



# Convention on the Rights of the Child

Distr.: General  
26 March 2012  
English  
Original: French

---

Committee on the Rights of the Child

## Consideration of reports submitted by States parties under article 8, paragraph 1, of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict

Initial reports of States parties due in 2009

**Burkina Faso\***

[Received 20 January 2010]

---

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

## Contents

	<i>Paragraphs</i>	<i>Page</i>
I. Introduction.....	1–24	4
A. Structure of the report.....	1–5	4
B. Background .....	6–24	5
II. General measures of implementation.....	25–49	7
A. Report preparation process .....	25–27	7
B. Legal status of the Optional Protocol in the internal law of the State party ...	28–32	7
C. Government departments or bodies responsible for implementation of the Optional Protocol and coordination mechanisms .....	33–35	8
D. Dissemination of the Optional Protocol .....	36–45	8
E. Data on the number of children recruited into national armed forces or armed groups.....	46–47	11
F. Establishment of an independent national human rights institution .....	48	11
G. Factors and difficulties affecting the degree of fulfilment of obligations under the Optional Protocol.....	49	11
III. Prevention (arts. 1, 2, 4, para. 2, and 6, para. 2).....	50–76	11
A. Legislative and administrative measures taken to prevent compulsory recruitment.....	50–52	11
B. Guarantees in place to ensure that recruitment is voluntary .....	53–58	12
C. Data on schools operated by or under the control of the armed forces.....	59–63	12
D. Methods used to identify children who are especially vulnerable to practices contrary to the Optional Protocol due to their economic and social status.....	64–65	13
E. Information on measures taken to prevent attacks on civilian objects protected under international humanitarian law and other international instruments, including places that generally have a significant presence of children, such as schools and hospitals.....	66	13
F. Campaigns or other measures taken to promote public awareness of the principles and provisions of the Optional Protocol .....	67–76	13
IV. Prohibition and related matters (arts. 1, 2 and 4, paras. 1 and 2) .....	77–92	14
A. Criminal legislation in force covering and defining the acts enumerated in article 4, paragraphs 1 and 2, of the Optional Protocol .....	83–85	15
B. Provisions giving effect to the Optional Protocol.....	86–92	15
V. Protection, recovery and reintegration (art. 6, para. 3).....	93–106	16
Measures taken to ensure that the child’s identity is protected.....	98–106	17
VI. International assistance and cooperation (art. 7, para. 1) .....	107–108	18
Measures taken to strengthen international cooperation regarding the implementation of the Optional Protocol, and cooperation with international tribunals, when applicable .....	107–108	18

VII.	Other legal provisions (art. 5) .....	109–112	18
	The status of ratification by the State party of the main international instruments which relate to the use of children in hostilities .....	109–112	18
VIII.	Conclusion .....	113–115	19
Appendix			
	Bibliography .....		20
List of tables			
1.	Number of persons who received training, by category and by year .....		10
2.	Materials distributed, by category and by year .....		10
3.	Number of child refugees and asylum seekers who received assistance for their primary school enrolment from CREDO and the Office of the United Nations High Commissioner for Human Rights (OHCHR), by sex and school year .....		16

## I. Introduction

### A. Structure of the report

1. The global situation of children remains a cause for concern despite near universal ratification of the Convention on the Rights of the Child (CRC). The general willingness to promote and protect the rights of the child through implementation of the Convention has not been sufficient to protect children from armed conflict. Other international instruments that contribute to the protection of children adopted by the international community include the Rome Statute of the International Criminal Court, the International Labour Organization (ILO) Worst Forms of Child Labour Convention, 1999 (No. 182) and, in particular, the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict.

2. The aim of the Optional Protocol is to enhance protection for children by raising the minimum recruitment age beyond the 15 years established in article 38, paragraph 3, of the Convention on the Rights of the Child. It was with this aim in mind that, in 1994, the United Nations Commission on Human Rights established a working group to draft an Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict. The working group proceeded to draft the Protocol which, after complex negotiations, was adopted and opened for signature, ratification and accession by the United Nations General Assembly on 25 May 2000. The Protocol entered into force on 12 February 2002.

3. Burkina Faso is a country which enjoys relative social stability and where there are no armed conflicts. Furthermore, the minimum age of recruitment into the national armed forces, as established in article 39 of Act No. 09-98/AN of 16 April 1998 establishing general regulations for personnel of the national armed forces, is 18 years. This Act was repealed by Act No. 037-2008/AN of 29 May 2008 establishing general regulations for personnel of the national armed forces, which, in its article 38, maintains the minimum age of recruitment at 18 years. It is not therefore necessary for Burkina Faso to amend its legislation concerning the minimum age for recruitment into the national armed forces. Nonetheless, to reinforce mechanisms preventing the recruitment of children and protecting them against armed conflict, the Government ratified the Optional Protocol, without reservations, through Decree No. 2005-661/PRES/PM/MAECR/MASSN of 30 December 2005. The Protocol entered into force for Burkina Faso on 6 July 2007.

4. Under article 8, paragraph 1, of the Optional Protocol, States parties undertake, within two years following the entry into force of the Protocol, to submit a report to the Committee on the Rights of the Child detailing the measures that have been taken to implement the provisions of the Protocol and the progress made in ensuring enjoyment of the rights protected therein. The Committee adopted guidelines to help States to prepare these reports at its 736th meeting on 3 October 2001 and revised them in September 2007.

5. This report was prepared in accordance with the guidelines of the Committee on the Rights of the Child regarding implementation of the Optional Protocol on the involvement of children in armed conflict and is structured as follows:

- (a) General measures of implementation;
- (b) Prevention;
- (c) Prohibition and related matters;
- (d) Protection, recovery and reintegration;

- (e) International assistance and cooperation;
- (f) Other legal provisions.

## **B. Background**

6. Burkina Faso is a landlocked Sahelian country situated in the heart of West Africa. It is bordered by Mali to the north and west, Côte d'Ivoire, Ghana, Togo and Benin to the south and Niger to the east. It has a surface area of 274,122 km<sup>2</sup>.

7. Since gaining political independence in 1960, Burkina Faso has experienced a succession of constitutional and emergency regimes. The current system of government, known as the Fourth Republic, was instituted by the Constitution adopted on 2 June 1991, which provides for the separation of the three government powers into the legislative, judicial and executive branches and establishes a semi-presidential political system. Since the start of the Fourth Republic, Burkina Faso has enjoyed relative stability.

8. The country is organized into local authorities and administrative districts and divided into 13 regions, 49 urban communities and 302 rural communities, 45 provinces and 351 departments.

9. Burkina Faso has a population of 14,017,262 and a population density of 51.8 inhabitants per square kilometre, according to the 2006 General Population and Housing Census. Annual population growth is estimated at 3.1 per cent, compared with 2.4 per cent between 1985 and 1996 and 2.7 per cent between 1974 and 1985. Women account for 51.7 per cent of the population and men 48.3 per cent. The population structure by age has the form of a pyramid with a very broad base and a sharp peak, reflecting the country's extremely high proportion of young people. Half the population is under 15 and a half years old. The vast majority of the population (77.3 per cent) lives in rural areas where the main activity is farming. This farming is predominantly of the subsistence-type and is highly intensive in its use of the essentially family labour force.

10. In the educational sphere, the teacher per child ratio has improved considerably for children aged between 3 and 6 years, having risen from 1.45 per cent in 2006 to 2.8 per cent in 2008. The National Strategy for the Comprehensive Development of Young Children was adopted by Decree No. 2008-152/PRES/PM of 2 April 2008 and a five-year early learning programme is currently being developed.

11. According to the 2006 General Population and Housing Census, the gross school enrolment rate for children aged between 6 and 12 years was 52.7 per cent overall, 56.8 per cent for boys and 48.4 per cent for girls. The enrolment rate was higher in urban areas (96.1 per cent) than in rural areas (42.9 per cent) in the case of both sexes. The gross enrolment rate has been rising quite rapidly and was estimated at 72 per cent at the start of the 2007/08 school year. However, disparities between boys and girls persist. Specifically, in the 2007/08 school year repeat rates for the final year of primary education (CM2) showed a higher drop-out rate for girls (31.4 per cent) than boys (26.8 per cent), the average for both sexes being 28.8 per cent. This disparity may be attributable to the fact that girls are often forced into domestic service and early marriage.

12. At the secondary education level, the gross enrolment rate in 2007/08 was 20.7 per cent (24.2 per cent for boys and 17.2 per cent for girls). In 2006 gross enrolment was six times higher in urban areas (57.8 per cent) than in rural areas (8.7 per cent).

13. With regard to health issues, Burkina Faso is affected by numerous endemic diseases. Health issues that are likely to afflict children include chronic malnutrition, exacerbated in some cases by the diarrhoeal diseases that are especially prevalent among the most vulnerable segments of the population. These and other diseases, coupled with a

lack of health-care professionals and inadequate health coverage, are at the root of a high infant mortality rate.

14. The maternal mortality rate, which was estimated at 484 deaths per 100,000 live births in 2003 (according to the third population and health survey), had declined slightly to 307.3 deaths per 100,000 live births by 2008 (according to Department of Health statistics).

15. The infant mortality rate is also declining, having fallen from 105.3 per 100,000 births in 1998 (according to the second population and health survey) to 81 per cent in 2007 (according to Department of Health statistics). Despite this progress, infant mortality in Burkina Faso remains high. Among children, the main causes of death are malaria, diarrhoeal diseases, acute respiratory infections and other communicable diseases targeted by the expanded programme of immunization.

16. Malnutrition is still a major problem and a factor that aggravates children's health status. The nutritional status of the people of Burkina Faso is characterized by widespread protein-energy malnutrition and micronutrient deficiencies. The proportion of children suffering from growth retardation and weight insufficiency in the poorest households is twice as high as in the wealthiest households.

17. In 2006, the rate of latrine coverage in Burkina Faso was estimated at 39.9 per cent (94 per cent in urban areas and 18.5 per cent in rural areas according to a multiple indicator cluster survey). Around 6.2 per cent of households do not have adequate toilet facilities, exposing Burkina Faso to the risk of cholera epidemics.

18. Significant progress has been made in ensuring access to safe drinking water, taking the percentage of the population with access from 69 per cent in 2003 (according to the National Survey on Household Living Conditions) to 77.3 per cent in 2006 (according to the aforementioned multiple indicator cluster survey). An infrastructure upgrade programme is introducing clean drinking water and latrines in schools.

19. HIV infection is another major concern for the country. According to the UNAIDS report, the HIV prevalence rate, although declining, was 1.6 per cent in 2008.

20. Because of the manner in which HIV/AIDS is transmitted, children also fall victim to the disease. Mother-to-child transmission is the cause of a significant number of cases of HIV/AIDS infection among children and many children are orphaned by HIV/AIDS-related parental deaths. According to a UNDP (United Nations Development Programme) survey, in 2005, there were approximately 2.1 million vulnerable children in Burkina Faso. About half of this number were orphans, and around two thirds of these had been orphaned by HIV/AIDS.

21. Harmful sociocultural practices and beliefs persist in Burkina Faso, including circumcision, forced marriage and the social exclusion of women accused of witchcraft.

22. Burkina Faso's economy is based mainly on agriculture and livestock breeding. These activities represent 32 per cent of gross domestic product and occupy 80 per cent of the working population. Annual income per capita was less than US\$ 460 in 2006.

23. The country's human development index (HDI) was estimated to be 0.372 in 2006 (2007/2008 UNDP report). Additionally, a survey on household living conditions conducted in 2003 found that a significant proportion of the population lived in poverty (46.4 per cent in 2003), with women more likely to be afflicted due to their limited access to resources and other factors of production.

24. These precarious living conditions are compounded by migratory movements: in Burkina Faso both internal and external population displacement is significant. Child migration is predominantly internal and mainly involves girls who are sent to work in domestic service or as street vendors in the big cities. Boys are more likely to work as

agricultural labourers in neighbouring countries (2006 ILO report). Children are therefore exposed to many forms of danger, including exploitation and violence.

## **II. General measures of implementation**

### **A. Report preparation process**

25. Responsibility for reporting on the implementation of the legal instruments ratified by Burkina Faso that relate to children lies with the Permanent Secretariat of the National Council for the Survival, Protection and Development of Children. Burkina Faso has already prepared and submitted its combined third and fourth periodic reports on the implementation of the Convention on the Rights of the Child and its initial report on the implementation of the African Charter on the Rights and Welfare of the Child (ACRWC). The preparation of this initial report on the implementation of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict marked a continuation of the reporting process.

26. Two consultants were recruited to assume the task of collecting from governmental bodies, technical and financial partners, NGOs and civil society organizations working in the human rights field the information needed to draft the report. In view of the sensitive and specific nature of the Protocol's content, questionnaires were drawn up in accordance with the guidelines of the Committee on the Rights of the Child. Information-gathering interviews were conducted with resource persons. The information was analysed and the triangulation method was sometimes used to cross-reference the different sources of information prior to its validation.

27. A steering committee was established to supervise and review the consultants' work. A workshop bringing together all parties involved in implementing the Protocol was organized to approve the report's content; the observations made at this workshop were incorporated into the final draft. Upon conclusion of this participatory process, the report was submitted to the Council of Ministers for adoption.

### **B. Legal status of the Optional Protocol in the internal law of the State party**

28. Article 151 of the Constitution stipulates that "duly ratified or approved treaties and agreements shall, once promulgated, have primacy over laws, provided that the agreement or treaty concerned is implemented by the other party". Nevertheless, supporting legislative and regulatory measures will be adopted to ensure full application of the Protocol.

29. It should be noted, however, that Burkina Faso adopted the "straight-18" principle (a campaign spearheaded by the Coalition to Stop the Use of Child Soldiers) in 2000 and did not therefore need to amend the legal provisions governing the minimum age of recruitment specified in Act No. 9-98/AN of 16 April 1998 establishing general regulations for personnel of the national armed forces, subsequently repealed by the new law, which keeps the minimum age for recruitment at 18 years. Article 30 of Act No. 037-2008/AN of 29 May 2008 establishing general regulations for personnel of the national armed forces provides that "any unmarried person aged between 18 and 25 years may volunteer or be conscripted for service in the national armed forces"; while article 38 of the Act provides that "any young unmarried person aged at least 18 years on 31 December of the current year and in full enjoyment of his or her civil rights may be recruited by conscription".

30. Article 31 of the Constitution establishes that “Burkina Faso is a democratic, unitary and secular State that is a republic in form”. Thus, since its ratification, the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict has been applicable nationwide.

31. Burkina Faso ratified the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict without reservations.

32. Burkina Faso has made no binding declaration under article 3. The minimum age for recruitment into the Burkina Faso army has always been 18 years.

### **C. Government departments or bodies responsible for implementation of the Optional Protocol and coordination mechanisms**

33. The mechanism responsible for monitoring implementation of the Convention on the Rights of the Child also monitors implementation of the optional protocols to the Convention.

34. A national committee tasked with monitoring and evaluating the National Action Plan for Children was established on 13 December 1996. Its main role is to monitor and ensure observance of the rights of the child. The committee became the National Council for the Survival, Protection and Development of Children on 23 October 2008. The Council is the highest decision-making, advisory and consultation body for national policies, plans and programmes related to the rights and welfare of the child and has a Permanent Secretariat attached to the Ministry of Social Action and National Solidarity. The Permanent Secretariat works with various ministerial departments, including those responsible for basic education and literacy, secondary and higher education and scientific research, the promotion of human rights, justice, health, labour and social security, defence, and the promotion and protection of the rights of the child. It has decentralized units at the regional, provincial and departmental levels.

35. In implementing the Optional Protocol, the Secretariat works particularly closely with the Ministry of Defence.

### **D. Dissemination of the Optional Protocol**

36. Burkina Faso has devised programmes to sensitize and educate various social and professional groups about human rights in general and the rights of the child in particular. Specific tools developed to this end include a training curriculum for teachers that is focused on the rights of the child and the worst forms of child labour, guides, brochures, and awareness-raising films. All these materials address issues related to the rights of the child with reference to the Optional Protocol. Tools developed by the armed forces take a more holistic approach that encompasses the protection of the child before, during and after armed conflict.

37. All categories of armed forces personnel receive instruction in international humanitarian law and the rights of the child in accordance with a training programme approved by command.

38. Since 2000, Burkina Faso has been running a training programme on children’s rights and their protection before, during and after armed conflict. This military training programme was instituted by the Economic Community of West African States (ECOWAS) with support from Save the Children Sweden, which is based in Dakar, and was a precursor for the launch of a plan to incorporate children’s rights and child protection in military training programmes throughout West Africa. A national NGO, Action pour la



promotion de l'enfant au Burkina Faso (Action for the promotion of the right of the child in Burkina Faso), has been the national partner for programme implementation since 2002.

39. A 2005 assessment of the programme's success highlighted various advances, including:

- (a) The creation of a unit dedicated to international humanitarian law and children's rights within the operations division of the General Staff of the Armed Forces;
- (b) The development of training modules on children's rights and child protection and the production, by the army, of a film, *Le bon soldat* (The good soldier), for use as part of the training programme;
- (c) The establishment of a national pool of qualified trainers;
- (d) The incorporation of the aforementioned training modules into the regular army training curriculum of the General Staff of the Armed Forces. The long-term training objective is to make protecting and respecting the rights of the child a reflex action for every soldier.

40. The unit specializing in international humanitarian law and children's rights was created in 2006. It has a staff of around sixty persons and is working to cement the advances achieved under the programme. It has organized:

- (a) Educational harmonization workshops in Bobo-Dioulasso and Ouagadougou, attended by a total of 56 trainers at the officer and non-commissioned officer level. One of the goals of these workshops was to harmonize approaches to the issue of child involvement in the armed forces and armed conflict and to consolidate progress achieved by the national armed forces in this area;
- (b) Training sessions on children's rights and child protection for the ECOWAS Standby Force for the Force's retraining camp. A total of 150 persons have taken part. The programme content for all countries is fixed by the Executive Secretariat of ECOWAS;
- (c) Retraining for a battalion of 800 men in December 2007. Action pour la promotion de l'enfant au Burkina Faso and the children's rights unit of the General Staff of the Armed Forces organized a training session on children's rights and child protection for the battalion that was tailored to the specific situation of the children of Darfur, where the battalion was due to be deployed;
- (d) A retraining seminar for 30 trainers from units, schools and training centres of the national armed forces held under the umbrella of the West African programme in 2008. One of the objectives was to enable trainers to identify the difficulties associated with teaching the rights of the child, single out areas for reflection and come up with methodologies suited to the educational realities of West Africa. Since its establishment, the international humanitarian law and children's rights unit has trained around 7,500 people (including officers, non-commissioned officers and enlisted soldiers), i.e. a total of 1,000 persons per year;
- (e) Events to raise public awareness of the consequences of armed conflict in terms of violations of the rights of the child, including screenings of the film *Le Petit Sergent* (The Little Sergeant), which were attended by more than 500 people (including members of the military, representatives of civil society and students in Ouagadougou secondary schools);
- (f) Training centre inspection tours in 2008 to assess progress under the plan to incorporate children's rights and child protection in military training programmes in West Africa involving the following institutions: the training unit of the national armed forces, the National School of the Gendarmerie, the Training Centre for Airborne Troops, the

National School for Firefighters, the National School for Non-Commissioned Officers in Active Service, Kadiogo Military Academy, the Commando Training Centre and the Georges Namoano Military Academy.

41. An important point to note in this connection is that a national committee for follow-up, evaluation and advocacy formed of 10 people working in the field of children's rights has been established with support from Action pour la promotion de l'enfant au Burkina Faso. A smaller select committee tasked with drawing up a plan of action has also been created.

42. The Permanent Secretariat of the National Action Plan for Children has also organized training sessions for civil servants working in the Ministry of Social Action and National Solidarity, traditional and religious leaders and directors of charitable associations and NGOs working to protect the rights of the child.

Table 1  
Number of persons who received training, by category and by year

	2006			2007			2008			Overall total		
	M	F	T	M	F	T	M	F	T	M	F	T
<i>Target audience</i>												
Regional trainers attached to Ministry of Social Action and National Solidarity	10	4	14	0	0	0	0	0	0	10	4	14
Religious leaders	34	26	60	23	8	31	34	30	64	91	64	155
Traditional leaders	0	0	0	0	0	0	58	0	58	58	0	58
Directors of charitable associations/NGOs	0	0	0	0	0	0	40	29	69	40	29	69
<b>Overall total</b>	<b>44</b>	<b>30</b>	<b>74</b>	<b>23</b>	<b>8</b>	<b>31</b>	<b>132</b>	<b>59</b>	<b>191</b>	<b>199</b>	<b>97</b>	<b>296</b>

Source: Permanent Secretariat of the National Action Plan for Children 2008.

43. Between 2006 and 2008, a total of 296 persons received training in the rights of the child. Religious leaders accounted for the majority (52.3 per cent).

44. In addition to providing this training the Permanent Secretariat of the National Action Plan for Children has distributed numerous materials about the rights of the child and the Optional Protocol.

Table 2  
Materials distributed, by category and by year

Document	Guide		Textbook			Leaflet		Total
	CRC	CADBE	CRC	Textbook	Module	Leaflet	Website	
Year	CRC	CADBE	CRC	Textbook	Module	Leaflet	Website	Total
2006	70	85	760	107	63	3	-	1 088
2007	62	412	3 247	30	40	534	213	4 538
2008	118	638	2 532	34	1	272	97	3 692
<b>Total</b>	<b>250</b>	<b>1 135</b>	<b>6 539</b>	<b>171</b>	<b>104</b>	<b>809</b>	<b>310</b>	<b>9 318</b>

Source: Permanent Secretariat of the National Action Plan for Children.

45. As shown in table 2, between 2006 and 2008, 9,318 documents about the rights of the child and the Optional Protocol were distributed. Guides accounted for the majority of these documents (70.17 per cent).

#### **E. Data on the number of children recruited into national armed forces or armed groups**

46. No child aged under 18 years has been recruited into the national armed forces.

47. There are no armed groups in Burkina Faso. Accordingly, no children have been recruited into such groups or taken part in hostilities.

#### **F. Establishment of an independent national human rights institution**

48. The National Human Rights Commission of Burkina Faso was established by Decree No. 2001-608 PRES/MJPDH of 21 November 2001. The Commission is an advisory body for human rights in Burkina Faso. Its mission is to assist and advise the State authorities on all human rights-related issues.

#### **G. Factors and difficulties affecting the degree of fulfilment of obligations under the Optional Protocol**

49. It should be recalled that in Burkina Faso the minimum age for recruitment into the national armed forces is 18 years. Furthermore, because the country enjoys relative social stability, has no child victims of armed conflict on its soil and has established mechanisms for processing asylum and refugee applications, at the operational level, no particular difficulties have been encountered in implementing the Optional Protocol.

### **III. Prevention (arts. 1, 2, 4, para. 2, and 6, para. 2)**

#### **A. Legislative and administrative measures taken to prevent compulsory recruitment**

50. In Burkina Faso, enlistment is governed by Act No. 037-2008/AN of 29 May 2008 establishing general regulations for personnel of the national armed forces. Article 30 of the Act stipulates that “any unmarried person aged between 18 and 25 years may volunteer or be conscripted for service in the national armed forces”.

51. At least one of the following documents must be presented at the time of enlistment:

- (a) A national identity card;
- (b) An extract of a birth certificate or substitute birth certificate issued by a judge;
- (c) A family record book.

52. There are no provisions that would allow for the age of conscription to be lowered.

**B. Guarantees in place to ensure that recruitment is voluntary**

53. Volunteers are recruited mainly through notices published in the press to encourage young people aged between 18 and 25 years to enlist for service. These calls for recruits are issued jointly by the Ministry of Defence and the Ministry of Territorial Administration. No census of potential candidates for compulsory recruitment is conducted.

54. Young people are given information about the role, rights and responsibilities of military personnel, and attend a presentation about the services that the army provides and the sense of patriotism inherent in working for the defence of the country.

55. The recruitment process consists of the following stages:

- (a) Local registration of volunteers;
- (b) Establishment of a national and regional committee to assume responsibility for forming a contingent;
- (c) Medical examinations and character checks of recruits.

56. The minimum service time is two years. Soldiers wishing to continue their career subsequently sign up for further four-year terms, up to a maximum of 26 years' service.

57. Early discharge may be granted in the event of incapacity or a request for termination of contract and also for disciplinary reasons.

58. There are no incentives for recruitment into the army, although advertising is used to encourage women to enlist.

**C. Data on schools operated by or under the control of the armed forces**

59. Kadiogo Military Academy is the only secondary education establishment in the country operated by the national armed forces. Children are admitted to the Academy either just before or upon reaching the age of 12, in line with the national regulations governing secondary education. The Academy operates in the same way as other secondary schools in the country.

60. The courses pupils take conform to the programmes approved by the Ministry of Secondary and Higher Education and Scientific Research. Only Thursday mornings are set aside for military instruction, which consists of learning discipline and military drills, etc. and has no professional content. The students' general education is the sole responsibility of teachers appointed by the Ministry, while military officers are responsible for instruction in military discipline only.

61. There is no corporal punishment or bullying at this institution. The disciplinary sanctions to which pupils may be subject are specified in the Academy's internal regulations. Students are admitted by competitive examination. The age of students attending the Academy ranges from 11 to 19 or 20 years.

62. The Academy's mission, as established in its regulations, is to prepare young people for military and civilian careers.

63. There are no independent complaint mechanisms accessible to children attending this educational institution.

**D. Methods used to identify children who are especially vulnerable to practices contrary to the Optional Protocol due to their economic and social status**

64. On account of the country's stability, the issue of violations of the provisions of the Optional Protocol does not arise in Burkina Faso. Nonetheless, it is worth reflecting on the issues and establishing clear and objective methodologies as a preventive measure.

65. It should be noted that, as part of the effort to combat child trafficking, checks are performed whenever children are moved and awareness-raising activities are conducted to prevent trafficking in vulnerable children. By implementing such measures, it is possible to restrict movements of vulnerable children to areas of armed conflict.

**E. Information on measures taken to prevent attacks on civilian objects protected under international humanitarian law and other international instruments, including places that generally have a significant presence of children, such as schools and hospitals**

66. The Government has not taken any specific action to mark civilian objects protected under international humanitarian law and other instruments with distinctive signs. However, protective signs of civil defence are used to safeguard places where there are children (e.g. schools, churches, hospitals, etc.).

**F. Campaigns or other measures taken to promote public awareness of the principles and provisions of the Optional Protocol**

67. Because there is no armed conflict in Burkina Faso, no specific programmes or projects have been developed to make children aware of the content of the Optional Protocol. However, elements of the Protocol are sometimes covered in programmes and activities to raise awareness of the rights of the child and trafficking in human beings.

68. All 126 members of the National Children's Parliament have been trained in the rights of the child. In 2006, campaigns to raise awareness of children's rights were run in all 45 provinces of the country and, in 2008, the 126 Members of Parliament received training in the rights of the child.

69. The methods used to prevent children from becoming victims are the same as those used in the fight against trafficking and the worst forms of child labour, i.e. social and economic assistance and reintegration programmes for children who have been victims of or are vulnerable to trafficking.

70. The reform of the educational system carried out in Burkina Faso in 2007 marked the introduction of emerging topics such as civic education and the rights of the child into school curricula. Teaching modules that incorporate areas related to the Optional Protocol have since been developed for this purpose.

71. The Permanent Secretariat of the National Action Plan for Children attached to the Ministry of Social Action and National Solidarity has organized numerous awareness-raising events for various different target audiences. In 2008, it organized five seminars on the rights of the child for mayors, prefects and civil registry officials. The conferences were attended by 317 government officials (270 men and 47 women) working in the area of civil registration. A further five seminars were organized for health-care professionals including assistant midwives, qualified nurses, State-registered nurses and mobile health workers. These were attended by 1,105 persons (689 men and 416 women).

72. The media, NGOs, the private sector and the community, in particular children, all have an important role in the design and implementation of awareness-raising measures. For example, members of the Association des servantes de Christ (Association of the handmaids of Christ) are using their communication channels and awareness-raising tools to spread the message about their religious beliefs and about the rights of the child.

73. The Children's Parliament and the Association des Enfants et Jeunes Travailleurs du Burkina Faso (Burkina Faso Child and Young Workers' Association) use both their own tools and the awareness-raising activities of peer educators to promote awareness of the rights of the child.

74. Charitable associations and NGOs either develop their own awareness-raising materials or use materials produced by the Government with support from partner organizations to raise awareness among their members and the public in general.

75. The different networks (network of journalists and communicators on the rights of the child, network of journalists and communicators on the education of girls, network of journalists and communicators on child trafficking, network of parliamentarians on the rights of the child) are all helping to bring about a widespread increase in public awareness of the rights of the child, child trafficking and the worst forms of child labour. Indirectly, they also help to prevent the recruitment of children for any purpose, including armed conflict. The Coalition au Burkina Faso pour les droits de l'enfant (Burkina Faso Coalition for the Rights of the Child) and Plan Burkina also contribute. The Réseau d'action pour la prévention et la protection des enfants en difficultés (Network of preventive action and protection initiatives for children in difficulty), created in 2004, groups together 60 associations and works to support street children.

76. No specific steps have been taken to evaluate the effectiveness of the measures described, because they form part of a global effort to promote and protect the rights of the child.

#### **IV. Prohibition and related matters (arts. 1, 2 and 4, paras. 1 and 2)**

77. Burkina Faso does not recruit persons under the age of 18 years into the army. However, there are no definitions of the concepts of compulsory recruitment, direct participation and use of children in hostilities either in jurisprudence or legislation. The Criminal Code adopted in 1996, prior to ratification of the Optional Protocol, establishes none of the material elements of acts and offences enumerated in the Optional Protocol.

78. There are no provisions of domestic law dealing with armed conflicts, but a review of the Criminal Code is under way and could result in the incorporation of such provisions. A review of the Code of Military Justice is also under way and should allow for the incorporation of certain elements of international humanitarian law and the rights of the child. The penalties applied for violations of provisions concerning the rights of the child are established in the general disciplinary regulations for the armed forces.

79. Burkina Faso has yet to adopt legislation criminalizing and establishing the constituent material elements of the offences enumerated in articles 1 and 2 of the Optional Protocol. No sentences or penalties are therefore established.

80. In Burkina Faso, superior orders, where clearly illegal, do not exonerate the perpetrator of the acts from culpability. Article 23 of Act No. 037-2008/AN of 29 May 2008 establishing general regulations for personnel of the national armed forces provides that:

“Military personnel are required to obey the orders of their superior officers and are responsible for the tasks entrusted to them. However, they may not be ordered to perform, and shall not be permitted to perform, acts that are contrary to law, customs of war and international treaties or that constitute crimes or offences against State security and territorial integrity. The personal responsibility of subordinates does not relieve superiors of their own responsibility.”

Thus it appears that committing acts contrary to the Optional Protocol engages the responsibility of both the perpetrator and the instigator.

81. Act No. 029-2008/AN of 15 May 2008 on combating trafficking in persons and similar practices establishes penalties for trafficking in children.

82. The offences enumerated in the Optional Protocol do not constitute separate offences; likewise attempts to commit and complicity in such offences do not constitute specific offences. Consequently, there are no sentences applicable.

#### **A. Criminal legislation in force covering and defining the acts enumerated in article 4, paragraphs 1 and 2, of the Optional Protocol**

83. There are no legal provisions in force covering the offences enumerated in article 4, paragraphs 1 and 2, of the Optional Protocol.

84. There are no transitional justice measures in Burkina Faso.

85. The criminal law of Burkina Faso criminalizes child trafficking, which may be considered an offence vis-à-vis the Optional Protocol.

#### **B. Provisions giving effect to the Optional Protocol**

86. Burkina Faso has adopted a number of legal provisions to enable the State to give effect to the Optional Protocol. These include:

(a) Act No. 013-2007/AN of 30 July 2007 on educational policy;

(b) Act No. 028-2008/AN of 13 May 2008 amending the labour code of Burkina Faso;

(c) Act No. 029-2008/AN of 15 May 2008 on combating trafficking in persons and similar practices;

(d) Act No. 037-2008/AN of 29 May 2008 establishing general regulations for personnel of the national armed forces;

(e) Act No. 028-2008/AN of 23 October 2008 on the status of refugees in Burkina Faso.

87. No jurisprudence has been established in application of the Optional Protocol.

88. There are no provisions of legislation that constitute an obstacle to the implementation of the Optional Protocol.

89. Burkina Faso is a party to the Geneva Conventions of 1949 and the Additional Protocols of 1977 as well as to most ILO Conventions, including the ILO Worst Forms of Child Labour Convention, 1999 (No. 182), and to the Rome Statute of the International Criminal Court.

90. Since the acts and activities enumerated in the Optional Protocol do not constitute specific offences in Burkina Faso, it is not possible to refer to the criminal liability of legal

persons in relation to these acts and activities. It should, however, be noted that the criminal liability of legal persons is recognized under Burkina Faso criminal law. Specifically, article 64, paragraph 2, of the Criminal Code establishes that “any legal person having a civil, commercial, industrial or financial purpose on whose behalf or in whose interest the act of commission or omission that constitutes an offence has been wilfully perpetrated by its organs shall also be considered an accomplice”.

91. There are no legislative provisions establishing jurisdiction over the acts referred to in articles 1 and 2 of the Optional Protocol.

92. Burkina Faso has concluded various judicial cooperation agreements covering criminal and extradition proceedings. However, these cooperation agreements are applicable only insofar as the act in question constitutes a criminal offence, and at present the acts and activities referred to in the Optional Protocol do not constitute criminal offences in Burkina Faso.

## V. Protection, recovery and reintegration (art. 6, para. 3)

93. There are no child victims of practices prohibited under the Optional Protocol in the country as Burkina Faso is neither a conflict nor a post-conflict State. Child asylum seekers or refugees have never been conscripted into or involved in armed conflict. These children have fled their countries for a variety of reasons, including armed conflict, but none of them have ever themselves taken part in hostilities. They live with their parents. There are no unaccompanied child refugees or asylum seekers. Consequently, in Burkina Faso there are no child victims of practices prohibited under the Optional Protocol for whose benefit recovery or reintegration measures might need to be implemented.

94. The Christian Relief and Development Organization (CREDO) does, however, provide assistance to child refugees and asylum seekers through their parents, giving them subsistence resources and health cover to this end. Each year, CREDO also organizes Christmas tree decoration festivals for these children. It also provides various forms of support for these children at the different levels of education (see table 3 below).

Table 3

**Number of child refugees and asylum seekers who received assistance for their primary school enrolment from CREDO and the Office of the United Nations High Commissioner for Human Rights (OHCHR), by sex and school year**

<i>School year</i>	<i>Sex</i>		<i>Total</i>
	<i>M</i>	<i>F</i>	
2004/05	38	19	<b>57</b>
2005/06	42	27	<b>69</b>
2006/07	63	37	<b>100</b>
2007/08	47	46	<b>93</b>
<b>Total</b>	<b>190</b>	<b>129</b>	<b>319</b>

*Source:* CREDO.

95. Between 2004 and 2008, 319 refugee children received support. The support consists of distributing financial allowances and school materials to parents.

96. It is important to highlight that the training dispensed by Action pour la promotion des droits de l'enfant au Burkina Faso (Action for the promotion of children's rights in



Burkina Faso) and Save the Children as part of the training provided to peacekeeping missions has given Burkina Faso a certain expertise in this area, even though there are no child victims in the country.

97. Burkina Faso is not in a situation of armed conflict. It has not therefore needed to establish any public and private demobilization programmes.

### **Measures taken to ensure that the child's identity is protected**

98. At the judicial level, new article 64 of Act No. 28-2004/AN of 8 September amending Act No. 010/93/ADP of 17 May 1993 on the organization of the judiciary in Burkina Faso establishes the principle that juvenile court hearings shall be confidential and that juvenile judges shall deliver their rulings in chambers.

99. The fact that hearings cannot be open to the public guarantees that children are protected against interference in their private life; any person who violates the *in camera* rule is liable to criminal prosecution. Article 23 of Act No. 19-61/AN of 9 May 1961 concerning children at risk prohibits the publication of the records of proceedings concerning minors. Reproducing images of minors standing trial and any drawing depicting either them or the acts with which they are charged is likewise prohibited.

100. Act No. 025-2001/AN of 25 October 2001 establishing the advertising code of Burkina Faso contains provisions designed to protect children from media exposure.

101. Article 51 of this Act establishes that all advertising materials must protect the identity of children and that children should be used as the main actors in advertisements only if there is a direct relationship between them and the product or service being advertised. Advertisements should be free from content that might cause psychological, mental and physical injury to children.

102. At the general level, article 90 of the Information Code establishes penalties for the intentional invasion of the privacy of others. The means of invasion of privacy specifically prohibited by the Code include listening to, recording or transmitting, using any form of device, words spoken by a person in a private place, without that person's consent.

103. In all cases, and without prejudice to any compensation for injury suffered that might be awarded, the courts may order any measure, including sequestration or seizure, that could help prevent or put an end to the invasion of privacy. In urgent cases, such measures may be ordered by an interim relief judge.

104. Family law affords protection to children through the duty of supervision established in respect of minors. Thus, all persons with parental authority must monitor the actions and relationships of children under their care.

105. It is therefore the responsibility of the persons with parental authority to ensure that children are protected against interference with their privacy, correspondence and reputation and against unlawful attacks on their honour.

106. There are no specific provisions concerning the presence of unaccompanied foreign children and/or victims of the practices prohibited under the Optional Protocol in Burkina Faso.

## **VI. International assistance and cooperation (art. 7, para. 1)**

### **Measures taken to strengthen international cooperation regarding the implementation of the Optional Protocol, and cooperation with international tribunals, when applicable**

#### **Prohibition of the trade and export of small and light arms**

107. Burkina Faso has not taken any measures to strengthen cooperation in this field.

108. It is important to emphasize that in Burkina Faso:

(a) The manufacture and import of powders, firearms, sporting cartridges and munitions of war are State monopolies pursuant to the provisions of article 1 of Decree No. 1 of 20 January 1981 regulating the manufacture and import of powders, firearms, sporting cartridges and munitions of war in Burkina Faso;

(b) All weapons acquisitions are subject to an administrative procedure requiring a firearms permit.

## **VII. Other legal provisions (art. 5)**

### **The status of ratification by the State party of the main international instruments which relate to the use of children in hostilities**

109. There are no provisions of domestic legislation in force in Burkina Faso that are more conducive to the realization of the rights of the child than the provisions of the Optional Protocol, especially in the area of armed conflict. However, various provisions dealing with specific issues such as refugees are worth mentioning, including those of Act No. 042-2008/AN of 23 October 2008 on the status of refugees in Burkina Faso. This Act allows all asylum seekers to be accepted without distinction and all persons who meet the conditions established in the regulations in force to be granted refugee status, including members of their families. Article 7 specifies that “any unaccompanied child seeking asylum shall be granted refugee status, subject to the necessary checks”. It allows all refugees, including children, who are lawfully present in Burkina Faso, to enjoy the same rights and benefit from the same treatment as nationals.

110. It should also be noted that Burkina Faso has ratified a number of international instruments that deal with the rights of the child. These include:

(a) The African Charter on the Rights and Welfare of the African Child, ratified on 8 June 1992;

(b) The ILO Worst Forms of Child Labour Convention, 1999 (No. 182);

(c) The Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption;

(d) The Hague Convention on the Civil Aspects of International Child Abduction;

(e) The Hague Convention on the Law Applicable to Maintenance Obligations.

111. Burkina Faso has also ratified or acceded to the following international and regional conventions, treaties and charters:

(a) The African Charter on the Rights and Welfare of the African Child, ratified on 8 June 1992;

(b) 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 ratified by Burkina Faso;

(c) The Rome Statute of the International Criminal Court, adopted in Rome on 17 July 1998, ratified by Decree No. 2003-675 of 31 December 2003 and published in the Official Gazette of Burkina Faso on 15 January 2004;

(d) The Geneva Conventions of 12 August 1949, ratified by Decree No. 61-551 of 20 December 1961 and published in the Official Gazette of the Republic of Upper Volta on 30 December 1961;

(e) The Convention relating to the Status of Refugees, adopted in Geneva on 28 July 1951, and the Protocol relating to the Status of Refugees concluded in New York on 31 January 1967, ratified by Decree No. 74-166 of 30 May 1974 and published in the Official Gazette of the Republic of Upper Volta on 19 July 1974.

112. Burkina Faso also adheres to the Principles and Guidelines on Children Associated with Armed Forces or Armed Groups (Paris Principles), adopted in February 2007.

## VIII. Conclusion

113. Burkina Faso ratified the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict on 30 December 2005. The Optional Protocol is being implemented in a distinct context of social stability in which legislative provisions specifically prohibit the recruitment into the armed forces of persons aged under 18 years, and there are no children who have participated directly in hostilities and/or been demobilized in the country. No specific action to disseminate the provisions of the Protocol has been taken since its ratification.

114. The Government of Burkina Faso has, however, made efforts to promote the rights of the child in relation to the provisions of the Protocol, particularly in the fields of awareness-raising, training and refugee care and in the adoption of legislation that should reinforce the provisions of the Protocol. Nonetheless, the legislation of Burkina Faso lacks conceptual definitions for terms such as recruitment and direct participation and has no provisions addressing situations in which children are recruited by armed groups.

115. For this reason, the Government of Burkina Faso intends to continue its efforts to raise awareness of and provide training in the provisions of the Protocol, while at all times endeavouring to consolidate peace – the best way to protect children from hostilities being to prevent hostilities. On the legal front, it will also continue its efforts to bring legislation into line with certain provisions of the Protocol. In this connection, the review of the Criminal Code, the Code of Criminal Procedure and the Code of Military Justice currently under way constitutes an opportunity to espouse the Optional Protocol more fully and thus to better promote and protect the rights and well-being of children in Burkina Faso.

## Annex

### Bibliography

The Coalition to Stop the Use of Child Soldiers, Review of State Party reports to the Committee on the Rights of the Child on the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, November 2006, 35 pages, [www.child-soldiers.org](http://www.child-soldiers.org).

Child Protection Code (compendium of texts), March 2006, 655 pages.

Criminal Code (compendium of texts), February 2005, 1,458 pages.

Follow-up report, "A world fit for children", December 2006.

Third and fourth periodic reports of Burkina Faso on the implementation of the Convention on the Rights of the Child, December 2006, 109 pages.

First-half 2006 report on the activities of the international humanitarian law and children's rights unit of the operations division of the General Staff of the Armed Forces, July 2006, 5 pages.

Second-half 2006 report on the activities of the international humanitarian law and children's rights unit of the operations division of the General Staff of the Armed Forces, December 2006, 7 pages.

2008 annual report on the activities of the international humanitarian law and children's rights unit of the operations division of the General Staff of the Armed Forces, January 2009, 13 pages.

2007 annual report on the activities of the international humanitarian law and children's rights unit of the operations division of the General Staff of the Armed Forces, March 2008, 11 pages.

Second-half 2006 report on the activities of the international humanitarian law and children's rights unit of the operations division of the General Staff of the Armed Forces.

Mid-Term Review of the African Common Position, "An Africa fit for children", September 2007.

Mid-term review of the 2006–2010 UNICEF Burkina Faso support programme, September 2008.

---