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Contents

	<i>Paragraphs</i>	<i>Page</i>
I. Introduction.....	1–3	4
II. General and statistical information on Burkina Faso	4–88	4
A. Demographic, economic, social and cultural characteristics of Burkina Faso	4–48	4
B. Constitutional, political and legal structure of the State	49–88	12
III. General framework for the protection and promotion of human rights	89–138	18
A. Acceptance of international human rights norms	90–91	19
B. General legal framework for the protection of human rights.....	92–119	19
C. General framework for the promotion of human rights.....	120–136	25
D. Role of the reporting process in the promotion of human rights at the national level	137	28
E. Other related human rights information	138	29
IV. Non-discrimination and equality and effective remedies.....	139–162	29
A. Procedural safeguards.....	148–151	31
B. Participation in public life	152–162	31

List of tables

	<i>Page</i>
Table 1: Population of Burkina Faso by age group, 2005–2010	5
Table 2: Population distribution in the 10 largest cities	6
Table 3: GDP Growth and GDP per capita, 2005–2010	8
Table 4: Health indicators	9
Table 5: Main causes of death in district health facilities, 2005–2010 (as a percentage of total deaths).....	10
Table 6: Basic education indicators, 2004–2010.....	10
Table 7: Secondary education indicators, 2004–2010.....	11
Table 8: Overview of criminal cases registered by public prosecutors’ offices in all courts of major jurisdiction	15
Table 9: Situation of detainees in short-stay prisons, 2005–2010	17
Table 10: Distribution of pretrial detainees by length of detention.....	17
Table 11: Distribution of convicted prisoners by length of sentence	18
Table 12: Budget allocated to the Ministry for the Promotion of Human Rights.....	27
Table 13: Budget of the Ministry for the Advancement of Women, 2005–2010	27
Table 14: Contribution of technical and financial partners	28

I. Introduction

1. Human rights are a priority for Burkina Faso, which has acceded to most of the international instruments on the subject and strives daily to ensure they are implemented effectively. In its preamble, the Constitution of Burkina Faso, which was adopted by referendum on 2 June 1991 and promulgated on 11 June 1991, proclaims the commitment of the people of Burkina Faso to building a State based on the rule of law and respectful of individual and collective rights. This commitment is illustrated by the ratification of the various international human rights instruments. One of the consequences of ratification is the obligation under a number of conventions to submit reports. In fulfilment of this obligation, Burkina Faso has prepared this document as a prelude to submitting its periodic reports to the treaty-monitoring bodies. It follows the core document submitted in 1993 and covers the period 1993–2010.

2. The preparation of this document required the participation of various Government departments and civil society organizations directly or indirectly involved in promoting and protecting human rights or able to provide the necessary information on the issues addressed in the reports. The consultation process involved meetings between the stakeholders and the drafting team, and an analysis of their publications. The report was prepared in accordance with the “Harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents” (HRI/MC/2006/3, of 10 May 2006).

3. This document presents information on:

- The physical, demographic, economic and sociocultural situation of Burkina Faso;
- Political and administrative developments and the general framework for the protection and promotion of human rights;
- The implementation of the core human rights provisions contained in all the international instruments.

II. General and statistical information on Burkina Faso

A. Demographic, economic, social and cultural characteristics of Burkina Faso

1. Demographic characteristics

4. At the time of the 2006 General Population and Housing Census, Burkina Faso had a population of 14,017,262, consisting of 2,360,126 households with an average of 5.9 persons per household.

5. The population was composed of 6,768,739 men and 7,248,523 women, accounting for 48.3 per cent and 51.7 per cent of the population, respectively. As at 31 December 2010, the population was estimated at 15,730,977 by the National Institute of Statistics and Demography (INSD).

6. The population of Burkina Faso is unevenly distributed across the national territory: 79.7 per cent of the population lives in rural areas; 21 per cent of men and 19.5 per cent of women live in cities.

7. In 2006, the average population density was 51.4 persons per km². Overall population density was estimated at 40 persons per km² and rural population density was

estimated at 32 persons per km². More specifically, population density was between 25 and 44 persons per km² in the western, south-western, northern and eastern provinces, and 100 persons per km² in the central plateau. In 2010, the average population density was estimated at 57.3 persons per km².

8. In 2006, the crude birth rate was 45.8 births per thousand inhabitants for the country as a whole, ranging from 38.1 per thousand in urban areas to 48.4 per thousand in rural areas.

9. The total fertility rate is 6.2 children per woman at the national level. This rate is typical of high-fertility populations in which women's childbearing years begin early and end late.

10. Life expectancy at birth increased from 53.8 years in 2005 to 56.7 years in 2010.

11. Burkina Faso has a very young population, with 46.6 per cent of the population aged under 15 years, 3.4 per cent aged over 65, and 53 per cent under 18. Table 1 presents the population distribution by five-year age groups from 2005 to 2010.

Table 1
Population of Burkina Faso by age group, 2005–2010

Age group (years)	2005	2006	2007	2008	2009	2010
0–4	2 573 886	2 644 371	2 738 089	2 827 499	2 914 352	3 000 429
5–9	2 093 838	2 153 811	2 239 657	2 328 021	2 416 407	2 501 062
10–14	1 698 464	1 749 682	1 821 565	1 896 099	1 973 815	2 054 735
15–19	1 394 491	1 438 949	1 489 164	1 528 499	1 577 324	1 640 047
20–24	1 104 140	1 152 730	1 205 920	1 258 044	1 309 638	1 350 443
25–29	937 205	976 249	1 013 264	1 029 843	1 045 616	1 069 425
30–34	732 696	758 770	794 169	836 597	878 095	913 478
35–39	615 596	636 173	657 241	666 841	679 903	702 291
40–44	497 732	516 049	538 752	565 520	589 777	605 540
45–49	408 101	420 936	435 556	442 405	453 094	472 982
50–54	321 983	330 672	344 510	365 256	382 895	392 514
55–59	272 239	279 196	283 556	278 724	280 518	292 593
60–64	213 558	218 487	228 693	244 748	254 972	256 368
65–69	165 223	168 745	170 379	166 181	167 320	176 154
70–74	118 674	120 786	125 672	134 124	138 614	137 442
75–79	75 032	76 723	77 444	75 172	75 664	80 196
80+	85 277	87 752	88 381	87 594	86 776	85 278
Not known	65 535	70 024	0	0	0	0
Total	13 373 670	13 800 105	14 252 012	14 731 167	15 224 780	15 730 977

Source: INSD, Statistical Yearbook 2009.

12. Urbanization is occurring at a rapid pace in Burkina Faso. Urban growth is steadily increasing, reaching 22.7 per cent at the time of the 2006 General Population and Housing Census. The urbanization rate is highest in the central region (77.5 per cent), followed by the Hauts Bassins region (34.7 per cent). These two regions include the two largest cities in

the country, Ouagadougou and Bobo-Dioulasso. Urban growth in the Sahel and eastern regions is slower (their urbanization rates are 6.5 and 6.3 per cent, respectively).

13. The urban population consists of the residents of the 45 localities regarded as cities.

Table 2

Population distribution in the 10 largest cities

<i>City</i>	<i>Sex</i>		<i>Total</i>
	<i>Male</i>	<i>Female</i>	
Ouagadougou	596 396	585 306	1 181 702
Bobo-Dioulasso	215 968	219 575	435 543
Koudougou	40 229	42 491	82 720
Banfora	36 392	35 752	72 144
Ouahigouya	35 017	35 940	70 957
Kaya	25 898	25 880	51 778
Tenkodogo	20 093	20 756	40 849
Fada N'Gourma	20 796	20 019	40 815
Dédougou	18 778	19 015	37 793
Houndé	17 418	17 251	34 669

Source: INSD, 2006 General Population and Housing Census, April 2007, p. 28.

2. Social characteristics

14. Burkina Faso has about 60 ethnic groups of unequal size. Not all of them live in specific geographical areas. Some ethnic groups traditionally involved in trade are present throughout the country, particularly in urban centres and large villages.

15. It is difficult to categorize all these ethnic groups as belonging to “families” because each group has its own identity. However, some ethnic groups can be linked to a larger group by criteria such as language family, customs and traditions, social structure, land use or housing. Albeit subjective, the criterion that seems closest to reality is each ethnic group’s sense of being close to another ethnic group. This sense of closeness reflects the importance of historical or geographical origins. The oldest established populations are the Bobo, Bwa, Kurumba, Gurunsi, Puguli, Senufo, Turka and Gouin. The largest population groups are the Mossi (48 per cent), the Peuhl (10.4 per cent), the Lobi (7 per cent), the Bobo (6.8 per cent), the Mande (6.7 per cent), the Senufo (5.3 per cent), the Gurunsi (5.1 per cent), the Gurma (4.8 per cent) and the Tuareg (3.3 per cent). The other ethnic groups represent 2.6 per cent of the population.

16. Burkina Faso is a secular State. There are, however, four major religious groups: Muslims (60.5 per cent), Catholics (19.0 per cent), animists (15.3 per cent) and Protestants (4.2 per cent). People are also members of other religions (0.6 per cent) or have no religion (0.4 per cent).

3. Economic characteristics

17. Since the Constitution was promulgated on 11 June 1991, Burkina Faso has opted for a free-enterprise market economy. With the support of the international financial institutions, it has undertaken major economic and structural reform in order to create an environment in which private initiative can flourish and to achieve sustainable economic growth that outpaces population growth.

18. The economy of Burkina Faso relies heavily on the primary sector (agriculture and livestock farming), which employs 85 per cent of the active population and accounts for 57 per cent of export revenue. The cotton sector and the development of small-scale village irrigation schemes have contributed significantly to primary-sector growth. Between 2000 and 2004, the sector accounted for an average of 39.4 per cent of domestic value added. The mining sector has become a mainstay of the economy and is an important source of growth and foreign currency. It has been booming since 2003, when the new mining code was implemented. It accounts for about 8 per cent of gross domestic product (GDP) and is currently the main source (62 per cent) of export revenue. According to the survey on household living conditions conducted in 2003, agriculture and livestock farming provide households with 44.7 per cent of their income (20.4 per cent comes from livestock farming and 24.3 per cent from agriculture). The secondary sector accounts for approximately 17.7 per cent of GDP and the tertiary sector for 42.9 per cent.

19. At the time of the 2003 survey on household living conditions, poverty affected 46.4 per cent of the population, the poverty line being set at 82,672 CFA francs. At the time of the 2006 General Population and Housing Census, 43 per cent of the population lived under the poverty line. The national extreme poverty line is set at 31,749 CFA francs, and 27.8 per cent of the population reportedly lives below this critical threshold; hence the need for urgent action.

20. In March 1991, in the face of financial and structural difficulties, Burkina Faso signed structural adjustment agreements with the Bretton Woods institutions and benefited from the "Social Dimensions of Adjustment" initiative.

21. In the light of its debt burden, which in 2006 was estimated at 237 per cent of revenue from exports of goods and non-factor services, Burkina Faso became eligible for the Heavily Indebted Poor Countries Initiative.

22. In 1996, the country applied to participate in the 20/20 Initiative, a practical measure adopted to combat poverty.

23. In more than 10 years of uninterrupted structural adjustment (1991–2002), the national economy grew at an average annual rate of 3.2 per cent in real terms, while the population grew by 2.4 per cent a year.

24. Growth targets were not met at the beginning (1992–1993) or end (2002) of that period, owing to difficult circumstances and the vagaries of the weather, as well as social and political crises in the subregion. Thus, during the 1990–1994 period, economic growth was 3.2 per cent a year in real terms. The 1995–1999 period was marked by a more stable growth rate of 5.5 per cent a year, as a result of devaluation and favourable weather conditions. Overall growth during the 1990–2000 period was uneven. Economic progress in Burkina Faso was insufficient to reduce poverty. Structural adjustment and economic reform initiatives did, however, lay the foundations for rapid growth.

25. The real GDP growth rate over the 2001–2004 period was 6 per cent a year, but this was not enough to significantly improve the population's welfare. Macroeconomic simulations (using the Poverty Analysis Macroeconomic Simulator) show the cumulative positive effect of economic growth, with increased competitiveness shifting from 46.4 per cent in 2003 to 46 per cent in 2004.

26. In an effort to jump-start the economy, the Government drew up an economic policy based on a Strategy Framework for Poverty Reduction (SFPR) and a national strategy to accelerate the achievement of the Millennium Development Goals. The resources provided under the Heavily Indebted Poor Countries Initiative were used exclusively to combat poverty and contributed to achieving the SFPR goals in priority social sectors. The implementation of the SFPR produced very promising results in terms of economic growth.

The results obtained in 2006 were generally satisfactory, with a reduction of 3.6 percentage points in the incidence of poverty.

27. In order to achieve its development goals, the Government has adopted the Strategy for Accelerated Growth and Sustainable Development, which replaced the SFPR.

28. At the macroeconomic level, economic growth reached 6.4 per cent, with a resulting decrease in the incidence of poverty from 46.3 per cent in 2003 to 42.8 per cent in 2008. The inflation rate was 10.6 per cent in 2008, as compared with 6.4 per cent in 2005. Overall budget allocations for priority sectors rose in 2006 as compared with 2005, particularly in the areas of basic education (15.03 per cent), health (12.3 per cent) and welfare (11.03 per cent).

29. Regarding the promotion of the private sector, the time needed to set up a business has been reduced to seven days and the cost of setting one up has been cut by more than 40 per cent. As a result, the country has moved up eight places in the rankings for “ease of doing business” and 23 places for “setting up a business”. A privatization programme was introduced in 1998 and was still being implemented in 2006, with the sale of shares in major companies such as the National Telecommunications Office (51 per cent of its shares were sold to Maroc Telecom) and the liquidation of a number of unprofitable companies such as the Burkina Faso Precious Metals Exchange, the National Cinema Company and the National Data Processing Centre.

30. The main indicators for the agricultural subsector have progressed, with a 5.7 per cent increase in cereal production and a cereal surplus of approximately 43 per cent of requirements. However, livestock vaccination coverage remains low, at 27 per cent for contagious bovine pleuropneumonia and 29 per cent for Newcastle disease.

31. On the social front, the Government developed a medium-term expenditure framework for education (2006–2008) in order to bring the allocations to that sector into line with the requirements of the SFPR and to begin to finalize the second phase of the Ten-Year Basic Education Development Plan.

32. Real GDP per capita in Burkina Faso has increased much faster than the average for the countries of the Economic Community of West African States (ECOWAS) and Africa as a whole. Table 3 shows GDP growth and GDP per capita for the period 2005–2010.

Table 3
GDP growth and GDP per capita, 2005–2010

	2005	2006	2007	2008	2009	2010
GDP growth (%)	7.1	5.5	5.0	5.2	3.2	7.9
GDP per capita (in thousands of CFA francs)	189.9	195.0	194.6	198.5	198.7	207.9

Source: INSD.

4. Additional information on employment, health, education and the media

(a) Employment

33. In 2010, the public administration of Burkina Faso comprised 107,726 employees, consisting of 57,170 civil servants and 50,556 contract staff.

34. The unemployment rate is rising: it stood at 2.7 per cent in 2005 and 3.3 per cent in 2007. This is mainly due to a steady increase in the number of graduates as a result of improved educational opportunities and training.

(b) *Health*

35. In 2010, the average distance to health-care facilities was 7.3 km. The State's long-term goal is to reduce the distance to 5 km.

36. The following figures are for 2010:

- Prenatal consultation rate: 85.3 per cent
- Assisted delivery rate: 76 per cent
- Contraceptive prevalence rate: 28.3 per cent
- Postnatal consultation rate: 46 per cent

37. The vaccination coverage rates for the various antigens are: 104 per cent for BCG; 108.2 per cent for DTCHeBHib3 (combined vaccine against diphtheria, tetanus, pertussis, hepatitis B and *Haemophilus influenzae* type B – meningitis); 99 per cent for the measles vaccine; 99 per cent for the yellow fever vaccine; and 92 per cent for the tetanus vaccine for pregnant women.

38. In 2010, the health sector (all categories) employed 19,935 people.

39. Table 4 provides an overview of the main health indicators.

Table 4

Health indicators

<i>Indicator</i>	2005	2006	2007	2008	2009	2010
Life expectancy at birth (in years)	53.8	56.7	56.7	56.7	56.7	56.7
Fertility rate/total fertility rate	6.8	6.2	6.2	6.2	6.2	6.2
Contraceptive prevalence rate (%)	21.0	23.6	24.8	27.9	26.6	28.3
Infant mortality rate (per 1,000 live births)	81	94	94	94	94	94
Maternal mortality rate (per 100,000 live births)	484	307.3	307.3	307.3	307.3	307.3
Underweight (%)	46.1	n/a	31.1	10.6	21.4/9.4	25.7
HIV prevalence (%)	2.3	2	2	1.6	1.6	1.6

Source: Ministry of Health, Statistical Yearbook 2009–2010.
n/a = not available.

40. The principal causes of maternal mortality are:

- Haemorrhage: 26.6 per cent
- Puerperal infections: 18.6 per cent
- Retention of the placenta: 3.3 per cent
- Abortion complications: 8.9 per cent
- Uterine rupture: 3.3 per cent
- Eclampsia: 4.4 per cent

41. As to mortality in general, severe malaria, bronchopneumonia and meningitis are the three leading causes of death recorded in health-care facilities. Table 5 lists the seven leading causes of death in such facilities in the period 2005–2010.

Table 5
Main causes of death in district health facilities, 2005–2010 (as a percentage of total deaths)

<i>Cause of death</i>	2005	2006	2007	2008	2009	2010
Severe malaria	46.3	45.8	52.6	48.3	50.67	54.6
Meningitis	7.4	13.3	7.2	7.6	5.46	6.8
Bronchopneumonia	8.0	6.5	13.2	8.4	4.1	3.6
Non-haemorrhagic diarrhoea	1.7	2.0	2.7	10.1	1.37	1.0
Dysentery	0.4	n/c	n/c	0.57	0.05	n/c
Anaemia	8.7	7.8	4.3	7.7	7.17	6.6
Snake bite	2.5	2.5	2.6	1.9	1.88	1.8
Combined total	75.0	77.9	82.7	84.57	70.7	74.4

Source: Ministry of Health, *Statistical Yearbook 2010*.

n/c = not calculated.

(c) *The media*

42. As at 31 December 2010, Burkina Faso had one national television station, 30 relay stations and 42 public radio stations. With regard to private audiovisual media, 145 stations have signed an agreement with the Higher Council on Communication. The private sector comprises 38 commercial radio stations, 40 religious radio stations, 47 radio stations run by associations or communities, 9 international radio stations, 11 communal radio stations and 51 television stations of all categories. The print media sector consists of over 69 publications, including approximately 20 in the national languages, 14 specialized publications, 5 dailies, 11 weeklies, 22 monthlies, 16 fortnightly publications and 1 twice-quarterly publication. The press is regulated by the Higher Council on Communication, which is responsible for professional standards and ethics and for audiovisual and print media regulation.

(d) *Education*

43. Education indicators are clearly improving. The literacy rate rose steadily from 21.8 per cent in 2003 to 28.7 per cent in 2007, an improvement of 6.5 points over a five-year period.

44. The gross enrolment ratio in primary education increased from 57.7 per cent in 2005 to 74.8 per cent in 2010 as a result of an ambitious Government policy to improve education. Table 6 shows the basic education indicators from 2004/05 to 2009/10.

Table 6
Basic education indicators, 2004–2010

<i>Indicator</i>	2004/05	2005/06	2006/07	2007/08	2008/09	2009/10
Gross admission rate (%)	72.7	73.2	80.7	86.9	78.0	85.8
Gross enrolment rate (%)	57.7	61.4	67.0	71.8	72.4	74.8
Dropout rate (%)	5.3	6.2	4.6	5.8	5.5	7.2
Number of pupils per teacher	52.2	52.0	54.0	55.3	54.7	54.2
Completion rate (%)	32.2	33.3	35.4	38.9	41.7	45.9

Source: INSD, Statistical Yearbook 2009.

45. At the secondary level, between 2006 and 2008 the Government:
- Built 20 junior high schools and 22 additional classrooms in provinces with a low enrolment rate;
 - Built 30 municipal junior high schools;
 - Opened 45 new State educational establishments;
 - Converted 9 junior high schools into senior high schools;
 - Converted 2 technical junior high schools into vocational senior high schools;
 - Started building 4 vocational senior high schools;
 - Built 115 additional classrooms in existing schools.
46. The initiatives taken by the Government have improved the secondary education indicators, as shown in table 7.

Table 7
Secondary education indicators, 2004–2010

Indicator	2004/05	2005/06	2006/07	2007/08	2008/09	2009/10
Gross admission rate, first year of post-primary education (%)	21.5	21.0	22.20	26.70	25.10	31.40
Gross enrolment rate (%)	15.00	15.70	16.80	19.50	20.10	22.20
Number of post-primary and secondary teaching staff (general and technical education)	4 629	5 243	5 906	6 692	7 271	8 309
Number of post-primary and secondary pupils	295 412	319 749	352 376	423 520	467 658	537 389

Source: INSD, Statistical Yearbook 2009.

47. Higher education faces difficulties related, in particular, to the increasing number of university students, a shortage of university facilities and teaching staff, over-centralization and scarce financial and material resources. However, the sector is booming thanks to a number of Government initiatives. The number of students in public universities rose from 26,716 in 2005/06 to 41,498 in 2009/10. Action in this sector has boosted the University of Ouagadougou's admission capacity and enabled the universities of Bobo-Dioulasso, Koudougou and Ouaga II to be opened. The Government continues to work to improve students' living and working conditions. The situation in 2009 was as follows:

- The number of scholarships had doubled, from 500 in 2003 to 1,000;
- The value of scholarships increased by 8 per cent;
- The number and value of grants awarded increased;
- The value of loans awarded to students without scholarships increased;
- Assistance was provided to more than 1,000 first-year students;
- The accommodation capacity of university halls of residence was increased to 3,064 places with the opening of new residences;

- The number of meals served in university cafeterias increased: the number of meals served at Bobo-Dioulasso Polytechnic University rose from 865,000 in 2006/07 to 1,311,530 in 2008/09, and from 275,410 to 1,201,364 at the University of Koudougou in the same period. During the 2009/10 academic year, 3,932,533 meals were served at the University of Ouagadougou.

48. With a view to improving the quality of higher education, the State has increased the number of teachers in the various universities. The number of teachers at the University of Ouagadougou rose from 445 in 2006/07 to 520 in 2007/08, 539 in 2008/09 and 618 in 2010/11 (these figures include the University of Ouaga II, which has been operating since 2008). The number of teachers at Bobo-Dioulasso Polytechnic University increased from 129 in 2007/08 to 162 in 2010/11 (250 in 2008/09). The number of teachers at the University of Ouagadougou, however, has fluctuated, rising from 200 in 2006/07 to 220 in 2007/08, falling to 185 in 2008/09 and rising again to 266 in 2010/11 (numbers fell as a result of the departure of some teachers).

B. Constitutional, political and legal structure of the State

1. Territorial organization

49. The national territory is divided into administrative districts and territorial units.

50. The administrative districts comprise 13 regions, 45 provinces and 350 departments. Regions are headed by a regional governor, each province is headed by a high commissioner, and departments are governed by prefects.

51. The territorial units comprise 13 regions and 351 municipalities. Regions are governed by elected regional councils and municipalities by elected municipal councils headed by mayors.

52. Regions are both administrative and territorial units.

The 13 regions of Burkina Faso



2. Legal structure of the State

53. The Constitution establishes that Burkina Faso is a democratic, unitary and secular State in the form of a republic. It proclaims fundamental human rights and establishes republican institutions based on the principles of the separation of powers, political pluralism, the rule of law and decentralization.

54. The country's current constitutional regime was instituted by the Constitution of the Fourth Republic of 11 June 1991.

3. State regime and institutions

55. The Constitution established a semi-presidential political regime based on the flexible separation of powers, which allows for some collaboration between the Government and Parliament.

56. As Head of State, the President of Burkina Faso is the guarantor of national independence, territorial integrity and the permanence and continuity of the State. In that capacity, the President is the commander-in-chief of the country's Armed Forces. He or she ensures compliance with the Constitution and embodies national unity. He or she sets the broad outlines of State policy and presides over the Council of Ministers. As the guarantor of the independence of the judiciary, the President also presides over the Higher Council of the Judiciary. The President is elected by direct universal suffrage for a five-year term of office renewable once only.

57. The Government, as the executive authority, is responsible for implementing national policy. It is headed by a prime minister appointed by the Head of State. The prime minister is accountable to Parliament, which oversees his or her activities.

58. Parliament consists of a single chamber called the National Assembly, which consists of 111 deputies elected by direct, fair and secret universal suffrage for a five-year term of office. Under the Constitution, the National Assembly is entrusted with the fundamental tasks of adopting legislation, approving taxation and overseeing Government action.

59. Judicial authority is vested in judges and is exercised by the courts throughout the national territory. As at 31 December 2010, there were 406 judges. The judiciary is responsible for ensuring compliance with the law and, under article 125 of the Constitution, is the guardian of individual and collective freedoms. Judicial authority is exercised by three higher courts: the Court of Cassation, which is the highest judicial authority; the Council of State, which is the highest administrative court; and the Court of Auditors, which is responsible for overseeing the accounts of the State and its various branches.

60. The judges who serve on these courts form a professional body governed by Act No. 036-2001/AN of 13 December 2001 on the regulations governing the judiciary.

61. In addition to the institutions that have traditionally contributed to the protection and promotion of human rights, new democratic institutions have emerged under the Fourth Republic. They include:

- The Economic and Social Council;
- The Office of the Ombudsman;
- The Higher Council on Communication;
- The Independent National Electoral Commission;
- The Commission on Information Technology and Freedoms;
- The National Human Rights Commission;
- The Constitutional Council;
- The Higher State Supervisory Authority.

4. Political system

62. In terms of political indicators, there were 159 recognized political parties as at 31 December 2010.

63. Burkina Faso organizes regular national and local elections, which are all held within the statutory period.

64. The voting age in Burkina Faso is 18 years. The number of people eligible to vote was estimated at 6,520,709, i.e. 46.52 per cent of the population, in the 2006 General Population and Housing Census. At the last legislative elections, held on 6 May 2007, there were 4,466,354 registered voters, of whom 2,520,488 turned out to vote. A total of 2,333,228 votes were cast, with 187,260 ballots being declared invalid.

65. As a result of these elections, 13 political parties are now represented in the National Assembly. The seats are distributed among the parties as follows: Congress for Democracy and Progress (CDP), 73; Alliance for Democracy and Federation/African Democratic Rally (ADF/RDA), 14; Union for the Republic (UPR), 5; Union for Rebirth/Sankarist Movement (UNIR/PS), 4; Convention of the Democratic Forces of Burkina Faso (CFD-B), 3; Party for Democracy and Progress/Socialist Party (PDP/PS), 2; Union of Sankarist Parties (UPS), 2; Party for Democracy and Socialism (PDS), 2; Rally for the Development of Burkina Faso (RDB), 2; Citizen's Popular Rally (RPC), 1; African Independence Party (PAI), 1; Union for Democracy and Social Progress (UDPS), 1; National Rebirth Party (PAREN), 1.

66. The National Assembly includes 17 women out of a total of 111 members (i.e. 15.31 per cent). In order to address the gender imbalance at the national level and in municipal councils, Act No. 010-2009/AN of 16 April 2009 established quotas of 30 per cent for both male and female candidates in legislative and municipal elections in Burkina Faso.

5. Electoral system

67. The electoral system in Burkina Faso is governed by Act No. 014-2001/AN of 3 July 2001 on the Electoral Code, as amended by various laws, the most recent of which is Act No. 003-2010/AN of 25 January 2010. Article 1 of the Code states that it applies to referendums and to the election of the President of Burkina Faso, National Assembly deputies, regional councillors and municipal councillors.

68. The Electoral Code established the Independent National Electoral Commission to be responsible for compiling, managing and maintaining the national electoral register and for organizing and supervising elections and referendums.

69. The President is elected by majority vote in a two-round voting system. A candidate who receives an absolute majority of votes in the first round is declared elected. The presidential election campaign in Burkina Faso begins 21 days before the first round of voting. A decree is issued at least 30 days before the election calling on voters to participate. If a second round is necessary or if the election is cancelled and a new round of voting has to be held, the decree is issued at the latest eight days before the ballot date.

70. Legislators are elected on the basis of national or provincial lists by direct, fair and secret universal suffrage under a system of proportional representation. Seats that remain unfilled under these provisions are allocated to the lists with the highest number of residual votes. There are 111 seats at the National Assembly: 15 deputies are elected from the national list and 96 from the provincial lists.

71. Deputies elected from the national list represent a national constituency, while those elected from provincial lists represent provincial ones.

72. Only political parties or groups legally established at least 70 days before the date of the election and constituted in accordance with article 13 of the Constitution may put

forward candidates. Each legislature lasts five years. The National Assembly's powers expire on the date on which the mandates of the new legislature's deputies are validated.

73. Two regional councillors are elected in each municipality. All the regional councillors in one region form the regional council. The municipal council elects its two regional councillors by secret ballot and by absolute majority of the members of the council.

74. The constituency represented by urban and rural municipal councillors is the geographical sector and/or village. Two councillors are elected in each village and/or sector of the municipality. An additional councillor is elected in each village or sector with a population of 5,000 or more. Twenty councillors are automatically allocated to municipalities with a total population (villages and sectors combined) that is insufficient to provide 20 councillors. The additional seats thus allocated are determined pro rata, depending on the population of each village and sector.

75. The constituency represented by municipal councillors in urban municipalities with special status is the sector and/or village. Three councillors are elected in each sector of the district. An additional councillor is elected for each group of 15,000 inhabitants. The total number of councillors in each sector, however, is limited to six.

76. Two councillors are elected for each village in the district. An additional councillor is elected in each village of the district with a population of 5,000 or more.

77. The municipal council consists of all the councillors in a given urban or rural municipality. The district council consists of all the councillors in a given district. Municipal councillors are elected by direct universal suffrage for a five-year term of office. Outgoing councillors may be re-elected.

6. Information on the legal framework governing the establishment of associations

78. Article 21 of the Constitution guarantees civil liberties as follows: "Freedom of association is guaranteed. Every person has the right to establish associations and to participate freely in the activities of those associations. The functioning of associations must comply with existing laws and regulations." This provision provides the constitutional basis for freedom of association in Burkina Faso. Act No. 10/92/ADP of 15 December 1992 sets out the conditions for the exercise of freedom of association. Article 2 of the Act provides that: "Associations shall be established freely and without prior administrative authorization. Their validity shall be governed by the general legal principles applicable to contracts and obligations ...".

79. Associations declare their establishment within eight days to the ministry responsible for civil liberties, which issues them with a registration certificate within a period not exceeding three months. After three months, the association is deemed legally recognized.

Table 8

Overview of criminal cases registered by public prosecutors' offices in all courts of major jurisdiction

<i>New cases, by offence</i>	2005	2006	2007	2008	2009	2010
Total	6 392	7 524	8 295	9 587	10 568	10 696
Crimes and offences against individuals	1 622	2 154	2 145	2 595	2 767	2 654
Involuntary homicide or unintentional injury	385	557	534	641	623	407
Malicious wounding	470	598	643	718	786	717

<i>New cases, by offence</i>	2005	2006	2007	2008	2009	2010
Aggravated robbery	120	180	121	135	180	147
Intentional homicide, poisoning	72	136	114	151	135	123
Rape	97	148	137	147	189	179
Fatal assault	63	142	74	98	98	96
Murder	48	86	59	71	84	70
Crimes and offences against property	3 951	4 433	4 962	5 598	6 164	5 971
Theft, handling stolen goods, extortion, fraud	3 210	3 582	3 921	4 510	4 888	4 615
Breach of trust	486	536	643	740	803	833
Destruction, degradation, damage	143	201	227	248	292	332
Crimes and offences against the family and morality	282	353	475	601	693	801
Narcotics offences	123	159	230	249	327	344
Child abduction	28	48	65	58	103	139
Child trafficking	16	21	22	38	32	19
Female genital mutilation	31	26	28	38	11	20
Indecent assault	34	23	44	90	120	123
Crimes and offences against the public interest	337	380	360	418	578	562
Forgery and counterfeiting	163	155	154	163	271	261
Misappropriation of public property and funds	34	39	24	21	37	29
Conspiracy	31	57	27	42	51	13
Weapons- and ammunition-related offences	99	103	96	97	95	81

Source: Judicial Statistical Yearbook 2009.

80. Those associations recognized as public-interest associations receive subsidies or other benefits, including tax incentives granted by the State. Under article 9 of the Act, “any association or union of associations recognized as such may be classified as ‘public-interest’ if its activities pursue goals of general interest, particularly in the area of economic, social and cultural development in the country or a specific region”. Classification as a public-interest association may be obtained only after a period of activity of two consecutive years. Foreign associations may also settle and operate in Burkina Faso, subject to respect for the law. They may also be classified as public-interest associations under the same conditions as national associations.

81. In practice, many associations have been recognized. For instance, between 2003 and 2010, the Ministry of Territorial Administration and Decentralization, which is responsible for civil liberties, issued 6,994 registration certificates to associations.

7. Information on crime and the administration of justice

82. Crime is an important factor in insecurity in Burkina Faso. The rise in crime, particularly in recent years, and the action taken by the State to combat insecurity have resulted in overburdened prosecution services in criminal courts and overcrowded prisons, notwithstanding the Government’s efforts to build and increase the capacity of short-stay prisons and correctional facilities. Tables 9 to 11 illustrate the status of criminal cases handled by the courts and the situation in short-stay prisons and correctional facilities between 2005 and 2010.

Table 9
Situation of detainees in short-stay prisons, 2005–2010

<i>Detainees</i>	2005	2006	2007	2008	2009	2010
Total number of detainees	7 528	8 418	8 645	10 945	11 077	10 122
Men	7 368	8 210	8 376	10 658	10 672	9 813
Women	160	208	269	287	405	309
Distribution of detainees by age						
<i>Minors (age in years)</i>	296	394	470	702	716	540
13–15	43	67	69	70	115	93
15–18	253	327	401	632	685	447
<i>Adults (age in years)</i>	7 232	8 024	8 175	10 243	10 361	9 582
18–21	1 028	1 122	1 082	1 386	1 318	1 227
21–25	1 377	1 718	1 612	2 013	1 731	1 615
25–30	1 712	1 941	1 779	2 646	2 891	2 251
30–40	1 840	1 924	2 230	2 639	2 757	2 728
40–60	1 140	1 144	1 303	1 375	1 481	1 601
60 or over	135	175	169	184	183	160
Other incidents						
Escapes	89	680	106	116	48	88
Deaths	33	34	45	68	62	119
Hospital admissions	105	95	215	268	292	292
Authorized leave	666	781	1 214	639	588	588

Source: Judicial Statistical Yearbook 2010.

Table 10
Distribution of pretrial detainees by length of detention

	2005	2006	2007	2008	2009	2010
Less than 3 months	198	194	139	279	249	173
3–6 months	114	176	199	214	167	127
6–12 months	280	301	421	272	362	276
1–2 years	226	188	254	287	309	327
2–3 years	94	64	65	92	133	143
3–4 years	14	45	33	49	62	67
4 years or more	10	22	20	47	46	47
Total	936	990	1 131	1 240	1 328	1 160

Source: Judicial Statistical Yearbook 2010.

Table 11
Distribution of convicted prisoners by length of sentence

	2005	2006	2007	2008	2009	2010
Less than 3 months	96	109	126	96	49	9
3–6 months	177	190	273	306	222	149
6–12 months	394	465	424	651	529	465
1–2 years	725	645	696	993	1 141	1 027
2–3 years	230	248	371	336	483	579
3–5 years	163	177	269	289	361	529
5–10 years	60	59	85	102	144	313
10–20 years	13	11	10	8	49	72
Life imprisonment	5	5	3	3	6	12
Death penalty	4	4	3	4	6	7
Total	1 867	1 913	2 260	2 788	2 890	3 162

Source: Judicial Statistical Yearbook 2010.

83. It should be noted that none of those sentenced to death have been executed in Burkina Faso.

84. The judiciary consists of three higher courts: the Court of Cassation, the Council of State and the Court of Auditors.

85. With regard to trial courts, there are two courts of appeal – one in Ouagadougou and the other in Bobo-Dioulasso. In addition to these, there are 24 courts of major jurisdiction, 2 courts of minor jurisdiction, 349 departmental courts and 8 district courts.

86. An administrative court is established within each court of major jurisdiction. In jurisdictions that do not have an administrative court, the president of the court of major jurisdiction and the chief prosecutor serve as president of the administrative court and Government commissioner, respectively. Accordingly, there are as many administrative courts as courts of major jurisdiction in Burkina Faso (24).

87. Special courts include the 2 operational commercial courts (out of a total of 24 planned), 3 labour courts, the Military Court, the High Court of Justice and 2 juvenile courts.

88. Judicial personnel are diverse, comprising judges, registrars, notaries, bailiffs, lawyers and prison guards. In 2010, there were 406 judges of all categories, i.e. 2.58 judges for every 100,000 inhabitants. There was a total of 348 registrars and 34 bailiffs. In 2009, there were 8 notaries and 134 lawyers registered with the Bar, i.e. 0.9 lawyers for every 100,000 inhabitants.

III. General framework for the protection and promotion of human rights

89. The Constitution of the Fourth Republic, promulgated on 11 June 1991, provides the general basis for promoting and protecting human rights in Burkina Faso today. Its preamble proclaims the commitment of the people of Burkina Faso "... to build a State based on the rule of law that guarantees the exercise of collective and individual rights ...". Title 1 (arts. 1–30) of the Constitution sets forth basic human rights and duties and

establishes a political system that aims to achieve this fundamental aspiration and to build a democratic State.

A. Acceptance of international human rights norms

90. As a member of the United Nations and the African Union, Burkina Faso is a party to most of the international and regional instruments on the promotion and protection of human rights. It has generally entered no reservations, objections or derogations to the instruments to which it is a party, or imposed any restrictions or limitations on them. A full list of the instruments to which Burkina Faso is a party is annexed to this document (annex 1).

91. The legal status of these instruments is set out in article 151 of the Constitution, which stipulates that “duly ratified or approved treaties and agreements shall have primacy, once promulgated, over laws”.

B. General legal framework for the protection of human rights

(a) Competent authorities in the area of human rights

Several State authorities are involved at various levels in the protection of human rights in Burkina Faso.

1. The executive

92. The Government has a key role to play in the area of human rights as it is responsible for the implementation of laws. In this regard, it takes measures to protect human rights and specific measures to ensure enjoyment of these rights. Human rights are a cross-cutting issue that affects all areas of Government activity. Nevertheless, in order to highlight the Government’s human rights policy, a State secretariat for human rights was established in 2001, followed in 2002 by a ministry for human rights. The role of this ministry is to implement and follow up on the Government’s human rights policy. Its main responsibilities are therefore to:

- Promote human rights;
- Protect human rights;
- Promote and protect the rights of specific groups (women, children, persons with disabilities, the elderly);
- Monitor and ensure the implementation of the international human rights treaties and agreements ratified by Burkina Faso.

2. The legislature

93. Parliament endeavours to guarantee individual and collective rights. It also helps implement these rights, particularly by adopting legislation on the actual exercise of individual and collective rights, approving taxation and overseeing Government action under its policy on the promotion and protection of human rights.

3. The judiciary

94. Pursuant to article 125 of the Constitution, the judiciary is the guardian of individual and collective freedoms. As such, it ensures compliance with the rights and freedoms

guaranteed by the Constitution. It hears and rules on complaints filed by citizens and punishes violations of their rights.

(b) Remedies available to victims of human rights violations

95. Any person whose rights have been violated may seek a remedy through the judicial or administrative institutions or the Ombudsman with a view to obtaining fair compensation. Article 4 of the Constitution guarantees all individuals living in Burkina Faso equal protection under the law. It further states that every accused person is presumed innocent until proven guilty.

96. In practice, no restrictions are applied at the judicial, administrative or any other level, and all appeals are treated equally. Any person who considers they have been wronged may refer the matter to a civil, administrative or criminal court, the administrative authority that issued the prejudicial decision, or the Ombudsman. The conditions for filing an appeal with these authorities are broadly the same, with just a few differences.

1. Appeals to the courts

97. The law determines the jurisdiction *ratione materiae* and the territorial jurisdiction of the various courts. Individuals who claim that their rights have been violated may bring the matter before the competent court and claim reparation for the harm suffered and/or punishment of the wrongdoer. Referral to the courts is not conditional upon criteria relating to the nationality of the complainant. It is a right recognized to all individuals who consider they have been wronged. The court rulings are binding and individuals may call on law enforcement officials to enforce a ruling in their favour.

2. Appeals to an administrative authority

98. Citizens whose rights have been violated may refer their cases to the administrative authorities in several ways. When an administrative decision adversely affects the rights of an individual, the latter may apply to the administrative authority that made the decision to reconsider or review the decision and to rescind it. The application can be submitted by simply sending a letter to the administrative authority concerned. Citizens may also file complaints with the relevant authorities when their rights have been violated. These remedies enable the authorities to take measures to address or put an end to situations of human rights violations and to punish those responsible if necessary.

3. Appeals to the Ombudsman

99. A complaint signed by the individual concerned may also be submitted in writing directly to the Ombudsman. Complainants should ensure that their submission contains an account of the dispute and all the supporting evidence needed to investigate the case.

100. The complaint may also be submitted through an elected representative (deputy, mayor or municipal councillor). The complaint should be submitted to the representative, who will forward it to the Ombudsman.

101. Submitting a complaint to the Ombudsman is free of charge and must always be done in writing. For a complaint to be admissible, the complainant must be able to show that they have given the administration concerned an opportunity to respond to the complaint. The administration then has four months to provide the complainant with a reply. The complaint can only be submitted once that period has elapsed. The Ombudsman's Office may also, on its own initiative, take up any issue falling within its sphere of competence whenever it has reasonable grounds for believing that a person or group of persons has been or may be adversely affected by an act or omission of a State body.

102. Submitting a complaint to the Ombudsman does not postpone the deadlines for filing an administrative or judicial remedy.

4. Appeals to the Ministry of Human Rights and Citizen Participation

103. One of the goals of the Ministry of Human Rights and Citizen Participation is to promote and protect citizens' rights. To this end, the Ministry set up information and counselling centres for citizens in Ouagadougou on 29 December 2008 and in Bobo-Dioulasso on 19 June 2009. Other centres are scheduled to be set up in the regions. The role of the centres is to provide quality advice and information to remedy the lack of information available to citizens on their rights and the procedure for invoking them. They are open to citizens who wish to make a complaint about a violation of their rights; they give them the information they need about the procedure to be followed and advise them accordingly. The service provided by the centres is entirely free of charge and may be done either by going to the centre in person or by simply sending a letter to the Minister of Human Rights and Citizen Participation, giving a clear account of the rights violation. It should be pointed out, however, that the complaint must not have been previously submitted to a court or have been the subject of a final decision.

5. Other human rights bodies

104. The victims of human rights violations may also seek help from civil society organizations in defending their rights. The work of these organizations is often limited to providing legal, judicial, psychological and social assistance for victims. They play an essential role as they are closer to the people and their work complements that of public bodies.

(c) Recognition of human rights instruments in the Constitution and legislation

105. Most of the rights guaranteed by the international human rights instruments are enshrined in the Constitution of 11 June 1991. Its preamble and Title 1 (arts. 1–30) proclaim civil and political rights, economic rights, social and cultural rights, the rights of specific groups, including women and children, and so-called “third-generation rights” such as the right to peace, the right to a healthy environment and so forth.

106. The exercise of the various rights enshrined in the Constitution is governed by the legislation adopted by the National Assembly and by Government decrees. Among the most important pieces of legislation are:

- The Personal and Family Code;
- The Criminal Code and the Code of Criminal Procedure;
- The Labour Code;
- The Social Security Code;
- The Electoral Code;
- The Information Code;
- The Environment Code;
- The Town Planning and Construction Code;
- Act No. 10/92/ADP of 15 December 1992 on freedom of association;
- Act No. 23-94/ADP of 19 May 1994 on the Public Health Code;
- Act No. 022-97/AN of 21 October 1997 on freedom of assembly and demonstration;

- Act No. 013-2007/AN of 30 July 2007 on educational policy;
- Act No. 026-2008/AN of 8 May 2008 on the punishment of acts of vandalism committed during street demonstrations;
- Act No. 29-2008/AN of 15 May 2008 on trafficking in persons and related practices;
- Act No. 10-2009/AN of 16 April 2009 establishing quotas for legislative and municipal elections in Burkina Faso.

These pieces of legislation give human rights the status of legally protected rights and entitle citizens to demand that their rights be respected.

(d) Incorporation of human rights instruments into domestic law

107. Under article 151 of the Constitution, “duly ratified or approved treaties and agreements shall have primacy, once promulgated, over laws”. The publication of duly ratified or approved treaties and agreements, including in the Official Gazette, is an essential step in their implementation at the national level. From a human rights perspective, this raises people’s awareness of their rights under the international instruments to which Burkina Faso is a party, which they may invoke where necessary before judicial and administrative bodies. After publication of the instruments in the Official Gazette, citizens are entitled to invoke them directly in their own defence before the courts.

(e) Justiciability of human rights instruments

108. Article 151 of the Constitution establishes the primacy of treaties over domestic law. A distinction should nevertheless be made between directly applicable provisions and those requiring certain steps to be taken before they can be implemented. The justiciability of the latter is, in practice, linked to the adoption of domestic legal provisions on their implementation.

(f) Institutions or mechanisms with responsibility for overseeing the implementation of human rights

109. The most important institution with such responsibility is the National Human Rights Commission, established by Decree No. 2001-628/PRES/MJPDH of 20 November 2001. It provides a national framework for consultation between public bodies concerned with human rights issues, on the one hand, and representatives of associations, groups and non-governmental organizations involved in the protection and promotion of human rights, on the other. The Commission is a State-funded advisory body and was officially inaugurated on 10 December 2001.

110. Initially, however, the Commission did not meet the standards set out in United Nations General Assembly resolution 48/134 of 20 December 1993, which recommended that States should establish a national institution with a mandate “set forth in a constitutional or legislative text, specifying its composition and its sphere of competence”. To remedy this, on 21 December 2009 the National Assembly adopted Act No. 062-2009/AN establishing the new National Human Rights Commission. The Act completely overhauled the institution, giving it greater independence. It clearly establishes that the Commission enjoys managerial autonomy and has the human resources it requires to accomplish its mission, in order to make it an effective source of advice and assistance for the Government in the field of human rights.

111. Under the Act, the National Human Rights Commission is tasked with:

- Providing advice to the public authorities on all issues relating to the promotion and protection of human rights in Burkina Faso;
- Drawing the attention of the authorities to human rights violations;
- Carrying out inspections of places of detention and any other place where acts of torture or cruel, inhuman or degrading treatment might take place;
- Dealing with requests concerning individual cases of alleged violations or non-observance of human rights.

112. In addition to the Commission, there is an Interministerial Committee on Human Rights and International Humanitarian Law. This Committee provides the Government with technical assistance in the area of human rights and international humanitarian law. It is an advisory body and provides a setting for consultations on Government policy and strategy as regards the promotion, protection and observance of human rights and the dissemination of information on international humanitarian law in Burkina Faso. It is responsible for:

- Facilitating the coordination of activities undertaken by the various ministries to promote and protect human rights;
- Examining the human rights policies, strategies and cases submitted to it by the Government;
- Providing technical assistance for the drafting of reports due to be submitted by Burkina Faso to, among others, United Nations organs and treaty bodies, the International Committee of the Red Cross and the African Commission on Human and Peoples' Rights, in accordance with its obligations under human rights treaties and international humanitarian law;
- Examining all disputes over human rights and international humanitarian law involving the State that are referred to it by the Government;
- Helping to introduce courses on human rights and international humanitarian law into the formal and non-formal education systems;
- Providing information on human rights and international humanitarian law to all State bodies with a duty to observe humanitarian standards, particularly in the Armed Forces.

113. Mention should also be made of the National Council for the Survival, Protection and Development of Children, established by Decree No. 2009-785/PRES/PM/MASSN/MEF/MATD of 19 November 2009, which replaced the National Action Plan for Children. The Council, which operates under the auspices of the Ministry of Social Action and National Solidarity, is responsible for:

- Drawing up the broad outlines of child development policy;
- Identifying priority areas and the resources and types of support required for the implementation of the national action plans for children;
- Approving procedures for the implementation and management of the national action plans for children;
- Championing children's rights.

114. There is also a Multidisciplinary Committee on Rehabilitation and Equal Opportunities for Persons with Disabilities, established by Decree No. 343/PRES/PM/MASSN/MS of 22 June 2005. Its role includes:

- Taking into account the needs of persons with disabilities in sectoral development programmes;

- Developing initiatives to help disabled persons under existing and future programmes;
- Working with ministries and development partners towards the inclusion of disabled persons;
- Promoting the rights of persons with disabilities;
- Coordinating, monitoring and evaluating initiatives to help persons with disabilities;
- Drafting periodic reports, including on the implementation of standards to ensure equal opportunities for disabled persons, with a view to assessing the progress made in various sectors in reducing inequalities in access to basic social services.

115. There is a department for elderly people within the Ministry of Social Action and National Solidarity. In addition, the National Council for the Elderly promotes and protects the rights of elderly people.

116. With a view to implementing the commitments made to protect and promote women's rights, a national commission was established by Decree No. 2008-482/PRES/PM/MPF/MEF of 28 July 2008 to follow up on Burkina Faso's commitments in this area. The commission is responsible for:

- Identifying Burkina Faso's commitments towards women in every sphere of activity;
- Encouraging initiatives to raise awareness of these commitments among decision makers and the general public;
- Ensuring the effective implementation of the various commitments;
- Meeting deadlines for submitting progress reports on commitments monitored by a follow-up mechanism;
- Participating in any process of dialogue relating to the various commitments;
- Supporting the ratification of existing or future legal instruments conducive to the socioeconomic, political and cultural advancement of women in Burkina Faso.

117. In Burkina Faso, no special body has been established by the State to address the specific situation of minorities, indigenous peoples and internally displaced persons. In fact, Burkina Faso faces very few problems relating to minorities, indigenous peoples or internally displaced persons, which accounts for the absence of such a body. However, when such problems do arise, they are managed by the relevant State authorities.

118. For several years, Burkina Faso has had to deal with the repatriation of a number of people living in conflict-afflicted countries. In 2004, during the crisis linked to the concept of Ivorian identity (*ivoirité*) in Côte d'Ivoire, 134,135 people, mainly citizens of Burkina Faso, the Niger, Benin, Mali, Ghana, Nigeria, Togo and Côte d'Ivoire, were repatriated to Burkina Faso. Moreover, in 2011, about 1,559 citizens of Burkina Faso were repatriated to Burkina Faso as a result of the Libyan crisis.

(g) Recognition of the jurisdiction of regional and international courts

119. Burkina Faso is a party to several conventions which established international and regional courts, and therefore recognizes the jurisdiction of these courts. Burkina Faso is a party to:

- The Treaty Establishing the West African Economic and Monetary Union (WAEMU), which established the WAEMU Court of Justice;

- The Treaty Establishing the Economic Community of West African States (ECOWAS), which established a Court of Justice;
- The Uniform Act on Arbitration of the Organization for the Harmonization of Business Law in Africa establishing the Common Court of Justice and Arbitration;
- The Protocol to the African Charter on Human and Peoples' Rights on the Establishment of an African Court on Human and Peoples' Rights;
- The Protocol on the Statute of the African Court of Justice and Human Rights.

It is also a Member of the United Nations and recognizes the jurisdiction of the International Court of Justice. Lastly, it is a party to the Rome Statute of the International Criminal Court. Act No. 052-2009/AN, which sets out the jurisdiction and procedure for implementation of the Rome Statute of the International Criminal Court by the courts of Burkina Faso, was adopted on 3 December 2009 to strengthen the implementation of the Rome Statute.

C. General framework for the promotion of human rights

(a) Role of Parliament and of national and regional assemblies

120. In Burkina Faso, Parliament consists of the National Assembly. Human rights feature prominently in the discussions of this institution, which has established a committee on the subject, the committee on general, institutional and human rights affairs.

(b) National human rights institutions

121. The National Human Rights Commission is the national human rights institution established in Burkina Faso in accordance with the Paris Principles. It was established by Act No. 062-2009/AN of 21 December 2009. Its main task is to assist the Government by providing advice on any human rights situation at the Government's request or on its own initiative.

(c) Publication of human rights instruments

122. Human rights instruments are first published in the Official Gazette. In addition, the ministry responsible for the issue covered by the instrument generally publicizes the instrument. The dissemination of human rights instruments is part of the daily work of the Ministry for the Promotion of Human Rights. In 2005, it published a collection of the conventions ratified by Burkina Faso, together with a collection of all the national and international instruments on the rights of the child, known as the Child Protection Code, which was disseminated nationwide. The Universal Declaration of Human Rights was published in the form of giant posters and 5,000 copies of these posters were distributed in 2005. Lastly, the celebration of African Human Rights Day on 21 October each year provides an opportunity for Burkina Faso to publicize all African human rights instruments.

(d) Raising human rights awareness among public officials

123. The ministries responsible for human rights issues have conducted campaigns in cooperation with their partners to raise awareness of and promote human rights.

124. Under the auspices of the Ministry of Social Action and National Solidarity, numerous awareness-raising and training sessions have been organized for public officials by the Permanent Secretariat of the National Action Plan for Children – an institution that was replaced by the National Council for the Survival, Protection and Development of Children. In 2008, it organized five conferences on children's rights for mayors, prefects

and civil registry officials. Five other conferences were held in national schools of public health, for trainee assistant midwives, qualified nurses, State-registered nurses and outreach health workers. The National Council also provided training sessions for social workers.

125. Under the auspices of the Ministry for the Promotion of Human Rights, conferences on various human rights themes were organized for public officials. In 2008, two major conferences, one on “Effectiveness of human rights in Burkina Faso: issues and challenges” and the other on “Human rights and the integration of peoples”, were organized for senior public officials as part of the celebrations of African Human Rights Day. Lastly, a panel discussion on human rights was held for trainees of the National Police Academy. In 2009, panel discussions and awareness-raising sessions using film screenings were organized for students at the National School of Public Health in Ouagadougou, the Ouagadougou Institute of Communication Sciences and Technology, the teacher-training colleges for primary-school teachers in Bobo-Dioulasso, Gaoua and Fada N’Gourma, the Higher Institute for Social Workers and the Matourkou Multifunctional Centre. In 2008, training sessions were also provided for judges and prison security staff on international human rights standards. In 2009, the issue of the abolition of the death penalty was raised with members of Parliament. Furthermore, a workshop on public demonstrations was held for law enforcement agencies and civil society organizations.

(e) Promotion of human rights awareness through educational programmes and Government-sponsored public information

126. Apart from targeted campaigns such as those organized to promote the rights of specific groups, including children and persons with disabilities, the main awareness-raising initiative is National Citizenship Week, organized annually by the Ministry for the Promotion of Human Rights. At a meeting on 27 October 2004, the Council of Ministers decided to institutionalize the initiative.

127. Until 2006, the Ministry for the Promotion of Human Rights was virtually alone in organizing this week. In view of the enthusiasm it generates and its cross-cutting dimension, since 2007 it has been organized in partnership with other stakeholders such as the Ministry of Education, the Ministry of the Environment and Quality of Life, the Ministry of Territorial Administration and Decentralization, and institutions like the National Human Rights Commission and the *Grande Chancellerie*.

128. As noted above, the Ministry for the Promotion of Human Rights organizes awareness-raising campaigns for students in training academies, junior and senior high schools, literacy and training centres and non-formal basic education centres. Thus, in 2008, in addition to the seven conferences organized for students at training academies, seven conferences were held for junior and senior high school pupils and two conferences were held for students in literacy and training centres and non-formal basic education centres.

(f) Promotion of human rights awareness through the mass media

129. The promotion of human rights awareness through the mass media is undertaken by both State bodies and non-governmental organizations.

130. This work generally covers specific human rights issues such as children’s rights, excision, social exclusion or the rights of persons with disabilities. A number of print and broadcast media organizations publish articles and broadcast programmes on rights-related issues.

(g) Role of civil society, including non-governmental organizations

131. Civil society plays a significant role in the promotion of human rights in Burkina Faso. In all areas relevant to human rights, associations involved in promoting and protecting human rights are actively involved in publicizing and raising awareness of human rights principles. Some are involved in promoting specific categories of rights (the rights of children, women, persons with disabilities, migrants, the elderly and so forth), some endeavour to promote civil and political rights, and others work in the area of economic, social and cultural rights. Most human rights organizations, however, tend to deal with all categories of rights.

132. Civil society organizations, particularly those involved in the promotion and protection of human rights, complement the work of the State. They cooperate with the authorities in implementing public policy and initiatives to promote and protect human rights. The Ministry for the Promotion of Human Rights has excellent relations with these organizations. A Partnerships Directorate has been established to deal with cooperation between the Ministry and civil society organizations.

(h) Budget allocations and trends in the area of human rights

133. The overall State budget allocated to the Ministry for the Promotion of Human Rights has increased steadily since its establishment in 2002, as shown in table 12.

Table 12

Budget allocated to the Ministry for the Promotion of Human Rights

<i>Period</i>	<i>Amount allocated (CFA francs)</i>	<i>Rate of increase</i>
2005	226 349 000	12.83 %
2006	253 744 000	10.79 %
2007	245 458 569	-3.37 %
2008	439 392 000	44.13 %
2009	601 302 000	26.92 %
2010	493 724 000	-21.78 %

Source: Budget Acts for the fiscal years 2002 to 2010.

134. Changes in the budget allocated to the Ministry for the Advancement of Women are shown in table 13.

Table 13

Budget of the Ministry for the Advancement of Women, 2005–2010

<i>Year</i>	<i>State funding (CFA francs)</i>	
2005	416 599 000	-
2006	419 715 000	0.74 %
2007	669 650 000	37.32 %
2008	835 781 000	19.87 %
2009	693 789 000	-20.46 %
2010	1 015 505 000	-31.68 %
Total	4 051 039 000	-

Source: Ministry for the Advancement of Women, Directorate of Studies and Planning.

(i) Development cooperation and assistance

135. Cooperation in the promotion of human rights is thriving in Burkina Faso. It is reflected in the activities of the United Nations specialized agencies — the United Nations Children’s Fund (UNICEF), the Office of the United Nations High Commissioner for Human Rights (OHCHR) and the United Nations Development Programme (UNDP) — and those of a number of friendly States, primarily the Netherlands, Sweden and Denmark. It may also take the form of support from foreign non-governmental organizations.

136. State-to-State cooperation and technical assistance usually takes the form of financial support or technical assistance. The Ministry for the Promotion of Human Rights has been receiving financial support since 2004 and technical and financial partners have been pooling their resources since 2007. Table 14 provides an overview of the financial contribution made by technical and financial partners to the Ministry for the Promotion of Human Rights.

Table 14

Contribution of technical and financial partners

<i>Period</i>	<i>Amount allocated (CFA francs)</i>	<i>Main donors</i>
2005	94 685 840	UNDP, UNICEF, Plan Burkina, Save The Children, National Lottery of Burkina Faso, Save the Children Canada, National Hydrocarbon Company, United Nations Population Fund
2006	96 062 669	Denmark, UNICEF, Plan Burkina, Swiss Workers’ Aid Society
2007	5 008 000	UNICEF
2008	425 165 776	Netherlands, UNDP, UNICEF, Plan Burkina, Public Sector Capacity-Building Support Programme
2009	296 193 792	Netherlands, Denmark, Sweden, UNDP, UNICEF, Plan Burkina, United Nations Population Fund, Permanent Secretariat of the National Council to Combat AIDS, Danish Institute for Human Rights
2010	996 342 568	UNDP, Netherlands, Denmark, Sweden, Danish Institute for Human Rights, Permanent Secretariat of the National Council to Combat AIDS

Source: Ministry of Human Rights and Citizen Participation.

D. Role of the reporting process in the promotion of human rights at the national level

137. The drafting of the various reports submitted by Burkina Faso — including this document — begins with the preparation of an outline by the technical services of the Ministry for the Promotion of Human Rights, taking into account any general guidelines. After this preliminary phase, data are collected through a document search and discussions between the drafting committee and the public institutions and bodies concerned, including other Government departments. A draft report is then prepared by the relevant technical service. A validation workshop involving the various State actors and civil society organizations is then organized to review and amend the draft report to ensure that it accurately reflects reality. After the validation workshop, the draft report is corrected and resubmitted for consideration by the Interministerial Committee on Human Rights and International Humanitarian Law before its adoption by the Council of Ministers.

E. Other related human rights information

138. In addition to efforts undertaken at home to promote and protect human rights, Burkina Faso contributes to the human rights activities of the international community. It is a member of the United Nations Human Rights Council. It has actively participated in a number of international meetings on human rights, including:

- The sessions of the United Nations General Assembly;
- The sessions of the Human Rights Council;
- The sessions of the Assembly of States Parties to the Rome Statute of the International Criminal Court;
- The Durban Review Conference;
- The sessions of the African Commission on Human and Peoples' Rights.

IV. Non-discrimination and equality and effective remedies

1. Non-discrimination and equality

139. Burkina Faso is party to a number of international instruments prohibiting all forms of discrimination. These instruments include the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the Convention on the Rights of the Child.

140. At the domestic level, the principles of the equality of persons and non-discrimination are enshrined in the Constitution and several pieces of legislation. Article 1, paragraph 3, of the Constitution states that discrimination of any kind, in particular discrimination based on race, ethnic group, religion, caste, political opinion, wealth or birth, is prohibited. Article 2 stipulates that “slavery, slavery-like practices, inhuman, cruel, degrading and humiliating treatment, physical and psychological torture, abuse and ill-treatment of children and all forms of degradation of persons are prohibited and punishable by law”. Lastly, under article 19, “the right to work is recognized as an equal right for all. Discrimination in employment and remuneration, including that based on sex, colour, social origin, ethnicity or political opinion, is prohibited.”

141. Similarly, legislation and regulations reinforce the condemnation of discrimination in the areas they cover. Article 1 of the Personal and Family Code provides that: “All citizens of Burkina Faso enjoy civil rights. Civil rights refer to all rights enjoyed by a person in civil relations.” Article 5 of the Code stipulates that: “Foreigners in Burkina Faso enjoy the same civil rights as nationals. However, their enjoyment of a right may be expressly denied by law or may be subject to reciprocity, under the provisions of international conventions.” Article 3 of the Labour Code (Act No. 028-2008/AN of 13 May 2008) provides as follows:

Discrimination of any kind in matters of employment and occupation is prohibited. Discrimination is taken to mean:

- (1) Any distinction, exclusion or preference, particularly based on race, colour, sex, religion, political opinion, disability, pregnancy, national extraction or social origin, which has the effect of nullifying or impairing equality of opportunity or treatment in matters of employment or occupation;

(2) Any other distinction, exclusion or preference which has the effect of nullifying or impairing equality of opportunity or treatment in matters of employment or occupation.

Under article 112, paragraph 2, of the Information Code, “defamation of a group of persons on account of their racial origin, regional origin or religious affiliation shall be punishable by a prison term of between one month and one year and a fine of CFA francs 100,000 to 1,000,000 if its aim is to incite hatred between citizens or inhabitants”.

142. Under article 132, paragraph 1, of the Criminal Code, “any act of discrimination and any manifestation contrary to freedom of conscience and freedom of worship that is likely to bring persons into conflict with each other shall be punishable by a prison sentence of between one and five years and a five-year residency ban”.

2. Effective remedies

143. The Constitution of Burkina Faso and Organic Act No. 10/93/ADP of 17 May 1993 on the organization of the judiciary in Burkina Faso, as amended, have established a judicial system granting the right of appeal and a guarantee of collective and individual rights and freedoms for all. Article 4, paragraph 1, of the Constitution provides that: “All citizens and residents of Burkina Faso enjoy equal protection under the law. Everyone has the right to have their case heard by an independent and impartial court.” Paragraph 3 of the same article states that “the right to a defence, including the right to choose one’s own lawyer, is guaranteed in the courts”. The judiciary, in which judicial authority is vested, is responsible for safeguarding individual and collective freedoms. It ensures respect for the rights and freedoms set forth in the Constitution.

144. To make access to the courts easier for citizens, to bring the system of justice closer to the people and to improve court performance, the State launched the National Action Plan for Judicial Reform for the period 2002–2006, with the support of technical and financial partners. Implementation of the plan led to the creation of new courts and the recruitment of judges and other judicial staff.

145. New courts have been established. The number of courts of major jurisdiction rose from 10 in 2000 to 24 in 2008. The objective is to create such courts in each of the 45 provincial capitals. The purpose of the efforts to strengthen the judiciary is to provide all citizens with effective remedies to protect their rights.

146. As a general rule, the right to an effective remedy is recognized in Burkina Faso. Any person living in Burkina Faso, regardless of their nationality, may bring a case before the courts if they feel that their rights have been violated. The courts have an obligation to act impartially and fairly on the cases brought before them. In practice, however, problems have been experienced in exercising the right to an effective remedy in Burkina Faso. Indeed, a number of difficulties hamper the smooth functioning of the justice system. They include shortcomings in the judicial system in terms of organization, ethics, management, planning, methods of work and communication. One consequence of such difficulties is the slowness of the judicial process, as evidenced by the long delays in processing court cases (pretrial detention, drafting of decisions, issuance of judicial documents and so forth).

147. In an attempt to resolve these problems and to enable the judiciary to discharge its duties in full, the National Justice Policy was drawn up. It was adopted on 13 January 2010 and covers the period 2010–2019.

A. Procedural safeguards

148. The law provides guarantees for a fair trial. Act No. 10/93/ADP of 17 May 1993 on the organization of the judiciary in Burkina Faso establishes the principle of the right to appeal to a higher court and the independence of the judiciary in order to guarantee to citizens the right to fair and impartial justice. In addition, the Constitution provides that: “Criminal law is not retroactive. No one may be tried or punished except on the basis of a law promulgated and published prior to commission of the punishable act. Penalties are personal and individual” (art. 5, paras. 2 and 3). Similarly, the presumption of innocence is laid down in article 4 of the Constitution, which stipulates that “all accused persons are presumed innocent until proven guilty”.

149. Victims of acts by the political and administrative authorities — and all persons vested with public authority in general — that are arbitrary and detrimental to their rights and freedoms have the right to apply to the courts to seek a conviction for such acts and compensation for the harm suffered. Under article 141 of the Criminal Code, any official or other Government representative who gives, or is responsible for giving, an order to perform an arbitrary act, or one that is prejudicial to individual freedom, the civic rights of one or more persons or the legislation in force, is liable to a prison sentence of 5 to 10 years.

150. The law also punishes the judiciary for any arbitrary acts committed against citizens. Article 148 of the Criminal Code provides for imprisonment of 1 to 5 years for chief prosecutors, public prosecutors, their deputies, judges and criminal investigation police officers who detain, or order the detention of, an individual outside designated detention facilities and contrary to the conditions laid down by law, or who bring a citizen before a criminal court without first bringing formal charges against them. In addition, criminal law also provides for a prison term of 2 to 5 years and a fine of CFA francs 50,000 to 600,000 for public officials responsible for carrying out administrative or criminal police investigation functions who knowingly refuse or fail to report or put an end to illegal or arbitrary detention in any location. Penalties are also incurred by those in charge of detention facilities who admit an individual without a detention order or court ruling or, in cases of expulsion or extradition, detain individuals without a Government order, or refuse to hand them over to the criminal investigation police or bearer of the order. Similarly, detention facility officials who refuse to produce custody registers to any authority mandated to monitor them are liable to punishment.

151. The above-mentioned punitive measures are aimed at combating arbitrary abuse by public authorities and protecting the rights of individuals through the guarantee of a just and fair trial.

B. Participation in public life

152. The right to participate in public life is recognized for all citizens. This right is reflected in the recognition of civic rights, freedom of association and freedom to form trade unions, and in the principle of equal access to public employment.

153. With regard to civic rights, all citizens of Burkina Faso, without distinction of any kind, enjoy the right to take part in the conduct of public and social affairs. Details of the organization and conduct of the different kinds of election and the conditions for participation are set out in a number of constitutional and legislative provisions. These include chapter 2 of the Constitution, Act No. 014-2001/AN of 3 July 2001 on the Electoral Code, as amended, and Act No. 32-2001/AN of 29 November 2001 on the Charter of Political Parties and Groups. All citizens of Burkina Faso are entitled to vote and be elected

in accordance with the law. As for Burkina Faso nationals residing abroad, article 47 of Act No. 019-2009/AN of 7 May 2009, amending Act No. 014-2001/AN of 3 July 2001 on the Electoral Code, specifies that “the national electoral register includes all provincial electoral lists and those of Burkina Faso nationals residing abroad”. The effective implementation of their right to vote in presidential elections, however, has been postponed for logistical reasons.

154. The most recent elections to have had an impact on national political life are:

- The presidential elections of 13 November 2005;
- The municipal elections of 23 April 2006;
- The legislative elections of 6 May 2007;
- The presidential elections of 21 November 2010.

155. Participation in public affairs is also encouraged by decentralization. To ensure effective citizen participation and lay a strong foundation for local democracy and sustainable development, the Government launched a wide-ranging decentralization process in 1993, which led to the adoption of Act No. 055-2004/AN of 21 December 2004 on the General Code on Local Authorities.

156. The framework for implementing the process is provided by the Strategic Framework for the Implementation of Decentralization and the National Conference on Decentralization.

157. The 2006 municipal elections consolidated the countrywide system of local government and paved the way for the election of municipal councillors in urban and rural communities and the establishment of all the decentralized bodies. The country’s regional councils in the 13 regions are now operational and the 49 urban and 302 rural municipalities have municipal councils which operate in accordance with the law. This demonstrates the State’s determination to pursue and secure the decentralization process. The establishment of the executive bodies of the councils in the 351 municipalities and 13 regions marks a significant step in this respect. The right to take part in public affairs is supported at the municipal level by the creation of village development councils, which promote community accountability and participation in development initiatives.

158. Political parties are the main actors in national political life. It is their job to promote citizen participation in national political affairs. Under article 5, paragraph 1, of Act No. 32-2001 of 29 November 2001, on the Charter of Political Parties and Groups in Burkina Faso, “political parties and groups engage in political activities, inform and educate the people and promote the exercise of the right to vote”. To enable political parties to do this, article 26 of the Act provides that “political parties and groups are entitled to public funding for their activities in accordance with existing laws and regulations”. Act No. 009-2009/AN of 14 April 2009, on the status of the political opposition, established the position of leader of the opposition. According to article 15 of this Act, “the leader of the opposition is the leader of the opposition party with the largest number of elected members in the National Assembly. In the event of a tie, the leader of the opposition is the leader of the party that received the highest number of votes in the last legislative elections”. That person is the opposition’s appointed spokesperson. The leader of the opposition plays a role in State protocol at official receptions and ceremonies, in accordance with the decree on order of precedence, and may be consulted by the Head of State or Government.

159. Lastly, the commitment to strengthening participation in the management of public affairs at all levels of society was honoured on 16 April 2009 by the adoption of Act No. 010-2009/AN establishing quotas for legislative and municipal elections in Burkina Faso. The Act encourages political parties to ensure that at least 30 per cent of candidates are

male and 30 per cent female. The Act ensures that any political group that does not follow this rule loses half of its public funding for election campaigns. The African Commission on Human and Peoples' Rights played an important role in this respect by writing to the various State authorities to encourage them to adopt or campaign for the adoption of the Act.

160. Freedom of association and trade union freedoms are recognized in article 21 of the Constitution, which states that: "Freedom of association is guaranteed; all persons have the right to form associations and participate freely in the activities of the associations established. Associations must operate in compliance with the laws and regulations in force."

161. The right to organize is guaranteed. Trade unions carry out their activities free from constraints or restrictions other than those prescribed by law. The conditions for establishing and running associations and trade unions are set forth in Act No. 10/92/ADP of 15 December 1992 on freedom of association. The Act specifies that associations and trade unions can be freely established. Their recognition is, however, subject to registration with the ministry responsible for civil liberties. Article 18 of the Act provides that workers or employers wishing to form a trade union must complete four formalities:

- Convene a founding committee comprising at least 20 members;
- Submit to this committee for adoption statutes containing the name, aims, purpose, structure, headquarters and rules of procedure of the future trade union;
- Appoint leaders by means of a free vote; at least seven leaders must be appointed;
- Keep minutes of the proceedings of the founding committee. The minutes must mention the place and date of the committee meeting and the composition of the leadership, with the identities and full addresses of the first union leaders.

162. Equal access to public services and employment is governed by Act No. 013-98/AN of 28 April 1998 on the rules governing public service employment and employees. The Act provides for equal access to public sector employment and an obligation to be impartial and neutral in dealings with public service users. Accordingly, no candidate for a job in the public sector may be discriminated against on grounds of their religious beliefs, political opinions, ethnicity or sex. Similarly, public officials must refrain from adopting any discriminatory attitude towards users that might undermine the neutrality of the public service.
