



Convention on the Rights of the Child

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COMMITTEE ON THE RIGHTS OF THE CHILD

Thirty-first session

SUMMARY RECORD OF THE 825th MEETING

Held at the Palais Wilson, Geneva,
on Monday, 30 September 2002, at 10 a.m.

Chairperson: Mr. DOEK

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The meeting was called to order at 10.05 a.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 4) (continued)

Second periodic report of Burkina Faso (CRC/C/65/Add.18; CRC/C/Q/BURK/1; HRI/CORE/1/Add.30; written replies of the Government of Burkina Faso to the questions in the list of issues (document without a symbol distributed in the meeting room in French only))

1. At the invitation of the Chairperson, the members of the delegation of Burkina Faso took places at the Committee table.
2. Ms. LAMIZANA (Burkina Faso) said that since the presentation of the initial report some eight years earlier a number of measures had been taken to improve implementation of the rights of the child. Within the Ministry of Social Action and National Solidarity a permanent secretariat had been established for the Follow-up and Evaluation Committee for the National Plan of Action for Children. For the periods 2001-2010 and 2001-2005, respectively, strategic orientations and a plan of action had been drawn up, and in order to involve the authorities to the greatest possible extent there were plans to set up a National Council for Child Welfare to be presided by the Head of State. The National Plan of Action for Children would in future be implemented in a less centralized manner so as to ensure greater involvement by the local authorities. There would be annual reviews and periodic and final assessments of the National Plan.
3. Every year, the children's fund established in 1997 and mentioned in the report had received financial backing from the State budget. The State party had ratified the International Labour Organization (ILO) Minimum Age Convention, 1973 (No. 138) and Worst Forms of Child Labour Convention, 1999 (No. 182). The Code of Criminal Procedure was currently being revised, and would include provisions more favourable to the child than those previously in force.
4. The Government had adopted a poverty reduction policy targeting increased and equitable economic growth, access for the poor to basic social services, increased employment and income-generating opportunities for the poor and promotion of good governance. As a Highly-Indebted Poor Country, Burkina Faso received resources earmarked for the social sector.
5. Efforts to include the teaching of human rights in elementary schools had begun with the training of schoolteachers, and the rights of the child had been included in the curricula of vocational and professional schools for teachers, policemen, social workers, administrators, managers and lawyers.
6. The incidence of meningitis and childhood diseases had declined since the initiation of national immunization days, and polio vaccination coverage and vitamin A levels had improved. A national Safe Motherhood programme had been adopted. A National Anti-AIDS Council, attached to the Presidency, had replaced the National Anti-AIDS Committee mentioned in the report, and the campaign against AIDS had taken on more importance, involving every government ministry and a network of youth associations.

7. School enrolment had increased from 33 per cent in 1991 to 41 per cent in 2000. However, certain disparities remained, in particular in the enrolment rates of boys and girls. Efforts had been made to increase environmental awareness, for example by organizing youth camps to combat deforestation. The main towns had reading and cultural centres, and municipal multimedia centres had been established in the two largest cities.
8. In some cities, social services were operational in prisons and worked to improve the conditions of detention of minors deprived of their liberty. In addition, separate facilities for minors were in the process of being established. An inter-ministerial commission and local monitoring committees had been set up to help combat child labour.
9. Despite the efforts made by the State party, implementation of the rights of the child was still hampered by a lack of national and international financial resources and shortcomings in the legislation. Poverty, social and cultural inertia and insufficient communication, education and information on the provisions of the Convention were persistent obstacles to the realization of children's rights, and a lack of disaggregated data on the situation of children rendered policy-making difficult. To address the latter problem, the permanent secretariat of the Follow-up and Evaluation Committee for the National Plan of Action for Children was in the midst of setting up a system for the regular collection of data.
10. Mr. CITARELLA noted that the State party still suffered from many of the problems facing it when the first report had been considered in 1994. Burkina Faso was still one of the poorest countries in the world, and encountered enormous financial difficulties. Poverty was the most important problem facing the country in general and its children in particular, and the demographic structure, with some 60 per cent of the population being under 15 years of age, accentuated the problems that young people encountered. Infant and child mortality rates were very high, and life expectancy had declined moderately in recent years.
11. The fact that nearly 60 languages were spoken in the country was an obstacle to the implementation of the Convention, as it complicated dissemination efforts. In that regard, he asked whether any effort had been made to ensure that the Convention would be translated into at least the three most widely spoken languages, and subsequently disseminated as extensively as possible.
12. Like the initial report, the periodic report cited the Penal Code to the effect that international treaties, once ratified, took precedence over national legislation. Did the newly adopted Penal Code or the Constitution include a similar provision?
13. Burkina Faso enjoyed a level of political stability. However, it was located in a region where there had been numerous conflicts and where instability could have adverse effects, such as trafficking in children.
14. The report followed the guidelines issued by the Committee and offered a good description of the situation of children, all the more so since it provided in its final section a list of recommendations formulated by the State party itself.

15. Ms. CHUTIKUL asked how the Ministry of Social Action and National Solidarity coordinated the implementation of programmes to ensure children's rights when they fell under the competence of other government ministries. Did non-governmental organizations (NGOs) play a role in coordinating such activities? In the context of decentralization, how were activities for children coordinated between the local and national levels?

16. According to the report, a mid-term review of the National Plan of Action for Children had been conducted in 1996. Had it been followed up in any way, or had the National Plan of Action for Children been revised in the light of the review's conclusions?

17. Was the National Commission on Human Rights which had been established in 2001 able to accept complaints from children directly, or did the complaints have to be submitted through a representative? How did that body work with the Ministry of Social Action and National Solidarity and with the Follow-up and Evaluation Committee for the National Plan of Action for Children? Did the National Commission on Human Rights work with NGOs?

18. How was information on the rights of the child received by teachers and students when it was taught in teacher-training and school curricula? Were the rights of the child at odds in any way with traditional values? The Committee would be interested to find out whether the Government made use of traditional media in order to disseminate the principles of the Convention in a country with a low literacy rate. Lastly, she enquired as to how the report had been compiled and whether it had been disseminated to the public or distributed to other ministries within the Government.

19. Mr. AL-SHEDDI expressed concern that disaggregated data were absent from the report and that the State party lacked an effective information collection system. Were any corrective measures being taken? According to the report, judicial and political decisions were sometimes influenced by public opinion. Was that influence generally to the benefit or to the detriment of children's interests?

20. How did the Ministry of Social Action and National Solidarity influence decisions taken by other ministries, such as those responsible for health or education, so that the rights of the child were taken into account? He asked whether the members of the delegation did not consider it advisable to establish an umbrella body that would be empowered to take decisions affecting numerous government ministries.

21. He would like the State party to provide information about the current status of the National Plan of Action for Children, as its outcome was not clear in the report. He expressed concern about the discrimination that occurred between the regions. For example, a high percentage of the budget seemed to be channelled towards a small percentage of the population. Was anything being done to improve the situation?

22. Ms. KHATTAB said it was regrettable that the written replies had not been translated into English. She congratulated the State party for the work it had done in recent years to improve the situation of its children. Since Burkina Faso had held the chairmanship of the Organization of African Unity, it had hosted a number of meetings, including a meeting of African First Ladies to address the problem of HIV/AIDS. It had also played a constructive role

in the Pan-African Forum on the Future of Children in Africa, in preparation for the General Assembly special session on children. It would be interesting to learn whether any action had been taken at national level as a result of those meetings and whether there had been any positive results.

23. Incompatibilities continued to exist between traditional values and statutory law, even though some steps had been taken to abolish certain harmful traditional practices such as forced marriage; the State party should indicate whether the new legal instruments were being implemented. It would be useful to know whether the media was being used to disseminate the provisions of the Convention. She expressed concern that there were no legal provisions to protect women from domestic violence and that the Act on agrarian and land reform had not been fully implemented, meaning that women were still unable to possess land. Had any measures been taken to inform women of their rights with regard to polygamy? Further information should be provided about the National Council for Child Welfare which would be created under the chairmanship of the Head of State; for example, would the Council be an inter-ministerial body?

24. The definition of the child needed clarification. According to the report, the age of criminal responsibility was 18 while the minimum age of employment was 14 and the maximum age of compulsory education was 16. Had any measures been taken to harmonize those ages? She expressed concern that the law did not set a minimum legal age for participation in hostilities or a minimum age for sexual consent.

25. Another matter of concern was the gender gap in education. Even though progress had been achieved to promote the education of girls, much remained to be done. It would be interesting to know whether the establishment of a committee for the promotion of girls' education had been a response to the Dakar Framework for Action on Education for All adopted in 2000 at the World Education Forum and whether the State party was following the recommendations of the Secretary-General of the United Nations in that regard. The State party should indicate what measures were being taken to prevent discrimination against children born out of wedlock. She would also like to know how the members of the Children's Parliament were selected. Lastly, she expressed concern about the low rate of birth registration.

26. Ms. TIGERSTEDT-TÄHTELÄ said that the State party showed a strong political will to give priority to children's rights. Progress had clearly been made since submission of its initial report (CRC/C/3/Add.19) and the Committee's recommendations had, in part, formed the basis of several improvements. She welcomed the fact that despite its financial difficulties, the Government had given priority in its 2002 budget to sectors such as education, health and rural development. It would be interesting to know whether those sectors had been protected against budgetary cuts. When the Government had negotiated a poverty reduction and growth programme with the World Bank, it had pledged to invest heavily in those sectors; it would be interesting to learn what the World Bank's response had been and whether the desired results had been achieved, in order that other sub-Saharan countries could learn from Burkina Faso's experience. She welcomed the fact that the Government had been seeking alternative forms of taxation to compensate for the decrease in tax revenues, which was just one example of Burkina Faso's innovative economic policy. She had been struck in particular by the fact that the reporting State was one of very few countries to consider services and rights for children as

part of its macroeconomic policy. The State party should indicate whether international cooperation and aid programmes had been in decline, given that some donors had expressed concern about the human rights situation and corruption in the State party.

27. Ms. KARP said there were clear indications that efforts were being made to improve the situation of children in the State party. She commended the Government for having established a Department of Cooperation within the Ministry of Finance and the Economy to develop relations with foreign bilateral and multilateral sources of finance. It would be interesting to know whether the Department was informed of the Convention and whether any measures were being taken to guarantee that the strategies being implemented with the help of international aid were in accordance with the Convention.

28. It would be interesting to know how the National Plan of Action for Children had been prepared, given the lack of statistical data. According to the report, the Government had prepared another national plan to address the specific needs of disabled children and one to address the needs of HIV/AIDS sufferers. Did it intend to introduce a comprehensive plan to coordinate activities in all those fields or would it continue to take a compartmentalized approach? Paragraph 155 of the report revealed that the Ministry of Social Action and the Family and a number of NGOs and associations provided special help for children from the most disadvantaged groups. It was unclear whether disadvantaged families were legally entitled to assistance and how the Government and NGOs coordinated their work. She failed to understand the message that the Government was trying to emit by meting out more serious punishments for forced marriages involving girls less than 13 years of age than for those involving girls of 14. What were the grounds for such discrimination?

29. Further information was needed about the extrajudicial killing of children. According to some sources, children were being killed in the course of demonstrations and in the fight against crime. Were investigations conducted into such deaths and were suspects brought to court?

30. Mr. CITARELLA said he welcomed the promise made by the Government in its written replies to develop its data collection system before preparation of its third periodic report. Further information should be provided about the activities of the Follow-up and Evaluation Committee for the National Plan of Action for Children. According to the information available, girls under the age of 13 could get married. The State party should indicate whether there was a minimum age of marriage for boys.

31. The CHAIRPERSON, referring to the fact that the Penal Code protected the right to life from conception onwards by providing punishment for abortion and incitement to abortion and by considering infanticide to be a crime, asked how many cases of infanticide had been reported and whether those guilty of the crime were prosecuted. The reporting State should provide further information about the three categories of abortion provided in the table in the written replies, namely therapeutic abortion, miscarriage and illegal abortion. Particular attention should be paid to illegal abortions, as young girls were being placed at risk.

32. Traditional attitudes meant that children's views were not always taken into account in the family environment and that parents continued to take decisions for their children. A child who was separated from both parents had the right to maintain personal relations and direct

contacts with each of them on a regular basis, but very little account was taken of the child's view in that regard. The State party should indicate whether any awareness-raising measures or other special measures had been adopted to address the issue and to promote respect for the views of the child.

The meeting was suspended at 11.10 a.m. and resumed at 11.30 a.m.

33. Mr. KABORE (Burkina Faso) said that the National Plan of Action for Children had been created in follow-up to the World Declaration on the Survival, Protection and Development of Children adopted in 1990 at the World Summit for Children held in New York, in which the signatories had made a commitment to adopt and implement a plan of action as a framework for more specific national and international undertakings. The Plan encompassed all the activities and programmes concerning children conducted by the different sectors of the Government, such as the expanded programme of immunization.

34. The Follow-up and Evaluation Committee for the National Plan of Action comprised a broad range of members representing all social strata, including inter alia representatives of 15 ministerial departments, the United Nations Children's Fund (UNICEF) and a coalition of NGOs and women's associations. It met twice a year and had been chaired until 2000 by the Ministry of Social Action and National Solidarity and co-chaired by the Ministry of Economy and Development. The Committee had a permanent secretariat, which until 1996 had been under the direction of the Ministry of Social Action and the Family, to implement and coordinate its directives and to report the results to the Government.

35. A midterm evaluation of the Plan had been conducted in 1996 and a final report in 2000, outlining the successes and shortcomings of the Plan. According to the reports, both of which had been submitted to the Secretary-General of the United Nations, one of the major shortcomings had been that the Committee did not have the political weight to influence the ministerial departments with regard to the corrective measures that were needed. Therefore, a decision had been taken to replace the Committee with the National Council for Child Welfare, which would be attached to the Office of the President to give it more sway in the decision-making process and which would meet once a year in the presence of the Head of State or a representative thereof. Another decision had been taken to prepare two 5-year plans on the basis of a national strategy, instead of another 10-year plan. An inter-ministerial technical committee had been established, chaired by the Ministry of Social Action and National Solidarity and co-chaired by the Ministry of the Economy and Development as well as the Ministry of Justice, which had not been involved in the work of the Follow-up and Evaluation Committee, but played an important role in the implementation of the rights of the child. An advisory committee had been established to allow NGOs and development partners the opportunity to express their views about the Government's action.

36. The structure of the new National Council reflected the need for greater decentralization in the work previously carried out by the Committee. Regional, provincial and municipal councils had been set up to foster grass-roots involvement in child rights programmes and policies.

37. The Government had worked closely with development partners to identify the regions most in need of assistance in reducing poverty. While the macroeconomic situation had improved since 1990, individual households had failed to benefit from the improvement. Therefore the Government had adopted the Poverty Reduction Strategy Paper in 2000, and was pursuing a national campaign to implement its objectives.

38. In the context of efforts to disseminate the Convention, workshops and seminars had been organized, with UNICEF support, to provide the relevant training to judges, prison officers, teachers, social workers and other professionals working with children. As well as being widely distributed in French, the Convention had been translated into four other languages. NGOs were involved in helping to distribute those versions.

39. The CHAIRPERSON asked whether the Government had considered ways to disseminate the Convention which did not involve the written text, given the high rate of illiteracy in the country.

40. Mr. KABORE (Burkina Faso) said that cartoons had been broadcast on television to raise awareness of the principles of the Convention. Workshops had been organized for a number of teachers to enable them to educate children in aspects of the Convention. While that scheme had been applied only in primary schools so far, there were plans to extend it to secondary education.

41. Ms. KONSIRBO (Burkina Faso) said that customary law was not recognized by the national legal system, and that the customs of one village could never be imposed on another. However, in practice, many communities continued to rely on customary law to settle disputes. People could not be forced to bring disputes to the attention of the national justice system and, until attitudes were changed, traditional chiefs would continue to assume the role of judge in many villages.

42. Ms. KARP said she wanted to know whether village chiefs were provided with training, for instance with regard to the dangers of female genital mutilation.

43. Ms. KONSIRBO (Burkina Faso) said that her Government made great efforts to maintain dialogue with and organize workshops for traditional leaders. Public debates were also an important way to raise awareness, given that access to information was a crucial problem in a country where many people could neither read nor afford to buy a television.

44. Mr. CITARELLA asked whether the State accepted the judgements of traditional leaders, given both the shortage of qualified judges and the reluctance of many citizens to have recourse to the official justice system.

45. Ms. KONSIRBO (Burkina Faso) said that judgements issued by traditional chiefs had no legal value and that, consequently, State police officers could not be called upon to enforce them.

46. Ms. LAMIZANA (Burkina Faso) said that traditional chiefs had always been called upon to warn of the dangers of female excision. The Government had also set up a telephone hotline to provide information and answer queries regarding traditional practices.

47. Ms. TIGERSTEDT-TÄHTELÄ asked whether customary law applied only to specific sectors, such as criminal or family law, or whether it was more comprehensive in scope.
48. Ms. KONSIRBO (Burkina Faso) said that customary law encompassed all sectors of the law.
49. Ms. TIGERSTEDT-TÄHTELÄ said she would like to know whether the Government had the capacity to monitor the application of customary law.
50. Ms. KARP said that, in her understanding, customary law was derived not only from Islamic law, but also from a number of tribal practices. Given such diversity, she would be interested to learn whether studies had been undertaken with a view to comparing the various practices and considering ways to bring about greater harmonization.
51. Ms. KHATTAB asked for clarification that customary law was not linked to religion, since there was no justification in Islam for some of the customs mentioned.
52. Ms. KONSIRBO (Burkina Faso) said that the task of harmonization had already been accomplished, in the sense that national law gave no official recognition to customary practices. The State always endeavoured to apply the laws adopted at national level.
53. Mr. KABORE (Burkina Faso) said that the most effective way of attempting to enforce national law was to raise awareness, for instance through activities such as disseminating the Convention in several languages. A common misunderstanding concerned the rule of customary law over land ownership rights. One of the biggest challenges faced by his Government was to raise awareness of the fact that land belonged to the State, and not to any other group of persons or traditional chiefs.
54. The CHAIRPERSON, referring to an observation by Ms. Karp, noted that efforts were in hand to raise awareness, in local communities, of modern legislation and its precedence over customary law. However they were bound to take time. The importance of educating local chiefs was important in that regard.
55. Ms. KONSIRBO (Burkina Faso) said that the National Commission for Human Rights, having been established as recently as 2001, had not yet been allocated budget funds. Although not yet active, it had made itself known to the country's various authorities and to NGOs. Pursuant to its mandate, it was not empowered to hear complaints from individuals, but would report cases of violations to the authorities. Since it was not yet operational, no specific details could be given about its relations with the Ministry of Social Action and National Solidarity.
56. Civil society was very active in the promotion of human rights in general, and many cases involving violations attracted nationwide attention. Although there was no question of court decisions ever being swayed by public opinion, the latter's effect could be seen, for example, in improvements in the time taken to bring cases to court. Moreover, the transfer of human rights issues from the Ministry of Justice to a new Ministry for the Promotion of Human Rights, established in July 2002, reflected the importance attached by the State to the

protection of human rights. The National Plan of Action for Children contained provisions for promoting human rights, which included measures to raise the awareness of all citizens of their rights. That, in itself, was a step towards changing traditional approaches.

57. The role of mass media was an important feature of the growing democratization and openness in society. Wide broadcasting coverage was provided by many private radio stations. One example was a programme operated by one station with UNDP financial assistance, in which the National Association of Women Jurists, of which she was a member, conducted question-and-answer sessions on aspects of human rights implementation including the law, health, the family and education.

58. The law recognized monogamy as the norm, but made provision for polygamy provided that certain regulations were strictly observed; for example, registrars must meet both spouses and be satisfied that the requisite documentation and attestations were in order, and that both were aware of their right to choose either monogamy or polygamy. If the female partner later complained of lack of consultation or ignorance of her rights, the proceedings could be declared null and void. In polygamous marriages each wife formed a separate household entitled to benefits under the Code on the Individual and the Family.

59. The CHAIRPERSON asked whether the children of polygamous establishments had equal rights.

60. Ms. KHATTAB asked whether all such marriage arrangements involved a compulsory declaration, and whether any figures were available on women found to have been unaware of their rights.

61. Ms. KARP asked whether any study had been conducted into the economic and other conditions of children in polygamous households.

62. Ms. KONSIRBO (Burkina Faso) said that the Constitution and Code on the Individual and the Family clearly stated that all children, whether offspring of a monogamous or polygamous marriage, born out of wedlock, adopted, orphaned or in any other circumstance, had equal rights. Rights of inheritance, too, were unconditional with regard to form of marriage or absence of wedlock; moreover, the traditional prohibition on women's inheritance had been removed.

63. Ms. BARRY (Burkina Faso) said that women were increasingly invoking the law to reject polygamous marriage. The instances related, however, mostly to urban areas, and awareness of women's rights was slow to spread in rural areas. Studies were being carried out in that regard, but she did not know whether any statistics had yet been compiled.

64. The CHAIRPERSON invited the Committee members to put questions to the delegation concerning civil rights and freedoms, and the family environment and health.

65. Mr. CITARELLA said that, although State legislation prohibited any form of discrimination, some disparities seemed to persist with regard to treatment of boys and girls and situations in urban and rural areas; examples were forced marriage, obstacles to land tenure and

the treatment of children who were handicapped or born out of wedlock. He asked what remedial measures were being taken. He also wished to know what was being done to deal with the high infant and maternal mortality rates, malnutrition and the lack of information on sexual and reproductive health, including steps to close the gap between urban and rural areas.

66. Ms. AL-THANI asked for information about children placed in institutions, such as the number of institutions, how many children they accommodated, what categories of children - orphaned, abandoned, neglected or others - were received, and what form of surveillance governed them. Disabled children seemed not to be covered by any specific legislation; she asked whether they were subjected to social taboos of any sort and what facilities were provided for them. She, too, would like to know whether any progress had been made in tackling the country's high mortality rates and asked what the "dietary taboos" mentioned in the report were in fact. She also asked whether all the activities mentioned in the report to combat HIV/AIDS had been appraised.

67. Ms. KHATTAB noted from the report that, with regard to recovery of child maintenance, when paternity could not be determined, all men known to have had sexual relations with the mother were asked to contribute. She would like to know how such a measure was made to work. With regard to activities to combat HIV/AIDS, she asked whether the virtue of abstinence was stressed, as advocated in the proceedings of the African Common Position reflected in the outcome document of the General Assembly's recent special session on children. With regard to medicaments, she wondered whether Burkina Faso experienced the problem faced by some other developing countries because of multinational corporations' reluctance to provide pharmaceuticals at reduced prices.

68. She asked what measures were taken for continuous surveillance of children in situations of confiage (fostering), including the situation of children sent from rural areas to relatives. She would also be interested to know the results of any study carried out by the inter-ministerial Commission on intercountry adoption.

69. The CHAIRPERSON asked what was being done to deal with the lack of arrangements, mentioned in paragraph 69 of the report, for follow-up in respect of children adopted internationally.

70. Ms. KARP said that paragraph 169 of the report gave her cause for concern; parents, and children themselves, surely had a right to be heard in deliberations relating to decisions regulating visiting and accommodation rights in cases where a child was separated from one or both parents. She wondered what measures were being taken to remedy the delays in maintenance hearings, which were apparently due to a lack of judges. She also asked what system of allowances existed for needy families, and what practical assistance and compensation was provided, pursuant to the Presidential Decree, for victims of arbitrary detention and police brutality. She would appreciate details on cooperation between the Ministry of the Family and Society and NGOs to provide economic support for families in need, as well as on the monitoring of customary forms of adoption.

The meeting rose at 1.05 p.m.