



Convention on the Rights of the Child

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Summary record of the 1461st (Chamber B) meeting

Held at the Palais Wilson, Geneva, on Wednesday, 13 January 2010, at 10 a.m.

Chairperson: Mr. Zermatten

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The meeting was called to order at 10.20 a.m.

Consideration of reports of States parties (continued)

Third and fourth periodic reports of Burkina Faso (CRC/C/BFA/3-4; CRC/C/BFA/Q/3-4; CRC/C/BFA/Q/3-4/Add.1; CRC/C/BFA/CO/3-4)

1. *At the invitation of the Chairperson, the members of the delegation of Burkina Faso took places at the Committee table.*
2. **Ms. Tamini** (Burkina Faso) said that since the State party had delivered its second periodic report in 2002 the Government had continued its efforts to improve the situation of children in Burkina Faso. The main steps taken to implement the Convention on the Rights of the Child were the following: ratification of its two Optional Protocols; adoption of the Framework of Strategic Guidelines for Children's Promotion for the period 2008–2017; strengthened coordination through increased staff and financial resources of the permanent Secretariat of the National Action Plan for Children; adoption in 2009 of a law establishing the National Human Rights Commission; dissemination of the Convention at conferences and training sessions, at police and gendarmerie academies and at professional schools for social workers; translation and distribution of the *Guide to the Rights of the Child* in seven national languages, and introduction of children's rights in school curricula.
3. Thanks to progress in civil rights and freedoms, the estimated average birth registration rate reached 67.5 per cent in 2008; 2009 had been declared the Universal and Free Birth Registrations Year and the National Coordinating Committee had been set up to mobilize the necessary resources and take follow-up action.
4. The Placements and Adoptions Office and the Office of Special Education at the Ministry of Social Affairs and National Solidarity had been established, legislation regulating the support and training of children in difficult situations had been adopted, studies had been carried out on the placement and adoption of children and on violence against children, a law (Act No. 013-2007) prohibiting all forms of violence against children in schools had been passed, as well as a decree establishing a national council for prevention of violence in schools.
5. Health measures had led to reduced maternal mortality rates, which had declined from 484 to 307.3 per 100,000 live births between 1998 and 2006; the infant mortality rate had fallen from 103 to 81 per 1,000 live births between 1998 and 2003. Those measures had consisted mainly of the expansion of the immunization programme, particularly against hepatitis B, increased efforts to combat malaria among children under the age of 5, a national strategy to subsidize birth deliveries and emergency obstetric and neonatal care, and the adoption in 2008 of a law on HIV/AIDS prevention and the protection of persons living with HIV. The authorities had implemented a national rehabilitation and equal opportunity policy for persons with disabilities through an action plan in that area. In response to traditional practices that were harmful to children and women, a plan of action, Zero Tolerance to Female Genital Mutilation (2009–2013), had been drawn up with the emphasis on information and advocacy activities.
6. Reinforcing support structures for preschool children had led to a significant increase in preschool enrolment rates (5.73 per cent in 2008) and primary (72.5 per cent) and secondary (20.7 per cent) school enrolment rates in 2007–2008. The Ministry of Basic Education and Literacy, which considered the promotion of education for girls to be a top priority, had taken steps to encourage them to attend school.
7. The Judiciary Organization Act passed in Burkina Faso in September 2004 had established juvenile courts; they were currently being set up and the judges were being appointed. The State planned to build custody cells suitable for women and juveniles in police stations, and most new remand prisons contained such quarters.

8. Efforts to combat trafficking in and the worst forms of labour among children had been intensified with the adoption of the 2008 Act on the Labour Code, raising the minimum age for any type of employment from 15 to 16 years, the establishment in 2006 of a Directorate in the Ministry of Labour and Social Security for combating child labour and its worst forms, and the adoption of other legislation in that area.

9. Through those measures significant strides had been made but many challenges remained, such as poverty, scarce national resources, the difficulties of enforcing laws and regulations and the shortage of disaggregated data on the situation of children. Measures were envisaged to improve the situation: the State party was currently preparing an accelerated growth strategy that was to take all those factors into account. However, it would still be necessary for the international community to provide Burkina Faso with technical and financial assistance aimed at achieving stable child protection, particularly with regard to health, justice, education and the prevention of violence against children.

10. **Mr. Filali** (Country Rapporteur) commended the State party for its progress on the institutional and legislative fronts, including adoption of the Acts prohibiting trafficking in persons and on reproductive health, the Labour Code and the Framework of Strategic Guidelines for Children's Promotion. He welcomed the State party's ratification of the two Optional Protocols to the Convention on the Rights of the Child, the International Convention for the Protection of All Persons from Enforced Disappearance, the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women and the Rome Statute of the International Criminal Court.

11. He would like further information on the accelerated growth strategy mentioned by the delegation, the follow-up to previous Committee recommendations concerning the definition of the child, the age of marriage for girls, budget allocations, early marriages and ill-treatment in police stations.

12. The child protection bill submitted to the Parliament of Burkina Faso appeared to deal solely with children in conflict with the law, which was restrictive. Customary law continued to prove an obstacle to an approach based on the protection of children's rights whereas, according to the State party's report, it would be tackled only in the long term through awareness-raising measures. He requested further details on how the State party intended to do so and when.

13. The Committee would like additional information on the recently appointed juvenile court judges and to learn whether they had been trained in the Convention, which would make them conversant with children's rights.

14. The budget for the Permanent Secretariat of the National Action Plan for Children remained insufficient to cover project costs, making it impossible to reach its goals. It would be useful to know the remit of the new commission established in 2009, which procedures it applied to ensure the protection of children's rights and whether the Secretariat was truly an independent body, especially for the purposes of appointing its chairperson and members and allocating its budget.

15. Children belonging to vulnerable groups, such as those with disabilities or those living in rural areas, still suffered from de facto discrimination despite protective legislation. He wished to know whether the State party envisaged taking any measures to ensure that such legislation was enforced.

16. As the weight of tradition continued to hinder the exercise of the rights of children to express their views and to be heard, he would like the delegation to say how the State party intended to improve the situation.

17. Part of the population remained undocumented, as its births were not registered. What measures did the State party plan to take in order to evaluate the situation?

18. It was regrettable that poor conditions of detention of children in gendarmeries persisted despite efforts to remedy the situation.

19. **Mr. Koompraphant** welcomed the national action plan aimed at promoting a healthy family environment because it was important to emphasize prevention measures in connection with that environment which, if good, contributed positively to a child's development. He would like further information on the measures implemented in that regard and wished to know whether training in positive forms of discipline was available to parents. He also wished to know what steps had been taken to prevent domestic violence and other forms of violence against children. Such measures should focus on prevention, on children in general, on victims of abuse and on the perpetrators of such offences.

20. **Mr. Krappmann** said that he feared that many of the concerns expressed by the Committee in 2002 had not yet been fully addressed. While a permanent data-collection system on trafficking in children had been piloted in three regions, it was a pity that it covered neither the entire nation nor every facet of a child's life. Access to representative disaggregated data on a year-to-year basis was necessary. Surprisingly, the 2006 population census had not been used as a source of data on children.

21. Progress was being made on birth registration, but the long distances sometimes needed to be travelled to deal with the formalities remained an obstacle that could be removed if mobile units were set up. Registration fees of one euro per birth certificate were prohibitive, exceeding as they did the daily income of most inhabitants, and did not bring in any significant revenue for the State.

22. The State party's report listed various activities that promoted children's participation but did not say whether councils had been set up in schools or in municipalities, and the right of children to be heard did not appear to be guaranteed by legislation. The existence of a national Children's Parliament was a positive development, as long as its work received some exposure. He sought clarification on how the children who represented their peers were elected, what types of decision they took and whether that initiative also existed at other levels, for example in municipalities. In addition, field work would be useful in helping to bring about a change in mentalities because the Children's Parliament could not replace their participation in the community. It would be helpful to know whether awareness training was offered to those in various professions dealing with children's rights, such as teachers, judges and social workers.

23. **Mr. Pollar** asked whether court decisions were based on the best interests of the child and whether the delegation could give specific examples. He also wished to know what means were used to make parents aware of the principle of the best interests of the child, which could be translated in practice by the obligation to enrol them in school, for example; he sought further details concerning reports that children's right to life had been jeopardized by police brutality and the practice of leaving infants to die at birth.

24. **Ms. Varmah**, noting that corporal punishment was forbidden in schools and under the penal system, wished to know what steps had been taken to eradicate that practice in all settings, including families and alternative care institutions.

25. **The Chairperson** asked which system prevailed in the event of conflict between positive and customary law and whether the courts invoked the Convention.

26. The State party's report stated that the social sectors' budget had increased but made no mention of the share devoted to children. He wished to know whether the share devoted to social expenditure had increased in real terms as well, or whether the increase had been absorbed by population growth.

27. The right to information under the Convention consisted of both the right to access information — posing the problem of the accessibility of information in languages other

than French, which many children did not understand — and the right to be protected from some forms of information — which raised the issue of protection from pornography and violence on the Internet.

28. **Mr. Filali** (Country Rapporteur) asked what steps had been taken to prevent early marriages and pregnancies, and traffic accidents.

The meeting was suspended at 11.15 a.m. and resumed at 11.35 a.m.

29. **Ms. Tamini** (Burkina Faso) said that programmes were indeed evaluated and that the country was making the transition from a culture of pure statistics collection to one of impact assessment. Impact assessments had shown that school access had improved: 10 per cent of schoolchildren were enrolled without a birth certificate and could present it later at the schools itself. Non-registration of births was therefore no longer an obstacle to school enrolment and the school now served as a registration facility.

30. Despite the poverty-reduction strategies implemented, 41 per cent of the population lived under the poverty line and the country was unable to meet its goals because of lack of resources. As a result, the Government had concluded that the time had come for a change in strategy and had decided to turn to an accelerated growth strategy for development aimed first at attracting more investment, then distributing the generated resources effectively.

31. **Mr. Filali** (Country Rapporteur) asked the delegation whether impact assessments were carried out in rural areas as well, and whether corruption might hinder growth in the State party. If so, he wished to know what steps were being taken to prevent corruption so that the accelerated growth strategy for development could stimulate investment and create jobs according to plan.

32. **Ms. Tamini** (Burkina Faso) said that impact assessments were carried out essentially in rural areas because that was where most children's programmes were implemented.

33. The authorities were aware of the problem of corruption, to which the existence of a national anti-corruption commission bore witness. Civil society also played an active role.

34. **The Chairperson** said that it was his understanding that the national commission was entitled to the right to inspect only the police and asked whether it had the power to undertake investigations and institute legal proceedings.

35. **Ms. Tamini** (Burkina Faso) said that the national anti-corruption commission carried out inspections of all State bodies, not only the police, even though the report had highlighted the latter. The Higher Authority for State Control and the Court of Audit, the latter having the power to bring legal action, complemented the commission's work.

36. **Mr. Krappmann** asked whether the social aspects of growth were taken into consideration in the accelerated growth strategy for development.

37. **Mr. Filali** (Country Rapporteur), recalling that the mandate of the Court of Audit did not include the power to judge individuals, asked whether any corruption cases had been brought before the criminal courts.

38. **Ms. Tamini** (Burkina Faso) said that the accelerated growth strategy for development was indeed based on growth but that its ultimate goal was to generate resources that could be distributed among all the social sectors (health, education and social welfare), social welfare being one of the cornerstones of the strategy.

39. Corruption cases brought to light as a result of checks carried out by the national anti-corruption commission and other competent bodies were routinely transmitted to the competent courts, which had already handed down some rulings on the issue.

40. As for traditional practices and beliefs that hampered the implementation of child policies, it was clear that tradition remained a strong force in Burkina Faso. However, efforts were being made to create awareness among the traditional leaders and religious authorities, who were regularly encouraged to take part in policies promoting children's interests. Changing mindsets was an extremely long process, but the Government was certain that by dealing with people who held strategic positions at the local level, it would help halt the spread of harmful traditional practices. A campaign against female genital mutilation, under way for over 20 years, had borne fruit, even if the situation was not yet satisfactory. The female genital mutilation prevalence rate was about 40 per cent. Progress achieved in that and other areas would be evaluated in 2015, the deadline for attaining the Millennium Development Goals. Traditional law had lost its hold in Burkina Faso; although some practices persisted, they were punishable by law.

41. Abandoned children were regularly placed in the country's 65 orphanages. Only one orphanage was run by the State; the others belonged to charities or the Catholic church. The children were housed in an orphanage for two or three days while social services conducted an investigation and decided on the measures to be taken: adoption, remaining in an institution, or placement in a foster family.

42. **Ms. Pare** (Burkina Faso) said that the Child Protection Code, which was in the final stages of preparation, had been submitted to experts so that they could make any changes they deemed necessary. Judges in Burkina Faso applied the Convention in all proceedings involving minors and were guided by the principle of the best interests of the child. Detention was a measure of last resort and the death penalty did not apply to them. Parents were not allowed to sell minors' possessions without the consent of the guardianship judge. Corporal punishment was considered an offence under the 1996 Criminal Code and child abandonment was subject to legal action.

43. **Mr. Pollar** asked what measures the State party had taken concerning sex education and reproductive health in order to prevent early and unwanted pregnancies.

44. **Ms. Herczog** asked whether, to prevent child abandonment, any assistance was given to young mothers who found it hard to take care of their children. She also wished to know why abandoned children were systematically placed in an institution rather than in a foster family.

45. **Mr. Filali** (Country Rapporteur) asked about the maximum punishment imposed on minors and the mechanisms in place for reporting cases of corporal punishment.

46. **Ms. Varmah** asked what was being done to eliminate corporal punishment, especially in the home.

47. **Mr. Krappmann** expressed satisfaction that judges in Burkina Faso were guided by the best interests of the child, but wished to know how that principle was applied in practice.

48. **The Chairperson** asked what steps had been taken to ensure the enforcement of legislation penalizing corporal punishment, particularly in schools.

49. **Ms. Tamini** (Burkina Faso) said that her country had instituted a family planning policy aimed at preventing early and unwanted pregnancies. Many non-governmental organizations (NGOs) were also involved in family planning on the ground. With a view to preventing the child abandonment stemming from unwanted pregnancies, the State had opened centres where girls could stay throughout their pregnancy and receive vocational training to enable them to earn a living after the birth of their children and not have to abandon them. The Ministry of Social Affairs and National Solidarity had set up a pilot programme in five provinces to prevent early marriages, the aim being to cover the whole country by 2011. The systematic placement of abandoned children in institutional care

could be explained first and foremost by the obligation of need of the social services to make a prompt investigation, which would be even more complicated if the children were spread out among foster families. In addition, foster families were few and far between, and the country's poverty made it difficult to convince families to open their homes to those children.

50. **Ms. Pare** (Burkina Faso) said that the maximum sentence imposed on minors was 20 years' imprisonment. Judges appointed to rule on a case — whether civil or criminal — involving a minor always acted in the best interests of the child.

51. **Mr. Filali** (Country Rapporteur) reiterated his concern about the lack of measures relating to the repatriation of children from Côte d'Ivoire and the total lack of psychosocial services to facilitate their reintegration into the community. About 50 per cent of children aged 5 to 14 worked in the agricultural sector, and trafficking in children was a common means of exploiting them economically, particularly in cotton plantations, where they were exposed to pesticides, in gold mines or in families where they worked as domestic servants, two situations in which they were exposed to ill-treatment. He wished to know whether the Government paid the necessary attention to those matters, whether it had released funds to strengthen existing measures and whether any improvements had been made in those areas.

52. Street children — a growing phenomenon — found it difficult to obtain access to social services. Many such children were not listed in the civil register and were exposed to police brutality and economic and sexual exploitation. Therefore, he wished to know whether the State planned to take measures to protect them or to increase resource allocations to the *action éducative en milieu ouvert* (AEMO) network so that it could operate effectively. With regard to “garibou” children, who begged on their Koranic teachers' behalf and for their own food, what measures had been taken to prevent those teachers from exploiting them?

53. The maximum sentence of 20 years' imprisonment applicable to children brought to justice was horribly severe and should be reviewed to comply with the Convention. The Committee wished to know whether the State planned to appoint magistrates specializing in children's rights in areas without special courts, in order to provide legal assistance to children brought to justice, to ensure that minors did not share the same detention facilities with adults and to make sure that juvenile detainees were allowed to maintain contact with their families and benefit from education or vocational training to prepare them for their return to society. Information on training for agents from the Child Protection Squad would be welcome.

54. **Ms. Varmah**, noting that improvements had been made in health care, expressed concern at the lack of funds earmarked for prevention under the community management strategy on endemic diseases, including malaria, acute respiratory diseases, dysentery in children, pneumonia and malnutrition. She would be interested to learn whether the State planned to involve the communities in the distribution of antibiotics and vitamins for children and to ensure access to drinking water and sanitation facilities.

55. She wished to know whether the Government planned to make arrangements to facilitate the early diagnosis of HIV in pregnant women and newborns, ensure quick, free access to medical care for HIV-positive children, undertake community action to eliminate stigmatization of and discrimination against those children, provide support for families with one or more members who were HIV-positive or infected with the virus and to raise awareness among the population of the risks of infection and of prevention measures.

56. **Mr. Koompraphant** asked whether the Government had set up mechanisms to protect children who were living in extended families or had been abandoned from ill-treatment and neglect, mechanisms for reporting such cases, and assistance for child victims of domestic violence.

57. He also wished to know whether eyewitnesses to child trafficking were protected during judicial proceedings.

58. **Ms. Herczog**, recalling that most alternative care institutions were private, asked what the requirements were for opening and running such establishments, what training staff received, how the State monitored those institutions, the age bracket of children placed in institutions, a breakdown of those children by gender and the reasons for those placements. It would also be helpful to know whether the State party envisaged placing children with their extended family, a more cost-effective option that was better for the child, rather than in institutional care, and whether the measures taken to prohibit corporal punishment in schools also extended to childcare institutions. She also wished to know whether there were any plans to enhance access to preschools to facilitate children's school enrolment.

59. **Mr. Pollar** asked how widespread the practice of entrusting children to relatives or other persons was and whether the State party considered that practice to be respectful of children's rights.

60. **Mr. Krappmann** said that much remained to be done to improve preschool and secondary education and to raise the enrolment rate. He wished to know whether the State planned to increase the education budget appropriations to cover school operating costs and to ensure primary education for all by 2015 in line with goal 2 of the Millennium Development Goals and whether it was taking any steps to facilitate the most disadvantaged children's access to preschools in order to prepare them for primary education, and to train more teachers.

61. He would like the delegation to say whether measures had been taken to reduce educational disparities between rural and urban areas, as well as those related to socio-economic levels and gender. In particular, it was necessary to eliminate tuition and miscellaneous hidden costs, which were contrary to the Convention, and provide better protection for children, especially girls, against violence and harassment in schools. He wished to know whether the national vocational and career guidance policy framed in 2006 had been implemented and what it entailed.

62. **The Chairperson** asked for further information on children who migrated from Burkina Faso to other African countries or to the West. He wished to know how extensive child trafficking was in Burkina Faso, to what extent the Government was involved in international cooperation on the issue and would like information about the emergence of a trend to travel abroad in order to undergo female genital mutilation, which had been banned in Burkina Faso.

63. He sought clarification concerning acts of discrimination against children with disabilities, the lack of specialized care for those children and the scant evidence of measures and policies relating to the issue; for example, whether there was a national plan of action for children with disabilities living in remote areas.

64. To his mind, entrusting one's children to others offered no guarantee against exploitation and it would be preferable to engage in legal adoptions that were in compliance with the Hague Convention on Protection of Children and Co-operation in respect of Intercountry Adoption.

65. He would also like additional information on vocational training opportunities for children and to learn whether social benefits were available to persons other than civil servants — who were entitled to health insurance and social security — namely indigents.

66. He would like the delegation to describe the outcome of measures relating to domestic poverty reduction and international cooperation, including facilitating access to water and sanitation.

67. Lastly, he sought further information on cooperation with NGOs and on the mandate of the National Human Rights Commission, particularly whether it had a department devoted to children's rights.

68. **Mr. Filali** (Country Rapporteur) requested further information on measures taken to reduce child mortality, promote maternal breastfeeding of children under the age of 6 months, prevent illegal abortion — a cause of death among young women — and female genital mutilation, punish the perpetrators of such offences, provide care for victims of sexual exploitation with a view to enabling their return to society, combat stigmatization of those victims and punish more severely those responsible for the trafficking, abduction and sale of children.

The meeting rose at 1 p.m.