopter. They maintain their links with their family.

204. The practice of *confiage* (fostering) of children - generally children from rural families who are taken in by urban families as servants or apprentices - is widespread in Burkina Faso. The length of time such children stay in their host families varies depending on their sex, girls' stay generally being shorter because they leave to get married. Boys leave *confiage* when they find more or less precarious employment in the informal sector of the economy. There are few known cases of children returning to their places of origin. *Confiage* is not yet quantifiable in statistical terms, however.

205. In the case of children for whom domestic adoption has not been possible, intercountry adoption is available to give them the opportunity of acquiring a family that will provide the care they need to develop fully. A child adopted abroad enjoys the same guarantees as apply in cases of domestic adoption.

206. Adoption entails no financial gain for the officials concerned.

207. Monitoring of adoption placements is regulated by law. Intercountry child adoptions are monitored in accordance with article 13 of joint decree No. 93/00/SAN-ASF/MIJ/MERX, on the implementation of kiti No. AN-VII 0319/FP/SAN-AS/SENS of 18 May 1990 on placement and monitoring of children in Burkina Faso.

208. Burkina Faso ratified the Hague Convention on the Civil Aspects of International Child Abduction, adopted on 25 October 1980, and the Hague Convention on Protection of Children and Co-operation in respect of Intercountry Adoption, adopted on 29 May 1993, on 11 January 1996.

209. Domestic placements in Burkina Faso are made on a purely temporary basis.

210. The figures for intercountry child adoptions are as follows: 24 in 1994, 42 in 1995 and 48 in 1996.

211. There appears to be very little interest in adoption within Burkina Faso. The State is therefore obliged to resort to intercountry adoption, with all its potentially worrying implications. The lack of resources makes it difficult to implement any monitoring mechanism and there is no information on adoptive families.

212. Some progress has been made, with the imminent appointment of a social worker in the Burkina Faso embassy in France, the country which adopts most children, and the establishment of an extended inter-ministerial commission, on which private care institutions are also represented, to monitor and implement the Hague Conventions on intercountry adoption and on abduction. The aim is to provide better protection to children involved in intercountry adoptions.

213. Adoption is an instrument designed to protect children. Children may be adopted if their parents are unknown or deceased, if they have been abandoned, or if their parents or the family council have given their formal consent to adoption.

214. The Government is concerned to promote domestic adoption. However, given the lack of domestic demand due to social and cultural problems, it has no alternative but to resort to intercountry adoption, with consequences that may be difficult to control, particularly as regards monitoring.

215. Customary adoption is still practised.

I. Periodic review of placement (art. 25)

216. The court may order implementation of educational measures for the child. It may maintain the child in its current environment. If it decides to separate the child from the family environment, it may entrust the child to the parent who did not have custody, another family member, a third person of confidence, or to an education service or establishment.

217. This decision, which is taken on the basis of regular reports to the court, may be amended or deferred by the court, either on its own initiative or at the request of both parents jointly or of one of them, or of the person or service caring for the child, or the child's guardian or the child itself, provided only that the court consults the family (Code on the Individual and the Family, art. 532).

218. For the monitoring of placements, see the initial report, page 15.

219. According to article 13 of kiti (Presidential decree) No. AN-VII 0319/FP/SAN-AS of 18 May 1990, on placement and monitoring of children in Burkina Faso, regular monitoring of any child placed shall be carried out by the technical services of the Ministry of Social Action and the Family. Article 14 describes the form such monitoring shall take, i.e., regular visits by a social worker appointed for that task.

220. The competent authorities are the representatives of the relevant technical services of the Ministries of Social Action and the Family, Justice and Foreign Affairs, all of which are signatories of joint decree No. 93-001/SAN-AS/MJ/MREX of 10 January 1994, on implementation of the aforementioned kiti (Presidential decree).

221. The decision to place a child is taken in cases of abandoned children, orphans and those from needy families, aged 0 to 2.
222. The aforementioned regulations do not specify the periodicity of the review of placement. It should be carried out as frequently as possible, however, and is obligatory in cases of necessity (illness).
223. Placement is carried out in strict accordance with the principles of the Convention.
224. No current disaggregated data are available. The child selected for adoption stays with the requesting family for six months.
225. The fact that the Government now makes budget provision for children in placement represents a step forward: 1.5 million CFAF under the 1996 Finance Act and 5 million CFAF under the 1997 Finance Act. The major difficulties continue to be financial ones due to the extent of the problem of abandoned children. The State's aim is to increase budget allocations and establish a framework structure for public care.

J. Abuse and neglect (art. 19), including physical and psychological recovery and social reintegration (art. 39)

226. The legislation condemns all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, and maltreatment or exploitation of the child, including sexual abuse while in the care of parents or parent, legal guardians or any other person who has the care of the child.
227. Both the criminal legislation and the Code on the Individual and the Family prohibit violence against children, including genital mutilation (Penal Code, arts. 380-381), deliberate assault on a child aged under 15 and deprivation of food and care (art. 332), rape (art. 417), child neglect (arts. 391-397), abandonment (art. 406) and abuse (Act No. 19/61 of 9 May 1961 on juvenile offenders and children at risk, art. 27). Under article 535, parents forfeit their authority in cases of abuse of a child.
228. The prosecutor may initiate proceedings on being informed of a case of violence against a child.
229. A child may lodge a complaint through a representative in order to seek not only the punishment of the perpetrators but also compensation for harm suffered, in the form of a sentence to pay damages and interests.
230. Social services and criminal investigation officers may intervene if they receive information concerning maltreatment or other violence against children.
231. Information and awareness-raising campaigns for the public at large are carried out in order to prevent situations of violence and abuse, and to strengthen the system of child protection, especially with regard to genital mutilation.

232. A family education service has also been established, which is responsible, among other things, for helping in the implementation of awareness-raising programmes aimed at discouraging practices that are harmful to the family, and in the adoption of a national plan for family education.

233. The penalties provided under the Penal Code and the forfeiture of parental authority are intended to have a deterrent effect.

234. No provision has been made for the establishment of social programmes.

235. There are no other preventive measures.

236. Children may be taken away from their families in their own interests and placed in the care of individuals or charitable institutions.

237. Health and social workers have a duty to report all violence and injury they detect.

238. This issue is a major concern of social services and the Education in an Open Environment Campaign (AEMO), which are continually monitoring the situation.

239. There is a telephone helpline for cases of genital mutilation.

240. Students at the National Social Work Training College take courses on the rights of the child.

241. Orphanages and education and training centres provide training for children to help with psychological recovery, and literacy classes to prepare them for economic and social reintegration when they leave. However, the centres have problems of capacity and lack facilities. A memorandum of understanding between Burkina Faso and France on revitalizing the centres is currently being finalized.

242. As awareness of the problem spreads, thanks to consciousness-raising campaigns and the popularization and explanation of the Code on the Individual and the Family in the provinces, parents are better able to understand their obligations towards their children and the fact that maltreatment of children is prohibited.

243. It is difficult to obtain information on intra-family violence.

VI. BASIC HEALTH AND WELFARE (arts. 6, 18 para. 3, 23, 24, 26, 27 paras. 1-3)

A. Disabled children (art. 23)

244. The situation of disabled children is still very poorly documented. Nevertheless it was an important variable in the 1996 general population and housing census.

245. The results of that census will make it possible to establish the exact number of disabled children and the type of disabilities, and to prepare disaggregated data by age, sex and region of origin.

246. The Government is also currently preparing a national rehabilitation policy, together with a national plan of action, which will address the specific needs of disabled children.

247. At the same time, it should be borne in mind that zatu (Ordinance) No. 86-005/CNR/PRES of 16 January 1986 granted disabled children certain welfare benefits (see initial report, p. 16).

B. Health and health services (art. 24)

248. The right to health is recognized under the Constitution (art. 26).

249. The child's right to the enjoyment of the highest attainable standard of health and to facilities for treatment and rehabilitation is recognized under the Constitution (art. 26). This right is exercised without any discrimination whatsoever, including with regard to access to health services.

250. Burkina Faso had 921 health facilities in 1995: 2 national hospital centres, 10 regional hospital centres, 16 medical centres with surgical annexes and 686 health and welfare centres. There were also 199 private health institutions, including 13 maternity clinics, 12 doctors' offices and 59 pharmacies.

251. Between 1985 and 1993, the number of medical and paramedical staff rose from 3,281 to 4,338, an increase of 3.5 per cent per year. By 1995, numbers had risen to 4,488 (*source*: DEP Health, Health Statistics). There has thus been a significant increase of 36.78 per cent in human resources over the 10-year period 1985-1995.

252. Numbers of health workers are nevertheless still below WHO standards.

253. Despite the implementation of a number of programmes aimed at maintaining children in the highest attainable state of health, their health situation - which is intimately linked with that of their mothers - has barely improved since 1994, basically owing to the persistence of epidemics such as meningitis, the advent or spread of endemic diseases such as malaria or the AIDS pandemic, malnutrition, and lack of access to medical services or medicaments - this last due to low purchasing power, itself exacerbated by the 1994 currency devaluation. The situation continues to be characterized by high infant and child mortality rates (94.6 per thousand in 1993 and 79.4 per thousand in 1991 respectively - INSD demographic and health survey).

254. Two major meningitis epidemics ravaged the country in 1995 and 1996, decimating the numbers of children and prompting the authorities to prepare a national anti-epidemic plan and establish a national anti-epidemic fund (FONALEP).

255. According to a multiple-indicator survey carried out in 1996, vaccination coverage was as follows: tuberculosis (BCG), 55.5 per cent; diphtheria-tetanus-pertussis (DTP), 32.3 per cent; trivalent oral polio vaccine (OPV), 32.1 per cent; varicella, 35 per cent.

256. In terms of the use of micronutrients (1996 multiple-indicator survey), 6.8 per cent of children received a vitamin A supplement (capsule); while the rate of knowledge and use of foodstuffs that could prevent and treat night blindness was 2.2 per cent.

257. Iodized salt is used by 22.5 per cent of households in the main meal of the day. The figure is 26 per cent in urban areas and 22 per cent in rural areas.

258. The rate of use of iodized salt is the outcome of a programme implemented in selected geographical areas before legislation was adopted on the import of iodized salt.

259. The proportion of children aged under one year registered in childcare clinics is below 40 per cent.

260. In order to prevent problems relating to vitamin A deficiency, the health authorities are now distributing capsules free of charge in the eight worst affected provinces: Bam, Namentenga, Tapoa, Sanmatenga, Yatenga, Oubritenga, Soum and Passoré.

261. The Government has adopted an important piece of legislation - joint decree No. 96-129/MS/MEF/MICA, of 20 May 1996 - regulating the sale and use of iodized salt throughout the country, in order to combat iodine deficiency disorders, which are a public health problem. All salt for human consumption must now be iodized, under article 4 of the decree.

262. On malnutrition, the 1993 demographic and health survey provides the following indicators:

Stunted growth (indicator: size for age): 29.4 per cent of children aged under 5 suffer from chronic malnutrition, including 10.9 per cent suffering from severe chronic malnutrition. More common in boys than in girls: 31 per cent compared with 28 per cent;

Wasting (indicator: weight for size): 13.3 per cent of children aged under 5 suffer from acute malnutrition. More common in rural areas (14 per cent);

Underweight (indicator: weight for age): 30 per cent of children aged under 5 are underweight, including 8 per cent who are seriously underweight.

263. The Government adopted a safe motherhood strategy in 1995, with a view to improving maternal and infant mortality rates.

264. The health situation also reflects problems and shortcomings affecting mothers and children in particular:

Inadequate health coverage: 51 per cent of urban populations and 48 per cent of rural populations have access to health facilities;

In some cases, excessively long distances to health and welfare centres: about 50 per cent of rural populations must travel up to 30 kilometres. The average distance is 10.5 kilometres;

Pharmacies concentrated in towns (90 per cent): partial coverage of the provinces in terms of basic generic medicaments is provided by the Basic Generic Medicines Supply Centre (CAMEG);

State budget allocations are low compared with the WHO standard of 10 per cent: the percentage of the national budget allocated to health is about 6 per cent (DEP-health statistics).

265. Health coverage is nevertheless advancing, as a result of a programme to build several health centres and medical centres with annexes, train staff and improve staff distribution around the provinces. Seventeen of the 53 planned medical centres with annexes are now in operation and 30 are under construction, while funding is being sought for 6 others.

266. In the area of human resources, the structural adjustment programme continues to focus on staff recruitment.

267. The Ministry of Health receives support from a range of bilateral and multilateral partners, in the form of cooperation from the Netherlands, France, Italy and the European Union, and support from the United Nations Children's Fund (UNICEF), the German Agency for Technical Cooperation (GTZ), the World Health Organization (WHO), the Inter-American Development Bank (IDB) and the African Development Bank (ADB).

268. The State's objectives are to operationalize the 53 health districts, whose basic concern is to improve mother and child health, and secondarily to improve geographical and financial accessibility to health care.

269. With regard to data collection, all districts now have computers and trained staff. The national health information system is to be reviewed in order to improve data collection and processing.

270. No sharp distinction is made between general health services and primary health-care provision in health centres generally. Promotion of primary health-care services is carried out at the peripheral level.

271. With regard to the balance between types of care, the national and regional hospitals provide basically curative treatment. All other health facilities provide curative care but also have preventive care units (vaccinations, prenatal consultation).

272. Out of 2,040,000 patients admitted to health centres for curative treatment in 1995, 35 per cent were aged 0 to 4 years.
273. Preventive treatment rates are as follows: BCG, 78.03 per cent; DTP 3, 47.29 per cent; varicella, 55.59 per cent (*source*: DEP/health, health statistics).
274. The main problems relate to mothers' unawareness of the vaccination schedule, distance to health facilities, and year-round financial availability of basic generic medicines.
275. The expanded programme of immunization operates at the level of health services through the provision of vaccines and vaccination equipment, staff training and logistical support. The Government has established a budget line for vaccine acquisition. Vaccine for target diseases is free of charge under the expanded programme of immunization.
276. According to the 1993 demographic and health survey, 30 per cent of children aged under 5 are underweight, including 8 per cent who are seriously underweight.
277. The most common diseases are infectious, parasitic and water-related diseases. They occur in situations where poverty has given rise to malnutrition and lack of access to drinking water.
278. Children affected by malnutrition:
- One of the causes of malnutrition in children is dietary taboos;
 - Protein-energy malnutrition: 29 per cent of children aged 0 to 5, as indicated by weight/age;
 - Anaemia: 70 per cent of children aged 0 to 5;
 - Iodine deficiency disorders: incidence of goitre > 10 per cent;
 - Vitamin deficiency, including vitamin A deficiency: incidence of night blindness > 1 per cent in children aged 2 to 10.
279. No information is available on numbers of children receiving sufficient food.
280. Urban sanitation programmes have been implemented (waste disposal). Only 38.4 per cent of pregnant women were given prenatal consultations in 1991, despite the fact that 95 per cent of health facilities provide prenatal care. There is no information available on prenatal care. Maternal mortality is 566 per 100,000 live births (INSD health survey, 1991). The causes are haemorrhages, infections, obstructed labour, abortion and anaemia. Out of 108,236 live births in 1995, there were 675 cases of maternal death.

281. The various programmes aimed at providing the highest attainable state of health for children include information, education and communication components, all of which use the same techniques - audiovisual material, leaflets, etc. There is no single specific awareness-raising programme.
282. Methods involve making medicines and treatment for mother and child health available to communities, educating mothers to use nutritious foods, promoting consumption of locally produced foodstuffs and using all available means to raise awareness.
283. Sanitation services exist at the national level (National Water and Sanitation Bureau, National Health and Sanitation Education Centre) and at the regional level (10 Regional Health and Sanitation Education Centres). However, there is still a shortage of operating resources for peripheral sanitation facilities.
284. The adjustment programme for the agricultural sector aims at food self-sufficiency, in particular by increasing agropastoral production.
285. The Ministry of Health's medium-term strategies include planning of human resources development.
286. A national family planning programme operates in 90 per cent of the country's health facilities. Target population: women of childbearing age (15-49).
287. Family planning remains one of the most effective ways of preventing early pregnancy.
288. For the incorporation of health care into school curricula, see the annex to the initial report, page 12, question 25.
289. There are no data on the incidence of adolescent pregnancies.
290. AIDS and HIV infection are a public health problem in Burkina Faso. With an estimated seroprevalence rate of 7 per cent of the population, Burkina Faso is one of the three worst affected countries of West Africa. According to a 1994 study, an estimated 500,000-600,000 individuals are infected by HIV. Three quarters of these are aged 15 to 40. The number of cases of AIDS increased rapidly from 1986 to 1995, rising from 10 in 1986 to 7,296 in 1995. There are no disaggregated data at the national level and no specific data on children.
291. In view of the extent of the problem, Burkina Faso has established a National Anti-AIDS Committee, which has developed various strategies that aim, among other things, to provide information, education and communication on health (sexually transmitted diseases (STDs) and HIV/AIDS). An extensive campaign is being conducted through the newspapers, television and radio, and discussions are organized for target groups (young people, women, workers and employers) on how HIV/AIDS and STDs are transmitted. The topics covered are promotion of condom use, prevention of transmission by blood and prevention of mother-to-child transmission.

292. Seroprevalence sites have been set up in order to make it possible to assess the incidence of the infection, but have not had the hoped-for results, mainly owing to lack of follow-up.

293. The 1993-1995 medium-term plan prioritized psychological, medical and social care for persons infected by HIV and for AIDS patients. It provides for action geared specifically towards children, in the form of intervention strategies on behalf of children with AIDS and AIDS orphans.

294. No specific provision has yet been made for paediatric AIDS in terms of psychological, medical or social care.

295. Considerable help is provided to sufferers by NGOs and other associations.

296. No provision has been made for special protection for AIDS orphans. They are included with orphans in general. The State's provisions include plans for a review of the legislation in order to adapt it to the needs of vulnerable groups such as children at risk, including AIDS orphans, and the establishment of budget lines for the care of such groups.

297. No discriminatory attitudes against infected children have yet been noted, but families display a certain reluctance to look after them. A campaign has therefore been launched to explain how AIDS is transmitted and involve the entire community in caring for such children, whose situation is beginning to give cause for concern.

298. There is a growing awareness of the difficult situation of children who inspire fear in their fellows. Such children are helped by campaigns providing explanations and information on transmission, and by an understanding of the disease. The programme's objectives for the future are for these children to be integrated without discrimination and to attend the same schools and the same nurseries. With regard to adoption, all children have the same chance since the law makes no provision for children to be examined or given a medical check-up prior to adoption.

299. Achieving the anti-AIDS goals of the Population and Anti-AIDS Project involves two types of activity:

(a) Training activities to improve the intervention capabilities of intermediate targets and the management capabilities of health structures of partners on the ground: training and redeployment of health workers and Regional Health and Sanitation Education Centre staff, social/health workers, doctors, association and NGO workers and religious and traditional leaders;

(b) Technical and operational activities to improve understanding and eliminate behavioural causes of sexual transmission of HIV:

Annual multimedia campaigns on HIV/AIDS (prevention, safe sex);

Production of school magazines for young people;

Production and publication of 15,000 copies of a cartoon strip on HIV/AIDS in three languages - French, Moré and Dyula;

Establishment of a documentation centre and video library for young people;

Production of a documentary film to encourage young people to switch to safer behaviour patterns.

300. Female genital mutilation is more prejudicial to children's - i.e., girls' - health than any other traditional practice (see initial report, p. 17). The following progress has been made in this area:

Restructuring of the National Committee to Combat Female Circumcision with the establishment of a permanent secretariat (1997);

Adoption of legislative measures imposing heavy penalties for female genital mutilation (Penal Code, arts. 380-382);

Establishment of decentralized branches of the National Committee in provinces, departments and villages;

Sizeable regular budget allocations to the National Committee from, among others, the Netherlands and Denmark, from whom the National Committee received 345 million CFAF from 1994 to 1997;

Training for traditional chiefs (60), members of Islamic associations (130), diocesan officials (30), women's organizations (50), village women's groups (40), law enforcement officers (50) and youth movements (120);

The National Committee has set up an "SOS excision" telephone helpline.

301. With regard to drinking water, the multiple-indicator survey shows that 33.9 per cent of households (i.e., 23.9 per cent of the total population) use only drinking water, which means that 66.1 per cent of households use water that is not suitable for drinking. In rural areas only 28.5 per cent of households (i.e., 20.2 per cent of the total population) use only drinking water. The situation is relatively better in urban areas, where 64.1 per cent of households (44.8 per cent of the total population) use only drinking water. As can be seen, the level of use of drinking water in Burkina Faso is unsatisfactory, despite the State's efforts to improve coverage.

302. With a view to promoting international cooperation, the Government has established a Department of Cooperation within the Ministry of Finance and the Economy to develop relations with foreign bilateral and multilateral sources of finance, in order to optimize mobilization of financial resources from abroad such as loans, subsidies and donations.

303. The areas covered by international cooperation that relate to the rights of the child are basic education, primary health care and protection of the rights of women and girls (combating female circumcision).

304. There are no disaggregated data showing the proportion of global financial assistance that is allocated to children. The involvement of United Nations agencies such as UNICEF and WHO, and of NGOs, is of great importance. There is an NGO contact office in the Department of Cooperation.

C. Social security and childcare services and facilities (arts. 26 and 18, para. 3)

305. The Social Security Code (Act No. 19-72/AN of 8 December 1972) establishes benefits for children whose parents work in the formal private sector.

306. Benefits in the form of monthly allowances are also provided under the regulations governing public service employees.

307. No measures have been adopted to recognize for every child the right to benefit from social security.

308. Benefits are paid in the form of monthly lump sum allowances, for both the children of public officials and those of workers in the formal private sector. Children themselves may not apply for social benefits. Family allowances are paid to parents on their behalf. For families to benefit from such allowances, the child must be no older than 14 if not in full-time education and no more than 21 if in full-time education. A maximum of six children per worker may benefit. Few children benefit from the system in its present form.

309. There are no disaggregated data in this area.

310. The Government launched an extensive campaign in 1986 to publicize facilities for the care and education of children aged 3 to 6, known as day-care centres. These were established with the following aims:

Freeing mothers so that they can participate fully in ongoing development activities;

Monitoring children's health and diet;

Stimulating children's psychomotor development;

Socialization;

Providing appropriate play activities;

Children's safety.

311. There were 134 care and education facilities in 1996, including 74 day-care centres and 60 kindergartens in 27 provinces, although the greatest concentrations were in Ouagadougou (54 per cent) and Bobo-Dioulasso (7 per cent). Coverage of such pre-school education expanded from 1991 to 1995, rising from 0.72 per cent to 0.82 per cent: 13,084 children aged 3 to 6 were enrolled in care facilities, out of a total population of 1,595,669 in this age group. The day-care centres are run by the community, while kindergartens are private enterprises.

312. Problems encountered in the area of social security are inadequate social benefits, a small number of beneficiaries (formal sector), and the slow pace of reform of social insurance. The main problems in the area of childcare and education establishments are the inadequacy of State budget allocations and the lack of teaching staff (educational inspectors and counsellors).

313. Progress has been made to the extent that the Government has expressed a desire to increase the population's social coverage and improve and diversify social benefits.

314. With regard to childcare and education, since the start of the 1994/95 school year the Government has allocated budget resources annually to cover recruitment of 35 pre-school assistant teachers, and their training at the National Social Work Training College.

D. Standard of living (art. 27, paras. 1-3)

315. Under articles 296 and 513 of the Code on the Individual and the Family, parents and any other person with parental authority have an obligation to provide the child with an adequate standard of living (i.e., to feed, support and educate the child and pay its costs). They may be ordered to pay maintenance or even prosecuted under the Penal Code.

316. The human development index measures the standard of living. It takes into account deficiencies in health, education, drinking water and housing and, for Burkina Faso, was 0.203 in 1992 and 0.225 in 1996.

317. No criteria have been established to assess the ability or financial capacity of parents or others responsible for the child's upbringing to secure the living conditions necessary for the child's development.

318. No measures have been taken to assist parents and others responsible for the child to implement its rights, including the nature of the assistance made available, its budget implications, and its relation to the cost of living and its impact on the population.

319. No measures have been adopted to provide, in case of need, material assistance and support programmes, particularly with regard to nutrition, clothing and housing.

320. A national housing policy has been adopted, involving subdivision of land on a large scale in full municipalities, and construction of housing projects: 55,745 plots were created by subdivision in 50 urban and rural centres from 1994 to 1996 (Ministry of Infrastructure, Housing and Town Planning bulletin, May 1997).

321. The popularization of the Code on the Individual and the Family will help people to become aware of their obligations towards their children, and in particular their duty to ensure a decent standard of living.

322. The main difficulties have to do basically with the fact that poverty is so widespread. The State's objective is to prepare and implement targeted anti-poverty programmes.

VII. EDUCATION, LEISURE AND CULTURAL ACTIVITIES
(arts. 28, 29 and 31)

A. Education, including vocational training and guidance (art. 28)

323. The right to education, instruction, training and work is recognized by the Constitution (art. 18). According to article 2 of the Education Act, education is a national priority and school attendance is compulsory from the age of 6 to 16; no child may be excluded before that age. The State has designed strategies and programmes, and adopted budgetary measures, that will allow achievement of the right to education progressively and on the basis of equal opportunities. The education system is financed by the State, local communities, foreign aid, students' parents, private sponsors and NGOs.

324. As part of its social policy for children, the State has adopted legislative and administrative measures (Constitution, Code on the Individual and the Family, Penal Code, Labour Code) and measures of a budgetary nature (loans to the social sectors).

325. The proportion of the budget allocated to the education sector is as follows:

	1994 %	1995 %	1996 %
Basic education	11.4	12.9	13.9
Secondary education	10.8	11.6	10.2

Source: STP-PAS.

326. Education costs are basically borne by parents, particularly in urban areas, where many children are in private schools because there is no room in State schools.

327. The State awards scholarships to children in secondary education, on a highly selective basis.

328. Article 4 of the Education Act provides for teaching to be carried out in the national languages as well as in French, the official language. The State aims to give all children access to education and quality teaching. A number of programmes have been implemented to that end:

School Construction;

Establishment of satellite schools, starting at the beginning of the 1995/96 school year, in order to improve children's - and particularly girls' - access to education; schools of this kind are located closer to children's homes, and thus give girls and boys aged 7 to 9 a chance to attend for the first three years of school. They attend the school that is closest to their home ("mother school"), about four kilometres away;

Establishment of non-formal education centres where children aged 10 to 15 who do not attend school or who leave school early can receive training and an introduction to working life, and learn a trade;

Adoption of a national plan for girls' education;

Double-shift and mixed-ability schools, which allow access for the greatest numbers.

329. Special provision is made for access for children with disabilities.

330. The State recruits nearly 1,000 teachers every year, who are given appropriate training for their post. They also receive in-service training during the course of their careers. No evaluation of the education system as provided under article 59 of the Education Act has yet been carried out, the Act having been passed only recently (29 May 1996).

331. School curricula are established by the State.

332. The overall illiteracy rate is 77.8 per cent; the rate for men is 70 per cent and for women 85 per cent (INSD priority survey of household living standards, 1996). Numbers enrolled: 102,024 in 1995; 108,938 in 1996. Participation rate: 45.5 per cent in 1995; 52.4 per cent in 1996.

333. Informal education is recognized in Burkina Faso (Education Act, art. 20).

334. Pre-school education is an integral part of basic education and caters for children aged three to six. The State has established public day-care centres, whose low cost allows more children to attend.

335. Special enrolment conditions apply to children from needy families, following a background inquiry.

336. A step forward was taken in 1996, with the change in the upper age limit for compulsory schooling from 14 to 16.

337. The dropout rate is still high. Of 1,000 children enrolled in first grade (CP1), only 383 reach the second year of the intermediate level (CM2). The literacy rate was 19.7 per cent in 1995 and 23.28 per cent in 1996.

338. Monitoring takes the form of evaluations of the education system and checks of schools by trained staff (e.g., inspectors). The process is hampered, however, by the shortage of qualified staff, the increasing number of schools and the lack of resources.

339. By no means the majority of children are enrolled in compulsory education: the enrolment rate was only 37.7 per cent in 1995. The State is pursuing its policy of increasing the enrolment rate, with the focus on girls.

340. The following points within each area of education should be noted in particular:

Primary education

341. Under the Education Act, education is compulsory for all children aged 6 to 16, but no measures have been taken to ensure that education is free. The minimum age of entry to primary school is 6.

342. Despite the difficult economic context, educational coverage is expanding in Burkina Faso. The number of schools increased between 1993/94 and 1995/96, rising from 2,971 to 3,568. During the same period the gross enrolment rate went up from 33.9 per cent to 37.7 per cent and there was an improvement in the proportion of girls attending school, which expanded from 37 per cent to 39.3 per cent, although that figure is still low. Discrimination against girls is thus far from eliminated, despite the opening of satellite schools the purpose of which is, among other things, to promote girls' attendance at school.

343. There are disparities in the primary education system between rural and urban areas, on the one hand, and from province to province on the other. In 1995/96, for example, 34.1 per cent of pupils attended school in the provinces of Kadiogo (88.7 per cent), Houet (54.06 per cent) and Boulkiemdé (48.30 per cent), where the three main towns are located, but where only 19.5 per cent of the school-age population lives. In order to improve children's - and particularly girls' - access to education, the State has been experimenting, since the start of the 1995/96 school year, with satellite schools, which give boys and girls aged 7 to 9 an opportunity to go to school.

344. The ineffectiveness of primary education remains a problem, as shown by the high failure rate: 105,696 students - or 16.3 per cent of the total number - had to repeat a year in 1994/95.

345. With regard to allocation of budget resources, the Government's desire to promote primary education has translated into a steady increase in the budget allocation for the Ministry for Primary Education and Mass Literacy programmes: 11.4 per cent in 1994, 12.9 per cent in 1995 and 13.9 per cent in 1996 (*source*: STP-PAS).

Secondary education

346. The enrolment rate in secondary education is 11.2 per cent for the country as a whole, with 35.2 per cent in urban areas and 5.1 per cent in rural areas. Enrolment in secondary education more than doubled from 1985 to 1995, expanding from 3.5 per cent to 9.7 per cent. Here, too, girls are underrepresented, accounting for 35.19 per cent of the school population.

347. There is a shortfall of 400 teachers in the public secondary education system.

Higher education

348. The State has made considerable efforts to improve access to higher education, the most significant of which have been the opening, in 1996, of Bobo Polytechnic University and Koudougou Teacher Training College.

349. Funding for infrastructure and equipment comes chiefly from external contributions in the form of donations, subsidies or loans.

350. Access to higher education has been made easier by an expansion of physical capacity. From 1974 to 1995 the number of students rose from 253 to 9,452; the enrolment rate is 18 per cent.

Non-formal education

351. Between 1991/92 and 1995/96, the number of enrolments in literacy and training centres (CPAF) went up from 47,386 to 108,938. Ages range from 15 to 49.

352. Even so, the literacy rate remains very low. From 14.48 per cent in 1985 it rose to 18 per cent in 1990 and 22.2 per cent in 1994. There are also disparities between the sexes: 23.5 per cent for men and 8.03 per cent for women in 1990.

353. Non-formal education centres cater for children aged 10 to 15 who do not attend school or who have left school early, providing training and an introduction to working life, and teaching them a trade they can practise in their community.

354. There is no other structure to rehabilitate children who are excluded from the education system apart from the non-formal education centres, and these do not cover the whole country.

355. Educational and vocational information and guidance are available every year from the educational and vocational information and guidance centre, which does not, however, cover the whole country.

356. There are no mechanisms in place to monitor the regularity of school attendance or the reduction in dropout rates.

357. Measures taken to provide incentives to encourage regular attendance and school retention include awareness-raising, cuts in the cost of education, bringing schools physically nearer (building new schools, particularly in rural areas) and installing school canteens.

358. Education is compulsory for all. This right is recognized to children in the law without distinction. Children may not be excluded on the grounds of disability or HIV/AIDS infection. Nevertheless, many children still do not enjoy the right to education, owing to a shortage of buildings and teaching staff, the poverty of parents and a lack of understanding of the importance of education.

359. It is highly regrettable that children should be excluded from the education system because they do not work hard enough or cannot pay their school fees. Some of those excluded are helped by the non-formal education centres.

360. Discipline in schools is regulated. Corporal punishment is prohibited, as are some other kinds of treatment. Discipline is administered in accordance with article 28, paragraph 2 of the Education Act. There are teachers in some schools, however, who still have no qualms about

administering corporal punishment, as long as parents do not complain. The administration of discipline in schools is monitored in the first place by the school staff, other authorized staff (school inspectors) and parents' associations connected with the schools. Parents may bring proceedings against a teacher and the State in the case of public institutions, or against a private school, if a child has been subjected to corporal punishment in school.

361. The choice of schools is a matter for parents. Children are represented on decision-making bodies if their presence is necessary.

362. Education receives significant financial support from international cooperation, particularly for formal education programmes.

363. An analysis of funding for the non-formal system, particularly adult literacy and training, for the period 1991 to 1996, shows a high proportion of external resources, as can be seen from the following table:

Year	Purpose of funding	Donor	Amount
1991	Literacy Training in CPAF	Swiss Development Cooperation Counterpart funds Netherlands	190 000 000 CFAF
1992	Literacy Training in CPAF	Netherlands Switzerland	195 000 000 CFAF
1993	Literacy Training in CPAF	Netherlands Switzerland	213 720 749 CFAF
1994	Literacy Training in CPAF	Netherlands Switzerland	244 289 901 CFAF
1995	Literacy Training in CPAF	Netherlands Switzerland	240 630 175 CFAF
1996	Literacy Training in CPAF	Switzerland	160 000 000 CFAF

Source: National Literacy Institute (INA).

364. NGOs make an important contribution and in some cases run literacy centres.
365. There are no exclusively bilateral and/or regional programmes for specific target groups disaggregated by age, sex, or national, social or ethnic origin.
366. No disaggregated data are available on financial assistance received.
367. See section B below for the aims of education, as set forth in article 29 of the Convention.
368. No assessment has been made of the progress achieved. The major problems in the area of education are the inadequacy of infrastructure, of human resources - both quantitatively and qualitatively - and of teaching materials, and the lack of logistical means to ensure implementation.

B. Aims of education (art. 29)

369. The aims of education established in article 6 of the Education Act of 9 May 1996 are compatible with the provisions of article 29 of the Convention. These aims were dealt with in the initial report, page 18, paragraph (b).
370. The training of teachers is carried out with a view to enabling them to attain the aims established by the State.
371. The liberty of individuals and bodies to establish and direct educational institutions is established by law (Constitution, art. 7 and Education Act, art. 3), subject to the observance of such minimum standards as are laid down by the State.
372. Regular inspections and assessment of the education system make it possible to ascertain whether these aims are being achieved.
373. The same regulations and the same curricula apply in both public and private institutions. Access is not subject to any discriminatory conditions.
374. The Department of Basic Education contains a Directorate of Public Basic Education and a Directorate of Private Basic Education, which ensure that institutions are run in accordance with the standards established by the competent authorities.
375. Enrolment rates are improving. The right to education recognized by law is not yet enjoyed by a majority of children. Two fifths of children attend primary school in Burkina Faso.

C. Leisure, recreation and cultural activities (art. 31) **(See initial report, p. 19)**

376. Under Act No. 002/97/ADP of 27 January 1997, amending the Constitution, sport is included among social and cultural rights.

377. In the area of sport, the following games are organized for children:

The Burkina Faso School and University Sports Union (USSU-BF) tournament is open to all primary and secondary schools, the university and vocational training schools. The 1997 Finance Act allocated 45 million CFAF to the tournament;

The games of hope, held annually, are for young people who are not at school and for sports schools. The 1997 Finance Act allocated 21 million CFAF to the games.

378. Handisport is an activity specifically for disabled persons.

379. For cultural and artistic activities, see the initial report, page 19, paragraph (c).

380. Holiday clubs and camps are organized every year by the Ministry of Social Action and the Family. Disadvantaged children are able to participate thanks to support from the National Solidarity Fund, which provided 2.5 million CFAF in 1996, a figure that rose to 5.55 million in 1997.

381. Youth and culture clubs have been revitalized to provide an outlet for young people.

382. In conclusion, the following may be said:

Leisure, sport and artistic creativity are social rights recognized under the Constitution (art. 18);

The period of school holidays is established under article 31 of the Education Act; under article 32 of the Act, one day per school year is set aside for culture or to celebrate the school's anniversary;

One of the most important undertakings made by the Head of State on the occasion of the national rally on production held on 2 June 1994 was to revitalize youth and culture clubs and encourage sports and cultural teams in primary and secondary schools;

The main problems are mobilization of financial resources against a background of poverty and economic and structural reforms.

VIII. SPECIAL PROTECTION MEASURES (arts. 22, 38, 39, 40, 37 (b), (c) and (d), and 32-36)

A. Children in situations of emergency

1. Refugee children (art. 22)

383. Burkina Faso has ratified the Convention relating to the Status of Refugees, adopted in Geneva on 28 July 1951, the Protocol relating to the Status of Refugees, adopted in New York on 31 January 1967, the Organization of African Unity (OAU) Convention governing the Specific Aspects of Refugee Problems in Africa, signed in Addis Ababa on 10 September 1969,

and the Convention on the Rights of the Child. These international instruments affect legislation and practice inside the country. Children seeking or considered to have refugee status enjoy the protection and humanitarian assistance recognized by the instruments. The Convention on the Rights of the Child, in particular, protects refugee children, as all the rights set forth in it must be granted without any discrimination to every person under the age of 18.

384. Burkina Faso has adopted the following legislation and regulations based on the international instruments:

Zatu (Ordinance) No. AN V 0028/FP/PRES of 3 August 1988, on the status of refugees in Burkina Faso;

Kiti (Decree) No. AN V 360/FP/REX of 3 August 1988, on the National Commission for Refugees (CONAREF);

Decree No. 94-055/PRES/REX of 10 February 1994, on refugee status;

Decree No. 026/PRES/PM/MAET of 24 January 1997, amending and supplementing Decree No. 93-241/PRES/REX of 2 August 1993, as well as Kiti No. AN V 360/FP/REX of 3 August 1988, concerning CONAREF;

Order No. 97-001/MAET/CONAREF/PRES of 7 February 1997, on the remit of CONAREF.

385. The international procedures applicable are those provided for by the international instruments that have been duly ratified.

386. Burkina Faso has endorsed the Universal Declaration of Human Rights of 1948 and reaffirmed its commitment to the African Charter on Human and Peoples' Rights of 1981 (in the preamble to the Constitution). It has ratified the conventions and protocols relating to rights of a humanitarian nature.

387. The procedure is set in motion by filling in an application for refugee status. This document is considered by CONAREF, which recognizes the refugee status of every person who comes under the mandate of the Office of the United Nations High Commissioner for Refugees (UNHCR) or who fits the definitions in article 1 of the 1951 Convention and article 1 of the 1969 OAU Convention. A case is submitted to CONAREF at the request of the asylum-seeker or through UNHCR. When the applicant is an unaccompanied child, a social worker helps him or her to submit the request.

388. Refugee children are guaranteed the protection and humanitarian assistance provided for in the international instruments and domestic legislation in the exercise of their civil rights and freedoms and their economic, social and cultural rights.

389. Unaccompanied children are automatically taken into care, although this is rarely necessary. In the case of accompanied children, the parents take care of the formalities. Refugee status is granted automatically in the case of population displacements. The temporary

and long-term solutions that may be proposed to refugees are: voluntary repatriation; local integration, with the authorization of the local authorities, who may grant them nationality; or resettlement in a third country. There is an obligation to look for family members and reunite families, although such cases are rare in Burkina Faso.

390. The general principles of the Convention on the Rights of the Child are guaranteed by domestic legislation and the international instruments.

391. No specific measures have been taken to ensure the dissemination of information and training on the rights of the child who is a refugee or is seeking asylum.

392. As at 31 July 1996, there were in Burkina Faso 29,192 refugees, including 15,966 children under 18 years of age (54.69 per cent of the total), all of whom were accompanied. Of the 29,192 refugees, 402 were Nigerian, 506 were of various nationalities and the rest (28,284) were Malian.

393. All children are enrolled by UNHCR in the schools opened on the sites or in the primary and secondary schools in urban centres.

394. They also receive basic social services (health and hygiene services).

395. There is no training to teach persons working with refugee children about the Convention on the Rights of the Child.

396. UNHCR and CONAREF are currently working on a description of their respective tasks and responsibilities with regard to protection and assistance for refugees in general and refugee children in particular. Burkina Faso has always met its obligation to seek a child's mother or father or other family members, although it is rarely called on to do so. If neither the father nor the mother nor some other family member is found, the child enjoys the same protection as any other child.

397. There is no evaluation mechanism for monitoring progress. The main difficulties facing the State are of a budgetary and organizational nature. It is giving priority at the moment to the measures needed to make CONAREF operational.

2. Children in armed conflicts (art. 38), including physical and psychological recovery and social reintegration (art. 39)

398. Burkina Faso has ratified the Protocols Additional to the Geneva Conventions of 12 August 1949, relating to the Protection of Victims of International Armed Conflicts (Protocol I) and to the Protection of Victims of Non-International Armed Conflicts (Protocol II).

399. Burkina Faso is not experiencing a situation of armed conflict but throughout its territory it receives refugees, particularly from Mali and Nigeria, who are the victims of armed conflicts in their countries. These refugees are taken care of by UNHCR with the support of the Government, which together provide them with protection and humanitarian assistance.

B. Children in conflict with the law

1. The administration of juvenile justice (art. 40)

400. On this point, see also paragraph 74 of the initial report and the attached question 32, page 22.

401. Act No. 19/61 of 9 May 1961, on juvenile offenders and children at risk, is the cornerstone of Burkina Faso legislation relating specifically to children. In addition, there are some provisions in the 1996 Penal Code, particularly in articles 57, 74 and 75, on educational measures and the grounds for non-imputability respectively.

402. Taking educational measures and keeping children in their family setting can help promote their sense of dignity and reinforce their respect for human rights and freedoms.

403. Children are detained in conditions that allow them to keep in touch with their families (through visits and by mail). While in detention, they are taught a number of skills such as welding or woodwork. They are also given the opportunity (in Ouagadougou and Bobo-Dioulasso prisons only) to receive schooling. All these opportunities are apt to facilitate their rehabilitation in society, where they can then play a constructive role.

404. Kiti No. 103 of 1 December 1988, on the organization, rules and regulations of penal institutions, provides for separate quarters for minors and a special detention regime, including in the areas of health care, education, vocational training and diet.

405. Special procedures (background inquiries, the help of a social worker at hearings) are provided for by law.

406. All these provisions take account of children's vulnerability; children under the age of 16 cannot be sentenced to death or to life imprisonment.

407. Pursuant to article 2 of the Penal Code, no child can be alleged as, accused of or recognized as having infringed criminal law by reason of acts or omissions that were not prohibited by law at the time they were committed. This article stipulates that "only acts that constituted an offence at the time they were committed are punishable". Article 5 of the Constitution guarantees the principle of non-retroactivity in criminal law.

408. The presumption of innocence is recognized by the Constitution: "Every accused person is presumed innocent until proven guilty" (art. 4).

409. The child is informed promptly of the charges against him or her, as are the child's parents. The assistance of a defence lawyer is obligatory in the case of crimes attributed to a minor under the age of 16. Any child may receive legal assistance if the parents so wish. A social worker is present at all trials of minors in order to assist them.

410. Every child has the right to have his or her case heard by an authority or judicial body. There is no fixed time limit for children. The presence of the parents or representatives is required in proceedings in which the child is implicated.
411. The child may not be compelled to confess guilt or to give testimony.
412. Legal remedies are available to everyone, including children. Children can appeal, through their parents, to a higher competent, independent and impartial authority or judicial body against judgements passed on them.
413. Official interpreters are available in courts free of charge to all those facing trial.
414. The child's privacy is protected throughout the proceedings under article 23 of Act No. 19/61 of 9 May 1961, which bans the publication of any reports on a minor and the reproduction of any portrait of a minor who is being prosecuted or any picture depicting the child or the acts which the child is accused of carrying out.
415. During the judicial proceedings leading up to the hearing, the making of photographs or films is forbidden. Moreover, if the child's privacy is breached, his or her parents may take those responsible to court.
416. There are no juvenile courts in Burkina Faso. However, Act No. 19/61 of 9 May 1961 does provide for specific procedures for children (background inquiries, applicable sentences, educational measures). The 1988 kiti regulating the prison system provides for special detention measures for children.
417. Children under the age of 13 are presumed to lack the capacity to infringe criminal law (Penal Code, art. 74) and are presumed not to be responsible for their actions. These children are either returned to their parents or placed in care; they are subject to educational measures only.
418. Children are detained in special juvenile units only in the two largest cities. They receive treatment intended to improve the conditions of their detention and are entitled to health care, a better diet and training courses.
419. Enjoyment of these rights is already effective.
420. In March 1996 training courses on juvenile justice were provided for judges of all kinds, senior law-enforcement officers (gendarmes, police officers) and prison officials. The emphasis was on awareness of the international instruments for the promotion and protection of the rights of the child, including the Convention on the Rights of the Child, 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) and the United Nations Rules for the Protection of Juveniles Deprived of Their Liberty.
421. The construction of a second unit for juveniles and the training of judges, senior law-enforcement officers and, above all, prison officials clearly constitute progress, albeit insufficient.

422. The Government is planning to set up juvenile courts soon and to put the amended Code of Penal Procedure into effect.

2. Children deprived of their liberty, including any form of detention, imprisonment or placement in custodial settings (art. 37 (b)-(d))

423. “No one may be deprived of their liberty unless they are being prosecuted for acts recognized as punishable by law” and “No one may be arrested, held in custody, deported or exiled except as provided for by law” (Constitution, art. 3). Article 3 of the Penal Code also stipulates that “No one may be found guilty of an offence or sentenced except by decision of a competent court”. Consequently, a child may not be deprived of his or her liberty unlawfully or arbitrarily.

424. The arrest, detention or imprisonment of a child is carried out in accordance with the provisions of the Penal Code and the procedures laid down by Act No. 19/61 of 9 May 1961 and the Code of Penal Procedure. Educational measures are applicable to children under the age of 13 and to those aged 13 to 18 who have acted without due discernment. They have been extended to convicted minors aged 13 to 18 (Penal Code, art. 74). Custodial sentences are handed down to children aged 13 to 18 found guilty and found to have acted with due discernment. Their youth is taken into account and their sentences reduced.

425. Children are equal before the law and special procedures are provided for their benefit and in their best interests. Their detention conditions are better than those of adults but are still harsh, although account is taken of their health and educational needs.

426. There are alternatives to the deprivation of liberty, in the form of educational measures. There are no disaggregated data available on the frequency with which these measures are applied.

427. No special measures are envisaged for preventing arrest. However, children under the age of 13 cannot be detained. Moreover, the judge has the option of returning the child temporarily to his or her parents to await the court’s decision.

428. There are no provisions in Burkina Faso law relating to indeterminate sentences.

429. There is no established independent mechanism to monitor the situation of children.

430. The Government has set itself the goal of continuously improving detention conditions while continuing to apply educational measures. However, there are still not enough children’s homes, as insufficient resources exist for this purpose.

431. No disaggregated data are available.

432. Children deprived of their liberty are not beaten or ill-treated in any way that would threaten their dignity.

433. They receive health care and training, and are even supervised by social workers in some prisons, particularly in Ouagadougou.

434. Children deprived of their liberty are held in juvenile units, which have been set up in Ouagadougou and Bobo-Dioulasso prisons only. They are entitled to keep in touch with their families through visits and by mail. There is no limit on the number of visits. Children in foster care are supervised and monitored by the Ministry of Social Action and the Family. Monitoring is intended to provide periodic reviews of the child's situation and living conditions and to determine whether he or she is receiving an education and adequate care.

435. Children deprived of liberty are entitled to legal assistance, but cannot call on it when they are being held for questioning by the police.

436. They may challenge the legality of the deprivation of liberty before a court or other competent, independent and impartial authority and can obtain a prompt decision on the matter, as detention cases are treated as urgent (if dealt with by an investigating judge, the latter must give a ruling within five days of the case being sent to the prosecutor). There is no time limit for a court decision.

437. There is no information on the percentage of cases where legal or other assistance has been provided or where the legality of the deprivation of liberty has been confirmed.

438. There has been no significant progress in the implementation of article 37 (b), (c) or (d).

439. The Government's objectives are to speed up the review of the Code of Penal Procedure, with a view to bringing it into line with the Convention, and to set up juvenile courts in the very near future, for the purpose of which judges, prison officers and other prison officials have been trained.

440. The salient points are as follows:

Act No. 19/61 does not regulate the police phase of the deprivation of liberty. No specific provision is made for police custody of minors. Ordinary law is applicable. Consequently, minors under the age of 13 who are presumed not to be responsible for their actions may be held in police custody even though the cells in police stations and gendarmeries are cramped and overcrowded. Detention conditions are harsh and the time limit for custody (72 hours) is often not respected. However, attention is drawn to the construction of a cell for minors at the police station in Bogodogo (Ouagadougou), which was financed by the National Solidarity Fund. Another cell is under construction at the police station in Sig-noghin (Ouagadougou), with finance from the Assistance Fund for French Cooperation;

Minors given a custodial sentence serve it in a short-stay prison (see initial report, para. 75). It should be remembered, however, that there are juvenile units in Bobo-Dioulasso and Ouagadougou where those in charge are seconded social workers;

The number of children deprived of liberty is high in Burkina Faso. In 1995, there were 342 admissions, 199 children on remand and 92 convicted children in the 10 short-stay prisons or reformatories. Of the 199 children on remand, 134 (67.3 per cent) were held in the juvenile units.

General statistics for minors under the age of 18 (1995)

Short-stay prison or reformatory	Admissions	On remand	Convicted
Ougadougou	139	94	39
Bobo-Dioulasso	62	40	16
Fada Ngourma	18	8	6
Koudougou	20	12	6
Tenkodogo	33	19	10
Ouahigouya	25	6	2
Dori	1	0	0
Kaya	10	7	5
Dédougou	14	6	3
Gaoua	20	7	5
Total	342	199	92

Source: Prison and Rehabilitation Service.

441. It should be noted that the delay in carrying out the background inquiries required by law contributes to longer periods of pre-trial detention for children. This delay is the result of, among other things, a lack of logistical resources and a shortage of human resources: only two social workers have been seconded to the social services department at the Law Courts in Ouagadougou. In August 1997, however, the department obtained a Yamaha motorcycle, and this will allow it to reduce delays in carrying out background inquiries, which are currently as long as 12 months.

3. The sentencing of children, with particular reference to the prohibition of capital punishment and life imprisonment (art. 37 (a))

442. All children under 13 years of age are presumed to bear no criminal responsibility, and there is no need for a judge to consider the question of due discernment.

443. They are not subject to educational measures (Act No. 19/61, art. 14). Children over the age of 13 and under the age of 18 who have acted without due discernment are treated in the same way as those under the age of 13.

444. If a child over the age of 13 has acted with due discernment, his or her youth is taken into account in accordance with article 20 of Act No. 19/61. Such children may not be sentenced to death or to life imprisonment. The maximum prison sentence that can be passed on them is 10-20 years.

445. However, a child aged over 16 and under 18 who has acted with due discernment does not enjoy any special protection, and may therefore be sentenced to death or to life imprisonment.

446. No new measures have been taken to promote the implementation of article 37 (a).

447. There is a need to review Act No. 19/61 of 9 May 1961, on juvenile offenders and children at risk, and Act No. 10/93/ADP, on the administration of justice in Burkina Faso, so that juvenile courts can be set up.

**4. Physical and psychological recovery and social reintegration of the child (art. 39)
(See also initial report, p. 31, and attached report, question 34, p. 23)**

448. Children in short-stay prisons or reformatories are held in conditions that avert any break with their families. Moreover, while there, they learn a trade that allows them to find a job on their release. The training is the responsibility of a judge in charge of prison management and social reintegration and is supervised by the social worker in charge of the juvenile units.

449. Apart from the training programmes (in woodwork, welding or gardening), no other mechanisms have been developed.

450. The shortage of financial resources and lack of supervisory staff are the main obstacles.

451. The Government has set itself the goal of giving these children the chance to continue their training outside prison, by placing them with tradespersons and arranging for them to be monitored and to become established.

452. With regard to street children, the Government has, with the help of the United Nations Children's Fund (UNICEF) and the non-governmental organizations Enfants du monde - Droits de l'homme and Save the Children Canada, started up a pilot project run by Action éducative en milieu ouvert (AEMO) in Ouagadougou since 1991; the project is designed to promote educational and preventive work with a view to their social and economic reintegration.

453. The project's main activities concern the provision of various services (baths, laundry, repairs, health assistance, returning to one's family, apprenticeships, literacy courses, educational outings and games).

454. The project covered 711 young people in 1997.

C. Children in situations of exploitation, including physical and psychological recovery and social reintegration

1. Economic exploitation of children, including child labour (art. 32)

455. Forced labour is prohibited by the Labour Code (art. 2).

456. Children generally operate in the informal economy, where there is a real risk of their being exploited, especially as there is no appropriate legislation or regulations to protect them.

457. Decrees adopted by the Council of Ministers define the kind of work that is prohibited to young people and women.

458. As these decrees have not yet been adopted, the old laws remain in force. These are: Order No. 5254 IGTLS - AOF of 19 July 1954, on the work of women and pregnant women; and Order No. 539/ITLS/HV of 29 July 1954, on child labour.

459. The work of women and young people is still governed by the provisions of the international conventions that have been ratified (Labour Code, art. 83).

460. With regard to the effective implementation of these provisions and to the questions in paragraphs 151-154 of document CRC/C/58 in general, see report annexed to the initial report (question 7, pp. 2-3).

461. However, it must be realized that in a country where 44.5 per cent of the total population lives below the absolute poverty line, which was put at CFAF 41,099 per adult per year in 1994, child labour is part of the socialization process and the fight against poverty. The issue is not then one of prohibiting it by regulatory or legislative means or even of preventing it, but rather one of ensuring that such work does not harm children's health and is not a form of exploitation for the benefit of parents, guardians or employers, especially in the informal economy.

462. It will be recalled, in connection with child labour, that a national programme to combat the exploitation of child labour was set up in 1997.

2. Drug abuse (art. 33)

463. Article 445 of the Penal Code provides that when drugs are supplied or sold to minors in training centres, schools, educational establishments or government buildings, the prison sentence is 5-10 years and the fine is doubled.

464. Article 439 of the Penal Code stipulates that: "The production, manufacture, transport, import, display, possession, supply, sale, acquisition and use of substances or plants or the cultivation of plants classed as poisonous are prohibited." However, no specific measures have been taken to protect children from this evil.

465. Burkina Faso is a party to the international treaties on narcotic drugs and psychotropic substances.

466. With regard to the spread of the plague of drugs and drug addiction, Burkina Faso set up the National Committee to Combat Drug Abuse (CNLD) by Decree No. 93-231/PRES/PM of 29 July 1993 with the following aims, among others:

To propose to the Government plans of action and effective measures to protect the population from drugs and drug addiction;

To ensure that the international treaties on narcotic drugs and psychotropic substances to which Burkina Faso is a party are implemented;

To produce an annual overview of all developments in the national situation with regard to drug abuse;

The National Committee on Drug Abuse is currently preparing for the Government action plans and measures to protect the population, especially children, from the evils of drug addiction.

467. It is forbidden to serve alcoholic drinks to a child under the age of 18, even if the child is accompanied by his or her parents or guardians (Penal Code, art. 436).

468. No specific measures have been taken to ban tobacco consumption but there have been campaigns to raise public awareness of the damaging effects of tobacco addiction. There are regulations, however, that ban smoking in specific locations.

3. Sexual exploitation and sexual abuse (art. 34)

469. Article 482 of the Penal Code criminalizes incitement to immorality of minors aged 13 to 18 of either sex.

470. Articles 421 and 426 provide for harsher penalties for incest committed against a minor under the age of 18.

471. Article 424 of the Penal Code defines and punishes procuring as a criminal offence.

472. There are no specific provisions to protect children against exploitation in pornographic performances or materials.

473. Burkina Faso has a national commission and national strategies to combat soliciting by prostitutes. One of the national commission's core functions is to inform, raise awareness and educate with a view to preventing any form of sexual exploitation or abuse.

474. The National Commission to Combat Soliciting by Prostitutes is responsible for coordination but is not operational, and since 1997 action to combat prostitution has been the responsibility of district councils.

475. There are no known indicators.

476. Legislation gives victims the right to take their case before any competent court and to apply for legal assistance if they wish.

477. The Penal Code has not defined sexual abuse as an offence. However, it may be treated as rape - including the rape of minors under the age of 15 (art. 424) - which is punishable, or as indecent assault of a minor under the age of 15 if accompanied by violence or attempted violence, force or surprise (arts. 414 and 415).

478. Sexual exploitation can be treated as procuring (art. 424) or incest committed against minors under the age of 18 (art. 426).

479. It should also be noted that there are penalties for anyone who makes a profit from prostitution by providing premises that are closed to the public and for anyone who regularly receives persons engaging in prostitution inside a hotel, boarding house, bar, club, society, dance hall or theatre or adjoining premises or any places open to the public or used by the public of which he or she is the owner, manager or operator (arts. 427 and 429).

480. In order better to protect children against sexual exploitation and abuse, the Government has regulated the movement of minors by banning them from a number of places considered to lend themselves to prostitution and sexual exploitation and abuse (arts. 434 and 435).

481. The Penal Code makes no reference to pornography.

482. The principle of extraterritoriality is the subject of judicial agreements between Burkina Faso and France and between Burkina Faso and 11 African countries.

483. There are no special units of law-enforcement officers and police officers appointed to deal with children who have been sexually exploited or abused.

484. Burkina Faso has acceded to the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others (Decree No. 290/PRES/AET).

485. No multidisciplinary or other kinds of activities or programmes have been developed to ensure the social reintegration of child victims of sexual exploitation or abuse.

486. There are no data on the children concerned by sexual exploitation or abuse.

487. The penalization of incitement or coercion to prostitution and procuring and the regulation of the movements of minors are significant steps forward, but these evils seem to be spreading as a result of the widespread poverty in Burkina Faso.

4. Sale, trafficking and abduction (art. 35)

488. No cases of the sale, trafficking or abduction of children have been observed in Burkina Faso (see initial report, para. 84).

5. Other forms of exploitation (art. 36)

489. No other forms of exploitation of children have been observed in Burkina Faso (see initial report, para. 83).

D. Children belonging to a minority or an indigenous group (art. 30)

490. This situation poses no problems in Burkina Faso (see initial report, para. 85).

SUGGESTIONS AND RECOMMENDATIONS OF THE COMMITTEE ON THE RIGHTS OF THE CHILD WITH REGARD TO THE INITIAL REPORT

491. After considering the initial report of Burkina Faso (CRC/C/3/Add.19) at its 135th and 136th meetings, on 7 and 8 April 1994, the Committee on the Rights of the Child made a number of suggestions and recommendations (see CRC/C/SR.135-137).

492. Acting upon these conclusions, the Ministry of Social Action and the Family, which is responsible for coordinating the implementation of the National Plan of Action for Children, sent letters to the ministries of education, health, employment and social security, and justice, which were particularly concerned by the observations, so that they could take appropriate measures to remove the bottlenecks.

493. The Committee's suggestions dealt essentially with the following points:

Discrimination against girls and women (combating the practice of female circumcision, forced marriages, domestic violence);

Wide dissemination of information on contraceptive methods;

Alignment of current legislation (the Penal Code and the Labour Code) with the provisions of the Convention;

Adequate training of officials working with children;

Training for law-enforcement officers (judges and others).

494. Three years later, we may ask to what extent these suggestions and recommendations have been taken into account.

A. Discrimination against girls and women

1. Forced marriages

495. Forced marriages, particularly those imposed by the couple's families, were banned under article 234 of the Code on the Individual and the Family. However, the ban was not backed up by penal sanctions. The adoption of the Labour Code on 13 November 1996 closed this loophole by providing for punishment for those responsible for or complicit in forced marriages.

496. The project “Raising awareness and increasing understanding of the Code on the Individual and the Family”, which is now under way, and the translation of the Code into the three main national languages (Moré, Dyula and Fulfuldé) will help publicize the provisions of the Code and improve the legal protection of women and children.

2. Female circumcision

497. Female circumcision was not recognized as an offence until 1996, when the Penal Code was adopted. The decentralized arrangements of the National Committee to Combat Female Circumcision have been operational since 1996. From 1994 to 1997, the Committee provided training for target groups such as traditional chiefs, senior law-enforcement officers, women’s associations, youth movements and religious leaders.

498. The impact of these activities on traditional practices such as forced marriages or female circumcision cannot yet be assessed, as the Penal Code is so recent. However, there is reason to fear that continued sociocultural resistance might be a major obstacle to the implementation of these provisions.

3. Domestic violence

499. Domestic violence persists, as do the obstacles to referring cases to the judicial authorities, but awareness-raising campaigns, including publicity for the Code on the Individual and the Family, and family education are helping to reduce those obstacles.

4. Family planning

500. Greater attention is paid to the HIV/AIDS pandemic thanks to the dissemination of information on modern family-planning methods through action strategies in the areas of information, education and communication, sexually transmitted diseases, HIV/AIDS, family planning and family education.

501. The contraceptive prevalence rate nevertheless remains low, at 8 per cent, despite the action undertaken to raise awareness among the population and opinion-formers. However, it does vary according to place of residence, reaching 26 per cent in urban areas as compared with only 4 per cent in rural areas (National Institute for Statistics and Development (INSD), Demographic and Health Survey 1993).

502. Contraceptive use increases with level of education: contraception is used by 5 per cent of women with no education, 20 per cent of those with a primary education, and 50 per cent of those with a secondary or higher level of education.

503. It should be noted that 77 per cent of women are in favour of using the media to broadcast information on contraception (INSD, Demographic and Health Survey 1993).

B. Alignment of existing legislation with the provisions of the Convention

504. Apart from the adoption of the Penal Code in 1996, there have been no changes to the legislation. The review of the Code of Penal Procedure now under way will take into account the situation of children in conflict with the law, including the question of the severity of the penalties for children.

C. Training

505. A module on the rights of the child has been taught to student social workers in the National Social Work Training College since 1995.

506. The permanent secretariat of the National Plan of Action for Children is planning training courses on the Convention on the Rights of the Child for officials working with and for children.

507. The Coalition au Burkina Faso pour les droits de l'enfant (OBUFADE) (Burkina Faso Coalition for the Rights of the Child) also provides training courses on these rights.

508. Law-enforcement officers, judges and other competent officials, including magistrates, senior law-enforcement officers and prison officials, have received training in the administration of juvenile justice. The training has introduced them to the Beijing Rules, the Riyadh Guidelines and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty.

CONCLUSION

509. Children have made many gains since 1994 in the exercise of their rights, as a result of measures taken for this purpose. In many cases, however, the effective enjoyment of their rights comes up against constraints linked to sociocultural resistance, poverty, illiteracy and the perverse effects of economic and monetary adjustment.

510. The principal gains concern:

A. Punishment under the Penal Code for forced marriage and female genital mutilation

511. Despite the efforts made, forced marriage will continue to escape punishment because of the widespread conspiracy of silence, especially in rural areas, which makes it impossible to report.

512. Female circumcision, on the other hand, is beginning to be punished effectively. For instance, seven practitioners are currently being held in the Ouagadougou short-stay prison and another was sentenced to three months' imprisonment and jailed in the short-stay prison in Bobo-Dioulasso. However, one swallow does not make a spring. It is estimated that over 60 per cent of women are circumcised and there have unfortunately been no signs of significant changes in behaviour as a result of the campaign against this harmful traditional practice.

513. Conventional campaigns to bring home the damaging effects of forced marriages and female circumcision have a limited reach given that 78 per cent of the population is illiterate. It seems vital therefore to find other ways to mobilize society against these evils.

B. Extension of compulsory education to age 16 under the Education Act

514. This piece of legislation has evidently not had any real impact on promoting an educational system from which over 60 per cent of school-age children are excluded for a variety of reasons: parents living in poverty and precarious conditions, especially in rural areas; or shortages of school infrastructure and equipment, as well as of teachers. Support measures will be considered to make longer compulsory schooling a reality, including the gradual introduction of free text books, higher investment in the sector, strategies that actually reduce the gender gap and the gap between the town and countryside, and cheaper private education, to be achieved by means of tax reductions or other methods.

515. Regrettably, some children who have access to school are expelled for poor performance or non-payment of school fees despite the legal ban on expelling children before they reach the age of 16.

516. Children's diet is being improved by, among other things, the distribution of free vitamin A capsules in the provinces hardest hit by vitamin deficiency and by a regulatory ban on the import or marketing in Burkina Faso of non-iodized salt, in order to combat disorders linked to iodine deficiency.

517. The free distribution of vitamin A in eight provinces will be evaluated with a view to extending it to the other provinces and thus reach as many children as possible. In the long run, families will be taught about and alerted to the use of natural foods containing this vitamin. With regard to the import of iodized salt, there is some concern that the additional cost of iodization may lead some poor families to use smuggled, non-iodized salt. Measures are envisaged to keep prices down. In addition, customs checks at the borders and laboratory tests will be carried out periodically.

C. Establishment of a children's parliament

518. The establishment of a children's parliament, which has the task of taking the authorities to task on the implementation of the rights recognized in the Convention on the Rights of the Child, is a major step forward, but does raise some doubts and questions:

Might not the present financial constraints facing the Government compromise the effective establishment, organization and functioning of this institution, which brings together 100 schoolchildren drawn from the country's 45 provinces?

Is it not reasonable to fear that these young people's expectations, as expressed in their programmes of work, will not always be among the Government's national priorities?

Are there not likely to be problems in ensuring the effective contribution and involvement of most children, given the numerous problems they face every day just to survive?

519. Heightened awareness on the part of political leaders, foreign development partners, civil society, parents and the children themselves remain a precondition for the institution's viability.

D. Establishment of a children's fund

520. The establishment of a children's fund to finance the projects and programmes in the National Plan of Action for Children was welcomed by the Government, which made an initial contribution to it of 20 million CFA francs from the 1998 State budget.

521. However, to keep the fund going and to increase its resources is a real challenge in a national context in which the public finances are characterized by budgetary austerity. Moreover, the precarious living conditions of the majority of the population justify some pessimism with regard to the likelihood of receiving large voluntary contributions. The support of bilateral and multilateral partners, non-governmental organizations and other associations and economic actors therefore becomes vital. Their support is more likely to be forthcoming if the Government makes consistent and regular budget provisions that show its commitment to supporting projects and programmes for children.

RECOMMENDATIONS

522. The following recommendations have been drawn up to improve the implementation of the Convention on the Rights of the Child.

1. Establish juvenile courts

523. Because of their lack of physical and intellectual maturity, children need special protection that encourages them to fulfil their potential.

524. The ever-increasing volume of cases involving minors and the promptness and tact with which these cases need to be handled requires an openness and special skills on the part of the judge, which is why juvenile courts should be established urgently.

2. Speed up the review of the Code of Penal Procedure

525. Although Act No. 19/61/AN of 9 May 1961, on juvenile offenders and children at risk, did initially improve the position of children who were taken to court, it is now outdated and cannot afford adequate protection and rehabilitation for children.

526. Criminal law as it affects minors should be re-examined to take into account the international instruments to which Burkina Faso is a party, especially with regard to the best interests of the child.

3. Carry out a feasibility study on the integration of the Convention on the Rights of the Child in the formal education system

527. The introduction of the Convention on the Rights of the Child into the formal education system assumes that questions related to the teaching approach, the development of human resources for this task and the material and financial requirements are taken care of in advance; to do this, a feasibility study needs to be carried out.

4. Take measures to ensure that special attention is paid to the systematic collection and processing of statistical data on children from administrative sources, disaggregated by age, sex and province of origin

528. Statistics are a valuable tool for policy guidance and decisions. Unfortunately, statistics related to the rights of child are either non-existent, unreliable or incomplete in Burkina Faso.

5. Promote effectively and increase the number of public and private institutions providing care for minors

529. Given the numbers of juvenile offenders and children at risk, the existing public and private institutions providing care for minors are unable to satisfy demand. Increasing the number of these institutions would help reduce the number of children held in the short-stay prisons, which have harmful effects on their social reintegration.

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