

**BURKINA FASO**

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*Unity - Progress - Justice*



**PERIODIC REPORT OF BURKINA FASO  
to the African Commission on Human and Peoples'  
Rights relative to the African Charter on Human and  
Peoples' Rights covering the Period 2003-2009**

**October 2010**

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## ACRONYMS AND ABBREVIATIONS

ADP	Peoples' Deputies' Assembly
AI	Initial Literacy Education
AN	National Assembly
ANPE	National Employment Agency
ARV	Anti-retroviral
ASCE	Higher State Control Authority
ACHPR	African Commission on Human and Peoples' Rights
CARFO	Civil Servants' Autonomous Pension Fund
CEBNF	Centre for Basic Non-Formal Education
CEDAW	International Convention on the Elimination of all Forms of Discrimination Against Women
CEG	College for General Education
CEGECI	City Management Centre
CENI	National Independent Electoral Commission
CERD	International Convention on the Elimination of all Forms of Racial Discrimination
CHR	Regional Health Centre
CHU	University Health Centre
ICRC	International Committee of the Red Cross
CIL	Informatics and Liberties Commission
CIMDH	Interministerial Human Rights and International Humanitarian Law Commission
CLS	Local Security Committees
CNDH	National Human Rights Commission
CNLF	National Anti-Drug Squad
CNPAPF	National Women's Affairs Planning Commission
CNSS	National Social Security (Provident) Fund
COMUREC	Multi-sectorial Committee for the Rehabilitation and Equal Opportunities for Disabled Persons
COSPE	Children's Affairs Strategic Policy Framework
CPAF	Permanent Training and Literacy Centre
CSC	Higher Communication Council
CSLP	Strategic Framework for Poverty Alleviation
CSPS	Health and Social Development Centre
DGDDH	General Head Office for the Defence of Human Rights
DGPDH	General Head Office for Human Rights Promotion
DPPS	Head Office for Social Development and Protection

DS	Health District
UDHR	Universal Declaration of Human Rights
EDS	Demographic and Statistical Survey
FAARF	Support Fund for Women's Income Generating Activities
FAFPA	Support Fund for Professional Training and Apprenticeship
FAIJ	Support Fund for Youth Initiatives
FAPE	Support Fund for Employment Promotion
FCB	Complementary Basic Training
FEBAH	Burkinabè Federation of Associations for the Promotion of the Disabled
FESPACO	Ouagadougou Pan-African Cinema and Television Festival
FIDH	International Human Rights Federation
HACLC	High Anti-Corruption Coordination Authority
J.O.RHV	Official Gazette of the Republic of Upper Volta
MASSN	Ministry for Social Affairs and National Solidarity
MATD	Ministry for Local Government and Decentralization
MBDHP	Burkinabè Human and Peoples' Rights Movement
MEBA	Ministry for Basic Education and Literacy
MEG	Essential Generic Medicines
MESSRS	Ministry for Secondary, Higher Education and Scientific Research
FGM	Female Genital Mutilation
MPDH	Ministry for Human Rights Promotion
MPF	Ministry for Women's Affairs
MS	Ministry of Health
MTSS	Ministry of Labour and Social Security
OAPI	African Intellectual Property Organization
ILO	International Labour Organization
WIPO	World Intellectual Property Organization
NGO	Non Governmental Organization
UN	United Nations Organization
CSO	Civil Society Organization
OAU	Organization of African Unity
PANRJ	National Action Plan for Judicial Reform
PDDEB	Decennial Plan for the Development of Basic Education
PIDCP	International Convention on Civil and Political Rights
PIDESC	International Convention on Economic, Social and Cultural Rights
SME/SMI	Small and Medium Enterprises / Small and Medium Industries
PNDS	National Health Development Plan

PNJ	National Justice Policy
PNPF	National Policy on Women's Affairs
PSN	National Health Policy
SIAO	Ouagadougou International Arts and Crafts Exhibition
AIDS	Acquired Immunodeficiency Syndrome
TGI	High Court
AU	African Union
UNESCO	United Nations Educational, Scientific and Cultural Organization
HIV	Human Immunodeficiency Virus

## INTRODUCTION

1. Burkina Faso is a landlocked Sahelian country. Its Capital is Ouagadougou and its second city is Bobo-Dioulasso. It is situated in West Africa in the loop of the River Niger. The country stretches over an area of 274,122 km<sup>2</sup>. It is bordered in the North and the West by Mali, in the South by Côte-d'Ivoire, Ghana, Togo and Benin, and in the East by Niger.

2. The population is in constant evolution. It increased from 7,964,705 inhabitants in 1985, 10,312,609 in 1996 to 14,017,262 in 2006, according to the final results of the general population and housing census held in recent years. It comprises 6,768,739 men and 7,248,523 women, namely 93 men for every 100 women. The population density was estimated at 51.8 inhabitants per km<sup>2</sup> in 2006 and the annual growth rate was 3.1% per annum.

3. Burkina Faso is sub-divided into Territorial Communities (13 regions and 351 Districts) and Administrative Constituencies (13 regions, 45 provinces, 351 Departments).

4. Article 62 of the African Charter on Human and Peoples' Rights stipulates that each State Party shall commit itself to present a Report, every two years, on the legislative and other measures taken to give effect to the rights and liberties recognized and guaranteed by the Charter. Burkina Faso, which ratified the Charter on the 6<sup>th</sup> July 1984, discharged this obligation by submitting its Initial Report in October 1998 to the African Commission on Human and Peoples' Rights (ACHPR) and by defending it in May 1999 in Bujumbura, Burundi, during the 25<sup>th</sup> Session of the ACHPR.

5. The present Report follows the one covering the period 1998-2002, to enable the ACHPR appreciate the significant developments that have taken place in Burkina Faso regarding the respect for human rights and in particular for the rights set out in the Charter. It presents a summary of the most recent political, social and institutional developments pertaining to the promotion and protection of human rights. It endeavours to give an account of the progress made by Burkina Faso in the field of human rights during the period under review, by indicating to what extent the political and administrative Authorities have given effect to the fundamental rights and freedoms set out in the African Charter on Human and Peoples' Rights.

6. This Report was prepared taking into consideration the relevant directives. It was drafted by the technical department of the Ministry responsible for the promotion of human rights issues in collaboration with all the other Government Ministries. It was submitted to a validation workshop which brought together all the actors working on human rights issues. Furthermore, the draft Report was submitted to the Interministerial Human Rights and International Humanitarian Law Commission (CIMDH) and adopted in the Council of Ministers meeting.

## PART ONE: GENERAL INFORMATION

### **TITLE 1. THE LEGAL FRAMEWORK**

7. Since the submission of the last Burkina Faso Report in 2002, numerous measures have been taken to reinforce the legal framework. These measures consist, on the one hand, in the ratification of new international legal instruments (A) and on the other, in the enactment of new legislative and regulatory laws (B).

#### **A. The legal human rights instruments ratified by Burkina Faso**

8. From 2003 to 2009 Burkina Faso ratified numerous regional and international human rights promotion and protection legal instruments.

9. At the regional level, essentially, can be noted:

- the Protocol to the African Charter on Human and Peoples' Rights on Women's Rights in Africa ratified on the 6<sup>th</sup> September 2006;
- the African Union Convention on the prevention and combat against Terrorism, ratified on the 27<sup>th</sup> October 2005.

10. At the international level, Burkina Faso ratified the following instruments:

- the Convention on the rights of Disabled Persons and its optional Protocol, ratified on the 23<sup>rd</sup> July 2009 ;
- the UNESCO Convention on the protection and promotion of the diversity of cultural expressions, ratified on the 20<sup>th</sup> July 2006;
- the Optional Protocol to the Convention on the Rights of the Child, the sale of children, child prostitution and child pornography (UN), ratified on the 31<sup>st</sup> March 2006;
- the Optional Protocol to the Convention on the Rights of the Child, on the involvement of children in armed conflicts (UN), ratified on the 6<sup>th</sup> July 2007;
- the Convention on the Privileges and Immunities of the International Criminal Court, ratified on the 12<sup>th</sup> September 2005;
  - the UNESCO Convention on the protection of the intangible cultural heritage, ratified on the 24<sup>th</sup> April 2005;
- the Statutes of the International Criminal Court, ratified on the 16<sup>th</sup> April 2004;
- the Additional Protocol to the United Nations Convention against transnational organized crime, aimed at preventing, suppressing and punishing trafficking in persons, in particular that of women and children, ratified on the 25<sup>th</sup> December 2003;
  - the International Convention on the protection of the rights of all migrant workers and the members of their family (UN), ratified on the 26<sup>th</sup> November 2003;
  - the International Convention against hostage taking, ratified on the 1<sup>st</sup> October 2003;
  - the International Convention on the suppression of terrorist bombings (UN), ratified on the 1<sup>st</sup> October 2003;
  - the International Convention on the suppression of the Financing of Terrorism, ratified on the 1<sup>st</sup> October 2003;



- the Convention on the prevention and suppression of offences against individuals enjoying international protection, including diplomats, ratified on the 1<sup>st</sup> October 2003.

***B. The principal legislative and regulatory laws***

11. Significant drafting of protective human rights regulations took place during the period 2003 to 2009.

In the area of legislative norms, can be cited principally:

- the Law n°062-2009/NA of 21<sup>st</sup> December 2009 establishing a National Human Rights Commission;
- the Law n°034-2009/NA of 16<sup>th</sup> June 2009 instituting the rural land tenure system;
- the Law n°017-2009/NA of 5<sup>th</sup> May 2009 on the suppression of organized crime;
- the Law n°10-2009/NA of 16<sup>th</sup> April on the establishment of quotas for legislative and municipal elections in Burkina Faso;
- the Law n°030-2008/NA of 20<sup>th</sup> May 2008 on the combat against HIV/AIDS and the protection of the rights of individuals living with HIV/AIDS;
- the Law n°29-2008/NA of 15<sup>th</sup> May 2008 on the combat against the trafficking of persons and related practices;
- the Law n°28-2008/NA of 13<sup>th</sup> May 2008 establishing the Labour Code;
- the Law n°013-2007/NA of 30<sup>th</sup> July 2007 creating the law on the Education Policy;
- the Law n°015-2006/NA of 11<sup>th</sup> May 2006 establishing a social security system applicable to salaried and related workers;
- the Law n°22-2006/NA of 26<sup>th</sup> November 2006 establishing a system for the prevention of and compensation for occupational hazards applicable to Public Servants, the Military and to Judges;
- the Law n°017-2006/NA of 18<sup>th</sup> May 2006 on the Urbanization and Building Code in Burkina Faso;
- the Law n°028-2005/NA of 14<sup>th</sup> June 2005 on the creation, responsibilities, organization and functioning of the Higher Communication Council (CSC);
- the Law n°022-2005/NA of 24<sup>th</sup> May 2005 establishing the Health Code in Burkina Faso ;
- the Law n°055-2004/NA of 21<sup>st</sup> December 2004 establishing the General Code for Territorial Communities;
- the Law n°010-2004/NA of 20<sup>th</sup> April 2004 on the protection of personal data.

In the area of regulatory laws, one can retain, in essence:

- Decree n°2008-681/PRES/PM/MASSN/MEF of 2<sup>nd</sup> April 2008 on the adoption of the national early childhood integrated development strategy;
- Decree n°2008-152/PRES/PM/MEBA/MEF/MASSN of 3<sup>rd</sup> November 2008 on the adoption of the Memorandum on Education Policy;
- Decree n°2009-558/PRES/PM/MJ/MEF/MATD of 22<sup>nd</sup> July 2009 on the organization of legal assistance in Burkina Faso;

- Decree n°2009-530/PRES/PM/MTSS/MASSN/MS of 17<sup>th</sup> July 2009 establishing the conditions of employment and the training of disabled persons;
- Decree n°2009-365/PRES/PM/MTSS/MS/MASSN of 28<sup>th</sup> May 2009 determining the list of dangerous types of labour prohibited to children;
- Decree n°2009-64/PRES/PM/MEBA/MEF/MASSN/MESSRS/MATD/ MJE of 8<sup>th</sup> September 2009 on the organization of non-formal education;
- Decree n°2009-106/PRES/PM/MATD/MEBA/MASSN/MEF/MFPRE of 3<sup>rd</sup> March 2006 on the transfer of the State's competences and resources to the Districts in the areas of pre-school, primary education and literacy;
- Decree n°2006-381/PRES/PM/SECU/MFPRE/MFB of 27<sup>th</sup> November 2006 regulating the general discipline for Police Officers;
- Decree n°2005-100/PRES/PM/MPDH of 23<sup>rd</sup> February 2005 on the creation, composition, responsibilities and functioning of the Interministerial Human Rights and International Humanitarian Law Commission (CIMDH);
- Bye Law n°2004-077/SECU/CAB of 27<sup>th</sup> December 2004 instituting a Code of Good Conduct for the officers of the National Police Force.

## **TITLE 2. THE INSTITUTIONAL FRAMEWORK**

12. The institutional framework comprises both the representative institutions of the three Authorities (A) and the democracy supporting institutions (B).

### **A. The Three Authorities**

13. The political regime instituted by the 11 June 1991 Constitution is based on the separation of powers – the Legislature, the Executive and the Judiciary.

#### **1. The Legislature**

14. The Parliament which was initially bicameral, has now taken on a unicameral form. It comprises one hundred and eleven (111) Members elected in direct universal and equal suffrage by secret ballot for a five (5) year mandate coming from several political parties of all convictions from the national scene. In conformity with the provisions of the Constitution, the National Assembly is entrusted with the fundamental assignments of voting of laws, of approving taxation and control of Government activities.

15. Since the adoption of the Constitution and the establishment of the first Legislature in 1992, the Parliament has been renewed three times: in 1997, in 2002 and in 2007.

#### **2. The Executive Authority**

16. Executive power is exercised by the President of Faso and the Government.

17. The President of Burkina Faso, Head of State, is the guarantor of national independence, of territorial integrity, of the permanence and continuity of the State. In this respect he is the Commander in Chief of the national Armed Forces. He ensures respect for the Constitution. He embodies and guarantees national unity. He sets the major outlines of State Policy and presides over the meeting of the Council of Ministers. Guarantor of the independence of the Judiciary he is Chair of the Higher Council of the Magistracy. He is elected by direct universal suffrage for a five year mandate renewable only once.

18. The Government, the Executive Body, is led by a Head of Government. It is responsible for directing the Nation's Policy and has Defense and Security Forces for this purpose. It is headed by a Prime Minister appointed by the Head of State. The Government is answerable to the Parliament which controls its activities.

### 3. The Judiciary

19. Judicial authority is entrusted to the Judges and is exercised by the Courts and Tribunals over the entire national territory, and is responsible for ensuring respect for the law (Article 125 of the Constitution). Since 2003, the organogramme of the judicial authority has been amended with the creation of Juvenile Courts and Commercial Tribunals. In Burkina Faso there are two justice systems: the judicial system and the administrative system.

20. At the peak of the Courts of the judicial system is the Cassation Court. Then follow the Appeal Courts, the High Courts, the Lower Courts, the Divisional Tribunals and the District Tribunals.

The administrative system is supervised by the Council of State and the Audit Court. Then follow the administrative Tribunals.

21. The Military Tribunal, the High Court of Justice, the Labour Courts, the Juvenile Courts and the Commercial Courts can be added to these Courts.

### **B. The Democracy supporting Institutions**

22. To strengthen the constitutional human rights liberties and guarantees, democracy supporting Institutions have been put in place. Before 2003, these consisted notably of the Economic and Social Council (CES), of the Faso Ombudsman, the National Independent Electoral Commission (NIEC) and the National Human Rights Commission (CNDH), as instituted by the Decree n°2001-628/PRES/MJPDH of 20<sup>th</sup> November 2001 and of the Constitutional Council. These Institutions contribute towards law enforcement, to the promotion and protection of human rights. New ones were added to these Institutions, namely:

#### 1. The Informatics and Liberties Commission (CIL)

23. It is responsible for the application of the Law n°10-2004/AN of 20<sup>th</sup> April 2004 on the protection of personal information. The Law regarding the protection of personal data was passed with a view to protecting the citizens against the dangers linked to informatics and digitalized information which today presents risks of abuse, of various violations against private life and of intrusion into the privacy of citizens.

24. The CIL is responsible for ensuring that the processing of personal data is implemented in accordance with the Law. It informs and advises the individuals concerned and those in charge of the data processing of their rights and obligations. It responds to the requests for advice from the Public Authorities and from the private sector regarding the processing of personal data. It monitors developments in the field of information and communication technology and publishes its evaluation of the consequences of these developments on the protection of private life. It can transmit to the Public Authorities proposals for legislative or regulatory amendments which it considers capable of improving the protection of individuals within the context of personal data processing.

#### 2. The Superior State Control Authority (ASCE)

25. The Superior State Control Authority was created by Law n°032-2007/NA of the 29<sup>th</sup> November 2007 on the creation, responsibilities, composition and the functioning of a Superior State Control Authority. The ASCE inherits, totally or in part, the responsibilities of

the former control institutions namely the General State Inspection (IGE), The High Anti-Corruption Coordination Authority (HACLIC) and the National Anti-Fraud Coordination (CNLF). It is responsible for:

- ensuring respect for the legislative and regulatory laws governing the administrative, financial and accounting activities in all the State's public services, in the local government institutions, the public establishments and in any national organ entrusted with a public service mandate;
- proposing all measures capable of enhancing the quality of the public service;
- receiving and studying the denunciations of the citizens in their relations with any organ entrusted with a public service mandate;
- carrying out investigations on the practices of economic delinquency and corruption within the administration regarding natural persons and legal entities of private law.

26. The organization of the ASCE is governed by the provisions of the Decree n°2008-160/PRES/PM of 8<sup>th</sup> April 2008. The Authority actually started its activities in October 2008, following the swearing in of its members. Since then, it has executed, notably, the checking of consistency and conformity in the management of public funds within the public services and carried out sensitization activities within the context of the combat against corruption. It produced its first Activity Report in 2009 which it transmitted to the President of Faso and subsequently published.

### 3. The Superior Communications Council (CSC)

27. Originally created with the title « Superior Information Council» by the Decree n°95-304/PRES/PM/MCC of 1<sup>st</sup> August 1996, then by the Law n°028-2005/NA of 14<sup>th</sup> June 2005, the Superior Communications Council has as principal responsibilities:

- to ensure the application of the laws and regulations relative to communications in Burkina Faso ;
- to contribute to the respect for the rules of professional conduct by the Companies and Enterprises of sound radio broadcasting and private and public telecasting, by the private and public newspapers and periodicals disseminated or published over the national territory ;
- to issue permits for the operation of sound and television broadcasting stations or Companies;
- to guarantee the protection of the individual against abuse emanating from the activities of the communication sector;
- to ensure the respect by the media for the laws and regulations regarding the promotion and protection of national culture;
- to ensure respect for the fundamental principles governing publicity through the media;
- to guarantee respect for mission Papers and specifications of the public and private sound and television broadcasting;
- to establish regulations governing the conditions of production, programming, of broadcasts and dissemination of articles relative to electoral campaigns by Companies

and media houses of the written press and sound and telecasting belonging to the State in conformity with the provisions of the Electoral Code;

- to contribute to the respect for the standards relative to broadcasting and receiver equipment for television and radio broadcasts.

28. In election time the CSC ensures the proper application of the legislation in force relative to information in Burkina Faso. By means of recommendations notably, it guarantees respect for information pluralism and balance in the programmes of the public media Companies and Houses, those of audiovisual communication, in the State's newspapers and periodicals. In normal periods the CSC supports the promotion and protection of human rights through multifaceted activities. Thus this Institution organized, in collaboration with the Ministry of Basic Education and Literacy and the Ministry for Human Rights Promotion, and with the support of the development partners, a seminar on the 7<sup>th</sup> and 8<sup>th</sup> July 2009 on the theme « the Media and the protection of Child Rights ».

29. In order to guarantee the effectiveness of the right to information and the freedom of expression, a collective Agreement of professional Journalists of Burkina had been drafted, under the aegis of the CSC, which had been signed on the 6<sup>th</sup> January 2009 by the actors concerned. To implement the Press Card, a technical press card committee has been working under the supervision of the CSC since the 4<sup>th</sup> May 2009 on the issuance of the professional card to Journalists and related individuals and of the laissez-passer to the direct collaborators of the Journalists. In 2009 this Committee received 269 requests for press cards and laissez passers. It issued 189 press cards and 55 laissez-passers, making a total of 244 cards issued.

#### 4. The Interministerial Human Rights and International Humanitarian Law Commission (CIMDH)

30. Established by the Decree n°2005-100/PRES/PM/MPDH of 23<sup>rd</sup> February 2005 on the creation, responsibilities, composition and functioning of the Interministerial Human Rights and International Humanitarian Law Commission and amended by the Decree n°2008-740/PRES/PM/MPDH of 17<sup>th</sup> November 2008, the Commission is a technical Government supporting Institution in the field of human rights and international humanitarian law. It is an advisory body and a framework for joint action in the area of governmental policy and strategies of promotion, protection and respect for human rights and international humanitarian law.

31. Its mandate is to support activities embarked upon by the State in the field of promotion and protection of human rights and in the popularization of international humanitarian law in Burkina Faso. Thus, it is responsible for:

- facilitating the coordination of human rights promotion and protection activities undertaken by the various Ministerial Departments;

- studying the human rights policies, strategies and dossiers submitted to it by the Government;

- providing technical support for the preparation of the Reports that Burkina Faso is required to present, in particular, to the United Nations Organs and Commissions, to the International Committee of the Red Cross and Red Crescent (ICRC), and to the African Commission on Human and Peoples' Rights (ACHPR), in conformity with its

conventional obligations in the field of human rights and of international humanitarian law;

- studying all human rights and international humanitarian law litigation involving the State and submitted to it by the Government;
- contributing to the introduction of human rights and international humanitarian law education in the formal and non-formal education system;
- disseminating human rights and international humanitarian law within all the State Institutions responsible for ensuring respect of humanitarian regulations, in particular within the national Armed Forces.

##### 5. The National Human Rights Commission (CNDH)

32. The National Human Rights Commission (CNDH) of Burkina Faso was created by Decree n°2001-628/PRES/MJPDH of 20<sup>th</sup> November 2001. Comprising thirty six (36) members representing civil society organizations, religious and traditional communities, the university community, the public Institutions and the Government, its principal mandate is to assist Government, through advisories, on any human right situation, at its request or at its own initiative.

33. Responding to the comments conveyed to it regarding the Paris Principles according to which the national Human Rights Institutions should be created with a mandate « set out in a constitutional or legislative instrument, which determines their composition and their area of competence », the State embarked on the reform of the CNDH through the voting by Parliament of the Law n°062-2009/NA of 21<sup>st</sup> December 2009 on the establishment of a National Human Rights Commission. In conformity with the Paris Principles, the reform also aimed at making the Commission more effective by giving it independence, management autonomy and the necessary resources for the accomplishment of its mandate, so as to make it a genuine framework of assistance and dialogue for the Public Service in the area of human rights.

34. Regarding its composition, the Commission established by the Law regroups the representatives of Parliament, of Associative Organizations and Non-Governmental Organizations working in the field of human rights, as well as representatives of the Public Service and development actors. It comprises twenty eight (28) members, eleven (11) of whom are representatives of the Public Service with only consultative capacity, except on issues relating to the functioning of the Commission in which case they have the right to participate in the discussions and to vote.

35. From henceforth it is an independent Authority with more wide-ranging responsibilities. Thus, besides the advisories that it provides for the Public Service, the Commission can carry out surveillance visits to places of detention (Article 7 of the Law) and receive requests relating to individual situations and pertaining to allegations of violation or of non-respect for human rights (Article 8 of the Law).

## **PART TWO: THE IMPLEMENTATION OF HUMAN RIGHTS**

36. The process of the return to democracy embarked upon in Burkina Faso since the promulgation of the 11 June 1991 Constitution is developing in a favourable climate and makes the implementation of the rights and responsibilities embodied in the African Charter on Human and Peoples' Rights conducive. Within the framework of its national policy of the promotion and protection of human rights, Burkina Faso has, from 2003, undertaken numerous activities the objective of which is to strengthen civil and political rights (Title 1), the progressive improvement of economic, social and cultural rights (Title 2) and the re-affirming of the specific rights enshrined by the Charter (Title 3).

### **TITLE 1: CIVIL AND POLITICAL RIGHTS**

37. The general framework of civil and political rights in Burkina Faso is built on the Constitution. The period 2003-2009 was marked by a strengthening of democracy and of human rights. This positive development in the aftermath of the assassination of the Journalist Norbert ZONGO on the 13<sup>th</sup> Devenber 1998 is a consequence of the increased demands by the citizens for a genuine reform of State Institutions and for a better protection of human rights. Since 2003, the consolidation of the Rule of Law is being pursued in a climate of peace and stability.

#### ***Articles 2 and 3: The Right to non-discrimination and to Equality before the Law***

38. The principle of non-discrimination and of equality before the Law is re-affirmed in the Constitution, which stipulates in its Article 1 that « all Burkinabè are born free and equal before the Law ».

39. At the legislative level, the Law n°28-2008/NA of 13<sup>th</sup> May 2008 on the Labour Code, in its Article 4, reiterates the prohibition of all forms of discrimination in the area of employment and profession. This legal provision defines discrimination as any distinction, exclusion or preference based on race, colour, gender, religion, political conviction, national extraction or social origin, which has the effect of destroying or altering the equality of opportunities or equality of treatment in matters of employment or of profession.

The principle of non discrimination is implemented within the Defence and Security Forces through the recruitment of female personnel. The recent recruitment of female personnel within the Armed Forces constitutes a major step forward. Thus, in November 2009, the 35<sup>th</sup> graduation class of the National School of Gendarmerie (ENG) provided 499 personnel officers for the country of whom 49 were female. The overall component in 2009 of female military personnel was estimated at 313, of whom 4 were officers, 78 sub-officers, 20 pupils under active officers, 100 student gendarmes from the 36<sup>th</sup> and 38<sup>th</sup> graduating class, 55 non-commissioned officers and 55 recruits from the 2009 class.

40. The rules of access and of procedure before the Courts are the same for all persons seeking justice who come before these Courts within the context of their respective competences. The main difficulty which constrains the equal access by all to justice remains that of the insufficiency of Court Houses across the national territory. The citizens of some Districts are compelled to travel long distances to have their cause heard before a Court. In the face of this difficulty the Government has taken certain measures destined to bring justice to the triables. Thus, it adopted and implemented the National Action Plan for Legal Reform for the period 2002-2006 (PANRJ 2002-2006) as indicated in the preceding Report. This Plan as well as its Consolidation Plan facilitated the increase in the number of Courts, thereby bringing justice closer to the triables. Following the implementation of the PANRJ

Consolidation Plan which covers the period 2007-2009, a National Justice Policy (PNJ) was drafted and covers the period 2010-2019.

***Article 4: The Right to Life, to Physical and Moral Integrity***

41. Any violation of the physical integrity of an individual constitutes an offence in the eyes of the Law. To ensure a better protection of the entire resident population the State has taken a certain number of measures within the context of the national security policy.

42. In the legislative field, these measures resulted in the enactment of several Laws including:

- the Law n°017-2009/NA of 5<sup>th</sup> May 2009 on the suppression of organized crime;
- the Law n°029-2008/NA of 15<sup>th</sup> May 2008 on the combat against human trafficking and related practices;
- the Law n°026-2008/NA of 8<sup>th</sup> May 2008 on the suppression of acts of vandalism committed during demonstrations on the public thoroughfare;
- the Law n°32-2003/NA of 14<sup>th</sup> May 2003 relative to national security.

43. At the regulatory level the administrative framework has benefitted from new provisions. Can be cited principally:

- the Decree n°2006-381/PRES/PM/SECU/MFPRE/MFB of 27<sup>th</sup> November 2006 regulating the general discipline of the national Police Officers;
- the Decree n°2005-263/PRES/PM/SECU/DEF/MJ/MATD/MPDH of 18<sup>th</sup> May 2005 on the adoption of the Action Plan for the implementation of Community Policing in Burkina Faso;
- the Decree n°2005-245/PRES/PM/SECU/DEF/MATD/MJ/MFB/MPDH of 12<sup>th</sup> May 2005 on the creation, composition, responsibilities and functioning of local security committees;
- the Decree n°2005-025/PRES/PM/SECU/MATD/DEF/MJ of 31<sup>st</sup> January 2005 on the organization of the maintenance of law and order in Burkina Faso.

44. The protection of the right to life and integrity is manifested in the strengthening of the actions embarked on in 2001. For the State it concerns the concrete implementation of the Law on national security cited above, and which provides for participation by the community in the management of security issues, through the putting in place of local security initiatives. Thus, the local security committees (CLS), which are advisory bodies and frameworks of consultation between the security services and the local populations, were actually established and their members appointed and installed. All the thirteen administrative regions are covered by these institutions. To-date, there are one thousand, three hundred and seventy nine (1,379) operational CLS out of the appointed five thousand and forty three (5,043), of which two thousand six hundred and seventy (2,670) are currently installed and running.

45. The period under review was also marked by the increase in the personnel of the security forces (Gendarmerie and Police). In 2009, with a staff component of five thousand two hundred and nineteen (5,219) men, the gendarmerie/population ratio is 1 Gendarme to two thousand six hundred and eighty five (2,685) inhabitants. At the level of the Police, there are 181 administrative Units, namely 45 provinces and 136 Departments which are provided with at least one national Police public security service. Thus, with seven thousand three hundred and sixty eight (7,368) police officers as at 31<sup>st</sup> August 2009, all services combined, the police/population ratio is 1 police officer to one thousand nine hundred and two (1,902)



inhabitants. However, in the drive to ensure the optimal protection of goods and persons throughout the national territory through the adapted organization and real coordination of the different efforts so as to provide adequate response to the forms of crime which are becoming more and more sophisticated, the State adopted a National Home Security Strategy which covers the period 2010-2019.

Besides the effort made by the State to increase the staff component of the Defense and Security Forces, special attention was given to building the capacities of these personnel. In this context, the Ministry of Human Rights Promotion and the Ministry of the Security have been working, since 2008, on a Training Manual on Human Rights for the Police. The preparation of this Manual should be completed in 2010.

46. The State is not only concerned by the protection of citizens against other citizens, but also by the protection of citizens against assault or physical violence perpetrated by the Agents of the State. In this regard, Code of Conduct and Ethics has been prepared for the different corps of the Public Service which formally prohibits public officers from committing assault or physical violence against the citizens. Disciplinary and/or criminal measures are set out against State officials who, in the exercise of their duties, improperly and illegally violate the physical integrity of individuals. To punish unscrupulous officers, the State has established a set of sanctions. They can be disciplinary. The disciplinary sanctions are outlined according to ascending order of gravity:

- warning;
- reprimand;
- temporary suspension from work for a maximum of fifteen (15) days;
- temporary suspension from work for a minimum of sixteen (16) days and a maximum of thirty (30) days;
- down grading;
- automatic retirement;
- dismissal without suppression of the right to pension.

The facts for which the officers may be blamed can emanate from criminal offences. In this case it is the Penal Code which is applicable.

**Article 5: The banning of Torture and cruel, inhuman or degrading Treatment**

47. The principle itself of banning is set out by Article 2 of the Constitution. This provision stipulates the principle that the protection of life, of security and physical integrity are guaranteed. Shall be prohibited and punishable by law: slavery, slavery related practices, inhuman and cruel, degrading and humiliating treatment inflicted on children and all the forms of debasement of the human being.

48. To show its will to support the banning of Torture, Burkina Faso adhered, at the international level, to the Convention against Torture and other punishments or cruel, inhuman or degrading treatment. Regarding the Optional Protocol to the Convention against Torture and other punishments or cruel, inhuman or degrading treatment, the Government obtained authorization from Parliament to ratify this Instrument. The ratification Decree has been signed. All that remains is for the instruments of ratification to be deposited in order to complete this Protocol's ratification process.

49. An essential innovation emanates from the Law n°062-2009/NA of 21<sup>st</sup> December 2009 on the establishment of a National Human Rights Commission (CNDH). In effect, Article 7 of

this Law authorizes the CNDH to carry out monitoring visits to prisons and to any other place where acts of torture, cruel, inhuman or degrading treatment are likely to be observed.

50. There is also need to point out, in the area of prevention of torture and abuse, the current drafting of a Manual and Information Guide in human rights for the national Police Force which should enable the professional schools to teach the fundamental norms in the field of human rights.

51. It is however worthy of note that despite the efforts deployed to combat torture and abuse, the persistent overcrowding of the prisons constitutes a matter of real concern. Despite the construction or the renovation of prisons, the number of which has increased from 11 in 2002 to 22 in 2009, living conditions in the prisons remain difficult, as a result of the increasing number of detainees which has almost doubled during the same period as shown in (Table n°1).

Table 1: Rate of occupation of the Prisons and Reformatories as at 31<sup>st</sup> December 2003-2008

	2003	2004	2005	2006	2007	2008
Notional number of places	1, 820	1, 820	2, 300	2, 660	2, 660	2,780
Number of detainees	2, 414	2, 799	3, 315	3, 108	4, 207	4,801
Rate of occupation (in %)	132.6	153.8	144.1	116.8	158.2	172.7

Source: Ministry of Justice, Statistical Yearbook of the Ministry of Justice, 2008 Edition, Ouagadougou, 2009.

52. The State is working hard to improve this situation through the recruitment of extra officers in charge of prison security. Thus the ratio of « detainees per security prison guard », which was 17.2 in 2000 increased to 7.7 in 2008. From 209 SPG in 2003, it increased to 622 in 2009. It should be added here that currently a large-capacity prison of international standards is under construction in Ouagadougou intended to ease the congestion in the Ouagadougou Prison and Reformatory (MACO). The rehabilitation of the Ziniaré Prison and Reformatory should also contribute enormously in easing this congestion.

In order to deal with the overcrowding in the prisons, the judicial administration Department uses, as much as possible, work for the public interest.

53. Finally it is important to point out the initiatives aimed at building the capacities of certain State corps in human rights. In this respect can be cited the training seminars organized by the Ministry for Human Rights Promotion for the benefit of the Prison Security Guards in 2005 and 2008.

Moreover, punishment has been meted out against prison security officers guilty of inflicting abuse against detainees under their guard.

**Article 6: The Right to security of the person and the prohibition of arbitrary arrests or detentions**

54. Any Public Servant or any other representative of the Authorities, who may order the infliction or causes orders to be issued for the infliction of arbitrary or prejudicial acts against either individual freedom, or against the civic rights of one or several persons, or against the laws in force, is criminally responsible. Article 12 of the Order of 27 December 2004 on the Code of Good Conduct of the National Police Force stipulates that « any person arrested and

placed under the responsibility and protection of the Police should not be subjected to any abuse or inhuman or degrading treatment by Police officers or by any other person.

The Police Officer guarding an individual whose condition requires health care or special treatment should call on the medical staff and take the required measures to protect the life and health of this individual.

The Police Officer who is a witness to machinations prohibited by the present Article accepts his disciplinary responsibility should he fail to stop them or should he neglect to bring them to the attention of the competent authority.

55. The regulations governing Police custody have their basis in the Penal Procedure Code. Police custody is the right recognized to judicial Police Officers to keep under their care individuals against whom there are indications of guilt within the context of a legal inquiry. The Law n°017-2009/NA of 5<sup>th</sup> May 2009 on the suppression of organized crime extends the time limit of police custody under some special circumstances. The time limit is usually ten (10) days maximum with a possibility of extension of five (5) days on the authorization of the Faso Public Prosecutor.

56. Generally speaking the observation to be made here is that in matters of detention there still remain major challenges. These mainly constitute the capacity building of the actors, increasing awareness of the relevant norms and provision of working equipment. To address these challenges the State envisages the drafting of a policy relating specifically to prison security. Likewise it also intends to create a specific training school for the State officials responsible for prison security. Furthermore, the recruitment of a large number of prison security personnel and the training sessions organized for their benefit, the construction of a Head Office for prison security within the Main Headquarters all constitute means of addressing the challenges that exist in this area.

#### ***Article 7: The Right to a Fair Hearing***

57. A fair hearing can be envisaged through access to spatial, financial and intellectual justice, that is to say the awareness of one's rights. The principle of accessibility to justice implies the making of necessary arrangements to enable everybody to easily seize the judicial public services, to have one's cause heard, to be able to explain oneself or to be able to obtain any document to which one has a right. This access can be seen from several angles such as the number of Courts, the number of persons working in the Courts or the competence of the workers in the justice system.

58. Between 2003 and 2009 the spatial access consisted in an increase in the number of Courts on the national territory. Thus, from 11 High Courts in 2003, the number rose to 24 in 2009; two (2) Lower Courts were created in 2004 as well as Juvenile Courts (children). The number of administrative tribunals increased from 11 in 2003 to 24 in 2009. Currently there are three (3) Labour Tribunals, 349 Divisional Tribunals and 8 District Tribunals.

59. A fair hearing can only be fully realized where the actors responsible for the process are sufficient in number. Thus, the State has implemented a capacity building programme for the Magistracy through the recruitment of thirty (30) new Judges every year. These efforts have made possible the increasing of the Judge/Inhabitant ratio. It increased from one (1) Judge for 73,000 inhabitants in 2001 to one (1) Judge for 55,000 inhabitants in 2008.

The financial accessibility is currently seen in the review of the laws relative to legal assistance and to the free access of the justice public service.

The intellectual accessibility is seen in the regular organization of open days on justice to make the justice administration known to the triables, the preparation of judicial statistics

yearbooks, the organization of the Detainee's Day, the production of fliers on judicial organization and procedures as well as the broadcasting of a programme on the justice system and related procedures.

60. Conscious of the challenges which remain to be addressed, the Government drafted a national justice policy (PNJ) which seeks to « strengthen the place of justice within the Rule of Law and of society in order to make it an essential player in the realization of democracy and development in Burkina Faso ». This policy which is to cover the period 2010-2019 has the objective of removing a certain number of constraints, the most important of which constitute:

- the paucity of information at the disposal of the citizen regarding legal procedures and the means of appeal;
- the insufficiency of material resources and the dilapidated condition of the buildings which hinder the smooth running of the Justice Departments;
- the dearth in qualified human resources;
- the deficiency at the legislative level in terms of certain procedures.

**Article 8: The Freedom of Thought, of Conscience and of Religion**

61. The Constitution, in its Article 7, stipulates that the « freedom of belief, of non belief, of conscience, of religion, philosophical opinion, practice of religion, the freedom of assembly, the free practice of customs and the freedom to process and demonstrate are guaranteed by the present Constitution, subject to respect for the Law, for public law and order, for public decency and for the individual ».

62. Several religious practices can be noted across the country. According to the census carried out in 2006, Burkina Faso had 52% Muslims, 24.3% Christians and 23.3% Animists. These religions co-exist on good terms. There is a national framework of inter-religious collaboration between the Muslims and the Catholics. The State has excellent relations with these religions which in fact are well organized.

**Article 9: The Right to Information and to the Freedom of Expression**

63. The right to information and to the freedom of expression is exercised in conformity with the Constitution and with the Laws and Regulations in force. Concerning the freedom of opinion and of expression the Law n°56-93/ADP of 30<sup>th</sup> December 1993 on the Information Code is liberal. In its Article 1 the Code re-affirms that the right to information constitutes part of the fundamental rights of the Burkinabè citizen.

64. The right to information and to the freedom of expression is shown through the great number and plurality of the existing Media. Quantitatively speaking, the country had, apart from the public media (20 radio stations and one television station) as at 31<sup>st</sup> December 2009, 169 audiovisual media which have signed an Agreement with the Superior Communication Authority and which are distributed as follows:

- commercial radio stations: 45;
- denominational radio stations: 39;
- associative and community radio stations: 52;
- international radio stations: 4;
- municipal radio stations: 6;
- Television stations (all categories combined): 23.

65. In the area of the written press, there are more than 100 Publications, of which about twenty are in the national languages, about fifty are specialized publications, 4 are Dailies, 9 are Weeklies, 10 are Monthlies, 4 are Bi-monthlies and 1 is Quarterly.

To allow the media professionals to freely carry out their activities, the Superior Communications Council has instituted a press card. This card contributes towards the professionalization of the journalist trade and facilitates access to information for the holder. It guarantees the protection of the Journalists.

**Articles 10 and 11: The Freedom of Association, of Demonstration and of Assembly**

66. Article 21 of the Constitution guarantees the freedom of association and the Law n°10-92/ADP on the freedom of association of 15 December 1992 determines the modalities for exercising it. The Law n°022-97/NA of 21<sup>st</sup> October 1997 on the freedom of assembly and of demonstration establishes the conditions under which the freedoms of demonstration can be exercised. To prevent abuse in the exercise of these freedoms, this Law was completed by the Law n°026-2008/NA of 8<sup>th</sup> May 2008 on the suppression of acts of vandalism committed during demonstrations in the public highway.

67. The creation of Associations consists in the submission of a simple declaration with the Ministry for Local Government and Decentralization.

Furthermore, the Ministry for Human Rights Promotion has a Register in which the civil society organizations working in the field of human rights can register. They were estimated to be 140 in number as at the 1<sup>st</sup> June 2008. Generally speaking, it is important to recall here the technical and financial support provided to these Associations by the MPDH. The technical support is provided through the capacity building of the civil society partner organizations, not only through training, but also through technical support for the realization of some of their activities. The financial support is provided through the subventions granted them. From 2003 to 2009, the amount of subventions granted to the civil society organizations totalled 81,540,689 FCFA.

**Article 12: The Freedom of Movement, the Right to Asylum and the prohibition of mass deportations**

68. Article 9 of the Constitution guarantees the free movement of goods and persons, the free choice of residence and the right to asylum. To implement these liberties, various legislative and regulatory provisions have been enacted. We can quote principally:

- the Law of 10<sup>th</sup> March 1927 relative to the extradition of foreigners (promulgated in AOF by the Decree of 2<sup>nd</sup> April 1927);
- the Decree n°9331/DSS of 14<sup>th</sup> November 1958 instituting a boarding, landing and transit card in the airlines for all passengers;
- Zatu n°85-14 of 31<sup>st</sup> December 1985 establishing the conditions and tariffs for the issue of Travel Cards for the ECOWAS Member States;
- the Ordinance n°84-49 of 4<sup>th</sup> August 1984 establishing the conditions of entry, of sojourn and of exit from Burkina Faso for nationals and for foreigners.

69. At the international level, the Instruments in force in Burkina Faso are:

- the Protocol on the free movement of persons, the right of residence and of establishment adopted in Dakar on the 29<sup>th</sup> May 1979 between the ECOWAS Member States;
- the Additional Protocol A/SP1/7/86 relative to the execution of the second phase (right of residence) of the Protocol on the free movement of persons, the right of establishment, signed in Abuja on the 1<sup>st</sup> July 1986.

70. On analysis, certain conditions have been established regarding entry, sojourn and exit from Burkinabè territory. These are:

- must be in possession of a valid travel document with a Burkinabè visa recognized by the Burkinabè Authorities;
- must be up to date in conformity with international health regulations;
- must be in possession of a return ticket or must present either a guarantee or a dispensation from guarantee of repatriation;
- must complete, date and sign an information card provided by the Administration;
- must be in possession of a residential permit should the stay exceed three (3) months. Exempt from this are the members of foreign diplomatic and consular missions, their spouses and small children, as well as the citizens of some countries.

With the objective of promoting integration, cohesion and mutual knowledge between foreigners and the local populations, the State organizes each year, through the National Integration Commission, a Community Day. This Day allows the foreign communities living in Burkina Faso to get to know, to live and share their culture with the others.

**Article 13: The Right to participate in Public Affairs**

71. All Burkinabè, without distinction whatever, have the right to participate in the management of State and Society's affairs. They can vote and can be voted for under the conditions set out by the Law. A set of constitutional and legislative provisions spell out the manner of organization and operation of the various elections and the conditions of participation. These consist, among others, of Chapter 2 of the Constitution, of the Law n°014-2001/NA of 3<sup>rd</sup> July 2001 on the Electoral Code and related amending Laws, of the Law n°32-2001/NA of 29<sup>th</sup> November 2001 establishing the Charter for Political Parties and Groups.

72. On a concrete basis, between 2003 and 2009, the national political arena was marked by the organization of a certain number of elections:

- the Presidential elections of 13<sup>th</sup> November 2005 (12 candidates);
- the Local Government elections of 23<sup>rd</sup> April 2006;
- the Legislative elections of 6<sup>th</sup> May 2007 (111 Deputies representing 13 Political Groups).

73. The participation in public affairs is also evidenced by the decentralization. It is fully operational and is governed by the General Authorities Code. To realize the effective participation of the citizens and the entrenchment of a democracy and sustained development at the local level, the Government embarked in 1993, on a major process of decentralization which culminated in the enactment of the Law n°055-2004/NA of 21<sup>st</sup> December 2004 on the General Local Authorities Code.

74. The strategic Framework for the implementation of the decentralization and the national Conference on decentralization are the instruments for the implementation of the process. The Local Authorities constitute the 13 regions and the 351 Districts. They are supported in their activities by the administrative constituencies, namely the Region, the Province and the Department.

75. The 2006 Local Government elections implemented the integral communalizing of the territory and facilitated the election of municipal councillors in the urban and rural communities and the putting in place of all the organs of decentralization. Thus, the regional councils of the country's 13 regions have taken effect; the 49 urban communities as well as the 302 rural communities have put their municipal councils in place and these operate in

conformity with the Law. They express the determination of the State in the conduct and securing of the decentralization process in respect of which the establishment of the executive organs of the local authority councils of the 351 Districts and 13 Regions constitute significant progress.

76. The right to participate in public affairs is strengthened in the communities through the creation of Village Development Councils which facilitate the empowerment of the populations and their participation in community development initiatives.

77. The transfer of competences to the local authorities is accompanied by financial support which the State grants to the authorities as well as the transfer of rates and taxes so as to make them viable.

The Political Parties are the primary actors in national politics. Their mandate is to achieve the participation of the citizens in national politics. According to paragraph 1 of Article 5 of the Law n°32-2001 of 29<sup>th</sup> November 2001 establishing the Charter for Political Parties and Groups in Burkina Faso, « the Political Parties and Groups contribute to the linking of politics to information, to the education of the populations as well as to the expression of suffrage ». To enable the Political Parties execute this mandate, Article 26 of this Law stipulates that « the Political Parties and Groups have the right to obtain public funding for their activities in conformity with the laws and regulations in force».

Furthermore, Law n°009-2009/NA of 14<sup>th</sup> April 2009 on the status of the political opposition instituted the Leader of the Opposition. According to Article 15 of this Law, « the Leader of the Opposition is the primary Head of the Opposition Party with the greatest number of elected Deputies in the National Assembly. In the event of a tie in the number of seats, the Leader of the Opposition is the primary Head of the Party with the greatest number of votes cast at the last legislative elections ». He is the accredited spokesperson of the Opposition. The Opposition Leader takes his place in the State Protocol during official ceremonies and receptions under the conditions established by the Decree relative to the order of precedence. He can be consulted by the Head of State or by the Government.

78. Finally, the will to strengthen the participation of all classes of society was reinforced on the 16<sup>th</sup> April 2009 by the voting in of the Law n°010-2009/NA on the establishment of quotas for the legislative and municipal elections in Burkina Faso. In effect, this Law encourages the Political Parties to earmark at least 30% of the candidatures for the benefit of the one or the other sex. This Law penalizes any Political Group that does not respect this rule through the loss of half of their public funding provided for electoral campaigns. It is important to recall here the important role played by the African Commission on Human and Peoples' Rights which had addressed a communication to the different State Authorities urging them to enact this Law or to have it enacted.

***Article 14: The Right to Property***

79. The Right to Property is set out by the fundamental Law of Burkina Faso. In effect, Article 15 of the Constitution sanctions the right to property in these terms: « the right to property is guaranteed. It shall not be exercised contrary to social utility or in a manner that is prejudicial to the security, the freedom, the existence or property of others. It cannot be violated except in cases of public necessity noted in statutory form. No one shall be deprived of its enjoyment save for reason of public utility and under the condition of fair compensation fixed in conformity with the Law. This compensation should be agreed prior to the expropriation, except in cases of emergency or of unavoidable circumstances ».

80. Besides the Constitution, property ownership is set out and regulated by various domestic Laws. Among them can be cited the Civil Code which devotes a large number of provisions to it.

81. Agrarian property is governed by the Law n°14-96/ADP of 23<sup>rd</sup> May 1996 on the re-organization of agrarian and land ownership. In view of the shortcomings of this Law, in particular with regard to the securement of land in rural areas, the Law n°34-2009/NA of the 16<sup>th</sup> June 2009 on the rural landownership system was passed. This Law seeks in particular to:

- guarantee the rational and sustainable management of land in the rural areas;
- combat land speculation in the rural areas and to promote the effective development of rural land for the well being of the population;
- organize the effective legal recognition of legitimate local land rights of the rural populations;
- ensure the protection of national interests and the protection of national land heritage in the rural areas.

This Law the implementation of which requires the involvement of the Local Authorities was the object of several sensitization and popularization activities, including seminars.

82. Literary and Artistic property is governed by a certain number of International Instruments, the most important of which are:

- the Convention on the World Intellectual Property Organization (WIPO), on the interpretations and executions and sound recordings (WPTT), ratified on the 19<sup>th</sup> July 1999;
- the Agreement on the review of the Bangui Agreement establishing an African Intellectual Property Organization (AIPO), ratified on the 24<sup>th</sup> February 1999;
- the Convention for the protection of producers of sound recordings against the illegal reproduction of their sound recordings, ratified by Burkina Faso on the 14<sup>th</sup> October 1987;
- the Treaty on the international registration of audiovisual works, ratified on the 11<sup>th</sup> June 1990;
- the Bern Convention for the protection of literary and artistic works, ratified on the 20<sup>th</sup> October 1975;
- the Convention on the protection of interpreting or performer artists, of producers of sound recordings and radio broadcasting bodies, ratified on the 26<sup>th</sup> October 1961.

## **TITLE 2: THE ECONOMIC, SOCIAL AND CULTURAL RIGHTS**

83. The African Charter on Human and Peoples' Rights stipulates in its provisions, the economic, social and cultural rights which relate mainly to the right to employment, the right to education, the freedom of enterprise and trade, the right to good health and housing, the right to culture and the protection of women and children as well as the right to a healthy environment.

84. The state of under-development in which Burkina Faso finds itself constitutes an objective constraint to the promotion of the economic, social and cultural rights of the citizens. Nonetheless, the Burkinabè State continues to deploy unceasing efforts in favour of its citizens in the field of economic, social and cultural rights.

### **Article 15: The Right to Employment in fair and favourable conditions**

85. Our country sanctions the right to employment under Article 19 of the Constitution which stipulates that « employment is recognized and equal for all ». In order to give effect to this



provision, the State implements two distinct but complementary policies: one concerning public jobs, which figure under the responsibility of the Ministry of the Public Service and State Reform, and the other concerning the private and para public sector which is directed by the Ministry of Labour and Social Security and the Ministry of Youth and Employment. These policies are implemented through recruitment into the Public Service and through hiring by the private sector. They seek to guarantee a certain number of jobs for the citizens on the basis of a general labour policy which reposes essentially on two Laws:

- 1°) Law n°013-98/NA of 28<sup>th</sup> April on the legal system that is applicable to jobs and to officers of the Public Service;
- 2°) Law n°028-08/NA of 13<sup>th</sup> May 2008 on the Labour Code.

#### *A. The Right to employment in the Public Service*

86. The access to employment in the public service is essentially through competition on the basis of the conditions prescribed by Articles 9 to 13 of the Law n°013-98/NA of 28<sup>th</sup> April 1998, which respect the spirit of Article 19 of the Constitution. It is possible to make a distinction between the direct and the professional competition. Apart from the recruitment through competition the Burkinabè State also carries out recruitment through selection by dossier and recruitment through professional exams. The latter method of recruitment is done on the basis of a required average established beforehand, whereas the recruitment through selection by dossier concerns the personnel whose level or diploma is not suitable for entering a competition.

87. In 2008, the Burkinabè Public Service totalled 93,360 Public Servants. The majority of these officers, 59.6%, have the status of public servant. During the same year, two hundred and seventy six (276) direct and professional competitions were organized by the Ministry of the Public Service and State Reform. This recruitment affected all the Public Service's areas of intervention and 12,709 positions had been put up for competition. The staff component of the Public Service increased by 11.72% on average per annum, between 2004 and 2008.

88. The recruited or promoted officers were essentially posted in various sectors of the Public Service.

89. Although it is experiencing a difficult economic situation the Burkinabè State ensures the respect for and protection of the right to equitable and satisfactory working conditions. Thus, to ensure good working conditions for Public Servants and Contract Officers, the Burkinabè State has been able to guarantee the regular payment of salaries.

#### *B. The Right to work in the Private Sector*

90. Currently, the right to work in the private sector is marked by major reforms which seek to introduce into the legislation governing employment more elements of flexibility and productivity, to promote the job creation, to enhance the value of human capital and to extend social security to the greatest number of workers possible. To date, several laws have been enacted in this respect. One can cite principally the Law n°028-2008/NA of 13<sup>th</sup> May 2008 on the Labour Code in Burkina Faso and the Law n°015-2006/NA of 11<sup>th</sup> May 2006 on the social security system applicable to salaried and related workers.

91. From 2002, the following have been organized within the context of the implementation of the right to work:

- a annual meeting of the Government / Workers Unions to examine workers' concerns;

- a meeting of the Government / Private Sector for the improvement of the business environment and the job market;
- a sectorial meeting between the Ministry of Labour and the Social Security / Private Sector for a sectorial examination of the concerns of the private sector;
- an annual bipartite meeting of Employers /Workers Unions for salary negotiations in the private sector.

92. Furthermore, the Government grants an annual subvention to the professional employers and worker organizations to build their capacities. A medical insurance system for all workers is currently being put in place.

93. In the private sector jobs are mainly provided by Companies and Bodies managed by private law natural persons, or legal entities which recruit workers.

94. To facilitate access to employment the State has set up a National Employment Agency (ANPE), which provides temporary or permanent jobs for the citizens in the private sector or in the parastatals. The ANPE receives the job applications, registers them and embarks on recruitment through written tests or through the drawing of lots in response to the offers of available jobs or as expressed by the private sector. Concurrently with the ANPE, the workers' interim or placement institutions and agencies register the job applications.

To take into consideration the concerns of the youth, in particular those relating to employment, the Government organizes a national youth forum each year, through the Ministry responsible for Youth matters. This is an annual meeting between the Head of State and the youth of the thirteen regions of the country to discuss various issues affecting the youth, including issues related to employment.

95. The State reinforces the right to employment by means of various mechanisms for reducing unemployment which essentially affects the youth, and with a matching amount of funds. The loans granted to the promoters by the different Funds are in line with a new approach for enhancing the youths' capacity for work and of promoting self employment. The option chosen gives, in effect, a privileged position to self-employment. In this context the adoption of a national employment policy and its action plan seek to reinforce the creation of jobs, to improve the capacity for work as well as the organization and functioning of the job market.

96. Aware of the fact that employment remains an essential factor for development and for the combat against poverty, the State created a Fund devoted to the funding of youth promoters who do not have material or financial collateral. The creation of the Support Fund for Youth Initiatives (FAIJ) is part of this will to grant each young person who has a project the opportunity to set himself up. The special feature of the FAIJ is the fact that it does not ask for collateral which has for a long time blocked the access to loans for young people who do not have initial support and its does not worry about the sustainability of the project. Its funds are given out in the form of micro-credits with no requirement for material or financial collateral. They are obtained simply on the basis of the moral backing of a patron or mentor at very low interest rates varying between 2% for disabled persons, 3.5% for girls and 4% for other promoters. Three other Funds placed under the control of the Ministry of Youth and Employment provide the necessary funds and training to the promoters for the accomplishment of their projects. In 2008, whilst taking care of the promoters' training in management techniques, the Support Fund for Employment Promotion (FAPE) contributed up to 150,000,000 FCFA for the creation and the consolidation of 90 Small Enterprises. It also contributed to the pre-financing of contract performance for 10 Businesses to the tune of

113,000,000 FCFA. These two financial interventions allowed the generation of 485 and 120 jobs respectively during the period mentioned above.

97. The State also pays special interest to the informal sector the dynamism of which enriches the national economy. In 2008, the Informal Sector Support Fund (FASI) financed 822 micro-projects, thereby creating 202 direct jobs.

98. Besides the facilities for accessing loans, the Government pays special attention to the training of job seekers and to training on trades. This task is allocated to the Support Fund for Professional Training and Apprenticeship (FAFPA). This Fund facilitated the training of 581 apprentices for an amount of 87,461,945 FCFA; 989 SME/SMI workers for an amount of 106,869,693 FCFA; 372 rural actors for an amount of 20,286,935 FCFA and 986 craftsmen for an amount of 78,043,478 FCFA. Each year 10,000 young people also benefit from various types of training either in setting up projects, or in techniques of job seeking.

99. The concern to bring the promoters closer to the sources of funding incited the Ministry of Youth and Employment to put in place in each regional county town a single window regrouping all the Funds (FAIJ, FASI, FAPE, FAFPA) placed under its control. Within the context of this impetus for decentralizing access to loans, the State observed that unemployment does not exist in the urban areas alone. It is also a rural phenomenon. A pilot project for cattle grazing and the equipment of young market gardeners to a tune of 200,000,000 FCFA was launched on the 21<sup>st</sup> January 2008 to reduce the under-employment of rural youth.

The promotion of women's employment also constitutes a matter of concern for the Government. The Support Fund for Income Generating Activities for Women (FAARF) was created to promote income generating activities for Women. This Fund grants monies to Women to enable them become self-employed. (see previous Report).

**Article 16: The Right to enjoy the best state of mental and physical health**

100. The right to good health is a right recognized for every individual living on Burkina Faso territory without any distinction. It constitutes one of the social rights sanctioned by the Constitution in its Article 18. This Constitutional provision is implemented by the Law n°034/98/NA on the Hospital Act which stipulates in its Article 6 that the public, private profit-making or non profit-making hospitals shall guarantee equal access to all the health care that they provide. Aware of the importance of good health in the country's general development process Burkina Faso made health development one of the priority areas for Government action.

101. The implementation of the right to good health is managed by the State through the formulation, in 2001 of a National Health Policy (PSN). It then drafted the National Health Development Plan (PNDS) which is the programmatic translation of the PSN over the period 2001-2010 with the objectives of:

- increasing the national health cover;
- improving the quality and use of health services;
- enhancing the control of transmittable and non transmittable diseases;
- reducing the transmission of HIV;
- developing human resources in the health sector;
- improving the financial accessibility of the populations to health services;
- increasing the funding of the health sector;
- building the institutional capacities of the Ministry of Health.

102. The implementation of this Plan made it possible to increase the health institutions and to reduce the average action range of health institutions. Thus the average action range of health institutions which was 9.18 km in 2001 was reduced to 7.3 km in 2009. In the long run the intention is to reduce this distance to 5 km.

103. Also observed during the period under review was the improvement of the quality and the efficient utilization of the health services. Also to be noted was the improvement in the availability and accessibility of quality medicines. In this context, since the 10 molecules which were the most used did not run out of stock the percentage of MEG depots increased from 74.6% in 2002 to 95.28% in 2009.

104. Within the framework of the promotion of the good health of specific groups, considerable progress was made in the following areas:

- Ante-natal consultation, for which the coverage rate increased from 60% to 75.5% between 2001 and 2009;
- assisted deliveries, the rate of which increased from 34% to 65.2% between 2001 and 2009;
- Contraceptive prevalence, the rate of which increased from 12.6 to 28.2% between 2001 and 2009;
- Post-natal consultation, the coverage rate of which increased from 15.62% to 38.3% between 2001 and 2009.

105. Also to be noted is the increase in the vaccination coverage for the different antigens between 2001 and 2009 which increased from 84.46% to 112.4% for BCG, 64.26% to 108.2% for DTCHeBHib3, from 65.44 to 94.8% for VARIVAX, and from 21.95% to 94.7% for VAA, and from 37.06% to 86.36% for pregnant women VAT2 and more.

106. In the area of reinforcing the control of transmittable and non transmittable diseases, the vaccination coverage of all the antigens in children aged less than a year improved. Thus, the BCG coverage increased from 79% in 2000 to 112.44% in 2008. For measles, the coverage rate increased from 65% in 2001 to 100.74% in 2008. From 2006, vaccines against Hepatitis B and Haemophilus influenzae were introduced in routine vaccinations. The coverage rate for penta3 was 106.92% in 2008.

107. Concerning the financial accessibility of the populations to health services, the State has taken measures to combat poverty among which figure:

- free deliveries and free emergency obstetrical and neonatal care;
- free care for serious cases of malaria in children aged less than five years and pregnant women in the public health centres and the free distribution of long action impregnated mosquito nets for their benefit;
- the subvention of contraceptives;
- free preventive care (vaccination, ante-natal consultations);
- provision of free health care for cases of tuberculosis and leprosy;
- free health care for cases in epidemic situations.

108. Pertaining to the human resources in the health sector, the staff component increased from more than nine thousand (9,000) officers, all categories combined, in 2001 to more than nineteen thousand (19,000) in 2009.

109. From the results, most of the different tracer indicators for monitoring the implementation of the National Health Development Plan had been attained, even exceeded before the deadline of 2010.

110. Despite the performance registered, it must be admitted that the national health system presents some shortcomings, among which figure:

- the low quality of health care;
- the paucity of human resources in terms of quantity and quality and their inappropriate distribution;
- the insufficient availability of specialists in the hospitals to take care of emergencies thereby leaving the trainee interns to deal with patients in distress;
- the persistent intra-regional and intra-district disparities in terms of geographical accessibility of the public health centres, thereby contributing to disproportions in terms of health coverage;
- the low development of the private health sub-sector;
- the existence of health districts without administrative and health referral institutions;
- the low level development in health research;
- the absence of a national system of medical insurance and the low development of the other mechanisms for sharing medical risks such as health mutual insurance;
- the weak link between the level of resource allocation and the performance realized or expected;
- the high costs of health expenditure borne by the households;
- the low level organization of health care provision in the urban areas and in the hospitals;
- the lack of inter-sectoral collaboration for the solution of cross cutting health problems.

The deficiencies observed during the implementation of the National Health Development Plan (PNDS) 2001-2010 were taken into account during the preparation of the 2010-2019 Plan in order to make appropriate adjustments thereto.

111. The combat against AIDS remains a priority for the Burkinabè State. It has, since 2003, been reinforced by the implementation of several strategies. Can be cited principally:

- the assistance to persons living with HIV in the public hospitals;
- the provision of care for patients on ARVs with a subvention placed on these in order to maintain the price at 1,500 FCFA (in the long term, it is intended to make them free of charge);
- the extension of the programme mother to child transmission to 96.82% of the health districts in in 2008 as against 91% in 2007.

This resulted in the significant reduction of the prevalence rate which is now 1.6% at the national level. It was 2.7% in 2004 and 2% in 2007. Furthermore, the number of patients on ARVs increased from 17,263 in 2007 to 19,524 in 2008.

**Article 17: *The Right to Education and the Right of individuals to participate in cultural activities***

*A. The Right to Education*

112. Education in Burkina Faso is governed by the Law n°013-2007/NA of 30<sup>th</sup> July 2007 instituting the Law on Education policy. According to the provisions of Article 3 of this Law,

« Education constitutes a national priority. Every individual living in Burkina Faso has the right to education, without any discrimination whatsoever, in particular that based on sex, social origin, race, religion, political conviction, nationality, or state of health. This right is exercised on the basis of equity and of equal opportunities among all citizens ».

113. The budget allocated to education is about 20% of the national budget added to which is a major contribution from the non-governmental organizations and the other development partners. The efforts deployed within the framework of the promotion of education are in line with Programme of Priority Action of the Strategic Framework for Poverty Alleviation.

114. The Burkinabè educational system comprises formal education, non-formal education and informal education.

#### a) Formal Education

115. Since 2002, the fulfilment of the Right to Education at the level of basic education is realized in the context of the implementation of the Ten Year Basic Education Development Plan (PDDEB), which provided this sector with an increase in indicators in the past few years. The actions engaged to stimulate this sector have been, among others:

- the vast recruitment of Teachers (3,000 per annum);
- the increasing of educational opportunities through the construction and equipping of educational infrastructure (1,000 classes per year);
- the elimination of biennial recruitment through the establishment of multigrade classes and/or the normalization of 3-class schools;
- the adoption of motivating measures for girls' education;
- the adoption of inciting measures to reduce regional disparities;
- the recovery of out of school or uneducated children in the Centres;
- the creation of satellite schools to bring the school closer to the children.

116. Within the context of the implementation of the education system reform, with particular regard to the principles of compulsory education and free public education, the following measures were adopted:

- introduction of the teaching of human rights issues in the curricula;
- free distribution of school books and educational materials, initially on a small scale from 2001 to 2006 and then on a larger scale from 2007;
- intervention to exempt orphans and vulnerable children from paying pupils' parents' contributions;
- payment of girls' contributions to represent pupils' parents' contributions;
- collection of provisions for the feeding of the pupils.

117. In the primary education sector the implementation of the education system reform allowed the near doubling of educated children (26,348 from 2005/2006 to 2006/2007 and 49,878 from 2006/2007 to 2007/2008). This major increase in educated children had a major impact on the schooling gross rate, which rose from 48.7% in 2002/2003 to 72.4% in 2008/2009. The number of newly enrolled in first year primary increased at the national level from 346,961 pupils (45.94% of girls) in 2006/2007, to 388,889 (47.01% of girls) in 2007/2008, namely a growth rate of 12.08%.

118. The indicators of the quality of basic education are in distinct progression due to the measures taken to maintain children in the system, to the free provision of books and educational material, to the provision of educational material for the schools, to the sensitization on general education and in particular that of the girl child that has been undertaken within the educational community.

119. The principles of basic education, notably compulsory education and the free basic education in public schools resulted in a positive impact on the post primary and secondary education indicators.

120. Between 2006 and 2008, at the secondary school level, the Government embarked on:

- the construction of 20 Colleges of General Education (CEG) and of extra classrooms in the Districts of the 19 Provinces with low educational levels;
- the construction of 22 other extra classrooms;
- the construction of 30 Colleges of general local education;
- the opening of 45 new public schools;
- the conversion of 9 CEGs in High Schools;
- the conversion of 2 Technical Colleges (CET) into professional high schools;
- the commencement of the construction works of 4 professional high schools;
- the construction of 115 extra classrooms in the schools.

121. These achievements made it possible to increase the reception capacity at the post primary and secondary levels of general education, which rose from 497 institutions in 2003/2004 to 904 in 2007/2008, namely a relative increase of 81%. This improvement in the provision of education resulted in the increase of gross schooling rates from 17.37% to 27.4% at the post primary level and from 7.15% to 10.1% at the secondary level between 2003/2004 and 2007/2008. To this can be added the major impact of the educational system reform, thanks to which numerous motivating measures had been taken to increase access to and maintenance in post primary and secondary education. These consist in particular in the reduction of school fees by 50% in all the post primary schools in Burkina Faso, in the provision of free education in 45 pilot Departments of the reform project, and in the augmenting of the subvention granted to the conventional private schools. These measures facilitated the increase of the post primary transition from 53.3% in 2007/2008, compared to 43% in 2003/2004, namely a gain of 10 points.

122. Concerning technical and professional education, the educational assistance to the public is limited. Nonetheless, it is possible to note a net increase of 75% in the number of technical institutions, which rose from 67 in 2003/2004 to 114 in 2007/2008 (of which 103 are private institutions). To take into account the specific requirements in the area of technical and professional education, a National Education and Technical Training Policy was adopted in 2008.

123. Higher Education has been growing rapidly in Burkina Faso since 2002. The actions undertaken in this area have resulted in the increase of reception capacities of the University of Ouagadougou and the opening of the Universities of Bobo-Dioulasso, Koudougou and Ouaga II. To this can be added the increase in the number of private Universities and High Schools which totalled 29 in 2007/2008, compared to about fifteen 5 years earlier. This effort brought about an increase in the number of students, which rose from 27,942 in 2004/2005 to 41,779 for 2007/2008.

124. The State pursues its efforts in improving the living and working conditions of the students. In the context of these efforts there was, in 2009:

- the doubling of the scholarship quotas which increased from 500 in 2003 to 1000;
- the increase in the scholarship amount;
- the augmenting of the number and rate of the assistance granted;
- increasing of the loan amount granted to non-scholarship holder students;
- the extension of the loan to more than 1,000 first year students;
- the increase in the reception capacities of the University residences;
- the increase in the number of meals served in the University restaurants.

Still in the context of improving the quality of higher education, a component of 43 Teachers was recruited for the 4 Universities (Ouaga I, Ouaga II, Koudougou and Bobo-Dioulasso), as well as 40 Assistants for the University of Ouagadougou and 15 Assistants for the University of Koudougou.

125. Despite these efforts deployed by the State, higher education is still prone to numerous difficulties linked in particular to the excessive number of students in the Universities, to the insufficiency of University level Institutions and to the low decentralization of the Universities.

#### b) Non-Formal Education

126. Non-formal Education covers all educational and training activities which are structured and organized within a non-school framework. It concerns all persons interested in receiving specific training in a non-school education institution. Non-formal education is provided in:

- the Permanent Literacy and Training Centres (CPAF);
- the Non-Formal Basic Education Centres (CEBNF);
- the various other training and formation institutions.

127. These Centres play a very important role in the training and education of individuals who have not been to school or who left school early. The actions undertaken by the Government in favour of non-formal education consist essentially in the expansion of educational facilities through the construction and equipping of CPAF and CEBNF. As at 31<sup>st</sup> December 2009, there were 15,178 Non-Formal Education Centres over the entire territory of which 14,215 were in the rural areas and 963 in the urban areas. In all, as at 31<sup>st</sup> December 2009, there were 2,655 Teachers of whom 2,236 worked in the rural areas and 419 worked in the urban areas.

128. The content of the education provided in these different Centres is determined through normal channels. The activities carried out to enhance the quality of literacy education and non-formal education can be summarized in the following points:

- the experimentation of new curricula in initial literacy education (AI), in complementary basic training (FCB) and at level 2 of the scientific and technical education (CST) in the pilot CPAFs;
- the preparation of specifications for interventions in the area of literacy education and non-formal education (AENF) with staff training Plans;
- the adoption of the editorial policy in literacy education and in non-formal education;
- the establishment, on the 16<sup>th</sup> June 2008, of an Educational Documents Supply Commission for literacy education and non-formal education;
- the organization in Ouagadougou, from the 2<sup>nd</sup> to 6<sup>th</sup> December 2008, of the 3<sup>rd</sup> National Forum on Literacy Education;



- the translation and the distribution of official documents (general policy declaration, the State Budget, etc) to the population.

### c) Formal Education

129. Formal Education is dispensed in a fortuitous and diffused manner. The following channels constitute its main vehicles:

- the Family Unit;
- the Social Groups;
- the Community Media and the other instruments of communication;
- the various Associative Movements;
- the Community;
- scenes of daily life;
- street manifestations.

The Ministry for Human Rights Promotion and the Ministries responsible for Education drafted teaching modules on human rights issues for use in the primary and secondary schools. Likewise, within the context of human rights-related educational activities the Ministry for Human Rights Promotion organizes conferences in the schools and in the Permanent Literacy Education and Training Centres and in the Non-Formal Basic Education Centres.

### *B. The Right to participate in Cultural Activities*

130. The Constitution recognizes for each citizen the right to participate freely in cultural activities as well as in the promotion and protection of traditional values. Burkina Faso is made up of a cultural mosaic (about sixty ethnic groups) the integration and national cohesion of which require to be consolidated. A major part of the material heritage (sites, monuments, ancient objects, collections, archives and ancient documents) is still preserved within the Communities.

131. A country of oral tradition, the essence of the cultural heritage is intangible. It comprises notably the practices, the representations, the expressions, the knowledge and know-how as well as the instruments, objects and cultural artefacts and spaces associated to them, which the Communities, Groups, and where relevant, individuals recognize as being part of their cultural heritage. This intangible heritage, made up of thousands of conventional customs, practices and know-how, is dynamic and progressive.

132. In order to better secure and enhance the value of this heritage, the State promotes the development of Museums. Thus, about fifteen Public, Private or Community Museums contribute to the preservation of the cultural heritage chattels (about 20,000 collected objects of which 13,370 have been catalogued) and to the combat against the looting of cultural assets.

133. In 2004 the State carried out a survey which facilitated the identification of 424 sites over the entire country of which 44 are registered on the national list.

134. Due to its limited capacities in the production and dissemination of its identity-related values and culture through the mass media and the knowledge-based and leisure industries, Burkinabè society is today faced with the loss of the latter. This loss generates the increased cultural adaptation of our young generations by exogenous values.

To deal with this situation and to promote national culture, Burkina Faso organizes, every two years, the National Week of Culture (SNC). Initiated since 1983, the two-yearly organization

of the SNC contributes to the enhancement of the country's cultural values. It translates the will of the State to place culture in the centre of development challenges. Burkina Faso being a mosaic of cultures, due to the large number of ethnic groups which live together, the SNC constitutes a framework for encounters, intermingling and healthy competition between the various cultures.

135. To guarantee the rights of Burkinabè citizens to culture, the State prepared a National Cultural Policy. In this context it intends to enhance cultural heritage, in particular the endogenous knowledge and know-how, and to promote cultural creativity in order to strengthen cultural diversity at the international level.

136. This Policy is also in line with the strategy for the strengthening of the cultural creative economy and of the cultural sector's capacity to competitively produce goods and services, to provide employment and revenue generating activities. The intention is for this national cultural policy to be implemented through Three-Yearly Action Plans and specific implementing Institutions.

137. The principal challenges relating to this Policy constitute the following:

- in the face of globalization, to promote acculturation through the construction of a strong Burkinabè cultural identity which respects cultural diversity, capable of contributing to Nation building and to the enhancement of local knowledge and know-how;
- faced with the deterioration of the cultural heritage and with the low visibility of the products, to safeguard and promote this heritage as well as its products which constitute the bearers of our identity and the generators of lucrative activities;
- in the face of the structural poverty that Burkina Faso has to overcome, to make the cultural sector a strategic factor of contribution to economic and social growth and development through the creation of jobs and activities and through its contribution to trade balance;
- in the face of social tensions and threats of conflict to which various communities are exposed everywhere in the world, to make culture a factor of social cohesion and of peace thereby contributing to the moral well-being of the populations and to cultural diversity;
- in the perspective of making Burkina Faso a developing Nation, to impose culture as a radiant driving force of the country in the international arena.

At all events, it is important to point out the organization, each year, of the Community Day. This activity seeks to enable the other Communities to discover the Burkinabè and be discovered by them. Thus, the mutual acquaintance will constitute a factor of cohesion and of peaceful co-existence.

### **TITLE 3: THE SPECIFIC RIGHTS**

#### **Article 18: The Rights of Women, the Child, of elderly persons and disabled persons**

##### *A. The Rights of Women*

138. The implementation of Women's Rights is a priority for the State. In this regard it created in 1997 a specific Ministry, the Ministry for Women's Affairs (MPF). The Ministry for Women's Affairs is responsible for implementing Government Policy in women's socio-economic development in collaboration with the other Ministries and Institutions concerned. It has the drive and the responsibility of monitoring the education and training programmes of women and young girls, of promoting the equality of women's rights and their right to

reproductive health, of informing and sensitizing the citizens on the rights of women, of coordinating their activities in favour of women with the relevant partners and Institutions, of monitoring and evaluating the impact of NGOs and Women's Associations' activities.

139. During the period 2003-2009, the Ministry for Women's Affairs, in collaboration with the other Ministries, implemented reforms with the objective of promoting Women's Rights. These measures consist of:

- the adoption of a National Women's Promotion Policy (PNPF) in September 2004.
- the adoption of a second Action Plan in 2003 and the establishment of a monitoring institution which is the National Coordination Bureau of the Women's Promotion Action Plan (CNPAPF). This Institution is chaired by the Prime Minister and the Ministry for Women's Affairs is Vice-Chair. The CNPAPF meets annually to take stock of the implementation of the Action Plan. A Permanent Secretariat for the Women's Promotion Action Plan (SP/PAPF) is responsible for implementing the actions;
- the ratification of the Protocol to the African Charter on Human and Peoples' Rights (ACHPR) on the Rights of Women in Africa on the 24<sup>th</sup> April 2006 and of the Optional Protocol on the 26<sup>th</sup> July 2005;
- the adoption of the National Gender Policy on the 8<sup>th</sup> July 2009.

140. Considerable effort has been made through the establishment of institutions and bodies which focus closely on women's issues. These are:

- the existence of focal points in all the Ministries responsible for monitoring the national policies and programmes in favour of women, so as to integrate the aspect of gender in the analysis and evaluation of the results obtained;
- the creation of a Division for the promotion of Girls' Education within the Ministry of Basic and Literacy Education;
- the creation of Centres for Women's Affairs;
- the definition of a Strategy and an Action Plan to strengthen the role of Women both in the development process and in their participation in national issues;
- the creation of a National Monitoring Commission on the implementation of Burkina Faso's commitments concerning Women (CNCF);
- the celebration of the International Women's Day (8<sup>th</sup> March), of the World Rural Women's Day (15<sup>th</sup> October), of the International Day for the Elimination of violence against Women (25<sup>th</sup> November), and the Women's PanAfrican Day (31<sup>st</sup> July);
- the holding of annual sessions of the National Coordination Bureau Action Plans for Women's Affairs;
- the sensitization activities on gender abuse.

141. At the national level, other stakeholders work in the area of defence and protection of Women; among them figure numerous NGOs and Associations which work in the field to improve the living conditions of Women.

142. The strategy adopted for the socio-economic development of women relates to the realization of favourable conditions for the creation of revenue generating activities, in particular through literacy education and technical training of women, the lightening of

domestic chores, the access to credit, the access to new technology, the organization of Women into pre-cooperative and Associative institutions.

143. To achieve this, the State adopted in 2006, an Action Plan for Women's Development 2006-2010. The sought for objective in its adoption was to register major achievements in the area of promotion and protection of the fundamental rights of women and the girl child. It should be emphasized that apart from the Ministry for Women's Affairs, several other Ministries have put in place mechanisms for the promotion of Women's Rights. This is the case with the Ministry for Social Action and National Solidarity, with the Ministry of Agriculture, Water and Fish Resources, the Ministry for Animal Resources and the Ministry for the Environment and the Living Environment. In particular, the Ministry for Social Action and National Solidarity was given the responsibility by the Government to support, through its peripheral institutions, the decentralization of the FAARF's activities, the establishment of Family Life Education programmes to help women improve their management of family resources and the organization and lightening of their domestic chores. The Ministry for the Environment and the Living Environment, through the Environment Action Plan, provides a broad section to the socio-economic development of women in the various socio-economic zones. The Ministry for Human Rights Promotion also contributes to the promotion of women's affairs through the popularization of legal instruments for the promotion and protection of women's rights, sensitization activities and support for civil society organizations working within the framework of women's rights' promotion.

144. The Government Institutions' actions are completed and reinforced by those of the NGOs and Women's Associations working towards the socio-economic development of women.

145. The Government has adopted numerous measures aimed at protecting the moral and physical integrity of women, as well as women's material interests at the family, professional and landownership levels. On the participation of women in decision making, this remains relatively low. In order to strengthen their representation in Parliament and at the local authority level, numerous actions have been undertaken, such as:

- the passing of the Law n°10-2009/NA of 16<sup>th</sup> April 2009 establishing quotas for legislative and municipal elections in Burkina Faso;
- advocacy with political leaders for a better positioning of women on electoral lists;
- the setting up of a Gender Caucus within the National Assembly.

146. Where these actions have brought about a relative awareness, the fact remains that more efforts need to be deployed to improve the situation. In effect, in 2008, the statistics looked like this: out of the 35 Ministers in the Burkinabè Government, 7 are women, namely 15.31%; in the Governorates, 2 Governors out of 13 are women, namely 15%; in the High Commissions, there are 5 women out of 45, namely 11%; 4 women out of 11 are Chairpersons of Institutions, namely 27%. In the City Councils, out of 351 Mayors, 19 are women and 6,400 municipal Councillors are women out of a total of 17,800 namely a representation rate of 5% and 35.8% respectively.

147. The combat against excision has been pursued and strengthened since 2003 in view of the harsh reality of the plague. According to the EDS 2003 data, 77% of women aged 15-49 had undergone this practice in 2003. An evaluative study of CNLPE's activities from 1990 to 2005 shows a prevalence rate of 49.5% among the women of 0 to 60 years. Overall, the trend is diminishing but with a reduction of the excision age thereby increasing the risks for the girlchild to end up with serious after effects.

148. In the face of this situation, several activities have been carried out by the National Committee for the combat against excision in collaboration with its development partners and the NGOs and Associations. It is possible to note:

- the realization, in 2006, of studies for a better knowledge of the phenomenon in the Eastern and South Western regions;
- the pursuit of the activities of information, training and education for the community health staff, for young school children and the youth of the informal sector, for the population in general through radiobroadcast programmes, conferences and teledébates. In terms of assessment, it is possible to note the realization of 269 training sessions; 30,446 talk shows, 645 radio broadcasts, 8,958 cinema and conference sessions. In the context of these training sessions, 200 health agents acquired knowledge and ability in techniques of mending the after effects of excision;
- the introduction of a module on femal genital mutilation (FGM) in the primary and secondary school curricula by a joint circular letter dated 30 June 2003 from the Ministries responsible for Education following an experimental phase from 2001 to 2003 the results of which have proved conclusive in terms of information and sensitization of the potential victims of this practice;
- the adoption, in 2008, of the Zero Tolerance Action Plan to female genital mutilation, 2009-2013.

149. At the criminal level, sentences have been pronounced against individuals found guilty of sexual mutilation, as evidenced by the data of Table 2 below.

Table 2: Situation of the suppression of Female Genital Mutilation

Years	2003	2004	2005	2006	2007	2008
Number of lawsuits sequel to the practice of FGM	30	26	31	26	28	38

Source: Ministry of Justice, Ministry of Justice Statistical Yearbook, 2008 Edition, Ouagadougou, 2009.

### *B. The Rights of the Child*

150. Several legal instruments have been enacted since 2003 in the area of child rights. Can be cited in particular:

- Law n°29-2008/NA of 15 May 2008 on the combat against the trafficking of persons and related practices;
- Law n°28-2008/NA of 13 May 2008 on the Labour Code;
- Law n°13-2007 of 30 July 2007 on the Education Policy Law;
- Law n°028-2004/NA of 8 September 2004 on the amendment of the Law n°010/93/ADP on the legal system in Burkina Faso (Article 63 to 72 on Juvenile Courts).

151. At the regulatory level, can be noted, mainly:

- Decree n°2009-558/PRES/PM/MJ/MEF/MATD of 22 July 2009 on the organization of legal assistance in Burkina Faso;

- Order n°2009-91/SECU/CAB of 1<sup>st</sup> July 2009 on the creation of a regional child protection squad;
- Decree n°2009-365/PRES/PM/MTSS/MS/MASSN of 28 May 2009 on the determination of the list of dangerous types of work prohibited to children;
- Decree n°2008-236/PRES/PM/MEBA/MESSRS/MASSN/MATD of 8 May 2008 on the organization of primary education;
- Decree n°2009-200/PRES/PM/MESSRS/MEBA/SECU of 15 April 2009 on the creation of a National Council for the prevention of violence in the school environment.

152. Globally, from these measures, it is possible to retain the prohibition of all forms of abuse against school children, the raising of the minimum age for all types of work from 15 to 16 years, the definition of the dangerous types of work prohibited to children, the definition and suppression of child trafficking, the creation of Courts specifically for Juveniles, and the automatic eligibility of the child to legal assistance.

153. At the administrative level, the State has taken a certain number of measures. For one thing, it is possible to quote the drafting and adoption of a consolidated 2007-2009 Strategy and National Action Plan for legal reform which provides for the building of quarters for Minors in the prisons which don't have them, the adoption of a strategic policy framework for child development (COSPE) for the period 2008-2017, and the creation of the National Council for the survival, protection and development of the child which is charged with monitoring the implementation of the legal instruments relative to child rights.

154. Also to be noted is the renewal of the Children's Parliament in 2007, which from henceforth comprises representatives at the provincial, regional and national levels. It has a national headquarters within the premises of the Ministry for Social Action and National Solidarity and obtains financial and technical assistance for the realization of its activities.

155. For the State, one of the key indicators has been the declaration of the year 2009 as the Year for the free registration of children's births. The objective of this operation was to enable children of (0 to 18 years) who had not been declared to the Civil Status Department to obtain a Birth Certificate. Thus, the expected result was to establish at least one million, one hundred and fifty thousand (1,150,000) declaratory judgements, to transcribe them in the Civil Status Registers and to issue free copies. It was also intended to contribute towards increasing the percentage of timely declarations of new births and to sensitize the populations on the obligation of declaring the births within the legal deadlines. Between the 27<sup>th</sup> April 2009 (date the operation was launched) and December 2009, the statistics show that 233,112 intergral copies had been issued and 309,853 judgements had been made in favour of the children. The measure of free registration of births, because of its nature, had contributed to the considerable reduction of the number of persons without a Birth Certificate.

### *C. The Rights of Disabled Persons*

156. In the area of international commitments, Burkina Faso is a State Party to Convention on the Rights of Disabled Persons and to its Protocol since the 23<sup>rd</sup> July 2009.

157. Generally speaking, the Burkinabè legislation proscribes all forms of discrimination with regard to employment and of profession (Article 4 of Law n°028-2008/NA of 13 May 2008 on the Labour Code in Burkina Faso). The Labour Code, in its Article 40, stipulates that

disabled persons who cannot be occupied in normal working conditions should benefit from adapted jobs or, if necessary, from protected workshops.

158. The implementation of the rights of disabled persons is guaranteed by the State through several Ministries including in particular the Ministry for Human Rights Promotion, the Ministry of Health, the Ministry for Social Action and National Solidarity – which has a Division for the promotion of the rights of disabled persons, the Ministry of Basic Education and Literacy. These Departments have operational programmes devoted to the rights of disabled persons. Likewise, numerous organizations of civil society are active in the field and strive to establish respect for the rights of disabled persons. These Organizations are grouped together under the Burkinabè Federation of the Associations of the Disabled (FEBAH).

159. The recognition of the issue of disabled persons is particularly evident, during the period under review, through the adoption of Decree n°2009-530/PRES/PM/MTSS/MASSN/MS of 17 July 2009 establishing the conditions for the employment and training of disabled persons and the preparation of a preliminary draft of the Law on the promotion and protection of disabled persons. Furthermore, the creation in 2005 of a National Committee known as « Multi-sectorial Committee for the re-habilitation and equalization of opportunities of Disabled Persons » (COMUREC / handicap) allows dialogue between the different actors in the promotion and protection of the rights of disabled persons.

160. Nonetheless, despite the existence of a legislative and regulatory framework protecting them, Disabled Persons suffer diverse forms of discrimination linked in particular to the socio-cultural customs and values and to non-respect for the laws. Confronted with these difficulties, the State and the protection organizations of the rights of disabled persons engage in numerous information and sensitization activities promoting non discrimination against disabled persons and respect for their rights and for the laws protecting them. These activities consist notably in sensitization tours.

#### *D. The Rights of Elderly Persons*

161. Persons aged 55 years and above represent 7.03% of the population (RGPH 2006), namely 986,136 inhabitants, of whom 465,528 are men and 520,608 are women. Considering that the majority of Burkina Faso's population lives in the rural areas, elderly persons are essentially rural. Several elderly persons enjoy the protection and affection of their relatives and are well integrated in their communities. There is need to observe that Burkina Faso's social and cultural environment is conducive for ensuring the well-being of elderly persons who enjoy enormous consideration and who have a major social role. However, some elderly persons suffer from isolation, illness and social exclusion.

162. One of the cases of social exclusion suffered by elderly persons is the marginalization of the persons accused of witchcraft, which affects women mostly. This is due to a cultural belief in witchcraft which is quite widespread in Burkina Faso. The accused persons are subjected to psychological trauma, to physical abuse, to social exclusion, to impoverishment on the loss of their goods and property and finally to exile. Currently, close to 700 women live in nine (9) reception centres across the country.

163. Numerous activities and measures are engaged to bring assistance to elderly persons, in particular to the most destitute (gifts, home visits, the organization of an Elderly Persons Day, etc.). The Ministry for Social Action and National Solidarity has a Division for the Protection of Elderly Persons whose mandate is to implement Government action in the protection of elderly persons.

164. It is important to note that brainstorming is currently going on within the Ministry for Social Action and National Solidarity, in collaboration with the other Ministries, Institutions and partner Associations, for the drafting of a national policy to support and/or take care of senior citizens. The Ministry for Human Rights Promotion is also contemplating the preparation of a Report on the situation of Elderly Persons in Burkina Faso.

#### **TITLE 4: PEOPLES' RIGHTS**

165. The preceding Reports outlined Burkina Faso's political commitments and norms in the area of peoples' rights. All the information provided is still current. Nonetheless, there has been a consolidation of the achievements in the area of peoples' rights.

##### ***Article 19: Peoples' Right to Equality***

166. At the domestic level, the equality of peoples is re-affirmed by the Preamble to the Constitution which proclaims « the attachment of the Burkinabè People to the combat against all forms of discrimination » and it's « desire to promote peace, international cooperation, the peaceful settlement of disputes between States, in the justice, equality, freedom and sovereignty of Peoples ». This formula of the Preamble which constitutes an integral part of the Constitution, translates the will of the Burkinabè People to live in peace with other Peoples and to deal with them on an equal footing. In fact, being fundamentally attached to its independence and sovereignty, Burkina Faso lives in peace with its neighbours.

167. At the international level, Burkina Faso has acceded to international and regional instruments which re-affirm and sanction the equality of Peoples, large and small. It supports and works in favour of Peoples fighting for their equality.

##### ***Article 20: The Right of Peoples to self-determination***

168. In conformity with Article 20 of the African Charter on Human and Peoples' Rights, Burkina Faso adheres to the principle of the right to self-determination. At the national level there is no claim for self-determination. The entire Burkinabè society recognizes its membership to a single Nation. The Constitution affirms, in its Article 31, that « Burkina Faso is a democratic, unitarian and secular State ». It therefore predicates that the Burkinabè Nation is one and indivisible. This Constitutional provision currently corresponds to the social reality of the population which has no barriers between its various components. In effect, to date, Burkina Faso does not have any divide linked to considerations or discriminations of any sort. Some socio-cultural mechanisms such as the joking relationship strongly contribute towards the promotion of this harmony. The State, through the Ministry responsible for Culture, is endeavouring to consolidate these positive socio-cultural values. The organization of the national cultural week every two years lies within the context of Government efforts in this regard.

169. At the international level, Burkina Faso has taken ownership of the principle of the Peoples' Right to self-determination. The preceding Reports had outlined the various actions and policies being carried out in this respect.

##### ***Article 21: The Right of Peoples to the free disposal of their wealth and resources***

170. The right of peoples to freely dispose of their wealth and their natural resources is re-affirmed at the domestic level by the Constitution, whose Article 14 stipulates that « the wealth and natural resources belong to the People. They shall be used to improve its living conditions ».



171. The State is working towards the exploitation of the national resources and wealth for the improvement of the living conditions of its citizens. The exploitation of mineral resources is fully underway and is being carried out on the basis of a development strategy of the country. The mining Companies established in Burkina Faso are subject to national legal conditions and carry out their activities with respect for the environment and for the rights of the local populations. These Companies bring in technology and methods of exploiting some natural resources. They are able to enjoy specific measures which are legally set out in the Investment Code motivating them to make investments which, in the long term, will create jobs and bring wealth.

**Article 22: *The Right of Peoples to economic, social and cultural development***

172. The Constitution, in its Article 28 articulates the components of this Right in the following terms: « the Law guarantees intellectual, scientific and technical property and art and technical works are protected by Law. The manifestation of cultural, intellectual, artistic and scientific activity is free and shall be exercised in conformity with the laws in force ». The Right to participate in the management of the environment is also sanctioned by the Constitution which stipulates, in its Article 30 that « every citizen has the right to initiate a lawsuit or to join in a collective suit in the form of a petition against acts which injure the public heritage – harm the interests of social communities – infringe on the environment or the cultural or historic heritage ». , In the past few years, the implementation of this provision has facilitated the real involvement of civil society and the village communities in the quest for a healthy environment.

173. The State has put in place policies and strategies to stimulate economic and social development in all sectors and in all the regions of the country. Burkina Faso's development policy is in line with the Strategic Framework for Poverty Alleviation drafted in 2000 and revised in 2003. The Government prepares three-yearly priority action programmes for the implementation of the poverty alleviation strategy which in reality are the variation of the strategic objectives in development actions. These different programmes have had a positive impact on the combat against poverty and on development in Burkina Faso. The cumulative effects of economic growth observed since 2003 have contributed towards reducing the incidence of poverty which dropped from 46.4% in 2003 to 42.8 in 2008 (end of the second three-yearly programme).

174. In the area of cultural development, numerous activities for cultural promotion have been undertaken by the State or the private or associative sectors. Artistic production has increased considerably in Burkina Faso during the period covered by the Report. This is partly linked to several factors, favourable conditions and mechanisms, including the support provided by the Ministry for Culture for artistic productions. The major difficulty that artists have to face remains the pirating of musical works. To combat this plague, the Government has drawn up a three-year Plan launched in February 2008 to combat piracy in Burkina Faso. The Burkinabè Copyright Bureau works towards achieving respect for the rights of artists by engaging in control and suppression activities among consumers and users of artistic works, in particular the audio and video cassette salespersons, the organizers of shows and concerts, the public and private radio stations and television channels. It ascertains the payment of various royalties to artists and works in collaboration with the production houses to ensure greater satisfaction for artistic promotion. Every activity or initiative taken to promote modern or traditional music receives the approval and support of the national and local Authorities. Several musical works production houses exist in Burkina Faso and are managed by private individuals.

**Article 23: The Right of Peoples to International Peace and Security**

175. All Peoples have the right to peace and security both at the national and international levels. The principle of solidarity and of friendly relations implicitly affirmed by the United Nations Charter and re-affirmed by that of the Organization of African Unity (currently African Union) is applicable to the relations between States. The respect for this right requires actions promoting national and international peace and security.

176. In this context, Burkina Faso has played and continues to play a role of facilitator or of mediator in Togo, in Côte-d'Ivoire and in Guinea, as it had contributed in the past, to the settlement of the conflict in Niger, of that between Ethiopia and Eritrea and in Chad.

Within the framework of the peace keeping support operations, Burkina Faso has a bataillon, « the Laafi battalion », trained for peace keeping missions. It has, in this regard, participated in the peace support operations in the Central African Republic and is currently participating in peace keeping in the Democratic Republic of Congo and in Sudan with military Observers and Judicial Police Officers. The country has deployed a battalion of 800 men to Darfur.

177. The right to peace and security also calls for the restriction of people enjoying the right of asylum against engaging in subversive activities against their country of origin or against any other country Party to the Charter.

**Article 24: The Right of Peoples to a Healthy Environment**

178. Article 29 of the 1991 Constitution sanctions the right to a healthy environment and stipulates that the protection, defence and promotion of the environment is a responsibility for all. This right is laid down by the Law n°05-97/ADP of 30 January 1997 on the Environment Code in Burkina Faso; it establishes the fundamental principles entailing both the responsibility of the State and that of its local authorities and that of individuals at all levels. These fundamental principles destined to improve the local environment pursuant to Article 2 of the said Code, are the following: the combat against desertification, the adjustment and improvement of the urban and rural populations's life style, the rational management of natural resources, disaster prevention and management, the implementation of the International Conventions ratified by Burkina Faso including the 1981 African Charter on Human and Peoples' Rights. In its Article 24, this Charter recognizes and provides for, « a collective right to the environment ».

179. Burkina Faso, a Sahelian landlocked country, uses agriculture and animal husbandry development techniques which contribute to the continued degradation of the ecosystems and its natural resources, aggravated by persistent drought and disquieting desertification.

180. Aware of the environmental problems which are likely to compromise its economic development efforts, Burkina Faso has embarked on the road to sustainable development. It has acceded to the majority of the international environment protection instruments and endeavours to integrate the issues relating thereto in all its development projects and programmes.

181. Within the framework of its policy of protecting the ecosystems, the Government has developed activities in the area of irrigation farming, reforestation, and the creation of manure pits and modern techniques of soil exploitation, fertilization and rehabilitation.

182. In the area of salubrity and hygiene, and for greater efficiency, the issue of waste and healthy environment has been taken into account within the framework of the decentralization process. In effect, the Districts of Burkina Faso have put in place cleaning programmes for the

processing of household waste, the evacuation of sewage and the enhancement of the living environment. In the cities like Bobo-Dioulasso and Ouagadougou, Municipal teams of road sweepers and labourers take care of the cleaning and beautifying of the streets.

183. Burkina Faso took part in the activities of the World Conference on Climate Change held in Copenhagen in December 2009. Within the framework of the preparations for the Copenhagen Conference, Burkina Faso hosted, in October 2009, the World Forum on Climate Change and Sustainable Development.

## **TITLE 5: THE RESPONSIBILITIES STIPULATED IN THE CHARTER**

184. The African Charter deals with certain responsibilities that need to be observed. These are responsibilities which are specific to the States and specific responsibilities which are incumbent upon all. Burkina Faso endeavours to appropriately discharge the responsibilities which are incumbent upon it pursuant to the Charter and strives to ensure that each individual respects his responsibilities.

### I. The responsibilities of the State

185. In this context the States are obligated to provoke an awareness of the Charter through concrete action.

186. Since its creation, the Ministry for Human Rights Promotion has engaged in human rights promotion and protection activities. Whilst building its operational capacities, the Ministry has carried out, as a priority, activities aimed at the capacity building of the populations and of civil society activists in the awareness of their rights and on the means of implementing them through information, education, training and sensitization activities relating to human rights, to citizenship development, to tolerance, peace and good governance.

187. From 2003 to date, the Ministry has been striving to strengthen its human rights promotion activities by broadening the range of beneficiary activists through activities engaged throughout the territory. It is also consolidating its protection mandate through the special attention accorded to the respect for Burkina Faso's obligation to give an account of the measures being taken to implement human rights.

188. By the same token it has put in place Information and Documentation Centres on human rights in Ouagadougou, Bobo-Dioulasso, Tenkodogo, Gaoua and Ouahigouya. It has also opened Monitoring and Counselling Centres (CEO) for the citizens in Ouagadougou and Bobo-Dioulasso. These Centres will allow the citizens whose rights have been violated to be informed on how to implement ways and means to redress their different situations. The opening of the Information and Documentation Centres on human rights and the Monitoring and Counselling Centres lie within the framework of a process which is intended to extend across all the regions of the country.

189. Likewise the Ministry for Human Rights Promotion organizes annually the National Week of Citizenship (SENAC) which constitutes an opportunity for sensitizing the population on the fundamental values of citizenship and of human rights. During this week a national forum on human rights is organized on a current human rights-related issue. The theme for the 2009 edition of the National Week of Citizenship which was held from 3 to 10 December 2009 was « the role of evaluation mechanisms in the promotion of human rights ». During this Week's activities the Ministry for Human Rights Promotion edited a Notebook with, at

the bottom of each page, the provisions of the African Charter on Human and Peoples' Rights.

190. Still within the framework of human rights promotion, the Ministry prepared various documents in simplified language for the benefit of the public. Can be cited, among others, the Citizen's Manual, the translation of the Constitution, the Persons and Family Code and the Electoral Code into simple French. It also reproduced numerous brochures on human rights. Other essential Texts which were translated into the national languages constitute the Constitution, the Persons and Family Code, the United Nations Convention on the Rights of the Child, the United Nations Convention on Women's Rights and the Universal Declaration of Human Rights.

191. To build the capacities of the Government in dealing with human rights issues through dialogue with the various regional and international human rights institutions, the Ministry for Human Rights Promotion participated in the sessions of the different monitoring Organs of the instruments on fundamental human rights such as the UN Human Rights Council, the African Commission on Human and Peoples' Rights as well as in numerous global sessions and conferences on human rights.

It annually organizes a meeting with the civil society organizations working in the field of human rights for exchanges on their concerns and to outline methods of effective cooperation.

## II. The responsibilities of All

192. These responsibilities are manifold. There are responsibilities of each individual towards others, towards society, the family and the international community, the responsibility to refrain from discriminating against another human being. Article 29 of the Constitution stipulates that « The Right to a healthy environment is recognized, the protection, defence and promotion of the environment is a responsibility of All ».

193. The principles of citizen equality and the prohibition of all forms of discrimination inscribed in the Constitution are important benchmarks regarding respect of individuals' rights.

194. The possibility of appeal before an independent Court makes it possible to guarantee the respect for the rights of others and of ensuring respect for the responsibilities which derive from it.

195. The regulations in the area of public security, of the protection of private life, of public decency, of civic-mindedness and the daily administrative measures taken and executed by the Police tend to ensure the exercise of individual responsibilities.

196. Social life, interdependence of behaviour and rights and responsibilities create a balance in favour of the recognized rights and compel the execution of the responsibilities that derive from it.

197. It is possible to contemplate the following general appreciation in relation to the responsibilities that are incumbent on all citizens. Generally speaking, positive societal tendencies can be observed in the matter of human rights promotion and defence, in particular through the peaceful co-existence and tolerance that prevails among the Communities living in Burkina Faso. Since 1998 these general tendencies have been reinforced by the growing demands by citizens for human rights and through the increasingly marked attachment of the citizens to their rights, as well as through the emergence and strengthening of an associative committed movement in the human rights field.

198. Nonetheless, this significant progress cannot conceal existing negative tendencies and sporadic shortcomings to human rights. These tendencies appear notably through a certain

disintegration of the social and family fabric, a rise in the lack of civic spirit, the increase of insecurity, of organized crime, organized criminality, the persistence of certain practices that violate human rights (public lynching, violence against women and children), and the pauperization of the society.

In the face of this state of affairs, the Burkinabè State, conscious that the promotion and protection of human rights is a perpetual challenge, leaves no stone unturned in both civil and political rights and in economic, social and cultural rights so as to be the vector of development for the Burkinabè and for all those persons living in Burkina Faso. The organization each year of the National Week of Citizenship by the Ministry for Human Rights Promotion has the objective of promoting civicism, citizenship and respect for human rights. The commitment of the State is total and all the efforts deployed are for the well being of the resident population. Likewise, the annual organization of the Day of Remembrance, of Human Rights and of Democracy, the annual celebration of the Day of Tolerance contributes to the teaching of the general public about the importance of the respect for human rights.

## CONCLUSION

199. The will of the State to take into account the « human rights » dimension in its political activities is translated by rather remarkable normative and institutional developments. Towards this end a normative and institutional human rights protector framework has been put in place.

200. Burkina Faso has made considerable progress in Human Rights between 2003 and 2009. The legal framework for the promotion and protection of human rights is constituted by the International Conventions ratified by Burkina Faso as well as the rights recognized and guaranteed by the Constitution of 11 June 1991. The Burkinabè State endeavours to ensure a better protection of human rights. This has been stimulated even more by the awakening of consciousness to the fundamental values of human rights and citizens' demands for the respect of these rights.

201. Despite the efforts being deployed by the State for the protection and promotion of human rights, the paucity of resources constitutes an objective barrier to the effective realization of these rights. Several challenges remain to be addressed, notably in the areas of Education and Health. Conscious of these challenges, Burkina Faso has undertaken, with the support of its partners, to develop concrete initiatives to solve the identified problems. These will undoubtedly contribute to strengthening the effectiveness of human rights. It should be noted that the global situation of human rights has improved positively from 2003-2009 with specific regard to some civil and political rights.

202. Convinced that the genuine effectiveness of human rights in a country constitutes security for peace and for lasting development, Burkina Faso is working and will continue to work more in this regard to firmly establish human rights. This can be achieved necessarily through the combat against poverty which constitutes a major obstacle especially with regard to the realization of numerous rights.

## **APPENDICES**

### **Appendix 1. Constitution of Burkina Faso**

#### **PREAMBLE**

**We**, the Sovereign People of Burkina Faso;

**CONSCIOUS** of our responsibilities and of our duties before history and before humanity;

**CONFIDENT** of our democratic achievements;

**UNDERTAKE** to preserve these achievements and driven by the will to build a Rule of Law guaranteeing the exercise of collective and individual rights, freedom, dignity, security, well-being, development, equality and justice as fundamental values of a pluralist society of progress and devoid of all prejudice;

**REAFFIRMING** our attachment to the combat against all forms of domination as well as to the democratic nature of power;

**SEEKING** economic and political integration with the other Peoples of Africa for the construction of a federative union of Africa;

**SUBSCRIBING** to the Universal Declaration of Human Rights of 1948 and to the international instruments dealing with economic, political, social and cultural issues;

**REAFFIRMING** solemnly our commitment to the African Charter on Human and Peoples' Rights of 1981;

**DESIROUS** of promoting peace, international cooperation, the peaceful settlement of disputes between States, in justice, equality, freedom and the sovereignty of Peoples;

**CONSCIOUS** of the absolute need to protect the environment;

**APPROVE AND ADOPT** the present Constitution to which this Preamble constitutes an integral part.

#### **TITLE I: FUNDAMENTAL RIGHTS AND RESPONSIBILITIES**

##### **CHAPTER I. CIVIL RIGHTS AND RESPONSIBILITIES**

###### **Article 1**

All Burkinabè are born free and equal in law.

All shall be equally entitled to the enjoyment of all the rights and freedoms guaranteed by the present Constitution.

Discrimination of all forms, in particular those based on race, ethnic group, colour, sex, language, religion, cast, political convictions, fortune and birth shall be prohibited.

###### **Article 2**

The protection of life, physical security and integrity shall be guaranteed.

Shall be prohibited and punishable by law, slavery, slavery-related practices, inhuman and cruel, degrading and humiliating treatment, physical or moral torture, cruelty and ill-treatment inflicted on children and all forms of debasement of the Human Being.

### **Article 3**

No one may be deprived of his freedom except if pursued for reasons previously laid down and punishable by law. No one may be arrested, detained, deported or exiled except in accordance with the law.

### **Article 4**

All Burkinabè and every individual living in Burkina Faso shall enjoy the equal protection of the law. Every individual shall have the right to have his cause heard by an independent and impartial Tribunal.

Every prisoner shall be presumed innocent until proven guilty.

The right to defence, including the right to be defended by Counsel of his choice shall be guaranteed before all the Courts.

### **Article 5**

All that is not forbidden by law shall not be prohibited and no one shall be compelled to do that which is not prescribed by law.

The Criminal Law does not have retroactive effect. No one shall be judged and punished except in accordance with a law promulgated and published prior to the punishable act.

The sentence shall be personal and individual.

### **Article 6**

The residence, the home, the private and family life, and every individual's secret correspondence, are inviolable.

They shall not be violated except in accordance with the forms and under the circumstances laid down by law.

### **Article 7**

The freedom of belief, of non belief, of religious and philosophical opinion, the exercise of worship, the freedom of assembly, the free practice of custom as well as the freedom to process and to demonstrate, are guaranteed by the present Constitution, subject to respect for the law, for public law and order, for public decency and for the human being.

### **Article 8**

The freedoms of opinion and the press and the right to information are guaranteed.

Every individual shall have the right to express and disseminate his opinions within the context of the laws and regulations in force.

### **Article 9**

The free movement of goods and persons, the free choice of residence and the right to asylum are guaranteed within the context of the laws and regulations in force.

### **Article 10**

Every Burkinabè citizen shall have the responsibility of contributing to the defence and maintenance of territorial integrity.

He shall be compelled to discharge national service when he is so required.

## **CHAPTER II: POLITICAL RIGHTS AND RESPONSIBILITIES**

### **Article 11**

Every Burkinabè shall be entitled to the enjoyment of civic and political rights under the conditions laid down by law.

### **Article 12**

All Burkinabè without distinction whatever shall have the right to participate in the government of the State and of society.

In this respect, they can elect and be elected under the conditions laid down by law.

### **Article 13**

Political Parties and Groups shall be created freely.

They shall contribute to the development of political life, to the information and education of the People and to voting.

They shall carry out their activities freely with respect for the laws.

All political Parties or Groups shall be equal in rights and responsibilities.

However, political Parties or Groups based on tribalism, regionalism, sectarianism or racism shall not be authorized.

## **CHAPTER III: ECONOMIC RIGHTS AND RESPONSIBILITIES**

### **Article 14**

The natural wealth and resources belong to the People.

They shall be used to improve its living conditions.

### **Article 15**

The right of ownership is guaranteed. It shall not be exercised contrary to social use or in a manner to cause prejudice to the security, the freedom, the existence or the property of others.

It shall not be violated except in the interests of public need recorded in statutory form.

No one shall be deprived of his enjoyment except in the interest of public need and subject to a fair compensation established in conformity with the law. This compensation shall be made prior to the expropriation, except in cases of emergency or of force majeure.

### **Article 16**

The freedom of enterprise is guaranteed within the context of the laws and regulations in force.

### **Article 17**

The responsibility of discharging one's tax liabilities in conformity with the law shall be incumbent on all.

## **CHAPTER IV: SOCIAL AND CULTURAL RIGHTS AND RESPONSIBILITIES**

### **Article 18**

Education, learning, training, employment, social security, housing, sports, health, Mother and Child protection, assistance to elderly or disabled persons and social cases, artistic and scientific production, constitute social and cultural rights recognized by the present Constitution which seeks to promote them.



**Article 19**

The right to work is recognized and shall be equal for all.

It is prohibited to discriminate in employment and remuneration based, in particular, on sex, colour, social origin, ethnic group or political conviction.

**Article 20**

The State safeguards the constant improvement of working conditions and the protection of the worker.

**Article 21**

The freedom of Association is guaranteed. Every individual shall have the right to form Associations and to participate freely in the activities of established Associations. The functioning of the Associations shall conform to the laws and regulations in force.

The freedom of unionism is guaranteed. The Unions shall exercise their activities with neither let nor hindrance, save in exceptions laid down by the law.

**Article 22**

The right to engage in strike action is guaranteed. It shall be exercised in conformity with the laws in force.

**Article 23**

The family is the basic unit of society. The State owes it protection.

Marriage is based on the free consent of the man and the woman. Any discrimination based on race, colour, religion, ethnic group, cast, social origin or fortune is prohibited in matters of marriage.

Children are equal in rights and responsibilities in their family relations. The parents have the natural right and responsibility to raise and educate their children. The latter owe them respect and assistance.

**Article 24**

The State works to develop the rights of the Child.

**Article 25**

The right to transfer one's assets or estate or donations shall be recognized in conformity with the laws and regulations in force. .

**Article 26**

The right to good health is recognized. The State works towards its development.

**Article 27**

Every citizen shall have the right to education.

Public education is secular.

Private education is recognized. The law shall establish the conditions of its exercise.

**Article 28**

The law guarantees intellectual property.

The freedom of production and artistic, scientific and technical works are protected by law.

The manifestation of cultural, intellectual, artistic and scientific activity is free and shall be exercised in conformity with the laws in force.

**Article 29**

The right to a healthy environment is recognized; the protection, defence and development of the environment is a responsibility for all.

**Article 30**

Every citizen shall have the right to initiate a lawsuit or to join a collective lawsuit in the form of a petition against acts that are:

- detrimental to the public heritage;
- detrimental to the interests of social communities;
- detrimental to the environment or to the cultural or historic heritage.

**TITLE II: ON THE STATE AND ON NATIONAL SOVEREIGNTY****Article 31**

Burkina Faso is a Democratic, Unitarian and Secular State.  
Faso is the Republican form of the State.

**Article 32**

National Sovereignty belongs to the People who shall exercise it under the conditions set out by the present Constitution and by law.

**Article 33**

Suffrage is direct or indirect and shall be exercised under the conditions laid down by the law. Direct suffrage is always universal, equal and secret.

**Article 34**

The symbols of the Nation are constituted of an emblem, a coat of arms, an Anthem and a motto.

The emblem is a three-coloured flag of rectangular and horizontal shape, red and green with a yellow-gold five-branched star in its centre.

The Law determines the coat of arms as well as the meaning of its constitutive elements.

The National Anthem is the **DITANYE**.

The motto is: **UNITY - PROGRESS - JUSTICE**.

**Article 35**

The official language is French.

The law shall establish the modalities for the development and officialization of the national languages.

**TITLE III: THE PRESIDENT OF FASO****Article 36**

The President of Faso is the Head of State.

He is the guardian of the Constitution.

He establishes the major policy orientations of the State.

He embodies national unity.

He is the guarantor of national independence, of territorial integrity, of the permanence and continuity of the State, of the respect for the Conventions and Treaties.

**Article 37**

The President of Faso shall be elected for five years by direct, equal, secret, universal suffrage. He shall be eligible for re-election only once.

**Article 38**

Any candidate to the office of President of Faso shall be Burkinabè by birth and be born of parents, themselves Burkinabè, shall be thirty five full years on the date of submission of his candidature and should have fulfilled all the conditions required by the law.

**Article 39**

The President of Faso shall be elected by absolute majority of the votes cast.

If this majority is not obtained during the first round of the vote, a second vote shall be held fifteen (15) days after. Only the two candidates who, should the need arise, after withdrawal of the less fortunate candidates, find that they have obtained the largest number of votes at the first round, may present themselves for the second round; the President of Faso shall then be elected by simple majority.

**Article 40**

The elections shall be fixed at least twenty one days and at most forty days prior to the expiry of the mandate of the current President.

**Article 41**

The law shall determine the procedure, the conditions of eligibility and of submission of candidatures to the presidential elections, of the organization of the vote, the counting of the votes and the announcement of the results.

It shall set out all the provisions required for the elections to be free, fair and regular.

**Article 42**

The office of the President of Faso shall be incompatible with the exercise of any other elected mandate at the national level, of any public employment and of any professional activity.

The provisions of Articles 72, 73, 74 and 75 of the present Constitution shall be applicable to the President of Faso.

**Article 43**

Should the President of Faso be temporarily unable to discharge his duties, his powers shall be temporarily exercised by the Prime Minister.

In the event of vacancy of the office of President of Faso for whatever reason, or of absolute or conclusive inability observed by the Constitutional Council on being contacted by the Government, the duties of the President of Faso shall be exercised by the Speaker of the National Assembly.

A new President shall be elected for a new term of five years.

The election of a new President shall take place thirty days at least and sixty days at most after the official declaration of the vacancy or of the conclusive nature of the inability to serve.

At all events, Articles 46, 49, 50, 59 and 161 of the present Constitution shall not be applicable during the vacancy of the office of President.

**Article 44**

Before assuming office, the elected President shall swear the following oath before the Constitutional Council: "I swear before the Burkinabè People and on my honour, to protect,

respect, ensure respect for and defend the Constitution and the laws, to do all in my power to guarantee justice for all the inhabitants of Burkina Faso ".

During the investiture ceremony the President of the Constitutional Council shall receive the written declaration of the assets of the President of Faso.

#### **Article 45**

The law shall establish the civil list submitted to the President of Faso. It shall arrange the establishment of a pension for former Presidents.

#### **Article 46**

The President of Faso shall appoint the Prime Minister and dismiss him, either on the presentation by the latter of his resignation, or at his own initiative in the supreme interest of the Nation.

On the proposal of the Prime Minister, he shall appoint the other members of the Government and dismiss them.

#### **Article 47**

The President of Faso shall chair the Council of Ministers meeting. The Prime Minister shall deputize for him under the conditions established by the present Constitution.

#### **Article 48**

The President of Faso shall promulgate the law in the twenty one days following the transmission of the final adopted text. This time frame shall be reduced to eight days in the case of emergency declared by the National Assembly.

The President of Faso may, during the promulgation time frame, ask for a second reading of the law or of some of its Articles; the request may not be refused. This procedure shall suspend the time frame of the promulgation.

#### **Article 49**

The President of Faso may, following the notification of the Prime Minister and of Speaker of the National Assembly, submit to a referendum any draft law regarding any issue of national interest.

In the event of the passing of the said law, he shall effect the promulgation within the timeframe set out in Article 48.

#### **Article 50**

The President of Faso may, after consultation with the Prime Minister and the Speaker of the National Assembly, pronounce the dissolution of the National Assembly.

In the event of dissolution, the legislative elections shall take place thirty days at least and sixty days at most after the dissolution.

A new dissolution shall not take place within the year following these elections.

The dissolved National Assembly shall not meet in session.

Nonetheless, the Deputies' term of office shall only expire on the date of validation of the mandate of the members of the new National Assembly.

#### **Article 51**

The President of Faso shall communicate with the National Assembly, either in person, or through messages that he shall require the Speaker of the National Assembly to read. Outside of normal sessions, the National Assembly shall meet in special session towards this end.

**Article 52**

The President of Faso is the Commander in Chief of the national Armed Forces; in this capacity he shall chair the Supreme Defence Council.  
He shall appoint the Army General Chief of Staff.

**Article 53**

The President of Faso is the Chairman of the Supreme Council of the Magistracy.

**Article 54**

The President of Faso holds the right of Pardon. He shall propose the laws governing amnesty.

**Article 55**

The President of Faso shall effect appointments to the senior civil and military administration positions and to strategic Companies and Businesses determined by law.  
He shall appoint the Ambassadors and Extraordinary Envoys to foreign countries and international organizations.  
The foreign Ambassadors and Extraordinary Envoys shall be accredited to him.  
He shall appoint the Grand Chancellor of the Order of Burkinabè.

**Article 56**

The law shall determine the other positions which are filled during the Council of Ministers, as well as the conditions under which the President's powers of appointment shall be exercised.

**Article 57**

The Acts of the President of Faso other than those set out in Articles 46, 49, 50, 54 and 59 shall be countersigned by the Prime Minister and, should the need arise, by the Ministers concerned.

**Article 58**

The President of Faso shall decree, after careful consideration in the Council of Ministers, a state of siege and a state of emergency.

**Article 59**

Should the Institutions of Faso, the independence of the Nation, the integrity of his territory or the execution of his commitments be seriously and immediately threatened and/or should the normal functioning of the constitutional executive be interrupted, the President of Faso, after careful consideration in the Council of Ministers, and after official consultation of the Speaker of the National Assembly and the President of the Constitutional Council, shall take the measures required by these circumstances.  
He shall so inform the Nation through a message. Under no circumstances may he call on foreign armed forces to intervene in an internal conflict. The National Assembly shall meet ipso facto and shall not be dissolved during the exercise of special powers.

**Article 60**

The President of Faso may delegate some of his powers to the Prime Minister.

## **TITLE IV: THE GOVERNMENT**

### **Article 61**

The Government is an Organ of the Executive.

It directs the Nation's policy; in this respect it must necessarily be informed:

- of international draft agreements;
- of draft laws and proposals;
- of draft regulatory laws.

It shall be responsible for administration and for the defence and security forces.

### **Article 62**

The Government shall be answerable to the Parliament on the basis of the conditions and according to the procedures set out by the present Constitution.

### **Article 63**

The Prime Minister shall be the Head of the Government; in this capacity he shall direct and coordinate Government action.

He shall be responsible for the execution of the national defence policy defined by the President of Faso.

He shall exercise regulatory power in conformity with the law, guarantee the enforcement of the laws, appoint civil and military officials other than those figuring under the competence of the President of Faso.

### **Article 64**

The Prime Minister shall ensure the chairing of the Council of Ministers through delegation and for a determined Agenda.

### **Article 65**

The Prime Minister shall determine the responsibilities of the Members of the Government. These responsibilities shall be established by Decree in the Council of Ministers.

### **Article 66**

The Acts of the Prime Minister shall, should the need arise, be countersigned by the Members of the Government responsible for their execution.

### **Article 67**

The Prime Minister may delegate some of his powers to the Members of the Government.

### **Article 68**

The Members of the Government shall be responsible for the direction of their respective Departments before the Prime Minister. They shall be collectively responsible for the decisions of the Council of Ministers.

### **Article 69**

Any vacancy of the post of Prime Minister shall automatically put an end to the functions of the other Members of the Government. In such an event, the latter shall dispatch the current issues until the formation of a new Government.

**Article 70**

The functions of the Members of the Government shall be incompatible with the exercise of any parliamentary mandate, with any remunerated professional activity and with any function of professional representation.

Nonetheless, the exercise of the functions of international professional representation shall be possible with the prior approval of the Government.

**Article 71**

Any person called upon to exercise Ministerial functions shall necessarily obtain a secondment or a suspension of his Employment Contract as the case may be.

**Article 72**

The Members of the Government shall not expose themselves to any situation liable to create conflict between the responsibilities of their office and their private interests.

**Article 73**

During their term of office, the Members of the Government may not directly or indirectly purchase or take on lease anything belonging to the State. The law shall set out those instances in which there can be an exception to this provision.

They may not participate in transactions or in auctions organized by the Service or by the State Institutions or Institutions under State control.

**Article 74**

No Member of the Government shall take advantage of his position, nor shall he use directly or indirectly for personal gain, information which is communicated to him.

**Article 75**

The provisions of Article 73 shall remain applicable to the Members of the Government for six months following the cessation of their duties.

Those figuring under Article 74 shall remain applicable during the two years following the cessation of their duties.

**Article 76**

Each Member of the Government shall be responsible before the High Court of Justice for crimes and offences committed by him in the exercise of his duties.

**Article 77**

On their entry into office and at the end of their term, the Members of the Government shall be required to submit the list of their assets with the Constitutional Council.

This obligation shall be extended to all the Presidents of the Institutions sanctioned by the Constitution, and to other personalities the list of whom shall be determined by law.

**TITLE V: THE PARLIAMENT****Article 78**

The Parliament shall comprise a single Chamber known as the "National Assembly".

**Article 79**

The Members of the National Assembly shall hold the title of "Deputy".

**Article 80**

The Deputies shall be elected by direct, equal and secret universal suffrage. They shall exercise the legislative power.

Any person elected as Deputy shall benefit, where relevant, from a secondment or a suspension of Contract.

**Article 81**

The duration of the legislative office shall be five (5) years.

**Article 82**

The law shall determine:

- the electoral constituencies;
- the number of seats and their distribution per constituency;
- the voting procedure;
- the conditions of election and of replacement by new elections in the event of vacancy of a seat, as well as the system of ineligibility and incompatibility;
- the status of the Deputies and the level of their allowances.

**Article 83**

By-elections shall not be held during the last period of the legislative year.

**Article 84**

The National Assembly shall vote in the law, approve the tax and control Government's activities in conformity with the provisions of the present Constitution.

**Article 85**

Any mandatory instruction shall be null.

All Deputies shall have a deliberative vote. The Deputies' right to vote shall be personal. However, delegation of the vote shall be allowed where the absence of the Deputy is justified. No one shall justifiably receive more than one delegation of vote for a given ballot.

**Article 86**

Every new Assembly shall pronounce on the validity of the election of its Members notwithstanding the consistency control exercised by the Constitutional Council.

It shall establish its rule.

**Article 87**

The Assembly shall meet every year as of right in two ordinary sessions. The duration of each shall not exceed ninety days. The first session shall open on the first Wednesday of March and the second on the last Wednesday of September. If the first Wednesday of March or the last Wednesday of September falls on a public holiday, the session shall open on the first working day that follows.

**Article 88**

The Assembly shall meet in extraordinary session on the summons of its Speaker, at the request of the Prime Minister or at that of the absolute majority of Deputies on a determined Agenda. The extraordinary session shall be closed on exhaustion of the Agenda.



**Article 89**

The Assembly's sessions shall be public. Nonetheless the Assembly may meet in camera should the need arise.

**Article 90**

Except in cases of force majeure observed by the Constitutional Council the deliberations of the Assembly shall only be legitimate where they are held in the premises of the Parliament.

**Article 91**

The Speaker of the National Assembly shall be elected for the duration of the legislature by absolute majority at the first round, and by simple majority at the second round.

The members of the Bureau shall be elected for a renewable one year term.

Nonetheless, their functions may be terminated during the legislature period on the request of two fifths and upon a vote by absolute majority of the Members of the Assembly.

The absolute majority shall mean more than half of the votes.

**Article 92**

In the event of a vacancy of the post of Speaker of the Assembly as a result of death, resignation or for any other reason, the Assembly shall elect a new Speaker on the basis of the conditions defined in Article 91.

**Article 93**

The Assembly shall enjoy financial autonomy. Its Speaker shall manage the budget allocated to it for its operations.

The Speaker shall be answerable to the Assembly for this management; the latter may dismiss him by absolute majority for gross negligence in his management.

**Article 94**

Every Deputy called to high office shall be replaced in the Assembly by a substitute member. The list of high offices shall be determined by law.

Should he cease the exercise of his duties latest by the end of the mid-year of the legislature, he shall resume his seat; beyond that date, he may not regain it save in the event of the vacancy of the seat through the death or resignation of the substitute member.

**Article 95**

No Deputy shall be pursued, sought after, arrested, detained or judged on account of opinions or votes expressed by him in the exercise of his duties.

**Article 96**

Except in the case of flagrant offence, no Deputy shall be pursued or arrested for a minor or criminal offence except with the authorization of at least one third of the members of the Assembly during the sessions or of the Bureau of the Assembly during the intersessions.

**TITLE VI: THE RESPECTIVE AREAS OF THE LAW AND THE REGULATION****Article 97**

The law is a regularly promulgated deliberation of the National Assembly.

The law to which the Constitution confers the organic nature shall be a deliberation of the National Assembly with as objective the organization or functioning of the Institutions. It

shall be voted by absolute majority and promulgated after declaration of its conformity with the Constitution by the Constitutional Council.

The initiative of the law shall belong concurrently to the Deputies and to the Government. The draft laws emanating from the Deputies shall be called "private members' bill" and those from the Government "draft bill".

The private members' bills and the draft bills shall be discussed in the Council of Ministers prior to their submission to the Bureau of the National Assembly.

#### **Article 98**

The People shall exercise the initiative of the laws by means of a petition constituting a private members' bill drafted and signed by at least fifteen thousand (15,000) individuals with voting rights under the conditions set out by the law.

The petition shall be submitted to the Bureau of the National Assembly.

The power of amendment shall belong to the Deputies and to the Government whatever the origin of the text.

#### **Article 99**

The Order shall be an Act signed by the President of Faso, after discussion of the Council of Ministers, in the areas reserved to the law and in the cases stipulated in Articles 103, 107 and 119 of the present Constitution. It shall enter into force upon its publication.

#### **Article 100**

The simple Decree shall be an Act signed by the President of Faso or by the Prime Minister and countersigned by the competent member or members of Government.

The Decree in the Council of Ministers shall be an Act signed by the President of Faso and by the Prime Minister after consultation with the Council of Ministers; it shall be countersigned by the competent member or members of the Government.

#### **Article 101**

The law shall fix the regulations regarding:

- citizenship, civic rights and the exercise of public liberties;
- the subjections linked to the requirements of national defense;
- nationality, the state and capacity of individuals, matrimonial regimes, inheritance and donations;
- the procedure according to which the customs will be noted down and harmonized with the fundamental principles of the Constitution;
- the determination of crimes and offences as well as the penalties applicable to them, the criminal procedure, the amnesty;
- the organization of judiciary and administrative tribunals and the procedure before these Courts, the status of Judges, of Ministry officials and legal auxiliaries;
- the tax base, the rates and the modalities of tax collections of all sorts;
- the regime for issuing currency;
- the National Assembly's and the local Assemblies' electoral system;
- the nationalization of Entreprises and the transfers of entrepreneurial property from the public sector to the private sector;
- the creation of categories of public institutions;
- the state of siege and the state of emergency.

The law shall determine the fundamental principles:

- the protection and the development of the environment;

- the preparation, execution and monitoring of the national development plans and programmes;
- the protection of the freedom of the press and of the access to information;
- the general organization of the Service;
- the general status of the Public Service;
- the organization of the national defence;
- Education and scientific research;
- the integration of national cultural values;
- the system of landownership, of substantive entitlements and civil and commercial obligations
- the right to work, right of association and the social institutions;
- the transfer of property and the management of the status field of the State;
- the prison system;
- the insurance and savings system;
- the organization of production;
- the transport and communications system;
- the free administration of the local authorities, their competences and their resources.

#### **Article 102**

The finances law shall determine, for each year, the resources and charges of the State. The draft finances law shall make provision for the revenue required to cover the entire expenditure.

#### **Article 103**

The draft finances law shall be referred to the National Assembly on the opening of the second ordinary session.

The provisions of the draft law may be put into force by Order if the Assembly has not made a pronouncement within sixty days following the tabling of the draft law and that the fiscal year has just ended. In this case, the Government shall call up an extraordinary session to ask for its ratification. If the budget is not voted at the end of the extraordinary session, it shall be conclusively established by Order.

If it has not been possible to table the draft finances law in time to be voted and promulgated before the beginning of the fiscal year, the Prime Minister shall convey an urgent request to the Assembly for authorization to revert to the preceding year's budget through monthly supply vote.

#### **Article 104**

During the execution of the budget, where required by circumstances, the Government shall propose the adoption of the finances amendment laws to the Parliament.

#### **Article 105**

The National Assembly shall regulate the Nation's accounts, according to the modalities set out by the finances law.

It shall be assisted in this exercise by the Audit Court to which it entrusts the responsibility for all investigations and research relating to the execution of public revenue and expenditure, or the management of the national treasury, of the local authorities, the State or State controlled Services or Institutions.

**Article 106**

The Assembly shall meet as of right in the event of a state of siege, if it is not already in session. The state of siege shall only be extended beyond fifteen days on the authorization of the Assembly.

The declaration of war and the despatching of troops abroad shall be authorized by the Assembly.

**Article 107**

The Government may, for the execution of its programmes, request the Assembly for authorization to take by Order, for a limited timeframe, measures which normally fall within the domain of the law.

The Orders shall be taken during the Council of Ministers after notification of the Constitutional Council. They shall enter into force upon their publication, but shall become null and void if the draft ratification law is not tabled before the Assembly before the date established by the enabling Act.

On the expiry of the deadline indicated in the first paragraph of the present Article, the Orders may no longer be amended except by law and only in those provisions which fall within the domain of the law.

**Article 108**

Matters other than those falling under the domain of the law shall be of a regulatory nature.

**TITLE VII: RELATIONS BETWEEN THE GOVERNMENT AND THE NATIONAL ASSEMBLY****Article 109**

The Prime Minister shall have access to the National Assembly. He may entrust a member of the Government to represent it in the Assembly; during the debates or in committee, the latter may seek to be assisted by the members of the Government, by Advisers or Experts of his choice.

The Prime Minister shall make a direct presentation of the Nation's situation to the Deputies during the opening of the first session of the Assembly.

This presentation shall be followed by debate but shall not give rise to any vote.

**Article 110**

The members of the Government shall have access to the Assembly and to its Committees and Consultative Bodies. They may be assisted by Advisers or Experts.

**Article 111**

During the sessions, at least one session per week shall be reserved to Deputies' questions and to the Government's responses.

The Assembly may put to the Government questions relating to current issues, written questions, oral questions with or without debate.

**Article 112**

The Government shall table draft laws before the National Assembly.

It shall present and defend before it, Government policy, the State budget and the economic and social development plans of the Nation.

**Article 113**

The Government shall be beholden to provide the Assembly with all the explanations required relating to its management and to its actions.

The Assembly may set up commissions of inquiry.

**Article 114**

The reciprocal relations between the Assembly and the Government shall also entail:

- the motion of no-confidence;
- the question of confidence;
- the dissolution of the Assembly;
- the procedure of Parliamentary discussion.

**Article 115**

The National Assembly may table a motion of no-confidence against the Government. The no-confidence motion shall be signed by at least one third of the Deputies of the Assembly. For it to be adopted, it shall be voted by absolute majority of the members comprising the Assembly. In the event of rejection of the motion of no-confidence its signatories may not present another before the end of a full year.

**Article 116**

The Prime Minister may, after consultation in the Council of Ministers, commit to the National Assembly, Government's responsibility on a programme or on a general policy declaration.

The Government shall be refused confidence if the presented bill does not gather the absolute majority of votes from the members constituting the Assembly.

The vote on the issue of confidence may not take place in less than forty eight hours following the tabling of the bill.

The Prime Minister may, following discussion in the Council of Ministers, commit Government's responsibility before the Assembly regarding the voting on a bill. In such a case, this bill shall be considered as passed except where a no-confidence motion, tabled in the twenty four hours that follow, is voted under the conditions outlined in the paragraphs above.

**Article 117**

If the no-confidence motion is voted or the confidence is refused the President of Faso shall terminate, within eight days, the functions of the Prime Minister. He shall appoint a new Prime Minister in conformity with the procedure set out in Article 46.

**Article 118**

The Assembly's Agenda shall contain in priority and in the order established by the Government, the discussion of peoples' petitions, of draft bills tabled by the Government and the private members' bills accepted by it.

However, any private members' bill may be discussed two months after its submission to the Government without need for the application of the preceding paragraph, nor of Articles 121 and 122 of the present Constitution.

**Article 119**

In the case of emergency declared by the Government, the Assembly shall make a pronouncement on the draft laws within fifteen days. This deadline shall be extended to forty days for the law on finances. If on the expiry of this deadline no vote has taken place, the

draft law shall be promulgated as it is, on the proposal of the Prime Minister by the President of Faso, in the form of an Order.

**Article 120**

The proposals and amendments regarding the finances law tabled by the Deputies shall be inadmissible where their adoption would result in either a reduction of the public resources or in the creation or aggravation of public costs, except where they are accompanied with a proposal of increase in equivalent revenue or of economy.

**Article 121**

If the Government requests it, the Assembly shall make a pronouncement by a single vote on all or on part of the draft bill under discussion retaining only the amendments proposed or accepted by it.

**Article 122**

Where the Assembly has entrusted the examination of a draft bill to a Committee, the Government may, after the opening of the debate, oppose the examination of any amendment which has not been submitted beforehand to this Committee.

**Article 123**

The proposals and amendments which do not fall under the domain of the law shall be inadmissible. The inadmissibility shall be pronounced by the Speaker of the National Assembly.

In the event of dispute, the Constitutional Council, on seizure of the Prime Minister or of the Speaker of the Assembly, shall make a ruling within eight days.

**TITLE VIII: THE JUDICIAL POWER**

**Article 124**

The judicial power shall be entrusted to the Judges; it shall be exercised throughout the territory of Burkina Faso by judicial and administrative Courts determined by law.

**Article 125**

The Judiciary shall be the guardian of individual and collective freedoms. It shall ensure respect for the rights and freedoms defined in the present Constitution.

**Article 126**

The judicial and administrative Courts in Burkina Faso shall be:

- the Cassation Court;
- the Council of State;
- the Audit Court;
- the Courts and Tribunals instituted by the law.

These Courts shall apply the law in force.

**Article 127**

The Cassation Court shall be the superior Court of the judicial system.

The Council of State shall be the superior Court of the administrative system.

The Audit Court shall be the superior Court for the auditing of public finances.

An organic law shall establish the composition, the organization, the responsibilities, and the functioning of each of these Courts, as well as the procedure which is applicable before them.

**Article 128**

The law shall establish the headquarters, the jurisdiction, the competence and the composition of the Courts and and Tribunals.

**Article 129**

The Judiciary shall be independent.

**Article 130**

The Judges of the Headquarters shall be answerable only to the law in the exercise of their duties. They may not be removed.

**Article 131**

The President of Faso shall be the guarantor of the independence of the Judiciary. He shall be assisted by the Superior Judicial Council.

**Article 132**

The President of Faso shall be the Chairman of the Superior Judicial Council. The Guardian of the Seals and Minister of Justice shall be the Vice-Chair.

**Article 133**

The Superior Judicial Council shall give an opinion on any issue concerning the independence of the judiciary and on the exercise of the right of pardon.

An organic law shall establish the organization, the composition, the responsibilities, and the functioning of the Superior Judicial Council.

**Article 134**

The Superior Judicial Council shall make proposals regarding the appointments and postings of the Judges in the headquarters of the Cassation Court, of the Council of State and of the Audit Court and on those of the senior Presidents of the Appeal Courts.

It shall issue an opinion on the proposals from the Minister of Justice regarding the appointments of the other headquarter Judges.

The Judges of the Public Prosecutor's Department shall be appointed and posted on the proposal of the Minister of Justice.

**Article 135**

An organic law shall establish the statute of the judiciary ensuring respect for the principles contained in the present Constitution.

It shall set out and organize the guarantees and the independence of the judiciary.

**Article 136**

The hearings in all the Courts and Tribunals shall be public. The hearing in camera shall only be allowed in cases defined by the law.

The Courts shall issue reasoned decisions, except in cases where the law stipulates otherwise.

**TITLE IX: THE HIGH COURT OF JUSTICE****Article 137**

A High Court of Justice shall be established. The High Court of Justice shall comprise of Deputies elected by the National Assembly after each general renewal, as well as the Judges

designated by the President of the Cassation Court. It shall elect its President from among its members.

The law shall establish its composition, the rules for its operations and the procedure applicable before it.

#### **Article 138**

The High Court of Justice shall have competence to deal with acts committed by the President of Faso in the exercise of his duties which may constitute high treason, violation of the Constitution or the embezzlement of public funds.

The High Court of Justice shall also have competence to judge the members of the Government for acts qualifying as crimes or offences committed in the exercise or the occasion of the exercise of their duties. In all other cases they shall remain triables of the Common Law and other Courts.

#### **Article 139**

The indictment of the President of Faso shall be voted by a majority of four fifths of the votes of the Deputies that make up the Assembly.

That of the members of the Government shall be voted by a majority of two thirds of the votes of the Deputies that make up the Assembly.

#### **Article 140**

The High Court of Justice shall be bound by the definition of the crimes and offences and by the determination of the sentences resulting from the criminal laws in force at the time when the acts had been committed.

### **TITLE X: THE ECONOMIC AND SOCIAL COUNCIL AND THE CONTROL ORGANS**

#### **Article 141**

A consultative Body known as the Economic and Social Council (CES) shall be established.

The Economic and Social Council shall be responsible for giving its opinion on economic, social or cultural issues brought to its attention by the President of Faso or by the Government.

It may be consulted on any draft economic, social or cultural Plan or Programme.

The Economic and Social Council may also embark on the analysis of any economic and social development issue. It shall submit its conclusions to the President of Faso or to the Government.

The Economic and Social Council may designate one of its members on the request of the President of Faso or of the Government, to present the opinion of the Council on issues brought to its attention before these Organs.

An organic law shall establish the composition, the organization and functioning of the Economic and Social Council.

#### **Article 142**

Control Organs shall be created by the law.

Their competence shall cover economic, social and cultural issues of national interest.

The law shall establish the composition, responsibilities and functioning of these Control Organs.



## **TITLE XI: THE LOCAL GOVERNMENT AUTHORITIES**

### **Article 143**

Burkina Faso is organized into Local Government Authorities.

### **Article 144**

The creation, suppression, and division of the Local Government Authorities shall be the responsibility of the law.

### **Article 145**

The law shall organize the democratic participation of the populations in the free administration of the local government authorities.

## **TITLE XII: AFRICAN UNITY**

### **Article 146**

Burkina Faso may conclude with any African State, Association or Community Agreements involving a total or partial abandonment of its sovereignty.

### **Article 147**

The Conventions sanctioning Burkina Faso's entry into a Confederation, a Federation, or a Union of African States shall be submitted to the Population for approval by referendum.

## **TITLE XIII: INTERNATIONAL CONVENTIONS AND TREATIES**

### **Article 148**

The President of Faso shall negotiate, sign and ratify International Conventions and Treaties.

### **Article 149**

The Peace Agreements, the Trade Agreements, the Agreements dealing with the State funds, those which amend the legislative provisions, those which are relative to marital status, may only be ratified or approved pursuant to a law.

They shall only take effect after having been ratified or approved.

### **Article 150**

If the Constitutional Council, seized in conformity with Article 157, has declared that an international commitment contains a provision which is contrary to the Constitution, the authorization for its ratification or approval may only be issued after the revision of the Constitution.

### **Article 151**

The regularly ratified or approved Conventions and Treaties shall have, on publication, an authority superior to that of the laws, subject, for each Convention or Treaty, to its application by the other Party.

## **TITLE XIV: THE CONSTITUTIONAL COUNCIL**

### **Article 152**

The Constitutional Council shall be the competent Institution in constitutional and electoral matters. It shall be responsible for issuing a ruling on the constitutionality of the laws, the

Orders and on the conformity of the international Conventions and Treaties with the Constitution.

It shall interpret the provisions of the Constitution. It shall check the regularity, the transparency and the honesty of the referendum, of the presidential and legislative elections, and judge on electoral disputes. It shall proclaim the final results of the presidential, legislative and local government elections.

The control of the regularity and transparency of the local government elections shall fall under the competence of the administrative tribunals.

### **Article 153**

The Constitutional Council, besides its President, shall comprise three (3) Judges appointed by the President of Faso on the proposal of the Minister of Justice, three (3) personalities appointed by the President of Faso, three (3) personalities appointed by the Speaker of the National Assembly.

Save for its President, the members of the Constitutional Council shall be appointed for a single mandate of nine (9) years.

Nonetheless, they shall be renewable by one third (1/3) every three (3) years under the conditions established by the law.

The functions of a member of the Constitutional Council shall be incompatible with those of a member of the Government or of the Parliament.

The other incompatibilities shall be established by law.

### **Article 154**

The Constitutional Council shall watch over the regularity of the presidential elections.

It shall examine the complaints and proclaim the results of the vote.

The Constitutional Council, in the event of a dispute, shall issue a ruling on the regularity of the election of the Deputies.

In electoral matters, the Constitutional Council may be seized by any Candidate concerned.

The Constitutional Council shall ensure the regularity of the referendum operations and shall proclaim its results.

The Constitutional Council shall ensure the respect for the review procedure of the Constitution.

### **Article 155**

The organic laws and the regulations of the National Assembly shall be submitted to the Constitutional Council prior to their promulgation or their enforcement.

Towards the same end, the ordinary laws and Treaties subjected to the ratification procedure may be referred to the Constitutional Council prior to their promulgation.

### **Article 156**

The Constitutional Council shall also be responsible for controlling the respect by the Political Parties of the provisions of Article 13 paragraph 5 of the present Constitution.

### **Article 157**

The Constitutional Council shall be seized by:

- the President of Faso;
- the Prime Minister;
- the President of the National Assembly;
- at least one fifth (1/5) of the members of the National Assembly.

**Article 158**

The seizure of the Constitutional Council shall suspend the deadline for the promulgation of the laws referred to it.

**Article 159**

A provision which is declared unconstitutional may not be promulgated nor enforced. The rulings of the Constitutional Council shall not be subjected to any appeal. They shall be binding on the Government and on all the administrative and judicial Authorities.

**Article 160**

An organic law shall establish the organization and functioning of the Constitutional Council and shall determine the procedure that is applicable before it.

**TITLE XV: REVISION****Article 161**

The initiative to revise the Constitution shall belong concurrently:

- to the President of Faso;
- to the members of the National Assembly with a majority;
- to the Population when a fraction of at least thirty thousand (30,000) persons with voting rights, brings before the National Assembly a petition constituting a drafted and signed proposal.

**Article 162**

The law shall establish the conditions for the implementation of the review procedure.

**Article 163**

The draft review shall be, at all events, submitted beforehand for the attention of the National Assembly.

**Article 164**

The draft bill shall then be submitted to a referendum. It shall be said to have been passed once it obtains the majority of the votes cast.

The President of Faso shall then promulgate it under the conditions established by Article 48 of the present Constitution.

However, the draft review shall be passed without resorting to a referendum should it be approved by a majority of three fourths (3/4) of the members of the National Assembly.

**Article 165**

No draft or proposed review of the Constitution shall be admissible if it challenges:

- the Republican nature and form of the State;
- the multiparty system;
- the integrity of the national territory.

No review procedure may be initiated nor pursued if it violates the territorial integrity.

**TITLE XVI: FINAL PROVISIONS****Article 166**

Treason against the Fatherland and violation of the Constitution shall constitute the most serious crimes that can be committed against the People.

**Article 167**

The source of all legitimacy shall emanate from the present Constitution.

Any power that does not draw its source from the Constitution, in particular that emanating from a Coup d'Etat or a military takeover shall be illegal. In such a case the right to civil disobedience shall be recognized to all citizens.

**Article 168**

The Burkinabè People shall forbid all ideas of personal power. It shall also forbid any kind of oppression of a part of the Population by another.

**TITLE XVII: TRANSITIONAL PROVISIONS****Article 169**

The promulgation of the Constitution shall be carried out in the twenty one days following its adoption by referendum.

**Article 170**

The Head of State and the Government are empowered to take the necessary measures for the establishment of the Institutions.

**Article 171**

The presidential and legislative elections shall take place in the twelve (12) months following the adoption of the Constitution.

**Article 172**

Until such time that the Institutions are put in place, the Head of State and the Government shall continue to act and to take the measures required for the functioning of the Government, for the life of the Nation, for the protection of the citizen and for the safeguarding of liberties.

**Article 173**

The legislation in force shall remain applicable so long as it contains nothing that is contrary to the present Constitution, until such time as the new laws take over.

**Appendix 2. Decree n°2009-787/PRES/PM/MPDH of 19 November 2009 on the organization of the Ministry for Human Rights Promotion**

**THE PRESIDENT OF FASO,  
CHAIRMAN OF THE COUNCIL OF MINISTERS**

Considering the Constitution;  
 Considering Decree n°2007-349/PRES of 4 June 2007 on the appointment of the Prime Minister;  
 Considering Decree n°2008-138/PRES/PM of 23 March 2008 on the Burkina Faso Government reshuffle;  
 Considering Loi n°010/98/NA of 21 April 1998 on the modalities of intervention by the State and the distribution of competences between the State and the other development actors;  
 Considering Loi n°013/98/NA of 28 April 1998 on the legal system applicable to employment and to the officials of the Public Service and its amendment n°019-2005/NA of 18 May 2005;  
 Considering Loi n°020/98/NA of 5 May 1998 on the standards of creation, organization and management of the State's administrative institutions and its amendment n°011-2005/NA of 26 April 2005;  
 Considering Decree n°2008-403/PRES/PM/SGG-CM of 10 July 2008 on the prototype organization of the Ministerial Departments;  
 The Council of Ministers agreed at its session of 7 October 2009;  
 On Proposal of the Minister for Human Rights Promotion;

**DECREES**

**CHAPTER I: GENERAL PROVISIONS**

**Article 1:** The organization of the Ministry for Human Rights Promotion shall be governed by the provisions of the present Decree and shall be pivoted on the following institutions:

- the Office of the Minister
- the General Secretariat.

**CHAPTER II. THE OFFICE OF THE MINISTER**

**SECTION I: COMPOSITION**

**Article 2:** The Office of the Minister shall comprise:

- the Technical Advisers;
- the Technical Inspection Division;
- the Permanent Secretary;
- the Private Secretariat;
- the Protocol of the Minister.

**SECTION II: THE RESPONSIBILITIES**

**Article 3:** The Office of the Minister shall be responsible for:

- confidential and reserved mail;
- the Minister's audiences;
- the relations with the Office of the Secretary General of the Government and the Council of Ministers, the other Ministries, the national and international institutions;

- the Ministerial Protocol;
- control of the Ministry's administrative, technical and financial services and the combat against corruption;
- assistance-advice to the Minister.

**Paragraph I: The Technical Advisers**

**Article 4:** The Technical Advisers shall assist the Minister in researching all the issues under their competence.

They shall study and summarize the dossiers entrusted to them by the Minister.

**Article 5:** The Technical Advisers, five (5) in all, shall be chosen on the basis of their technical competence and appointed by Decree passed during the Council of Ministers, on the proposal of the Minister.

They shall be directly answerable to the Minister and placed outside the administrative hierarchy.

**Paragraph II: Technical Inspection Division**

**Article 6:** The Technical Inspection Division shall ensure the implementation of the Department's Policy, guarantee monitoring-advice and supervise the operations of the Departments, and of the projects and programmes.

In this respect it shall be responsible for:

- verifying the application of the legislative and regulatory material and the administrative instructions governing the administrative, financial and accounting operations of the Ministry's Divisions, projects and programmes;
- carrying out all investigations relating to the administrative, technical and financial management of the Divisions, projects and programmes of the Department;
- studying the demands of the citizens and the users of the services and projects;
- providing counselling-support to the technical department for the preparation and implementation of the Ministry's activity programmes and projects;
- combatting corruption within the Ministry.

**Article 7:** The power of control and verification of the technical inspection services shall be exercised, both a priori and afterwards, on the central, satellite, decentralized and mandate institutions placed under the supervision of the Ministry. The technical inspection division shall prepare, in this respect, Control and Verification Reports for the attention of the Minister.

The State's Superior Control Authority shall receive copies of all the Reports emanating from the Technical Inspection Divisions.

**Article 8:** The technical inspection of the Services shall be headed by a Services Inspector General appointed by Decree pronounced during the Council of Ministers, on the proposal of the Minister. He shall be chosen from among the senior officers of the Public Service on the basis of his qualifications and morals.

The Services Inspector General shall work directly under the Minister. He shall be placed outside the administrative hierarchy and shall enjoy the same advantages as those accorded to the Technical Advisers.

**Article 9:** The Services Inspector General shall be assisted by a total of five (5) Technical Inspectors, also appointed by Decree pronounced during the Council of Ministers, on the proposal of the Minister. They shall be chosen from among the senior officers of the Public Service on the basis of their qualifications and morals.

The Technical Inspectors shall enjoy the same advantages as those accorded to the Directors General of the Departments.

### **Paragraph III: The Permanent Secretary**

**Article 10:** The Permanent Secretary shall be responsible for:

- ensuring coordination of the activities of the Office of the Minister;
- organizing the Minister's time table in collaboration with the Private Secretary;
- arranging official contacts with the other Ministries in relation with the Secretary General.

The Permanent Secretary shall be appointed by Decree pronounced in the Council of Ministers. He shall enjoy the same advantages as the Departmental Directors. In the Permanent Secretary's absence or his inability to act, the Minister's Protocol shall act in his place.

### **Paragraph IV: The Private Secretariat**

**Article 11:** The Minister's Private Secretariat shall deal with the reception and despatching of the Minister's confidential and reserved mail.

It shall be headed by a Private Secretary appointed by Ministerial Order.

### **Paragraph V: Minister's Protocol**

**Article 12:** The Minister's Protocol shall be responsible, in collaboration with State Protocol, for organizing the Minister's ceremonies, audiences and official travel.

He shall be appointed by Ministerial Order.

## **CHAPTER III: THE GENERAL SECRETARIAT**

### **SECTION 1: COMPOSITION**

**Article 13:** The General Secretariat shall comprise:

- the Division of the Secretary General;
- the Central Institutions;
- the Decentralized Institutions;
- the Supporting Institutions;
- the Mandate Institutions.

### **Paragraph I: The Secretary General's Department**

**Article 14:** For the administrative and technical coordination of the Institutions of the Ministry, the Secretary General shall have:

- a Research Bureau;
- a Private Secretariat;
- a Central Mail Division;
- a Documentation and Archives Division.

**Article 15:** The Research Bureau shall be taken care of by five or more Research Officers, designated from among senior officers on the basis of their technical qualifications and appointed by Decree pronounced during the Council of Ministers on the proposal of the Minister.

The Research Officers shall enjoy the same advantages as those granted to the Divisional Directors.

They shall assist the Secretary General in the treatment of dossiers entrusted to them.

**Article 16:** The Secretary General's private secretariat shall deal with the reception and despatching of the Secretary General's confidential mail, the management of the ordinary mail coming from the central mail Division, from the central institutions, from the decentralized institutions, from the satellite institutions and the mandate institutions and to the said institutions.

It shall deal with the distribution of the internal mail destined for the central institutions. It shall be headed by a private secretary appointed by Ministerial Order.

**Article 17:** The Central Mail Division shall deal with the reception and despatch of ordinary mail. It shall register the in-coming mail and forward it to the Secretary General's private secretariat.

It shall deal with the distribution of all the ordinary mail going outside the Ministry. It shall be headed by a Head of Division appointed by Ministerial Order.

**Article 18:** The Documentation and Archives Division, in collaboration with the National Archives Department, shall be responsible for the definition and implementation of the Ministry's policy in the management and preservation of archives and documentation. It shall be responsible for:

- preparing and up-dating the management procedures for the archives produced by the different Divisions of the Ministry;
- supporting the other Ministerial Divisions in the management of their archives;
- carrying out the intermediate storage and the transfer of the Ministry's closed archives to the National Archives Department;
- working on the acquisition of technical documentation relating to the Ministry's area of competence and on its management;
- placing at the disposal of the Departments and the Public the documentation and non-confidential archives of the Ministry where required;
- monitoring the management of the documentation in the Human Rights Information and Documentation Centres.

The Documentation and Archives Division shall be headed by a Head of Division appointed by Ministerial Order.

## **Paragraph II: The Central Institutions**

**Article 19:** The Central Institutions shall comprise two (2) Head Offices, five (5) Technical Divisions and five (5) Supporting Institutions namely:

The Human Rights Defence Head Office which shall comprise:

- the International Conventions Monitoring Division;
- the Human Rights Protection Division.

The Human Rights Promotion Head Office shall comprise:

- the Human Rights Education Division;
- the Promotion of Culture and Gender Tolerance Division;



- the Division of Cooperation.

The Sattelite Insitutions:

- the Division of Administration and Finance;
- the Human Resources Division;
- the Research and Planning Division;
- the Ministerial Communication and Press Division;
- the Person responsible for public contracts.

### **Paragraph III: The Decentralized Institutions**

**Article 20:** In each regional County Seat a Regional Human Rights Promotion Divison shall be created.

### **Paragraph IV: The Sattelite Institutions**

**Article 21:** The following shall be the Sattelite Institutions:

- the Interministerial Human Rights and International Humanitarian Law Commission;
- the Ministry's Projects and Programmes.

### **Paragraph V: The Mandate Institutions**

**Article 22:** The Mandate Institutions shall contribute to the execution of cyclical or temporary missions.

They shall be put in place in case of need.

## **SECTION II: THE DUTIES OF THE SECRETARY GENERAL**

**Article 23:** The Secretary General shall ensure the administrative and technical management of the Ministry. He shall assist the Minister in the implementation of the human rights promotion and protection policy.

He shall be responsible for the administrative and technical coordination of the Central, the Decentralized, the Sattelite and Mandate Divisions.

He shall be appointed by Decree pronounced during Council of Ministers, on the proposal of the Minister for Human Rights Promotion.

**Article 24:** The Secretary General shall guarantee the technical collaboration of the Ministry with the other Ministries' Technical Departments, with the Office of the Secretary General of the Government and of the Council of Ministers and the National Institutions.

**Article 25:** With the exception of documents addressed to the Head of State, to the Government Leader, to the Members of the Government, to the Presidents of the Institutions and to the Ambassadors, the Secretary General shall receive authority to sign for:

- letters of delegation of authority and acknowledgement;
- mission orders to the interior of Burkina Faso;
- leave decisions;
- posting decisions and all the management acts relating to the staff of the Departments under the General Secretariat;
- the texts of Releases;
- fax messages.

**Article 26:** Besides the issue of delegation of signature set out in Article 25 above, the Minister shall, by Order, give authority for signature to the Secretary General for any other matter relating to the daily management of the Ministry.

**Article 27:** For all the activities mentioned in Articles 25 and 26 above, the Secretary General's signature shall be preceded by the reference « For and on behalf of the Minister, the Secretary General ».

**Article 28:** In the absence of the Secretary General, the Minister shall appoint a temporary replacement to act in his place, from among four (4) Central Directors designated to this effect. The modalities for establishing the list shall be defined by Ministerial Order.

Where the absence of the Secretary General exceeds thirty (30) days, the temporary replacement shall be appointed by Order. Where the absence does not exceed thirty (30) days, the temporary replacement shall be appointed through an Internal Memorandum. At all events, the above mentioned temporary replacement shall not exceed three (3) months.

**Article 29:** The duties and organization modalities of the Secretary General's private secretariat, of the Research Bureau, of the Central Mail Division and the Documentation and Archives Division shall be established by Ministerial Order.

**Paragraph I: The responsibilities of the Central, Decentralized, Sattelite and Mandate Institutions**

A. The responsibilities of the Human Rights Defence Head Office

**Article 30:** The Human Rights Defence Head Office shall be in charge of coordinating and stimulating the actions of the Ministry in the area of protection and defence of human rights.

It shall comprise two Divisions:

- the International Conventions Monitoring Division;
- the Human Rights Protection Division.

**Article 31:** The Division for the Monitoring of International Conventions shall be responsible for monitoring the implementation of international agreements regarding the promotion and protection of human rights.

In this context it shall be charged with:

- preparing Reports destined for the Authorities;
- setting up a database of International Conventions;
- ensuring the conformity of the national legislation with the ratified International Conventions;
- evaluating the implementation of the International Human Rights Conventions by the State and non-State Institutions;
- preparing and implementing a national human rights strategy;
- contributing and participating in regional and international meetings on human rights issues;
- ensuring the inclusion of human rights in the drafting of national legislation and procedures;
- popularizing the International Human Rights Conventions;
- guaranteeing the training of the national actors responsible for the implementation of the International human rights Conventions;

- monitoring the cooperation with the International and Regional Institutions and Mechanisms dealing with human rights issues.

**Article 32:** The Human Rights Protection Division shall be charged with the implementation of all the measures capable of ensuring the best protection possible, by the Government, of individual and collective rights. In this context, it shall be charged with:

- receiving, hearing and directing the citizens bringing claims relative to the human rights;
- contributing to the respect for human rights in the prisons;
- contributing to the reinforcement and to the protection of the rights of vulnerable persons;
- ensuring mediation in community conflicts;
- implementing all the measures likely to ensure the best protection of sectional rights;
- contributing to the drafting of norms for the protection of sectional rights;
- contributing to the effective application of the norms for the protection of sectional rights.

#### B. The responsibilities of the Human Rights Promotion Head Office

**Article 33:** The Human Rights Promotion Head Office shall be charged with the coordination and the stimulation of the Ministry's activities in the promotion and popularization of human rights.

It shall comprise three (3) Divisions:

- the Human Rights Education Division;
- the Culture Promotion and Gender Tolerance Division;
- the Partnership Division.

**Article 34:** The Human Rights Education Division shall be mandated to:

- inform, train and sensitize the citizens on their rights;
- popularize the laws and documents relating to human rights;
- introduce human rights and civic education in the formal and non-formal education systems in collaboration with the Ministerial Departments.

**Article 35:** The Culture Promotion and Gender Tolerance Division shall be mandated to:

- promote a culture of tolerance, peace and human rights;
- implement specific measures promoting and consolidating sectional rights;
- monitor and implement the national gender policy in collaboration with the relevant Ministerial Department.

**Article 36:** The Partnership Division shall be mandated to:

- provide support-counselling to the Ministry's partners on activities relating to human rights promotion;
- train civil society organizations in human rights issues;
- monitor the activities of the Ministry's partner Institutions and Organizations;
- contribute to promoting the issuance of Civil Status Certificates to the citizens.

#### C. The responsibilities of the Supporting Institutions

**Article 37:** The Division of Administration and Finance shall be responsible for the budget and for the management of the Ministry's equipment. In this regard, it shall be charged with:

- preparing the Ministry's draft budget;
- managing the funds allocated to the Ministry;

- maintaining store accounts of the Ministry's furniture and buildings;
- contributing to the monitoring and execution of the public contract dossiers;
- managing the computer equipment;
- managing the Ministry's vehicle pool and other equipments.

**Article 38:** The Human Resources Division shall be responsible for managing the human resources of the Ministry. In this context it shall be charged with:

- ensuring the implementation of the Ministry's human resources management policy;
- developing and implementing tools and means for increasing the officials' output;
- developing and implementing training plans and programmes for the Ministry officials;
- ensuring the recruitment of Ministry personnel in collaboration with the Ministry of the Public Service;
- providing the projected management of the positions and staff component of the Ministry, as well as the management of the officers' careers.

**Article 39:** The Research and Planning Division shall be charged with:

- centralizing and monitoring the execution of the Ministry's planning activities;
- centralizing all the data on all on-going or about to be executed projects;
- studying, developing and editing the project documents to be submitted to the donors;
- the collection, centralization and processing of statistical data;
- carrying out any prospective research necessary for dynamizing the Ministry.

**Article 40:** The Ministerial Communication and Press Division shall be charged with:

- the preparation and implementation of the Ministry's Communication Policy and Plan;
- ensuring the media coverage of the Ministry's activities;
- coordinating all the relations between the Ministry and the public or private media institutions and organs and the media correspondents;
- ensuring the collection and analysis, for the Minister, of Periodicals, Journals and Newspapers on all issues affecting the Ministry;
- putting in place documentation and media statistics relating to the activities of the Ministry;
- operating the Ministry's Website;
- developing and operating an Information Bulletin on the Ministry's activities and programmes.

**Article 41:** The Person responsible for Contracts shall be charged with:

- preparing the Ministry's public contracts dossiers;
- ensuring the functioning of the Contracts awarding Committee;
- monitoring, in collaboration with the Division of Administration and Finance and the Research and Planning Division, the execution of the Ministry's public contracts.

**Article 42:** The regional Departments shall ensure the implementation of the Ministry's mandate in their areas of jurisdiction.

**Article 43:** The projects and programmes shall contribute to the accomplishment of the Ministry's mandate.

**Article 44:** The Interministerial Human Rights and International Humanitarian Law Commission shall be endowed with a permanent technical Secretariat. Its principal assignments shall consist of:

- facilitating the coordination of human rights promotion and protection activities undertaken by the various Ministerial Departments;
- studying the human rights policies, strategies and dossiers submitted to it by the Government;
- providing technical support for the preparation of the Reports that Burkina Faso has to present to the United Nations Organs and Commissions, to the International Committee of the Red Cross and Red Crescent(ICRC), and to the African Commission on Human and Peoples' Rights (ACHPR) in conformity with its conventional obligations in the field of human rights and international humanitarian law;
- studying any human rights and international humanitarian law litigation involving the State and submitted to it by the Government.

**Article 45:** The powers and duties of the Mandate Institutions shall be determined by the laws which establish them.

#### **CHAPTER IV: DIVERSE AND FINAL PROVISIONS**

**Article 46:** The powers and duties and the modalities of the organization and functioning of the Sattelite Institutions and the projects and programmes contributing to the execution of the Ministry's mandate shall be determined by the laws establishing them.

**Article 47:** The Directors General, the Central Directors, the Technical Directors, the Regional Directors and the Permanent Technical Secretary of the Interministerial Human Rights and International Humanitarian Law Commission shall be appointed by Decree passed during the Council of Ministers, on the proposal of the Minister.

**Article 48:** The Divisions shall be directed by Heads of Departments appointed by Ministerial Order.

**Article 49:** The present Decree shall rescind the provisions of the Decree n°2007-097/PRES/PM/MPDH of 1<sup>st</sup> March 2007 on the organization of the Ministry for Human Rights Promotion.

**Article 50:** The Minister for Human Rights Promotion shall be charged with the execution of the present Decree which shall be published in the Faso Official Gazette.

Ouagadougou, 19 November 2009

**Blaise COMPAORE**

The Prime Minister

**Tertius ZONGO**

The Minister for Human Rights Promotion

**Salamata SAWADOGO**

**Appendix 3. Law n°062-2009/NA of 21 December 2009 on the establishment of a National Human Rights Commission (CNDH)**

**THE NATIONAL ASSEMBLY**

Considering the Constitution;

Considering the Resolution n°001-2007/NA of 4 June 2007 on the validation of the Deputies' mandate;

Deliberated at its session of 21 December 2009

And passed the Law, the substance of which is as follows:

**CHAPTER I: GENERAL PROVISIONS**

**Article 1:**

Is hereby created in Burkina Faso, a National Institution for the promotion, protection and defence of human rights called the National Human Rights Commission, in short CNDH, hereinafter referred to as the Commission.

**Article 2:**

The Commission is a Public Authority endowed with a moral personality and autonomy of management.

**Article 3:**

The Commission is a national framework of dialogue between the public and private agents of promotion, protection and defence of human rights.

The principles governing the work of the Commission shall be independence, impartiality, plurality, complementarity and cooperation.

**CHAPTER II: POWERS AND DUTIES**

**Article 4:**

The Commission shall, through its opinions, assist the Government on all issues relating to the promotion and protection of human rights in Burkina Faso.

Its opinions can be made public, either on its own initiative, or at the request of the National Authorities.

**Article 5:**

The Commission can, on its own initiative, draw the attention of the Government to the situations of human rights violations and, where relevant, propose any initiatives capable of putting an end to them.

**Article 6:**

The Commission can also draw the attention of the Government on the measures which appear to be able to promote the protection and promotion of human rights, in particular relating to:

- the ratification of International Human Rights Instruments or the adherence to these laws as well as their implementation at the national level;

- the orientation and discussion of the proposals, draft laws and regulations initiated but not yet passed;
- the bringing into line and harmonization of the national laws, regulations and practices with the international human rights instruments to which Burkina Faso has acceded and their implementation, where relevant;
- the popularization of human rights and the combat against all forms of violations of human rights and fundamental freedoms, in particular through the sensitization and information of the general public;
- the participation in the drafting of programmes pertaining to human rights education and research and their implementation.

**Article 7:**

Subject to respect for the administrative and legal procedures and the judicial authority, the Commission shall carry out monitoring visits to the prisons and to any other place where acts of torture, cruel, inhuman or degrading treatment can be observed.

**Article 8:**

The Commission is empowered to receive requests pertaining to individual situations and relating to allegations of violation or non respect for human rights. The Commission can be seized by individuals, their representatives, by non-Governmental Organizations, by Associations and any other Organization.

The Commission shall not deal with matters having gone through the legal process.

**Article 9:**

The Commission shall have powers of investigation for the examination of requests. Nonetheless, these investigations shall not extend to dossiers and information covered by secret defence, the security of the State, foreign policy or dossiers which are under judicial proceedings.

The Commission shall promote in particular amicable settlements through conciliation. It shall inform the author of the request of his rights, in particular the existing remedies and shall facilitate his access to them. The Commission shall transmit the requests and issue advisories or recommendations to any Authority which is legally competent to deal with them in depth. The Authority seized shall provide a justified reaction.

**Article 10:**

The Commission shall contribute to the preparation of Burkina Faso's Reports to be presented to the United Nations Organs and Commissions, and to the regional Bodies pursuant to its conventional obligations in the human rights domain.

**Article 11:**

The Commission shall prepare and submit each year to the President of Faso, a Report on the human rights situation in which it formulates recommendations. This Report is then publicized.

**Article 12:**

In the exercise of its mandate, and subject to the provisions of Article 8, the Commission:

- shall examine all issues falling under its competence;

- shall obtain all the necessary information and documents for the appraisal of situations falling under its competence, with the exception of documents covered by secret defence and documents constituting the object of judicial proceedings;
- shall seize the competent Institutions about cases of human rights violations, it shall be their responsibility to take the necessary measures for putting an end to these violations or to initiate legal proceedings against the perpetrators;
- shall address the general public by means of any media Body or any other legal means, to publicize its opinions and recommendations;
- shall maintain dialogue with the the other national or international Institutions and Organizations responsible for the promotion and protection of human rights;
- shall develop relations with the Non-Governmental Organizations working in the area of promotion and protection of human rights and the protection of vulnerable groups.

### **CHAPTER III: COMPOSITION**

#### **Article 13:**

The Commission shall being together the representatives of Parliament, of the Associative Organizations and the Non-Governmental Organizations working in the domain of human rights and the representatives of the Public Service and development agents.

The Commission shall comprise twenty eight members distributed as follows:

#### **1. The Members with right to participate in discussions and voting:**

- a Member of Parliament designated by the National Assembly;
- three representatives elected from within the national Associations and Non-Governmental Organizations working in the domain of human rights;
- two representatives elected from the Central Labour Bodies;
- a representative elected from the Youth Associations;
- a representative elected from the Women's Associations;
- a representative elected from the College of Physicians;
- a representative elected from the Bar Association;
- four representatives of the Traditional and Religious Authorities elected by their Peers;
- two academics appointed by the Minister responsible for Higher Education, including a representative of the Teachers and Researchers of Law and a representative of the Teachers and Researchers of Sociology;
- a representative of the media world elected by his Peers.

#### **2. The Members having consultative capacity:**

- a representative of the Ministry responsible for Human Rights Promotion;
- a representative of the Ministry responsible for Justice;
- a representative of the Ministry responsible for Security;



- a representative of the Ministry responsible for the Environment and the Living Environment;
- a representative of the Ministry responsible for Basic Education and Literacy;
- a representative of the Ministry responsible for Local Government and Decentralization;
- a representative of the Ministry responsible for Foreign Affairs and Regional Cooperation;
- a representative of the Ministry responsible for Social Affairs and National Solidarity;
- a representative of the Ministry responsible for Defence;
- a representative of the Ministry responsible for the Public Service and State Reform;
- a representative of the Ministry responsible for the Economy and Finances.

Nonetheless, the representatives of the Public Service have a deliberative voice on all issues pertaining to the functioning of the Commission.

**Article 14:**

The Members of the Commission shall be appointed by Decree pronounced in the Council of Ministers for a three-year mandate renewable only once.

Before taking office, the Members shall swear, before the Court of Appeal of the area where the Commission's head office is located, the oath the terms of which are as follows:

*« I solemnly swear to adequately and faithfully fulfil my duties as Member of the National Human Rights Commission in total independence and impartiality, with dignity and loyalty, and to maintain the secrecy of its deliberations ».*

Except for resignation, the mandate of the Members of the Commission shall only be terminated in the event of serious transgression, inability to act or of default observed by the Bureau of the Commission.

Shall be considered as defaulter any Member who has failed to participate, without valid reason, in two consecutive sessions of the Plenary Assembly or who, during a period of six consecutive months, has failed to participate in the meetings of the sub-Committees.

**Article 15:**

In the event of resignation, of serious transgression, inability to act or of default by a Member of the Commission, the latter is replaced in conformity with the provisions relative to the modalities of designation and appointment of the Members of the Commission.

The Members of the Commission appointed in replacement of those whose term of office has ended prematurely, shall complete the mandate of the latter.

**Article 16:**

The Members who have reached the end of their term of office shall continue to exercise their duties until the new Members have taken up duties.

**CHAPTER IV: ORGANIZATION AND FUNCTIONING****Section 1. Organization****Article 17:**

The Commission shall have as Organs, the Plenary Assembly and the Bureau.  
All the Members of the Commission cited in Article 13 constitute the Plenary Assembly.  
The Plenary Assembly shall be the decision-making and policy Body of the Commission.  
Sub-Committees and Specific Working Groups can be put in place.

**Article 18:**

The Commission shall, should the need arise, request the services of any individual for his expertise and competence.

**Article 19:**

The Commission is headed by a Bureau comprising a Chairman, a Vice-Chairman and two Rapporteurs.

The Chairman, the Vice-Chairman and the Rapporteurs of the Commission shall be elected from among the Members with deliberative voice. They shall be appointed by Decree pronounced in the Council of Ministers for a three-year term renewable only once.

The duties of the Chairman of the Commission shall be incompatible with the exercise of any elected mandate, of any private or public employment, of any professional activity and of any function of national representation.

The Bureau shall be assisted by a Secretary General.

**Article 20:**

The Secretary General of the Commission shall be appointed by Decree pronounced in the Council of Ministers, on the proposal of the Minister responsible for the Promotion of Human Rights, after notice to the Chairman of the Commission. He shall be chosen from among the senior officers of the Public Service or the Private Sector, on the basis of his legal training and qualifications in human rights issues.

The Secretary General deals with the technical and administrative assignments of the Commission. He coordinates and organizes the activities initiated by the Bureau and by the Commission on the authorization of the Chairman.

The organization of the Commission's Services shall be specified by Decree pronounced in the Council of Ministers.

**Section 2. Functioning****Article 21:**

The Plenary Assembly shall meet in ordinary or extraordinary sessions. The ordinary sessions shall take place twice a year for a duration not exceeding seven days each. The duration of an extraordinary shall not exceed three days.

The Commission's operational rules shall be specified by Decree pronounced in the Council of Ministers.

## **CHAPTER V: PRIVILEGES AND IMMUNITIES**

### **Article 22:**

In the exercise of his duties, the Chairman of the Commission shall enjoy the advantages and privileges established by Decree pronounced in the Council of Ministers

### **Article 23:**

During their mandate and in the exercise of their duties, the Members of the Commission shall not be sought after, pursued, arrested, detained or judged for opinions, actions and investigations resulting from their mission of promotion and protection of human rights.

The immunity of the Members of the Commission shall remain valid after the end of their mandate for the acts accomplished during their term of office.

### **Article 24:**

In the exercise of their duties, the Members of the Commission shall carry a professional Card and can call on the Security Forces for assistance, support and protection.

The Commission shall collaborate with the Public Services of the Administrative Constituencies and the Local Authorities which shall provide it with assistance and expertise.

### **Article 25:**

The Commission shall consult any individual or Institution with competence or having information that it may require to be seized of a case.

In this context, the Chairman may request any person or Institution to carry out research on the issue and provide him with a Report.

## **CHAPTER VI: FINANCIAL AND ACCOUNTING PROVISIONS**

### **Article 26:**

The State shall provide the budget required for the proper functioning of the Commission.

### **Article 27:**

The Chairman is the appropriator of the Commission's budget.

Expenditure is incurred on the basis of the operations decided on by the Commission.

### **Article 28:**

The Chairman's emoluments shall be established by Decree pronounced in the Council of Ministers.

### **Article 29:**

The Commission Members shall receive sitting allowances, the amounts and modalities of which shall be determined by Decree pronounced in the Council of Ministers.

### **Article 30:**

The Commission may receive donations, legacies and subventions from natural persons or legal entities.

### **Article 31:**

The auditing of the Commission's Financial Accounts shall be the responsibility of the Audit Court.

At the end of each fiscal year, the expenditure operations of the Commission put together in the same annual account to which all the justifying documents are attached, shall be forwarded to the Audit Court.

## **CHAPTER VII: DIVERSE AND FINAL PROVISIONS**

### **Article 32:**

Decrees pronounced in the Council of Ministers shall specify the modalities of application of the present Law.

### **Article 33:**

The present Law which shall rescind all contrary preceding provisions shall be executed as law of the State.

Thus done and deliberated in public session  
in Ouagadougou, on 21 December 2009

The Chairman

Roch Marc Christian KABORE

The Secretary of the Session

Naba DIANE/KAMBIRE

**Appendix 4. Decree n°2005-100/PRES/PM/MPDH of 23 February 2005 on the creation, responsibilities, composition and functioning of the Interministerial Human Rights and International Humanitarian Law Commission, amended by Decree n°2008-740/PRES/PM/MPDH of 17 November 2008**

**THE PRESIDENT OF FASO,  
CHAIRMAN OF THE COUNCIL OF MINISTERS,**

- Considering the Constitution;
- Considering Decree n°2002-204/PRES of 6 June 2002, on the appointment of the Prime Minister;
- Considering Decree n°2002-205/PRES/PM of 10 June 2002, on the composition of the Government of Burkina Faso;
- Considering Decree n°2002-255/PRES/PM of 18 July 2002, on the responsibilities of the Members of the Government;
- Considering Law n°020/98/NA of 5 May 1998 establishing the norms of creation and management of the State's Public Service Institutions;
- Considering Decree n°2001-731/PRES/PM/MJPDH of 28 December 2001, on the Policy and Action and Orientation Plan for the promotion and protection of Human Rights in Burkina Faso;
- Considering Decree n°2002-461/PRES/PM/MPDH of 28 October 2002, on the organization of the Ministry for Human Rights Promotion,

On the Report of the Minister for Human Rights Promotion,  
The Council of Ministers at its session of 1<sup>st</sup> December 2004;

**DECREES**

**TITLE I –GENERAL PROVISIONS**

**Article 1:** Is hereby created, in Burkina Faso, an Interministerial Human Rights and International Humanitarian Law Commission (CIMDH) hereinafter referred to as the Interministerial Commission.

**Article 2:** The Interministerial Human Rights Commission shall be a technical Institution supporting Government in the domain of human rights and of international humanitarian law.

It shall be an Advisory Organ and a framework for dialogue in Government policy and strategies on the promotion, protection and respect for human rights and international humanitarian law in Burkina Faso.

It shall be placed under the administrative supervision of the Ministry responsible for Human Rights Promotion.

**Article 3:** The responsibilities, composition and functioning of the Interministerial Human Rights Commission shall be defined by the provisions of the present Decree.

## **TITLE II – RESPONSIBILITIES, COMPOSITION AND FUNCTIONING**

### **Chapter 1: Responsibilities**

**Article 4:** The Interministerial Commission shall have the mandate of providing support for the activities undertaken by the Government in the promotion, protection and respect for human rights and the popularization of international humanitarian law in Burkina Faso.

In this context, it shall be charged with:

- facilitating the coordination of human rights promotion and protection activities undertaken by the various Ministerial Departments;
- Studying the human rights policies, strategies and dossiers submitted to it by the Government;
- providing technical support for the preparation of the Reports which Burkina Faso is required to present to the United Nations Organs and Commissions, to the International Committee of the Red Cross and Red Crescent (ICRC), and to the African Commission on Human and Peoples' Rights (ACHPR) in conformity with its conventional obligations in the field of human rights and international humanitarian law;
- studying all human rights and international humanitarian law litigation involving the State and submitted to it by the Government;
- contributing to the introduction of human rights and international humanitarian law education within the formal and non-formal education systems;
- popularizing human rights and international humanitarian law within all State Institutions charged with ensuring respect for humanitarian regulations, in particular within the national Armed Forces.

### **Chapter 2: Composition**

**Article 5:** The Interministerial Human Rights and International Humanitarian Law Commission shall comprise the following:

1. Chairman: The Secretary General of the Ministry for Human Rights Promotion
2. Vice-Chairman: The Secretary General of the Ministry of Justice
3. Members:
  - the Secretary General of the Ministry of the Foreign Affairs and Regional Cooperation;
  - the Secretary General of the Ministry of Defense;
  - the Secretary General of the Ministry Security;
  - the Secretary General of the Ministry of Social Action and National Solidarity;
  - the Secretary General of the Ministry of Women's Affairs;
  - the Secretary General of the Ministry of Basic Education and Literacy;
  - the Secretary General of the Ministry of Local Government and Decentralization;
  - the Secretary General of the Ministry of Higher and Secondary Education and Scientific Research;
  - the Secretary General of the Ministry of Labour, Employment and Youth;
  - the Secretary General of the Ministry of Health;
  - the Secretary General of the Ministry of the Environment and the Living Environment;

- the Secretary General of the Ministry of Finances and the Budget.

The Permanent Technical Secretary set out in Article 8 below shall head the Secretariat of the CIMDH.

**Article 6:** When the Interministerial Commission rules on issues of international humanitarian law, the Burkinabè Red Cross shall be represented therein by a delegate.

### **Chapter 3: Functioning**

**Article 7:** The Chairman shall convene the meetings of the Interministerial Commission, shall coordinate its activities and shall ensure the accomplishment of the mandate assigned to it.

**Article 8:** The Interministerial Commission shall be supported in its assignments by a permanent technical Secretariat headed by a permanent technical Secretary appointed by Decree pronounced in the Council of Ministers, on the proposal of the Minister responsible for Human Rights Promotion.

The Permanent Technical Secretary shall hold the rank of Technical Adviser and shall, in this regard, enjoy the benefits related thereto.

**Article 9:** The Interministerial Commission shall meet in ordinary session twice a year and in extraordinary session each time it is required on the summons of its Chairman or at the request of two thirds of its Members.

**Article 10:** The permanent technical Secretariat of the Interministerial Commission shall monitor the activities of the Interministerial Commission between two sessions. In this context, it shall be responsible for:

- the preparation of the meetings of the Interministerial Commission;
- the liaison between the different Ministerial Departments;
- dealing with the permanent activities of the Interministerial Commission;
- the collection of data required for the work of the Interministerial Commission.

**Article 11:** In the accomplishment of its mandate, the Interministerial Commission may call on any Civil Society Organization and on any other resource person working in the domain of human rights and international humanitarian law. It may propose to the Government any study required for the execution of its duties.

**Article 12:** The modalities governing the operations of the permanent technical Secretariat shall be established by the Order of the Minister responsible for Human Rights Promotion.

### **TITLE III – FINAL PROVISIONS**

**Article 15:** The costs incurred by the operations of the Interministerial Commission shall be charged to the budget of the Ministry responsible for Human Rights Promotion.

**Article 16:** The Minister for Human Rights Promotion, the Minister for Foreign Affairs and Regional Cooperation, the Minister of Justice, Guardian of the Seals, the Minister of Defence, the Minister of Security, the Minister of Social Action and National Solidarity, the Minister for Women's Affairs and the Minister for Local Government and Decentralization are each charged, as appropriate, with the execution of the present Decree.

## **Appendix 5. List of Human Rights Treaties and Conventions ratified by Burkina Faso as at 31<sup>st</sup> December 2009**

### Key

- ® = Ratification  
 (a) = Adherence  
 (Ap) = Approval  
 (s) = Declaration of Succession

	N°	Names of the Conventions	Adoption, Conclusion Signature, place	Entry into Force	Ratification by B.F.
<b>TITLE I: INTERNATIONAL AND REGIONAL HUMAN RIGHTS LAW</b>					
PART ONE: GENERAL CONVENTIONS					
<b>CHAPTER 1: GENERAL CONVENTIONS</b>					
<b>01</b>	<b>01</b>	United Nations Charter	26 June 1945, San Francisco		
<b>02</b>	<b>02</b>	Universal Declaration of Human Rights	10 December 1948		
<b>03</b>	<b>03</b>	International Convention on Economic, Social and Cultural Rights	16 Dec. 1966 New York	3 Jan. 1976	4 Jan. 1999 (a)
<b>04</b>	<b>04</b>	International Convention on Civil and Political Rights	16 Dec. 1966 New York	23 March 1976	4 Jan. 1999 (a)
<b>05</b>	<b>05</b>	Optional Protocol to the International Convention on Civil and Political Rights	16 Dec. 1966 New York	23 March 1976	4 Jan. 1999 (a)
<b>06</b>	<b>06</b>	Vienna Convention on the Law of Treaties	23 May 1969 Vienna	27 January 1980	25 May 2006
<b>07</b>	<b>07</b>	United Nations Convention against Corruption	31 October 2003 New York	10 October 2006	10 October 2006 ®
<b>08</b>	<b>08</b>	WHO Framework Convention on Tobacco Control	21 May 2003 Geneva		31 July 2006 ®
<b>CHAPTER 2: REGIONAL CONVENTIONS</b>					
<b>09</b>	<b>01</b>	African Charter on Human and Peoples' Rights (O.A.U.)	27 June 1981 Nairobi	21 Oct. 1986	21 Sept. 1984 ®
<b>10</b>		Cultural Charter for Africa	5 July 1976 Port louis	Not in force	17 Oct. 1986
<b>11</b>	<b>02</b>	Protocol to the African Charter on Human and Peoples' Rights establishing the African Court on Human and Peoples' Rights	9 June 1998 Ouagadougou	25 January 2004	23 February 1999 ®
<b>12</b>	<b>03</b>	African Union Convention on Preventing and Combating Corruption	11 July 2003 Maputo	5 August 2006	29 November 2005
<b>13</b>	<b>04</b>	OAU Convention for the Elimination of Mercenarism in Africa	3 July 1977 Libreville	22 April 1985	6 July 1984
<b>PART TWO: CONVENTIONS ON THE PROTECTION OF SECTIONAL RIGHTS</b>					



<b>CHAPTER 1: CONVENTIONS ON THE PROTECTION OF WORKERS</b>					
14	01	ILO Maternity Protection Convention (n°3) (revised ) replaced by n° 103 (1952) and 183 (2000)	28 Nov. 1919 Washington	13 June 1921	30 June 1969 (ap)
15	02	ILO Convention (n° 87) on the freedom of Association and the protection of the right to organize	9 July 1948 San Francisco	4 July 1950	21 Nov. 1960 (a)
16	03	ILO Convention (n°95) on the protection of Wages (partially revised in 1992 by the Convention n° 173	1 <sup>st</sup> July 1949 Geneva	24 Sept. 1952	21 Nov. 1960 (a)
17	04	ILO Convention (n°98) on the Right to Organize and to collective negotiation	1 <sup>st</sup> July 1949 Geneva	18 July 1951	16 April 1962 ®
18	05	ILO Minimum Wage Fixing Convention (n°131) notably	22 June 1970 Geneva	29 April 1972	21 May 1974 ®
19	06	ILO Worker's Representatives Convention (n° 135) in Companies and the facilities to be accorded them	23 June 1971 Geneva	30 June 1973	21 May 1974 ®
20	07	ILO Tripartite Consultation Convention (No 144) on tripartite consultations intended to promote the implementation of international labour standards.	21 June 1976 Geneva	13 May 1978	25 June 2001
<b>CHAPTER 2: CONVENTIONS ON THE PROTECTION OF WOMEN</b>					
21	01	ILO Night Work (Women) Convention (n°4) revised by Convention n° 41 (1934) and n° 89 (1948)	28 Nov. 1919 Washington	13 June 1921	21 Nov. 1960 (a)
22	02	UN Convention on the Political Rights of Women	20 Dec. 1952 New York	7 July 1954	9 December 1998 (a)
23	03	UN Convention on the Elimination of All Forms of Discrimination Against Women	18 Dec. 1979 New York	3 Sept.1981	14 Oct. 1987 (a)
24	04	UN Optional Protocol to the Convention on the Elimination of All Forms of Discrimination Against Women	6 Oct. 1999 New York	22 Dec. 2000	10 October 2005 (a)
25	05	ILO Convention (n°100) on the equality of remuneration for male and female labour for work of equal value	29 June 1951 Geneva	23 May 1953	30 June 1969 (ap)
26	06	UN Convention on Consent to Marriage, the minimum marriage age and the registration of marriages	7 Nov. 1962 New York	9 Dec. 1964	8 Dec. 1964 (a)
27	07	Protocol to the African Charter on the Human and Peoples' Rights on the Rights of Women in Africa	11 July 2003 Maputo	25 Nov. 2005	9 June 2006
<b>CHAPTER 3: CONVENTIONS ON THE PROTECTION OF CHILDREN</b>					
28	01	ILO Convention (n°6) on the Night Work of Young Persons revised by n°90 (1948)	28 Nov. 1919 Washington	13 June 1921	21 Nov. 1960 (a)
29	02	Convention on the Rights of the Child	20 Nov. 1989 New York	30 Sept. 1990	31 August 1990 ®
30	03	UN Optional Protocol to the Convention on the Rights of the Child, on the sale of children, child prostitution and child pornography	25 May 2000 New York	30 April 2006	31 March 2006
31	04	UN Optional Protocol to the Convention on the Rights of the Child, on the involvement of children in armed conflicts	25 May 2000 New York	12 February 2002	6 July 2007®
32	05	African Charter on the Rights and Welfare of the Child (OAU)	11 July 1990 Addis-Ababa	29 Nov. 1999	8 June 1992®

33		African Youth Charter	2 July 2007 Banjul		
34	06	ILO Minimum Age Convention (n° 138) on the minimum age for admission to employment	26 June 1973, Geneva	19 June 1976	® 11 February 1999
35	07	Hague Convention (n°28) on the Civil Aspects of International Child Abduction	25 Oct. 1980 The Hague	1 <sup>st</sup> Dec. 1983	25 May 1992 (a)
36	08	Hague Convention (n°33) on the Protection of Children and cooperation in respect of Intercountry Adoption	29 May 1993 The Hague	1 <sup>st</sup> May 1995	11 Jan. 1996 ®
37	09	ILO Convention (n°182) on the Worst Forms of Child Labour and the immediate action to eliminate them	17 June 1999 Geneva	19 Nov. 2000	25 July 2001®
<b>CHAPTER 4: CONVENTIONS ON THE PROTECTION OF MIGRANTS</b>					
38	01	International Migrant Workers Convention on the Protection of the Rights of all Migrant Workers and the Members of their Families (UN)	New York	1 <sup>st</sup> March 2004	26 Nov. 2003®
39	02	ILO Convention (n°97) on Migrant Workers (revised)	1 <sup>st</sup> July 1949 Geneva	22 January 1952	9 June 1961 ®
40	03	ILO Convention (n°143) on Migrations in Abusive Conditions and the Promotion of Equality of Opportunity and Treatment of Migrant Workers	23 June 1975 Geneva	9 Dec. 1978	9 Dec. 1977 ®
<b>CHAPTER 5: CONVENTIONS ON THE PROTECTION OF REFUGEES, OF STATELESS PERSONS AND ON ASYLUM</b>					
41	01	UN Convention on the Status of Refugees	28 July 1951 Geneva	22 April 1954	18 June 1980 (a)
42	02	UN Protocol on the Status of Refugees	31 Jan. 1967 New York	4 Oct. 1967	18 June 1980 (a)
43	03	OAU Convention governing the Specific Aspects of Refugees in Africa	10 Sept. 1969 Addis-Ababa	20 June 1974	19 March 1974®
<b>CHAPTER 6: CONVENTIONS ON THE PROTECTION OF DISABLED PERSONS</b>					
44	01	ILO Convention (n°159) on the Vocational Rehabilitation and Employment of Disabled Persons	20 June 1983 Geneva	20 June 1985	26 May 1989 ®
45	02	Convention on the Rights of Disabled Persons	23 May 2007	3 May 2008	23 July 2009®
46	03	Optional Protocol to the Convention on the Rights of Disabled Persons	23 May 2007	3 May 2008	23 July 2009®
<b>PART THREE: CONVENTIONS ON SPECIFIC ISSUES</b>					
<b>CHAPTER 1: CONVENTIONS ON THE COMBATING OF GENOCIDE, WAR CRIMES AND CRIMES AGAINST HUMANITY</b>					
47	01	Convention on the Prevention and Punishment of the Crime of Genocide	9 Dec. 1948 New York	12 January 1951	14 Sept. 1965 (a)
48	02	Statute of the International Criminal Court	17 July 1998 Rome	1 <sup>st</sup> July 2002	16 April 2004 ®
49	03	Convention on the Immunities and Privileges of the International Criminal Court	9 Sept. 2002 New York	22 July 2004	5 October 2005

<b>CHAPTER 2: CONVENTIONS ON THE COMBAT AGAINST SLAVERY, HUMAN TRAFFICKING AND FORCED LABOUR</b>					
50	01	UN Convention on Human Trafficking and the sexual exploitation of others	21 March 1950 New York	25 July 1951	27 August 1962 (a)
51	02	ILO Forced Labour Convention (n°29)	28 June 1930 Geneva	1 <sup>st</sup> May 1932	21 Nov. 1960 (a)
52	03	ILO Abolition of Forced Labour Convention (n°105)	25 June 1957 Geneva	17 January 1959	25 August 1997 ®
<b>CHAPTER 3: CONVENTIONS ON THE COMBAT AGAINST TORTURE AND CRUEL PUNISHMENT</b>					
53	01	UN Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment	10 Dec. 1984 New York	3 Feb. 1999	4 Jan. 1999 (a)
<b>CHAPTER 4: CONVENTIONS ON THE COMBAT AGAINST DISCRIMINATION</b>					
54	01	International Convention on the Elimination of all Forms of Racial Discrimination (UN)	7 March 1966 New York	4 January 1969	18 July 1974 (a)
55	02	Declaration relative to Article 14 of the International Convention on the Elimination of All Forms of Racial Discrimination	4 Jan. 1969	3 Dec. 1982	18 July 1974 (a)
56	03	International Convention on the Suppression and Punishment of the crime of Apartheid (UN)	30 Nov. 1973 New York	18 July 1976	24 Oct. 1978 ®
57	04	International Convention against Apartheid in Sports (UN)	10 Dec. 1985 New York	3 April 1988	29 June 1988 ®
58	05	ILO Convention (n° 111) on Discrimination in respect of Employment and Occupation	25 June 1958 Geneva	15 June 1960	16 Ap. 1962 ®
<b>CHAPTER 5: CONVENTIONS ON THE FREEDOM OF INFORMATION AND PRIVATE LIFE</b>					
59	01	UN Convention on the International Right of Correction	31 March 1953 New York	24 August 1962	23 March 1987 (a)
<b>CHAPTER 6: CONVENTIONS ON SOCIAL SECURITY</b>					
60	01	ILO Workmen's Compensation Convention (n°17) on the Compensation for Accidents at work (revised ) replaced by n°121	10 June 1925 Geneva	1 <sup>st</sup> April 1927	30 June 1969 (ap)
61	02	ILO Convention (n°19) on the Equal Treatment of foreign and national workers regarding Compensation for Accidents at Work.	5 June 1925 Geneva	8 Sept. 1926	30 June 1969 (ap)
62	03	General Convention on Social Security for Migrant Workers	29 Jan. 1971 N'Djamena (former Fort-Lamy)	1 <sup>st</sup> March 1972	®
<b>CHAPTER 7: CONVENTIONS ON TRANSNATIONAL ORGANIZED CRIME</b>					
63	01	United Nations Convention against Transnational Organized Crime	15 Nov. 2000 New York	29 Sept. 2003	15 May 2002 ®
64	02	Additional Protocol to the United Nations Convention against Transnational Organized Crime	15 November 2000	25 Dec. 2003	15 May 2002 ®

		to prevent, suppress and punish trafficking in persons, especially women and children	New York		
65	03	Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention Against Transnational Organized Crime	15 Nov. 2000 New York	25 Dec. 2003	15 May 2002 ®
66	05	International Convention Against the Taking of Hostages	17 Dec. 1979, New York	3 June 1983	1 <sup>st</sup> October 2003 (a)
67	06	Convention for the Suppression of Unlawful Seizure of Aircraft	16 Dec. 1970, The Hague	14 October 1971	19 Oct. 1987 (a)
68	07	International Convention for the Suppression of Terrorist Bombings	15 Dec. 1997, New York	23 May 2003	1 <sup>st</sup> Oct. 2003 (a)
69	08	International Convention for the Suppression of the Financing of Terrorism	9 Dec. 1999, New York	10 April 2002	1 <sup>st</sup> Oct. 2003 ®
70	09	AU Convention on the Prevention and Combating of Terrorism	14 July 1999, Algiers	6 Dec. 2002	27 October 2005
<b>CHAPTER 8: CONVENTIONS ON THE PROTECTION OF PERSONS ENJOYING INTERNATIONAL PROTECTION</b>					
71	01	Convention on the Prevention and Suppression of offences against Persons enjoying international immunity, including Diplomats (with Resolution 3166 (XXVIII) of the United Nations General Assembly	14 Dec. 1973 New York	20 February 1977	1 <sup>st</sup> Oct. 2003 (a)
72	02	Convention on the Safety of United Nations and Associated Personnel	9 Dec. 1994 New York	15 January 1999	27 October 2008
73		Convention on the Prevention and Suppression of offences against Persons enjoying international immunity, including Diplomats	14 Dec. 1973 New York	20 February 1977	1 <sup>st</sup> Oct. 2003
<b>CHAPTER 9: CONVENTIONS ON CULTURAL RIGHTS</b>					
74	01	Convention on the Protection of the World Cultural and Natural Heritage	16 November 1972, Paris	17 Dec. 1975	(a) 2 April 1987®
75	02	UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions	20 October 2005 Paris	18 March 2007	15 Sept. 2006®
76	03	UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage	17 October 2003 Paris	20 April 2006	21 July 2006 ®
77	04	Protocol to the Convention on the importation of Educational, Scientific and Cultural Material	26 November 1976 Nairobi,	2 January 1982	3 December 2009 (a)
78	05	The Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict	14 May 1954, The Hague	7 August 1956	17 April 2002 ®
79	06	The Hague Protocol for the Protection of Cultural Property in the Event of Armed Conflict	14 May 1954, The Hague	7 August 1956	18 December 1969 (a)
<b>TITLE II: INTERNATIONAL HUMANITARIAN LAW AND OTHER RELATED HUMAN RIGHTS FIELDS</b>					
PART ONE: INTERNATIONAL HUMANITARIAN LAW					
<b>CHAPTER 1: LAW OF ARMED CONFLICTS (GENEVA LAW)</b>					
80	01	Geneva Convention for the improvement of the fate of the wounded and the sick in the Armed Forces in	12 August 1949 Geneva	21 October 1950	7 Nov. 1961 (s)

		the field (ICRC)			
81	02	Geneva Convention for the improvement of the fate of the wounded, the sick and the shipwrecked Members of the Armed Forces at sea (ICRC)	12 August 1949 Geneva	21 Oct. 1950	7 Nov. 1961 (s)
82	03	Geneva Convention relative to the Treatment of Prisoners of War (ICRC)	12 August 1949 Geneva	21 Oct. 1950	7 Nov. 1961 (s)
83	04	Geneva Convention relative to the Protection of Civilian Persons in time of War (ICRC)	12 August 1949 Geneva	21 Oct. 1950	7 Nov. 1961 (s)
84	05	Additional Protocol to the Geneva Conventions of 12 August 1949 relative to the Protection of the Victims of International Armed Conflicts (Protocol I) (ICRC)	8 June 1977 Geneva	7 Dec. 1978	20 Oct. 1987 ®
85	06	Additional Protocol to the Geneva Conventions of 12 August 1949 relative to the Protection of the Victims of Non International Armed Conflicts (Protocol II) (ICRC)	8 June 1977 Geneva	7 Dec. 1978	20 Oct. 1987 ®
<b>CHAPTER 2: CONTROL OF ARMAMENT AND DISARMAMENT (LAW OF THE HAGUE)</b>					
86	01	Protocol prohibiting the use in War of asphyxiating, poisonous or other gases, and of bacteriological methods	17 June 1925 Geneva	17 June 1927	1 <sup>st</sup> March 1971 (a)
87	02	Nuclear Non-Proliferation Treaty	1 <sup>st</sup> July 1968 Washington Moscow London	5 March 1970	3 March 1970 ®
88	03	Comprehensive Nuclear-Test-Ban Treaty	10 September 1996 New York		17 April 2002 ®
89	04	UN Convention on the prohibition of the development, production, stockpiling and use of chemical weapons and their destruction	13 Jan. 1993, Paris	29 April 1997	8 July 1997 ®
90	05	African Nuclear Weapon Free Zone Treaty (PELINDABA Treaty)	10 Dec. 1996 Pelindaba	15 June 2009	12 May 1998 ®
91	06	UN Convention on the prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction	18 Sept. 1997 Oslo	1 <sup>st</sup> March 1999	16 Sept. 1998 ®
92	07	Protocol on Weapons with non-localized fragments (Protocol I)	10 Oct. 1980, Geneva	2 Dec. 1983	26 Nov. 2003 (a)
93	08	Protocol on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and other Devices (Protocol II)	10 Oct. 1980, Geneva	2 Dec. 1983	26 Nov. 2003 (a)
94	09	Protocol on Prohibitions or Restrictions on the Use of Incendiary Weapons (Protocol III)	10 Oct. 1980, Geneva	2 Dec. 1983	26 Nov. 2003 (a)
95	10	Additional Protocol to the Convention on Prohibitions or Restrictions on the Use of certain Conventional Weapons which may be deemed to be excessively injurious or to have indiscriminate effects (Protocol IV entitled Protocol On Blinding Laser Weapons)	13 Oct. 1995 Vienna	30 July 1998	26 Nov. 2003 (a)
96	11	Protocol on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and other Devices as amended on the 3 <sup>rd</sup> May 1996 (Protocol II, as amended on the 3 <sup>rd</sup> May 1996) annexed to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons which may be deemed to be excessively injurious or to have indiscriminate effects.	3 May 1996 Geneva	3 Dec. 1998	26 Nov. 2003 Consent to be attached

97	12	Amendment to the Convention on the Prohibitions or Restrictions on the Use of Certain Conventional Weapons which may be deemed to be excessively injurious or to have indiscriminate effects (with Protocols i, ii and iii)	21 December 2001 Geneva	18 May 2004	26 November 2003 (a)
98	13	Comprehensive Nuclear-Test-Ban Treaty (UN)	10 Sept. 1996 New York	Not in force	26 Nov. 2003 (a)
99	14	Convention on the Prohibition of Military or any other Hostile Use of Environmental Modification Techniques	10 December 1976	5 October 1978	4 February 1987 (a)
100	15	Convention on Privileges and Immunities of the Organization on the Prohibition of Chemical Weapons.	3 September 2003 Geneva	29 April 1997	22 November 2005
PART TWO: INTERNATIONAL ENVIRONMENT LAW					
<b>SOLE CHAPTER: ENVIRONMENT LAW</b>					
101	01	African Convention on the Conservation of Nature and Natural Resources (OAU)	15 Sept. 1968 Algiers	16 June 1969	28 Sept. 1969 ®
102	02	Vienna Convention for the protection of the Ozone Layer	22 March 1985 Vienna	22 Sept. 1988	30 March 1989 ®
103	03	Montreal Protocol on Substances that Deplete the Ozone Layer	16 Sept. 1987 Montréal	1 <sup>st</sup> January 1989	20 July 1989 ®
104	04	Basel Convention on the Control of Transboundary Movements of hazardous waste and their disposal	22 March 1989 Basel	5 May 1992	4 Nov. 1999 (a)
105	05	Bamako Convention on the Ban on the Import into Africa of hazardous wastes and the control of transboundary movements	30 Jan. 1991 Bamako	22 April 1998	Instrument not deposited
106	06	Convention on Biological Diversity	5 June 1992 Rio de Janeiro	29 Dec 1993	2 Sept. 1993 ®
107	07	United Nations Framework Convention on Climate Change	9 May 1992 New York	21 March 1994	2 Sept. 1993 ®
108	08	United Nations Convention to Combat Desertification in Those Countries experiencing serious Drought and/or Desertification particularly in Africa	14 Oct. 1994 Paris	26 Dec. 1996	26 Jan. 1996 ®
109	09	Amendment to the Protocol on Substances which deplete the Ozone Layer	17 Sept. 1997 Montreal	10 Nov. 1999	11 Nov. 2002 ®
110	10	Kyoto Protocol to the United Nations Framework Convention on Climate Change	11 Dec. 1997 Kyoto	16 February 2005	31 March 2005 (a)
111	11	Amendment to the Montreal Protocol on Substances which deplete the Ozone Layer	3 Dec. 1999 Beijing	25 Feb. 2002	11 Nov. 2002 ®
112	12	Amendment to the Montreal Protocol on Substances which deplete the Ozone Layer adopted by the ninth meeting of the Parties	17 September 1997 Montreal	10 Nov. 1999	11 Nov. 2002®
113	13	Amendment to the Montreal Protocol on Substances which deplete the Ozone Layer	25 November 1992, Copenhagen	14 June 1994	12 Dec. 1995
114	14	Amendment to the Montreal Protocol on Substances which deplete the Ozone Layer	29 June 1990, London	10 August 1992	10 June 1994
115	15	Convention on Wetlands of International Importance, especially as habitats of aquatic birds, amended in 1982 and 1987	2 February 1971, Ram Sar (Iran)	21 Dec. 1975	27 June 1990 (a)
116	16	Convention on International Trade in Endangered Species of Wild Fauna and Flora .	3 March 1973, Washington	1 <sup>st</sup> July 1975	(a) 13 January 1989

<b>117</b>	<b>17</b>	Cartagena Protocol on the prevention of biotechnological risks to the Convention on biological diversity	29 January 2000 Montreal	11 Sept. 2003	4 August 2003
<b>118</b>	<b>18</b>	Rotterdam Convention on the Prior Informed Consent Procedure for certain Hazardous Chemical and dangerous pesticides in International Trade	10 September 1998, Rotterdam	24 February 2004	11 November 2002 ®
<b>119</b>	<b>19</b>	Stockholm Convention on Persistent Organic Polluants	22 May 2001, Stockholm	17 May 2004	31 Dec. 2004