



**Convention on the Elimination  
of All Forms of Discrimination  
against Women**

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**Committee on the Elimination of Discrimination  
against Women**

**Twenty-second session**

**Summary record of the 458th meeting**

Held at Headquarters, New York, on Thursday, 27 January 2000, at 10.30 a.m.

*Chairperson:* Ms. Gonzalez

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*The meeting was called to order at 10.40 a.m.*

**Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women** (*continued*)

*Second and third periodic reports of Burkina Faso (CEDAW/C/BFA 2-3; CEDAW/PSWG/2000/I/CRP.1/Add.5; CEDAW/PSWG/2000/I/CRP.2)*

1. *The Chairperson invited the members of the delegation of Burkina Faso to take places at the Committee table.*

2. **Ms. Guigma** (Burkina Faso) said that there were nearly 6 million women in Burkina Faso, of whom 4 million were of child-bearing age. The average number of children per family was about 7, although that number was slightly higher in rural areas. Nearly 85 per cent of the population lived in rural areas with deeply rooted traditions and customs. Most of the 45 per cent of the population that lived below the poverty line were women, whose social status did not allow them to participate in economic activities of any magnitude. Owing to the agricultural and pastoral nature of the country, the high precipitation and the lack of exploitable natural resources, the economy was largely dependent on foreign assistance.

3. Even before the 1995 Beijing Conference, the Government had initiated a number of social and economic measures which provided equipment and technical assistance with a view to helping groups of women to set up small enterprises. Enabling legislation had been enacted, and a variety of projects and programmes had been established. Equality had been established between spouses and among children; women had been permitted to own land; funds supporting income-generating activities for women working in the rural and urban informal sectors and in agriculture had been set up; and projects had been launched to help girls gain access to employment.

4. Following the Beijing Conference, the Ministry of Social Affairs and the Family had set up a committee to implement the Platform for Action, and two years later, the Government had established the Ministry for the Advancement of Women, whose task was to design a national action plan on the basis of the Beijing recommendations. The Ministry had launched

programmes to eliminate poverty, to develop human resources, to promote the fundamental rights of women and girls, to promote a positive image of women, and to implement, coordinate and evaluate those activities. A five-year review had determined that new measures must be taken to strengthen management mechanisms within the Ministry so that it could collaborate effectively with Government and with development partners, and that women must be involved in decision-making in seeking appropriate solutions to their problems.

5. The Ministry had set up focal points within other ministerial departments and institutions to monitor and evaluate the application of its programmes and projects, to oversee introduction of the gender-sensitive approach, and to manage the collection of data. The Ministry also coordinated the work of a panoply of women's non-governmental organizations and associations. It had set up the National Committee for the Advancement of Women and a centre for women's information, training and research, and was conducting training programmes in gender and women's rights for target groups, such as focal points, non-governmental organizations, members of the communications media, and Ministry staff.

6. The work of the Ministry was encountering a number of severe obstacles, among them the persistence of negative social and cultural practices, poverty, illiteracy, ignorance, the absence of legal provisions prohibiting certain forms of conjugal violence and sexual harassment, women's difficult access to justice, the HIV/AIDS pandemic and the lack of a gender-sensitive approach in development programmes and projects.

7. There were currently three women ministers in a Cabinet of 35; 10 women representatives in the 110-member National Assembly, and 27 women in the 154-member Chamber of Representatives. In the diplomatic corps, there were three women among 22 ambassadors. Men outnumbered women as heads of institutions 7 to 1. About 10 women were active in the international public service. In view of the traditional role of women, those numbers were encouraging.

8. The women of Burkina Faso had always turned out to vote in large numbers, despite the fact that most candidates were men. Although women made up a significant portion of the membership of both public and private trade unions, and had traditionally

participated in massive numbers in union campaigns, only one woman had been the general secretary of a union.

9. In its programme to encourage the political participation of women on the national and international levels and to promote the access of women to decision-making, the Ministry was working with non-governmental organizations, civil associations, media, political parties and the Ministry for Basic Education and Literacy, and was emphasizing information, consciousness-raising and training. Although the Government spared no effort to enhance the legal status of women, it was well aware that texts alone would not be sufficient; awareness-raising was essential. Furthermore, the struggle for peace and against underdevelopment could not be won without the active participation of women.

10. National legislation and the Constitution recognized and sanctified equal rights for men and women and prohibited discrimination on the grounds of race, ethnicity, region, colour, sex, language, religion, caste, political views, financial status and birth. The Individual and Family Code guaranteed that men and women could freely choose their spouses and prohibited obstacles to marriage based on race, colour, religion, ethnicity, caste, social background and financial status. It also abolished certain customs, including dowries, forced marriage and the levirate and upheld the right of a woman to engage in remunerative activities without her husband's authorization. It further affirmed that the parental roles of men and women were equal, that a woman could inherit her husband's estate, and that boys and girls had equal inheritance rights.

11. The Penal Code, which protected persons and property without distinction as to sex, specifically discussed violations of the physical integrity of women and girls. It prohibited female genital mutilation by total ablation, excision, infibulation, deadening of the nerves or any other means, and established a penalty of imprisonment for a period of six months to three years and a fine of 150,000 to 900,000 francs for any violation. If death resulted, the punishment was five to ten years of prison. If the perpetrator belonged to the medical or paramedical profession, the court could also bar him from exercising his profession for a period of not longer than five years. The law prohibited rape, abortion, the corruption of a minor, indecent exposure, indecent assault, incest, bigamy, forced marriage,

adultery, the incitement of minors to debauchery, and prostitution, and provided the legal means by which women could combat those forms of violence against them.

12. In addition, the Labour Code stipulated that workers with the same professional qualifications, conditions of work and level of productivity must receive the same pay regardless of background, sex, age or status, and protected the health of pregnant working mothers. Other national laws stipulated that all citizens had equal access to jobs in public service, as well as equal salaries, benefits and promotion entitlements, that women had a right to maternity leave and nursing breaks; that all persons, without distinction as to sex or marital status, should have equal access to public lands; and that all citizens, without distinction, had the right to participate in the activities of the Government and society.

13. Prior to the establishment of the Family Code, the 1804 Civil Code of French West Africa and the force of tradition had prevailed. The father, as head of the family, exercised absolute authority over his wife and children, and the wife was required to obey. Under the new system, men and women were equals, and marriage was based on the free choice of both partners stated before an officer of the civil registry. Failure to live with a spouse constituted abandonment of the marital domicile and was subject to imprisonment or return by force to the domicile. Infidelity was considered adultery and was also punishable by imprisonment. Under civil law, the outcome was divorce, separation or the payment of damages. Adultery legislation had since been reformed and no longer discriminated between men and women. Prior to the adoption of the current Penal Code, a man who committed adultery had been penalized only if he had entertained his mistress in the marital domicile, and the punishment was a simple fine.

14. Under the Family Code, and under the revised Penal Code of 1996, husbands and wives would receive the same punishment for failing to meet their obligations, either through adultery or desertion. In reality, however, forced marriages continued to occur even in urban areas, and widows still were sometimes considered part of the husband's property and were forced into marriage with the husband's brother (leviratic marriage).

15. Despite efforts to disseminate information on the marriage laws, few women were aware of their rights. The high cost of legal assistance and a shortage of judges and courts made it even more unlikely that a woman would seek legal recourse. Most remained silent out of fear of being put out of their homes and separated from their children. Moreover, since police officers were overwhelmingly women, women found it difficult to trust them to intervene in cases of domestic abuse.

16. The Family Code also gave both parents equal authority over their children, but in reality, the father continued to wield power over his family. Court decisions awarding custody of children to the mother usually were fiercely contested. When the father died, mothers were often unable to exercise their legal authority over the children; the latter were distributed among the different family members like the rest of the property of the deceased.

17. The right to education was guaranteed in the Constitution and had been identified as a national priority. In order to meet the challenge of low levels of school enrolment among girls and low literacy rates among women, the Government had continued to recruit teachers despite a public sector hiring freeze, invested in school infrastructure and increased the budget allocation for education. The overall enrolment rate had risen from 30 per cent in 1990-1991 to 39.7 per cent in 1997-1998. Special measures to encourage schooling for girls included a national plan of action and the establishment of an office for the promotion of girls' education. Despite those efforts, however, the rate of primary school enrolment for girls remained low, which explained their small numbers in higher education and in the work force. The underlying cause was the inequality between boys and girls; boys bore the family name and must be educated in order to bring honour to it, while girls would eventually become part of another family through marriage and thus their education was not considered a priority. Unlike boys, girls were also burdened with domestic chores, which interfered with their studies.

18. Although there were no discriminatory provisions in the civil service statutes and the Labour Code, women made up only one third of the civil service and about 5 per cent of the work force in the formal private sector. Their access to paid employment was limited by unequal access to education and training, obstacles to hiring including sexual harassment, rigid working

conditions and their unequal share of family responsibilities.

19. In politics and public life, women's representation at decision-making levels was very low. Contributing factors were a lack of awareness of women's equality, a lack of leadership training for women, little solidarity among those women who had reached positions of influence and a lack of political will to present women candidates for election.

20. Eighty-six per cent of the population of Burkina Faso lived in rural areas and women constituted 51.3 per cent of that rural population. The vast majority of rural women were involved in agriculture or raising cattle. Given their important role in the economy, numerous efforts had been aimed at involving them in the design and execution of development plans especially at the village level, although men tended to give low priority to their concerns. Access to health care in rural areas was limited; only 28 per cent of households had access to safe drinking water, while only a minute percentage had sanitation facilities. Inability to pay for services and the remote locations of clinics prevented many women from receiving any health care at all. As most women worked on family farms, they were not eligible for any of the social security or retirement benefits received by salaried workers, although such benefits for the self-employed were under study. Income-generating projects, such as the "1000 Mills" project in 1993, had included efforts to improve women's access to equipment and materials, but cost placed most such efforts beyond their reach.

21. Commenting on women's access to credit, she noted that many local credit institutions preferred to lend to women because they had a high rate of loan repayment. The situation had improved somewhat, in particular through the activities of the Support Fund for Women's Gainful Activities (FAARF) and the Support Fund for the Income-Generating Activities of Women Farmers (FAAGRA), in addition to a number of programmes sponsored by non-governmental organizations. The obstacles that remained included the small amounts loaned because of lack of collateral, lack of information on opportunities and objections of the husbands. Efforts were also being made to avoid the negative aspects of credit.

22. Although men and women had equal access to land ownership under the law, in rural areas customary

land rights still prevailed. Women generally had access only to the least desirable plots for their own use. Government land regulations awarded title to those who either owned land before it had been cleared or those who had invested in its improvement, which virtually eliminated women. A review of those regulations had been requested.

23. Women in particularly difficult circumstances included the handicapped, prostitutes, the elderly and victims of violence. No special programmes for handicapped women had been set up, as their interests were the same as those of handicapped men. Rehabilitation and support programmes did take women's needs into account, however. A national policy and programme on rehabilitation would be established during the first half of 2000. It would include State funding for associations for the handicapped, a "disability card" providing benefits, priority enrolment in institutions and schools near home and placement of access ramps in public buildings.

24. Prostitution was a problem in the 19 towns of Burkina Faso. Under the 1996 Penal Code, both prostitution and solicitation were crimes punishable by fines and imprisonment. Raids were often conducted in application of the law against solicitation and to identify prostitutes who needed medical care, social support services and rehabilitation. Trafficking in women and girls was severely punished under the Penal Code.

25. Elderly women generally enjoyed a place of honour within the family circle, but over the past 15 years a growing number had been falsely accused of witchcraft in certain provinces and driven out of their homes. A shelter run by a religious order housed approximately 600 such elderly women. A 1997 national forum on their plight had attempted to find solutions, including returning them to their home villages.

26. In Burkina Faso, violence against women took many forms: physical violence, such as excision, marital rape, beatings and other abuse and a crushing burden of household tasks were often supported by cultural norms. Moral forms of violence included polygamy, forced marriage and leviratic marriage. Information and consciousness-raising programmes were beginning to show results, however, as an increasing number of young women refused to submit

to such practices. In 1999, 100 girls fleeing forced marriages had sought shelter at a centre run by the Catholic Church. Women also suffered psychological violence based on socio-cultural practices or economic restrictions.

27. Maternal mortality in Burkina Faso was mainly attributable to infections, haemorrhages, difficult or prolonged childbirth, abortion and anaemia. The main obstacles to women's access to health and family planning services were geographical spacing of clinics and economic and socio-cultural barriers; reproductive health services that were unsuitable to the needs of certain target groups; shortage of qualified personnel and prejudices and customs harmful to the health of girls and women. The infant mortality rate of 93.7 per 1,000 live births was caused by infectious diseases, diarrhoea, acute respiratory ailments, malnutrition and anaemia. The launching of the National Mother and Childcare Programme, had helped to achieve very satisfactory results in the areas of prenatal care, obstetrics, maternal mortality, contraceptive coverage and care of sexually transmitted diseases. The programme had been revised by applying a health and reproduction strategy which covered, inter alia, safe maternity, adolescent sexual health, control of genital infections and cancers and the gender approach and health.

28. The Government had also undertaken efforts to deal effectively with HIV/AIDS, the health of young people and the elderly. Some 700,000 people in Burkina Faso, or 7 per cent of the population, were living with HIV/AIDS. Urgent measures had been taken, including enforcement of the Public Health Code which contained provisions to combat sexually transmitted diseases and AIDS and the preparation of a nationwide multisectoral plan designed as a comprehensive response to the HIV/AIDS epidemic.

29. The health of young people was being dealt with by a unit established under the Family Health Office, while strategies had been prepared and were being implemented. In addition, the Family Health Office was currently preparing a programme on the health of the elderly. However, the main concern was the retraining of health personnel to care for the elderly. Consequently, the question of the health of older persons had been included in all training programmes for State nurses and midwives and training in those specific skills would promote the inclusion of care for the elderly in all health care facilities.

30. **The Chairperson** thanked the Burkina Faso delegation for the wealth of information provided in the report and in the oral presentation, as well as for its frankness and sincerity. The high level of the delegation sent by Burkina Faso, despite the economic difficulties it was facing, was a clear signal of its commitment to implementing the provisions of the Convention.

31. **Ms. Aouij** hailed the efforts and progress accomplished by Burkina Faso since the submission of its previous report. While many legal and institutional measures, such as the Individual and Family Code, the June 1991 Constitution and the National Committee to Combat Discrimination had been put in place to give effect to the Convention and ensure equality between men and women, such measures were not enough in themselves to eliminate discrimination and transform a socio-cultural environment that was still dominated by deeply entrenched customs and traditions. Unfortunately, those traditions had the support of men, women, religious leaders and intellectuals. Moreover, the country still suffered from two major scourges, poverty and illiteracy. Its human development indicators, which had been further worsened by structural adjustment programmes, were very low. In that connection, she wanted to know whether the objectives of the triennial action programme for the period 1998-2000 had been achieved, and whether specific measures had been taken to address women's extreme poverty and illiteracy.

32. The most progressive action taken by the Government of Burkina Faso was the involvement of all social actors, including women's and human rights associations, religious leaders and practitioners of excision, in the efforts to eradicate one of the most harmful traditional practices, namely female genital mutilation, which affected some 66 per cent of women in the country. That initiative made Burkina Faso a leader in West African efforts to eradicate a scourge which threatened the physical and mental health of girls and had become a priority public health issue because it was associated with the spread of the HIV/AIDS virus. Moreover, the inclusion of measures in the Penal Code prohibiting and punishing female genital mutilation also strengthened the effect of other legal measures already adopted and demonstrated the Government's determination to eliminate the phenomenon. Success by Burkina Faso in that

endeavour would most likely be emulated by other African countries.

33. Noting that all the country's health indicators gave cause for concern, she expressed regret that the programme concerning the protection of maternal and child health did not cover abortion when the mother's or child's life was in danger. Nor were the costs covered by social security. That was a very serious violation of the woman's right to have access to public health care.

34. **Ms. Gabr** said that while the Government was clearly making serious efforts to apply the Convention, and cooperate with civil society to improve the status of women, it was nonetheless true that it faced considerable challenges and difficulties, and that inadequate resources had been earmarked for that purpose. It was therefore vital to ensure that it harmonized those efforts with the work of civil society, non-governmental organizations and international organizations. Special attention needed to be focused on the situation of rural women, especially on improving their socio-cultural environment. Moreover, there should be greater involvement of the media in ending stereotypes and promoting awareness of important issues affecting women. The Ministry should also focus on education, legislation, health and credit in order to enhance women's access to essential social services.

35. **Ms. Abaka** said that while economic, cultural and traditional practices impeded the implementation of the Convention, the Government should not use them as an excuse for not dealing with the problem of superstition. Top priority should be given to changing the perception of women themselves and their acceptance of the status quo. The media, non-governmental organizations, women's organizations and civil society as a whole had a vital role to play in that regard. She expressed the hope that the Ministry for the Development of Women had the same status as other ministries and that it was not just a token body. She wondered, for example, whether the Ministry had the technical capabilities to implement the programmes listed in the report. There was a wide gap between the policies in place and the de facto situation.

36. Noting that polygamy was illegal but men still kept mistresses, she inquired whether any women had challenged the practice before the courts. She also urged the State Party to put a stop to the practice of

forced marriage, which often led to teenage pregnancies and increased the risks of maternal mortality. She applauded the acceptance by women of Burkina Faso of the female condom and suggested making greater efforts to persuade men to accept the use of contraceptives.

37. **Ms. Guigma** (Burkina Faso), responding to the questions and comments, said that an initial assessment had been made of the Triennial Action Plan implemented in 1998. Attainment of the Plan's objectives was closely tied to the resources made available for that purpose. However, some results had been achieved, including the establishment of clearly defined mechanisms and methods of work. A comprehensive evaluation of the implementation of the programme would be carried out at the end of 2000. Her Ministry was trying on a regular basis to identify the shortcomings of the Plan and its programme of work, including through an ongoing dialogue with non-governmental organizations.

38. It was true, as Ms. Abaka had stated, that the political commitment of governments in West Africa to women's advancement was not matched by the level of resources allocated for the work of the women's ministries. In Burkina Faso, the annual budget of the Ministry for the Advancement of Women represented only 0.07 per cent of the national budget, which was far from adequate, although the Ministry was able to carry out its programme of activities with the assistance of such bodies as the United Nations Development Programme, the United Nations Population Fund and the United Nations Children's Fund.

39. The disparity between policy and reality, which had also been mentioned, was attributable to poverty, social and cultural factors, and lack of access to education. A further problem was women's low participation in Government and elected bodies, although there had been some improvement in recent years. Thus women currently occupied 10 seats in the National Assembly compared with only four in 1992, two women were leaders of political parties and, since the government reshuffle in October 1999, there had been three women ministers. The onus was on women themselves to increase those figures still further.

40. Her Ministry was working to overcome the social and cultural barriers facing women. Of particular importance in that regard was the involvement of

customary chiefs, elders and religious leaders in programmes aimed at challenging stereotypes and eliminating such harmful practices as genital excision.

41. **Ms. Khan** said that, while superstition and traditions that demeaned women had rightly been identified as obstacles to their advancement, the single most important problem was women's lack of education and, in particular, the low female literacy rate, which stood at only 8 per cent. All the State Party's efforts should be focused on that area. It would be helpful to know what proportion of gross domestic product was allocated to education, the ideal being 4-6 per cent. The enrolment rate for girls remained low, despite the fact that primary education was free. The Government must address the concerns that prevented parents from sending their daughters to school. It must, for example, invest in infrastructure building, so as to ensure that there were separate toilets for girls. It must also increase the number of women teachers by broadening access to teacher training and setting targets and time frames for their achievement.

42. Given women's important role in agriculture and food security, she had been disappointed to learn that the revised legislation on agrarian and land reform had merely confirmed the status quo with regard to rural land ownership. She wished to know what measures the Government was taking to render female farmers more productive, whether credit was available to them without collateral and whether there was a women's focal point in the Ministry of Agriculture.

43. The Government must discourage polygamy by establishing more restrictive preconditions. The phenomenon of "zaka", whereby a man who already had four wives and wished to take a fifth "sacrificed" his first wife, was a cause for special concern. She urged the Government to review the provision of the Individual and Family Code stipulating that the choice of polygamy was irreversible and to raise the minimum age of marriage for girls to 18.

44. **Ms. Cartwright** said that the Government was to be commended for providing a frank and detailed analysis of the problems and constraints facing women in Burkina Faso. She had also been impressed by the policies it had adopted. The report lacked information, however, concerning the measures that would be taken in order to translate those policies into reality. She wished to know, in particular, what strategies the Government had developed for the implementation of

its legislation on domestic violence. Education should be a central element of those strategies both in order to increase women's legal literacy and thus their access to the courts and to sensitize judges, law enforcement officials, teachers and health professionals. The Government might wish to draw on the experiences of other African States that had implemented such programmes. The practices of polygamy, "zaka" and levirate should be prohibited.

45. **Ms. Iboudo** (Burkina Faso) said that the Individual and Family Code defined monogamy as the desirable form of marriage, but authorized polygamy under special conditions. During the consultations that had preceded the adoption of the Code, some women had in fact opposed the prohibition of polygamy. In rural areas, many wives found it helpful to share chores with a co-wife. The Code provided women with a number of safeguards. It stipulated that the first wife must give her explicit consent to the husband's choice of polygamy before their marriage, and the authorities took steps to ensure that women were aware of that right. It was to be hoped that, in time, her Government's work with women and local communities would produce a social climate favourable to the abolition of the practice.

46. Like all victims of violence, women who suffered domestic abuse could seek redress through the courts, but few chose to exercise that right. Illiteracy was a major obstacle, as was poverty, which compelled women to remain in the marital home even after bringing charges against their husbands. Some, however, were assisted by their families or women's organizations. A number of women in the towns had brought charges against adulterous husbands. In rural areas, however, where adultery was tolerated by the community, women were unlikely to seek redress.

47. Women accused of witchcraft had the option of suing their accusers for defamation and seeking compensation, but suspicion of such women was so strong that they continued to be shunned even when the courts ruled in their favour, particularly if they were alleged to have caused the death of a member of the community. A court order that a woman should be reintegrated in her village thus served little purpose. Some non-governmental organizations had responded by placing women with relatives in other areas or in shelters, while others sought to negotiate their return.

48. Abortion was permitted when the health of the mother was in danger or in cases where women were pregnant as a result of rape or incest, but was not covered under the social security system.

*The meeting rose at 1 p.m.*