



# Convention on the Rights of the Child

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## Committee on the Rights of the Child Sixty-second session

### Summary record of the 1766th meeting

Held at the Palais Wilson, Geneva, on Monday, 21 January 2013, at 10 a.m.

*Chairperson:* Mr. Zermatten

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*The meeting was called to order at 10 a.m.*

**Consideration of reports submitted by the States parties (continued)**

*Initial report of Burkina Faso on the implementation of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (CRC/C/OPSC/BFA/1; CRC/C/OPSC/BFA/Q/1; CRC/C/OPSC/BFA/Q/1/Add.1)*

1. *At the invitation of the Chairperson, the delegation of Burkina Faso took places at the Committee table.*
2. **Mr. Manly** (Burkina Faso) said that the report under consideration had been prepared in cooperation with the ministerial departments responsible for children's affairs, technical and financial partners and civil society.
3. In 2009, in order to implement the Optional Protocol on the sale of children, child prostitution and child pornography, the Government had launched a project entitled "Child labour in artisanal mining and quarrying", thanks to which 11,123 children had been removed from such employment. In September 2011, the Government had also set up a telephone helpline (116) allowing minors to report violent abuse, established the national watch committee and, in June 2012, adopted a national action plan to combat the worst forms of child labour in Burkina Faso. Lastly, the Government had conducted several awareness-raising campaigns concerning the problem of child trafficking and the worst forms of child labour.
4. The data-collection system in place did not gather disaggregated information on the sale of children, child prostitution and child pornography. In 2012, 1,910 children had fallen victim to trafficking, with 1,554 being trafficked internally and 356 trafficked across borders. The vast majority of the victims were boys.
5. Burkina Faso had adopted several laws designed to implement the Optional Protocol, including Decree No. 616, of October 2010, setting up reception centres for children in distress, Decree No. 617, of October 2010, governing the conditions of placement and monitoring of children in foster homes or foster families and Decree No. 618 of October 2010 establishing a central authority responsible for matters relating to adoption and the civil aspects of international child abduction.
6. A large number of managers of cinemas and Internet cafés had been made aware of the disastrous effects of pornography on children's education. Specific training courses had also been established for persons engaged in caring for child victims of violence, professionals working with children and trainee teachers. Lastly, the public and the main stakeholders had been made aware of the existence of the Act on combating trafficking in persons and similar practices through a campaign of posters and leaflets.
7. Burkina Faso had prepared a bill establishing and penalizing the offence of the sale of children, child prostitution and child pornography. Furthermore, a general child protection code was being drafted. Moreover all acts referred to in article 1 of the Protocol were covered by the criminal law of Burkina Faso. Act No. 29, of May 2008, provided measures to protect the identity and safety of victims of trafficking in persons and witnesses. Victims were directed to a transit centre, where they received medical, psychological and social assistance, prior to being placed in care if necessary.
8. The Government had signed several agreements in the field of international assistance and cooperation and was on the point of signing a cooperation agreement with Côte d'Ivoire aimed at combating the cross-border trafficking of children.

9. Burkina Faso had not needed to amend its legislation concerning recruitment into the national army following the country's accession to the Optional Protocol on the involvement of children in armed conflict, given that Act No. 37, of May 2008, prohibited the enlistment of persons under the age of 18 years. The minimum age for enlistment had, moreover, been increased to 20 years through the decree of 5 July 2012.

10. The National Council for the Survival, Protection and Development of Children, made up of representatives of the competent ministerial departments, the Child Parliament, non-governmental organizations (NGOs), customary and religious authorities and private stakeholders, was responsible for coordinating the implementation of the two Optional Protocols.

11. Since Burkina Faso was not a country at war, nor emerging from conflict, the acts referred to in the Optional Protocol did not affect any Burkina Faso children. However, 35,335 Malians, mainly children, had been taken in by Burkina Faso since the outbreak of unrest in northern Mali in 2012.

12. The Government was experiencing certain difficulties with regard to the promotion and protection of the rights of the child, including the lack of financial resources, the ineffectiveness of certain laws protecting children, the lack of national standards concerning the implementation of certain provisions of the Optional Protocols and the insufficient supply of care facilities for children in difficulty. The Government clearly needed to continue to rely on the technical and financial assistance of the international community.

13. **Mr. Kotrane** (Country Rapporteur for the Optional Protocol on the sale of children, child prostitution and child pornography) asked whether the draft general child protection code currently being prepared was the same as that which was supposed to have been adopted in 2010 and which concerned only children in conflict with the law. He wished to know whether the new code would really cover the issues addressed by the Optional Protocol and, in particular, whether subjecting children to forced labour or mediating irregular adoptions were acts equivalent to the sale of children and were considered offences, and whether the mere possession of child pornography was punishable. He was concerned that child victims of trafficking might be deemed guilty rather than victims under article 428 of the Criminal Code, which penalized "presumed soliciting", and wished to know what the State party intended to do to rehabilitate those children. Lastly, he asked whether the Optional Protocol could provide grounds for extradition if the acts concerned were committed abroad.

14. **Ms. Nores de García** wished to know how the State party taught children about the Optional Protocol, considering that only half the country's children attended school, and what efforts it was making to improve the school enrolment rate and to tackle illiteracy among the adult population.

15. **Ms. Sandberg** asked what steps the State party had taken to combat early marriages and whether there were plans to raise the marriage age to 18 for both girls and boys. She would like more details on the functioning of the telephone helpline for children: how many calls did it receive and had it been allocated sufficient resources?

16. **Ms. Aidoo** asked what steps the State party was taking to combat sexual violence against children in cities, in particular in Bobo-Dioulasso and Ouagadougou, and what measures the State party intended to take in order to make the Optional Protocol better known throughout the country.

17. **Ms. Maurás Pérez** wished to know whether the State party intended to tackle harmful practices such as polygamy, bride price and the ban on women inheriting their

husbands' wealth or having access to land, in particular by legislating and encouraging a change of attitude in that regard through public discussions on the role of women in society.

18. **Mr. Koompraphant** enquired about the measures taken by the State party to combat violence against children, and how widespread the sexual exploitation of children and child pornography were in Burkina Faso.

19. **Mr. Cardona Llorens** asked whether the State party had resumed the process of ratifying the Hague Convention on the Protection of Children and Co-operation in Respect of Intercountry Adoption, which had been temporarily suspended, and, if that were the case, what guarantees the State party intended to put in place at the national level to combat the sale of children and the corruption often linked to such activity?

20. **Ms. Wijemanne** wished to know how the State party intended to combat child labour in mining, a sector in which children were also often victims of sexual exploitation. She asked why the birth registration system functioned so badly: were parents unaware of the importance of registering their children, or was it due to a lack of resources and infrastructure?

21. **The Chairperson** enquired about the criminal liability of legal persons and the judicial protection given to child victims or witnesses.

22. **Ms. Aidoo** asked whether funds were specifically set aside for the implementation of the Optional Protocol, in particular in order to combat the cross-border migration of girls, who were hired as domestic workers.

*The session was suspended at 11 a.m. and resumed at 11.25 a.m.*

23. **Mr. Manly** (Burkina Faso) said that all international adoptions were subject to the provisions of the Convention on the Protection of Children and Co-operation in Respect of Intercountry Adoption. The central authority responsible for international adoptions examined all adoption requests following very strict criteria, in accordance with the law.

24. **Mr. Kotrane** asked whether acting as a paid intermediary in an adoption procedure was considered equivalent to the sale of children and was punishable under criminal law.

25. **Mr. Manly** (Burkina Faso) explained that acting as an intermediary in an adoption procedure was illegal under the Criminal Code. Offenders could be convicted of aiding and abetting the corruption of minors. All the formalities involved in the adoption procedure were based on the exchange of information between the central authorities of Burkina Faso and those of the country of the applicants for adoption, strictly in accordance with existing law.

26. **Mr. Cardona Llorens** asked how many international adoptions had been registered in 2011 and 2012.

27. **Mr. Zoungrana** (Burkina Faso) recalled that Burkina Faso had been one of the first African countries to ratify the Hague Convention and that the country was committed to respecting all its provisions. The delegation would provide the Committee with detailed statistics on the number of international adoptions. The State partially subsidised orphanages and care facilities for children and paid financial compensation to foster families.

28. **Mr. Manly** (Burkina Faso) explained that child victims of trafficking were taken to a transit centre where they received psychosocial and medical assistance. During legal proceedings, child victims and witnesses were all assisted by a lawyer and, at the request of the presiding judge, hearings could be held in camera, which avoided any confrontation with perpetrators.

29. **Mr. Zoungrana** (Burkina Faso) said that civil society took part in the preparation of reports under the international human rights instruments, and played a major role in the dissemination of the Optional Protocol. Under the Labour Code, individuals under the age of 18 were not allowed to work in the mining industry, a prohibition that was respected by the mining companies. A set of rules had been drawn up for artisanal mine operators in order to prevent the use of child labour at gold washing sites.

30. **The Chairperson**, noting with concern that a large number of children continued to work in agriculture and as domestic workers, asked why the law was not more strictly applied.

31. **Mr. Zoungrana** (Burkina Faso) recognized that some children who had not attended school had worked to learn a trade, but the authorities ensured compliance with the prohibition of the worst forms of child labour and had established a list of the types of work from which children were excluded.

32. **Ms. Merindol Ouoba** (Burkina Faso) explained that it was not uncommon for parents to entrust their children to the care of relatives in order to ensure that they received an education. That practice, which was known as “confiage”, could sometimes be subverted for purposes other than its original intention, with children being forced to carry out domestic work. The Ministry of Social Action and National Solidarity was working to raise public awareness concerning that issue and the number of cases of child exploitation reported had risen in recent years.

33. **Ms. Sandberg** requested information concerning the situation of children of Burkina Faso nationality exploited abroad, in particular on cocoa plantations in Côte d’Ivoire.

34. **Ms. Merindol Ouoba** (Burkina Faso) said that those practices were regarded as equivalent to the sale of children, given that they involved several paid intermediaries.

35. **Mr. Zoungrana** (Burkina Faso) said that cooperation agreements to combat cross-border trafficking in persons had been concluded between Burkina Faso and the countries of the Economic Community of West African States (ECOWAS) and that efforts were continuing in that field.

36. **Ms. Congo Zongo** (Burkina Faso) said that girls were permitted to marry from the age of 17 years but that there were moves, within the framework of the revision of the Personal and Family Code, to raise that age limit to 18 and gradually to eradicate polygamy. If efforts to promote school enrolment continued to bear fruit, Burkina Faso should achieve a 100 per cent school enrolment rate by 2020.

37. **Mr. Kotrane** asked whether teachers, doctors and social workers had an obligation to denounce the ill-treatment of children and whether the National Commission on Human Rights was authorized to receive complaints. He also wished to know whether children benefited from the legal assistance fund and whether action was taken to prevent marriages involving girls under the age of 17 years.

38. **Ms. Aidoo** asked what was being done to encourage girls to remain at school and to bring to justice parents who forced their children into marriage.

39. **Ms. Congo Zongo** (Burkina Faso) said that all persons in contact with children were made aware of the need to report violations of the rights of the child to which they were witness and that, as a result of denunciations, it had been possible to prevent a number of forced marriages. Thanks to efforts to raise awareness, school attendance for girls was rising and homes had been set up to receive young girls employed as domestic workers in order to allow them to complete their studies. Following the Committee’s 2010

recommendations, a new child protection code was being prepared, which offered comprehensive protection for children.

40. **Mr. Manly** (Burkina Faso) said that it was not a question of forced marriage in the strict sense of the term since the unions concerned were so-called free unions. He added that the legal assistance fund provided for under the Code of Criminal Procedure and the Code of Civil Procedure ensured that minors had access to counsel.

41. **Mr. Kotrane** said that those free unions were equivalent to forced marriages because the children were forced to live together.

42. **Ms. Sandberg** asked what was being done about the problem.

43. **Ms. Nores de García** said that such unions amounted to child abduction if entered into without parental consent and to the sale of children if parental consent had been forthcoming.

44. **Ms. Merindol Ouoba** (Burkina Faso) said that the matter would be looked into when the Personal and Family Code was being revised and that only education and awareness-raising campaigns would put an end to those age-old practices.

45. **The Chairperson** wished to know if there was a general plan to raise awareness among religious and customary leaders.

46. **Ms. Congo Zongo** (Burkina Faso) said that the decentralized services of the Ministry of Social Action and National Solidarity carried out awareness-raising campaigns in various regions, especially in the east of the country, where such practices were common.

47. **Ms. Zabsonre** (Burkina Faso) said that, since 2010, the National Commission on Human Rights had been functioning in accordance with the Paris Principles, that it was currently financially independent of the Ministry for the Promotion of Human Rights and that it comprised a chamber which dealt exclusively with the rights of the child. Moreover, the Government drew the public's attention to the importance of birth certificates for the enjoyment of rights and had launched late registration programmes.

48. **Mr. Zoungrana** (Burkina Faso) said that child victims of prostitution were also often victims of trafficking and that the Government's action contributed to the fight against cross-border crime.

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49. **Mr. Gastaud** (Country Rapporteur, for the Optional Protocol on the involvement of children in armed conflict) wished to know what steps had been taken to halt all recruitment of children in relation to the conflict that was taking place in Mali, as well as to promote the provisions of the Optional Protocol and the rules of humanitarian law in general among the public. He queried the degree of independence of the national committee set up to monitor and evaluate the national plan of action for children and asked whether Burkina Faso intended to collect data specific to the fields covered by the Optional Protocol. He enquired about the measures taken by Burkina Faso to care for child refugees linked to the conflict in Mali and to ensure that those children had not taken part in the armed conflict.

50. He wished to know whether children under 18 attending the Prytanée military academy in Kadiogo received military training or learnt to handle weapons. Lastly, he asked whether Burkina Faso intended to amend the law that subjected extradition to the rule of dual criminal liability.

51. **Mr. Madi** asked whether border guards were able to spot children who had been involved in armed conflict and whether those children received psychological care and reintegration assistance.

52. **Ms. Lee** wished to know why more girls were enrolled at the Prytanée military academy in Kadiogo, and what means were available to students who wished to report a violation of their rights. She asked whether Burkina Faso personnel sent on peacekeeping missions were trained in the provisions of the Optional Protocol.

53. **Ms. Sandberg** asked how the secretariat of the National Council for the Survival, Protection and Development of Children coordinated the implementation of the Optional Protocol in practice.

*The meeting rose at 1 p.m.*