



# Convention on the Rights of the Child

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## Committee on the Rights of the Child Fifty-third session

### Summary record of the 1463rd (Chamber B) meeting

Held at the Palais Wilson, Geneva, on Wednesday, 13 January 2010, at 3 p.m.

*Chairperson:* Mr. Zermatten

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Convention on the Rights of the Child*

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**Consideration of reports of States parties** (agenda item 4) *(continued)*

*Third and fourth periodic reports of Burkina Faso on the implementation of the Convention on the Rights of the Child* (CRC/C/BFA/3-4; core document (HRI/CORE/1/Add.30); list of issues to be taken up (CRC/C/BFA/Q/3-4); written replies of the State party to the list of issues to be taken up (CRC/C/BFA/Q/3-4/Add.1)) (continued)

1. *At the invitation of the Chairperson, the delegation of Burkina Faso took places at the Committee table.*
2. **Ms. Tamini** (Burkina Faso) said that the prevalence of HIV/AIDS in Burkina Faso had been at 7.5 per cent at the beginning of the fight against the pandemic and that it was currently at 2 per cent, with some regional variations. The State party had established the National Council for the Fight against HIV/AIDS with a permanent secretariat and responsibility for coordinating all activities in the fight against the pandemic. That body met annually in ordinary session to report on the progress of its work and identify actions to be taken for the year to come. The measures taken by the National Council focused on three areas: health, psychosocial care and community and civil society participation. Burkina Faso closely involved civil society in the fight against HIV/AIDS within the framework of activities to increase awareness and provide care for patients.
3. Regarding the health-care aspect of the fight against HIV/AIDS, Ms. Tamini pointed out that antiretroviral drugs had been free of charge since early 2010. There was also a special support programme for pregnant women infected with HIV, which had had good results, since, in 8 or 9 cases out of 10, those women gave birth to children in good health. Additionally, there was a screening programme of at-risk groups carried out in partnership with NGOs, which enabled health authorities to monitor patients and provide them with the necessary health care and psychosocial support. Yalgado Ouédraogo hospital had a special care programme for HIV-positive children. In general, efforts were made to provide children with access to health-care services. For instance, emergency treatment was completely free for children between 0 and 5 years old.
4. Concerning the issues of water and hygiene, the State was running a water supply and borehole drilling programme in rural areas and 80 per cent of the country had access to drinking water. Efforts in that regard were ongoing, with assistance from development partners such as Denmark.
5. The State had established a national nutrition council that brought together ministerial departments and civil society associations. It had regional branches that worked in cooperation with communities. Nutritional education and recovery centres (CREN) received children suffering from malnutrition. The State also took prevention and awareness measures and, with the cooperation of the World Food Programme, had launched a campaign to distribute nutritional products in Bobo-Dioulasso and Ouagadougou. That distribution programme was to be evaluated in mid-2010 and then extended to the whole country.
6. It was essential to have sufficient food resources and Burkina Faso was accordingly taking measures to increase its agricultural production and improve produce quality.
7. Concerning breastfeeding, Ms. Tamini noted that Burkina Faso was essentially a rural State and that, in the absence of any other option for the majority of the population, breastfeeding was very widespread.
8. **The Chairman** asked for elaboration on the problem of clandestine abortion, which could have tragic consequences.
9. **Ms. Tamini** (Burkina Faso) stated that in Burkina Faso abortion was prohibited by law, with a few exceptions. Health-care professionals who performed clandestine abortions

were systematically dismissed and subject to criminal prosecution. The authorities were taking measures to act on the underlying causes of that problem — namely, poverty and the taboo surrounding pregnancy out of wedlock — by running campaigns to increase awareness among parents and young girls and promote the practice of safe sex by such girls, with the simultaneous aim of curbing the spread of HIV/AIDS.

10. **The Chairperson** asked whether the authorities planned to amend or relax the law on abortion.

11. **Mr. Filali** (Country Rapporteur) asked whether sharia was a source of law in Burkina Faso.

12. **Ms. Tamini** (Burkina Faso) stated that sharia was not a source of law in her country, although the precepts of Islam were embedded in the culture. For instance, in Burkina Faso society it was essential that a young girl be a virgin when she married.

13. She stated that the possibility of revising the abortion laws had never been considered, although the consequences of clandestine abortion perhaps called for consideration on that subject. She pointed out that the law authorized abortion where the mother's life was at risk or the pregnancy was a consequence of rape.

14. There was an enrolment rate of over 70 per cent in primary schools and the State intended to make further efforts to achieve a 100 per cent rate by 2015. Since 2007, primary schooling and school books had been free of charge. As part of the reform of the education system, a number of pilot projects had been established, in order to ensure that children who finished primary school continued their studies at secondary school.

15. One of the goals of the 10-year education plan was to ensure that, within five years, each village had a school. To do that, the authorities recruited and trained almost 3,000 teachers each year. A regionalized teacher recruitment system offered a partial remedy to the shortage of qualified staff, while a volunteering scheme further contributed to staff requirements.

16. **Mr. Filali** (Country Rapporteur) queried the quality of teaching, as advancing from one grade to the next seemed to be automatic, with no consideration of the pupil's level of ability.

17. **Ms. Tamini** (Burkina Faso) said that the quality of teaching was an important factor, which had been considered during the preparation stage of the teaching reform. A child who did not appear to be at the necessary level to enter the first year of secondary school could be enrolled on a technical or vocational course of study.

18. **Mr. Krappmann** remarked that a large number of children aged between 12 and 14 seemed to be neither in school nor in training and he wondered about their prospects.

19. **The Chairperson** asked whether technical training was really considered a worthwhile option or whether technical education was viewed as second-best compared to an academic education.

20. **Ms. Tamini** (Burkina Faso) said that the final decision was left to the student, although ability was also taken into account when choosing which course to follow.

21. Regarding adolescents not enrolled in school, she noted that the State party had a 70 per cent enrolment rate and that there remained a lot to do in that area. There was a clear problem with street children that was accorded special attention, chiefly through the *action*

*educative en milieu ouvert* (AEMO) network.\* There was still a need to establish technical colleges and other vocational training facilities to meet the needs of all.

22. **The Chairperson**, remarking that primary school was free of charge, asked whether parents had to pay any hidden fees for items such as uniforms, textbooks and school equipment or towards teachers' bonuses.

23. **Ms. Tamini** (Burkina Faso) explained that parents could collectively make financial contributions to school life through parent associations. That choice was left to the parents' discretion and the State did not have any part in the management of such contributions. Although uniforms were not free of charge, they were not compulsory.

24. **Mr. Filali** (Country Rapporteur) asked whether the teacher strikes tended to last a long time and whether they were motivated by pay-related demands. Were teachers paid enough?

25. **The Chairperson** asked how the authorities reacted when parents failed to send their child to school.

26. **Ms. Tamini** (Burkina Faso) said that, as school was compulsory, the authorities could rightfully compel children to attend, although that action would not necessarily have the desired effect. It was preferable to consider establishing monitoring mechanisms to ensure that the children concerned attended school. It was no longer permitted to take children out of school in order to take part in a public demonstration.

27. As the right to strike was an established right, the Government was unable to prevent teachers from striking. The Government accorded special attention to their demands and sought to establish the conditions necessary to avert strikes. It was worth noting that, at the start of the 2008 academic year, although there were a large number of strikes at universities, there were none at primary and secondary schools.

28. **Mr. Krappmann** said that the teacher-pupil ratio seemed very low and asked whether primary school teachers taught the whole range of subjects.

29. **Ms. Tamini** (Burkina Faso) stated that primary teachers were trained to teach the range of subjects. Only teachers above the primary school level were specialized in specific areas. The teacher-pupil ratio was one teacher per 52 pupils, which was, admittedly, insufficient but nevertheless represented considerable progress. Burkina Faso recruited 3,000 teachers per year and was therefore making significant investments in that regard, considering its budgetary resources. Further improvement of the teacher-pupil ratio was envisaged by 2015.

30. Burkina Faso was currently working on the creation of a social welfare system in the area of health and a first draft was due to be completed by mid-2010. It was proposed to establish a welfare system that reflected the country's socio-economic situation, i.e., a system not only for persons in paid employment, who represented a small percentage of the population. The Government was therefore engaged in discussions on that issue, which was essential in a country where 40 per cent of the population lived below the poverty line. It hoped that, having included a section relating to welfare in its accelerated growth strategy, it would be able to capture the interest of donors and attract funding by its technical and financial partners.

31. **The Chairperson** asked for details on provisions for indigent persons.

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\* *Translator's note*: A network of social work services that assist in the education and protection of children.

32. **Ms. Tamini** (Burkina Faso) explained that, although there was no official and comprehensive welfare system as yet, measures applicable to the indigent were taken, particularly regarding health. Those measures remained, however, rather ad hoc; having a comprehensive system and more structured framework would enable improvements to be made on the ground.

33. Burkina Faso had recently ratified the Convention on the Rights of Persons with Disabilities and would shortly submit to the National Assembly a law relating to the protection of persons with disabilities, chiefly focusing on education, physical access to premises, leisure, health and employment. A strategy for the support and protection of persons with disabilities, accompanied by a five-year action plan focusing on matters such as professional training and access to employment, was in preparation. Specialized schools were provided for children with disabilities. The Government supported networks of associations of disabled persons and worked in close collaboration with the Federation of Associations of Disabled Persons. Lastly, the Labour Code included provisions that specifically related to the employment of persons with disabilities.

34. **Mr. Filali** (Country Rapporteur) asked what provisions were made for children with disabilities at the local community level and whether their parents received any benefits. Was there a mutual aid fund for those children?

35. **Ms. Tamini** (Burkina Faso) said that, since power had been transferred from central to local government only recently, most local authorities had not yet made provision in their budgets for such support. Some large authorities, however, such as those responsible for Ouagadougou and Bobo-Dioulasso, were engaged in initiatives to help persons with disabilities. Burkina Faso had a national mutual aid fund that was, in general, intended for indigent persons, although persons with disabilities also qualified for its assistance. While that fund was used for various forms of assistance to the indigent, such as health care, schooling for children from disadvantaged backgrounds and disaster relief, in 2009 nearly 30 per cent of the fund's resources had been granted to persons with disabilities to assist in areas such as schooling and mobility.

36. **The Chairperson** asked whether the new Child Protection Code incorporated the provisions of the law on the protection of persons with disabilities and whether the authorities, in accordance with the Convention on the Rights of Persons with Disabilities, ensured accessibility of public buildings, particularly schools, and took measures to employ persons with disabilities in the public sector.

37. **Ms. Tamini** (Burkina Faso) said that for financial reasons the Government of Burkina Faso had suspended its programme of modifications to public buildings built prior to the ratification of the Convention on the Rights of Persons with Disabilities in order to make them accessible to everybody. All public buildings and teaching establishments constructed since 2008, on the other hand, had disabled access. Both the law on the protection of persons with disabilities and the Labour Code required the authorities to employ persons with disabilities where they had the necessary qualifications. The Government was currently examining the possibility of setting quotas in that regard.

38. Burkina Faso had been one of the first countries of the Economic Community of West African States (ECOWAS) to accede to the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption, and it was making special efforts to honour the provisions of that Convention. In December 2008, Burkina Faso had held the International Forum on Adoption, in which the majority of European countries and all members of ECOWAS had participated and which had focused on problems linked to the application of the Hague Convention. Burkina Faso hoped that the other countries in the subregion would adhere to the Hague Convention as having a common legislative framework would greatly facilitate the handling of issues relating to intercountry adoption.

39. *Confiage* was an unregulated cultural practice, and the legislation adopted by the Government in order to punish violence towards children provided a means of fighting the abuse to which children entrusted to relatives in that way could be prey. The government policy of promoting the schooling of children should gradually lead parents to abandon the practice of *confiage*.

*The meeting was suspended at 4.30 p.m. and resumed at 4.45 p.m.*

40. **Ms. Tamini** (Burkina Faso) said that Burkina Faso was a source and destination country for child trafficking. A multilateral accord had been signed with eight member States of ECOWAS and bilateral agreements had been negotiated with Mali and Niger with a view to combating that problem. Burkina Faso was one of the first countries to sign the Multilateral Cooperation Agreement to Combat Trafficking in Persons, Especially Women and Children in West and Central Africa. The ECOWAS member States met each year to review the implementation of the regional anti-trafficking programme that had been instituted. Meetings also took place at the bilateral level to make concrete provisions regarding borders. Burkina Faso collaborated closely with the Swiss Foundation of the International Social Service and with the International Criminal Police Organization (INTERPOL), chiefly on the repatriation of Burkinabé children who had been victims of trafficking. Regional committees had been created for the support of child victims. Where children could not be returned to their families, those committees were responsible for placing them in training centres.

41. The Government was currently preparing, with the support of the Canadian International Development Agency (CIDA), a regional programme to combat child trafficking and child labour, which should be adopted by the end of 2010.

42. Around 30 members of human trafficking rings had recently been tried and convicted under Law No. 029-2008/AN of 15 May 2008 concerning the fight against trafficking in persons and similar practices.

43. Any person who employed children in the agricultural sector or in mining and subjected them to hard labour was liable to criminal prosecution. A list of hard labour tasks that children are prohibited from performing had been established and adopted by the Council of Ministers. The Government of Burkina Faso was currently undertaking, with the support of the United Nations Children's Fund (UNICEF), a census of the children working in mines in the country in order to establish, with the International Labour Office and other entities, a support programme for those children with a view to giving them training and offering them other prospects. On 23 January 2010, representatives from the Ministry of Social Affairs and National Solidarity, the National Assembly, UNICEF, the Ministry of Labour and Social Security and the Ministry of Mines, Quarries and Energy were to visit a number of sites to assess the situation and draw up awareness initiatives at the local level.

44. **The Chairperson** asked whether the National Action Plan Against Child Labour prepared in 2008 had been approved, whether monitoring and complaint-reporting mechanisms had been put in place and whether penalties had already been imposed.

45. **Ms. Tamini** (Burkina Faso) responded that discussions were taking place within the framework of ECOWAS with regard to the preparation of a law to protect witnesses as currently such persons were reluctant to report offending employers for fear of having to appear at a criminal trial. The Ministry of Labour and Social Security had set up a toll-free number to enable the anonymous reporting of offences. The Labour Inspectorate was operational. Although the regional authorities still needed to be built up in terms of capacity, they worked in close collaboration with the local offices of the Ministry of Social Affairs and National Solidarity, which were able to trace information at the regional and central levels in order for court proceedings to be initiated, where necessary.

46. Burkina Faso had set itself the goal of achieving a birth registration rate of 100 per cent by 2012, whereas the current rate was around 68 per cent. An evaluation system had been put in place and the Minister for the Promotion of Human Rights was responsible for making regular progress reports to the Council of Ministers. Ms. Tamini explained that the 600 CFA francs, a modest sum payable by adults to enter themselves on the civil register, was merely the stamp duty. Thanks to a major publicity campaign in support of the birth registration initiative, many families had understood the importance of having their children registered.

47. **The Chairperson** asked whether it was possible to evaluate the number of births registered during the 2009 registration campaign.

48. **Ms. Tamini** (Burkina Faso) responded that the goal of the initiative had been to register 1,150,000 judgements establishing date of birth. The results were under evaluation but, the campaign having begun in April 2009, it had already been possible to establish that between April and August 233,112 certified copies of birth certificates had been issued.

49. Since the statute of the National Human Rights Commission (CNDH), established by decree in 2001, had provoked considerable comment, the law adopted in December 2009, instituting a national human rights commission, should afford the new CNDH much greater autonomy and thus enable it to give advice on issues concerning human rights in a more independent manner.

50. **Mr. Filali** (Country Rapporteur) asked whether the members and chairperson of the CNDH could be dismissed, what were its sources of funding, whether it had sufficient financial and human resources, whether it produced a report and, if so, was that report published and whether it worked with NGOs.

51. **Mr. Sougouri** (Burkina Faso) said that most CNDH members, who were mainly representatives of civil society, were elected and that the chairperson was elected by all the members. Various regulatory documents, chiefly defining the competences of CNDH and covering all practical aspects, such as budget approval and the establishment of the various technical support services, were under preparation.

52. **Mr. Filali** (Country Rapporteur) asked whether CNDH reported to a State body.

53. **Mr. Sougouri** (Burkina Faso) responded that CNDH was an independent entity under autonomous management and thus had to present its budget before the National Assembly.

54. **Ms. Tamini** (Burkina Faso) said that the majority of judges had received training on children's rights, either during their studies at the National School for Administration and the Judiciary or at specialized workshops for continuing professional development organized by the Supreme Council for Information, the Ministry of Social Affairs and National Solidarity or the Ministry of Education.

55. Burkina Faso was currently introducing a procedure for the appointment of children's judges, of whom there were only two in the country at present. However, judges who heard cases involving minors took account of children's rights. The maximum penalty of 20 years in prison incurred by minors was clearly too high, but the draft children's code currently under examination was likely to decrease that penalty to 10 years. Until the code was adopted, the Code of Criminal Procedure would continue to be applied in all proceedings involving children.

56. Unlike countries where street children were the subject of court measures, Burkina Faso had established a system of educational action in the community, which focused on protection and prevention, except in cases where the children concerned had committed an offence and were thus handed over to the courts.

57. **Mr. Filali** (Country Rapporteur) asked whether the services for social action in the community covered the whole country, whether they had sufficient resources and whether their staff were adequately trained.

58. **Ms. Tamini** (Burkina Faso) responded that social welfare services had been set up at all levels in the country, whether national, regional, provincial or departmental. The social workers were fully trained; sometimes they called the police or gendarmerie to act against begging and the problem of street children. They were to be assisted shortly by members of the mobile social service, who were responsible for making contact with the street children, recording their details and encouraging them to go to social assistance centres, where they would receive food and clothing and be able to obtain technical training. The next stage would involve returning such children to their home village or family and re-enrolling them in school or, where that was impossible, directing them to a placement and training centre.

59. Regarding the conditions of detention, Burkina Faso was moving towards the creation of separate accommodation for women and for minors in both older prisons and those under construction. The police and gendarmerie ensured that minors were not detained together with adults.

60. Minors who had been tried and convicted were placed in care centres for children in conflict with the law, where the emphasis was on rehabilitation and reintegration. They received training at one of the three specialized centres in the country. There were plans to increase the number of those centres to six by 2012, in order to cover the whole country. Numerous children cared for at such centres had already been reintegrated and started their own businesses, which was a long process and a long-term project.

61. Child victims of trafficking were repatriated from Côte d'Ivoire under the Bilateral Cooperation Agreement negotiated with that country and with the assistance of INTERPOL, and were cared for under the system specially created for such victims. Those children who were repatriated from Côte d'Ivoire with their families during the conflict that had raged in that country had benefited from special measures, especially the education and reintegration programmes set up for them by the Ministry of Social Affairs and National Solidarity. That Ministry continued to provide support to repatriated families organized into groups of producers, thus enabling them to provide for their children. For example, in Ouagadougou, there was a group of repatriated women that specialized in processing cassava.

62. Prostitution was prohibited in Burkina Faso and protection measures were taken for minors who worked as prostitutes. To combat that problem, it was necessary to tackle its causes, namely poverty. Rather than punish minors involved in prostitution, it was better to offer them other income-generating activities. That was the main strategy adopted by the mayor of Ouagadougou in order to combat the prostitution of young girls in that city.

63. Parents who mistreated their children were liable to criminal prosecution. A toll-free number had been created for use by children. There were also plans to create the office of Ombudsman for Children with the assistance of UNICEF.

64. **Mr. Filali** (Country Rapporteur) welcomed the open and constructive dialogue developed with the delegation of Burkina Faso. He drew attention to the measures implemented by Burkina Faso, which were testament to the political will to increase respect for the rights of the child. He noted that, above all, the State party must combat poverty, which was the source of many other problems, such as the economic and sexual exploitation of children, delinquency, the school drop-out rate, domestic violence and even illness, particularly AIDS.



65. The recommendations drawn up by the Committee following the examination of the third and fourth periodic reports of the State party would focus on the promulgation of the children's code, the registration of births, the accelerated growth strategy, the fight against corruption and what the State party referred to as "sociological burdens", namely harmful traditions such as female genital mutilation.

66. **Ms. Tamini** (Burkina Faso) reaffirmed the will of her country to increase the promotion and protection of the children's rights, chiefly by applying the recommendations of the Committee following the fifty-third session and by ensuring the achievement of the Millennium Development Goals by 2015. The Government of Burkina Faso was convinced that, with the support of the international community, human rights in general and children's rights in particular would make progress both on its territory and in other disadvantaged countries, thus establishing a culture of peace and social justice for children.

67. **The Chairperson** stated that the Committee had completed the examination of the third and fourth periodic reports of Burkina Faso.

68. *The delegation of Burkina Faso withdrew.*

*The meeting rose at 6 p.m.*