



**Convention on the Elimination
of All Forms of Discrimination
against Women**

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**Committee on the Elimination of Discrimination
against Women**
Thirty-third session

Summary record of the 696th meeting

Held at Headquarters, New York, on Thursday, 14 July 2005, at 3 p.m.

Chairperson: Ms. Belmihoub-Zerdani (Vice-Chairperson)

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In the absence of Ms. Manalo, Ms. Belmihoub-Zerdani, Vice-Chairperson, took the Chair.

The meeting was called to order at 3.05 p.m.

Consideration of reports submitted by States parties under article 18 of the Convention (continued)

Combined fourth and fifth periodic reports of Burkina Faso (continued) (CEDAW/C/BFA/4-5, CEDAW/PSWG/2005/II/CRP.1/Add.2 and CRP.2/Add.2)

1. *At the invitation of the Chairperson, the representatives of Burkina Faso took places at the Committee table.*

Articles 10 to 14

2. **Ms. Morvai** said that she welcomed the progress achieved in literacy rates and girls' school enrolment and particularly commended the initiative to set up community nursery programmes that freed older girls from childcare duties and enabled them to attend school. She would appreciate more information about the gender ratio in primary and secondary education, in non-formal and informal education and in literacy rates. If primary education was compulsory by law, the enrolment rates were very low, and she wondered whether there was any effort at enforcement, in addition to the support and incentives given to poor families to enable their girls to attend. The report said that girls were more heavily represented than boys in vocational training; she would like to know what skills they learned and how they could utilize those skills in an occupation.

3. **Ms. Patten** said that the report painted a picture of persistent discrimination in recruitment and promotion, wage differentials, occupational segregation, women's absence from management and policy levels and discrimination on the ground of pregnancy, in a context of few labour standards and little labour protection. Moreover, the lack of flexible working conditions and the inadequate sharing of family responsibilities by the society and by men meant that men were heavily preferred as employees in the private sector. All those factors had an adverse impact on women's economic development. In light of that situation, she wondered whether a review of labour policies to integrate a gender perspective was on the Government's agenda. Since the report claimed that

there was a wealth of legislation affirming the equality of men and women in employment, she would like to know: what measures the Government contemplated to ensure compliance in both the public and private sectors; the extent to which judges in the labour courts were gender-sensitive; what mechanisms existed to adjudicate wage discrimination; and what means of redress were available to women if, for example, they were denied employment or dismissed owing to pregnancy or breast-feeding or were subject to sexual harassment. The Government might consider temporary special measures to promote women to higher positions in the civil service, or programmes to encourage women to enter non-traditional occupations, such as computer technology. The report was silent on programmes to assist particularly vulnerable groups facing multiple discrimination in employment, such as women with disabilities.

4. With regard to rural women, she would like to know more about the Government's outreach programmes targeted at poor rural women to improve their access to markets and access to credit for micro-, small or medium-sized enterprises. She also wished to know how women's priorities were taken into account in plans for investment in infrastructure, such as water, sanitation, electricity and transport.

5. **Ms. Dairiam** said she understood that it was difficult to bring about sustainable development in challenging economic conditions, but health was also a factor in the economic picture, and interventions in that regard could be strategic. The health indicators for Burkina Faso were poor: low life expectancy, high infant mortality, low contraceptive use and high fertility. According to the report, few mothers received prenatal care. Following the presentation of the State party's previous report, the Committee had asked it to look into access to primary health care. Although the present report indicated an increase in health facilities and personnel, it did not document increased access by women; the existence of facilities did not alone guarantee that women were using them. The ratio of medical staff to the population was still too low, which, of course, was a matter of resources, but she wondered whether there was a planned strategy to help women overcome the obstacles to accessing health care and whether the Government had a programme with a time frame for reducing maternal mortality. In view of the high birth rate, she was interested in knowing more about the reasons for the low acceptance of family

planning services. She also wished to know what health services were provided by the Ministry of Health other than reproductive services.

6. In view of the large number of high-risk abortions among girls in the 16-24 age group, she would like to know if there were programmes to teach young people about the dangers of unprotected sex and the risks of abortion. The rate of HIV/AIDS among young women was also very high, which made her wonder if there was a link with prostitution.

7. **Ms. Tan**, noting that morbidity rates in rural areas were double those in urban areas, asked what progress had been made in decentralizing health care to bring it closer to rural women and what was being done to improve the water supply and sanitation services. With regard to agrarian and land reform, the report said that the plan provided for equal access to arable land and housing for both men and women (sect. 2.12), but the decentralized rural development policy letter (CRP.2/Add.2, p. 3) spoke about giving women easier access, rather than ensuring their equal access, to credit, land and services, betraying a basic unwillingness to accept real equality between men and women. There were other such indications in the report. She would appreciate an explanation of what was meant in the report by the statement that the Individual and Family Code had been judged "too favourable to women", even though it contained discriminatory provisions which were not "necessarily positive" (sect. 2.1). In order to comply with its obligations under the Convention, the Government must be willing to tackle such critical issues of discrimination, both *de jure* and *de facto*.

8. **Ms. Zou Xiaojiao** said that, since over 80 per cent of the population lived in rural areas, where poverty was very high, she would appreciate a clearer picture of the situation of rural women, for instance, what percentage of rural women were poor and what percentage were engaged in agriculture or animal husbandry. The report mentioned national and regional plans to alleviate poverty covering the period 2003-2006. She wondered whether there had been a midterm review of the effectiveness of the strategies, and, if so, what results had been achieved; for instance, how many people had been helped out of poverty and what proportion of them were women.

9. Mention had been made of training programmes in production techniques for targeted groups. She

would like to know what groups were targeted, who was responsible for conducting the programmes and whether they had been designed to include and benefit women. Many countries had successfully applied income-generation strategies that included the provision of microcredit to women who had no assets to put up as collateral. The Grameen Bank system in Bangladesh was a good example. She had understood that in Burkina Faso there was discrimination in the granting of microcredit; she would like to know where the funds came from, how many women had benefited and whether any projects targeted women specifically. She would appreciate more information with regard to community structure, in particular whether there were community committees which allowed women a say in decision-making.

10. **Ms. Simms** said that the report gave a clear picture of the marginalization of rural women, who constituted the vast majority of women in Burkina Faso. Even more than urban women, they faced serious systemic barriers to advancement in the form of low life expectancy, high maternal mortality and traditional attitudes and practices, such as polygamy, that kept them in a subservient position and excluded them from decision-making. To her surprise, she had even heard of harsh treatment of older women, who were abandoned, disregarded and treated as witches, whereas historically African tradition valued older people for their wisdom and experience; perhaps in Burkina Faso only older men were accorded respect as elders. It was clear that the country needed a different strategy for rural women. If women were excluded from men's activities, they needed their own women-centred activities to empower them to solve their practical problems and develop an economic base. If most rural women were illiterate, the message must be brought to them in person and not on a piece of paper. In the next report she hoped to see evidence of innovative programmes that looked "outside the box".

11. **Ms. Guigma** (Burkina Faso) thanked the Committee for its pertinent questions and close attention to the problems of her country and said that, where her delegation could not give detailed answers, it would try to give an outline of the situation.

12. **Ms. Bagré** (Burkina Faso), in answer to the questions concerning education and literacy, said that the year 2000 had marked the start of a ten-year basic education development plan. Between the 2000/01 and 2004/05 school years, the gross school enrolment ratio

for girls had risen steadily from 37.55 per cent to 51.56 per cent, while the combined ratio for boys and girls had risen from 44.35 per cent to 57.13 per cent. In the least developed rural areas, the gross school enrolment ratio for girls had risen from 22.22 per cent to 35.01 per cent over the same period, compared with 28.42 per cent to 40.36 per cent for both boys and girls. In the 2004/05 school year, girls represented 46.10 per cent of total new enrolments in primary school. In recent years there had been more women than men enrolled in literacy programmes and non-formal additional basic education classes.

13. Primary schooling was compulsory up to the age of 16, and there were public pre-schools for children from the ages of 3 to 6. In each department of the country, non-formal basic education centres sought to reach all children or young people who had never attended school or had dropped out, and permanent literacy and training centres provided non-formal education to persons from 15 years of age to adulthood. As the report indicated, the Government was emphasizing the improved access of girls to education. It had, for instance, appointed special instructors in the schools to conduct extra study sessions for girls and work on raising their awareness. Act No. 083-1996/ADB had been adopted to penalize and help eradicate sexual harassment and any violence against girls in the schools. Attention was also given to literacy training for the mothers of school-age girls. Consciousness-raising and information were the proper weapons in combating all forms of injustice against women; that campaign had to be a continuous one, for women themselves were often willing accomplices in men's conspiracies against them.

14. **Mr. Ouedrago** (Burkina Faso), referring to the questions on health under article 12, said that after the 1994 International Conference on Population and Development the Government had begun to revise its health policies in order to place the accent on primary health care for all, especially the poorest, and in 2001 had adopted the National Health Development Plan setting out triennial programmes with clear objectives, including the health coverage of vulnerable groups. The national low-risk maternity strategy brought together the Government and NGOs, which, with the assistance of the United Nations Population Fund (UNFPA), were conducting a vast nationwide training programme to provide emergency obstetrical services as a way of reducing maternal mortality. In the rural

areas, a very popular cost-sharing system, involving the communities, the health services and other government agencies administered a fund to help pay for the complications of pregnancy and lessen the cost to beneficiaries. There had been massive demand for the low-cost services — \$20 for a caesarean, for instance — financed by that fund.

15. An assessment of the impact of the Government's 2000 and 2002 policy letters on free preventive health care for women and children showed that access had been provided to 67 per cent of the poorest women. The main difficulties encountered had been insufficient publicity and problems in obtaining the free drugs needed. Since 2002, there had also been a free programme to prevent mother-to-child HIV/AIDS transmission, covering 80 per cent of the country and 70,000 pregnant women. Among those tested, the 13,000 women found to be infected had received care during and after pregnancy. Since 2004, an UNFPA-assisted programme to prevent and treat obstetric fistula, a severe and common complication of childbirth, had also been in operation.

16. The Government was advocating appropriate family planning methods among a population whose mentality was definitely pro-birth. Over 1 billion CFA francs had been spent to obtain and popularize modern contraceptives and, with its development partners, the Government had set up a plan to safeguard all reproductive health-care products. The National Health Development Plan aimed to achieve a 17-per-cent contraceptive coverage by 2010 and would probably be on target, although with geographical disparities, for there was currently a 6-per-cent/16-per-cent rural/urban disparity. Combined with consciousness-raising efforts, the Government was providing 95-per-cent funding for contraceptives for rural women.

17. Under a decentralized programme that covered much of the population and focused especially on rural areas, 1,300 trained medical units were able to provide health care within an 8-kilometre radius and there were 47 specialized surgical centres nationwide. There too, unfortunately, rural/urban disparities remained, but they were being reduced. In an effort to bring care to people who lacked any kind of structured health service, the Government had in 2004 drafted a proposal to subsidize ambulatory clinics that could offer regular and emergency obstetrical services in villages.

18. With few funds available for the training of health workers, the Government nevertheless succeeded in recruiting and training 2,000 such workers each year, while the universities were responsible for the training of doctors. The brain drain of doctors, however, remained a concern.

19. **Ms. Nèbié-Traoré** (Burkina Faso) said that in addition to the Support Fund for Women's Gainful Activities (FAARF) discussed in the report, there were a number of other government funds to which rural women could apply: one fund extended credit to rural women's income-generating activities, and another fund supported rural women's microenterprises, and helped village women to develop microprojects and find markets for their production. The Government had met with considerable cultural resistance to an agrarian funding agency it had set up specifically to help women gain access to land, and it was rethinking its land-reform strategy.

20. There were opportunities for decision-making by women in the decentralized Regional Agricultural Board, where women were represented on the general assembly and the executive committee, as well as in the village land management and water management committees referred to at the previous meeting.

21. **Ms. Ilboudo-Sawadogo** (Burkina Faso) said that although article 18 of the Constitution guaranteed education as a social right, and education was compulsory, there was no specific legislation setting fines for parents who failed to send their children to school; and the Government would have to remedy that lacuna. Education was free of charge for all, but not transportation, books and attendant expenses. The Government was doing its best to cut those costs and to sensitize the public to the importance of the education of girls as well as boys.

22. In an effort to combat the insidious discrimination against women in the field of employment, which did exist even though it was illegal, the Labour Code had been revised in 2004 to include a definition of discrimination in employment and the various grounds for discrimination, just as the Code now included a first-time definition of sexual harassment in the workplace. Although another provision of the Labour Code mandated suitable employment conditions for persons with disabilities, in practice the lack of infrastructure had hampered its implementation. Labour disputes were first mediated

by a labour inspector, after which they could be taken, free of charge, to labour courts and on up to the court of appeals. Women therefore had full access to remedies.

23. **Ms. Sidibé-Traoré** (Burkina Faso) said that in order to redress the imbalance in the scientific and technical fields the Government had between 2001 and 2004 organized about 20 training sessions on gender issues per year for inspectors and teachers in those fields. Some of the secondary technical schools were for girls only. Since 2001, in all 13 regional departments, the 35 best girl students in each class in the lower grades had been given extra early training in mathematics and the sciences to demystify the subjects for them and to prepare them eventually to enter the technical high schools. The Government had set a target of recruiting 60 per cent of girls as against 40 per cent of boys to take the technical school entrance examinations. Often it encountered the opposition of parents, who preferred to steer girls towards more traditional fields, and consequently information campaigns were a central part of the Government strategy, through the Centre for Scholastic and Professional Information and Guidance. Girls were awarded special scholarships for studies in the technical and scientific fields and were given priority in the awarding of student internships in industry.

24. **Ms. Yé** (Burkina Faso) said that the Government had established awareness campaigns in the media and structures to ensure that older poor women had a secure place in society and were not victims of prejudice and superstitious attitudes.

25. **Ms. Guigma** (Burkina Faso) said that her country had a number of programmes aimed at integrating older women in society. She cited an association of older women who gathered articles that had been thrown away and repaired them for sale. Access to good water had reached about 90 per cent coverage in the country with the help of development assistance. Women participated in projects to develop access to water, which eased the burden on women and had important health benefits as well. Transportation in rural areas, where more than 80 per cent of women lived and worked, had been set as a Government priority and a national rural transportation strategy had been adopted in 2003.

26. Government agencies had established sectoral support systems to help women involved in cattle

breeding and trade, marketing of fish and artisanal work. Centres for women provided training in management skills, entrepreneurship and crafts. A national strategy on HIV/AIDS, involving not just health authorities but also population and development agencies, had been established, which had led to some reduction in the infection rate. The national health strategy involved decentralization of services and the establishment of collectives, with more local participation, especially by women. The education budget focused on those parts of the country that had the lowest literacy and school attendance rates and thus benefited rural women and children especially.

Articles 10 to 14, follow-up questions

27. **Ms. Shin** noted that, whereas affirmative action was a type of temporary special measure, the elimination of sexist stereotypes and the revision of schoolbooks, although described in the report as examples of affirmative action, would be considered by the Committee rather as normal measures required under the Convention. With regard to the distribution of free school supplies, she asked how many girls benefited from such distribution and how effective were it and other measures in fighting traditional attitudes against sending girls to school. She also requested more information on efforts to obtain international assistance in meeting the Millennium Development Goals, in particular goal No. 3 on gender equality and empowerment.

28. **Ms. Khan** asked for some explanation of the unusual rise in infant mortality in recent years, as revealed by health indicators in the report. In that connection, she also asked what plans had been established to meet the Millennium Development Goal on child mortality. She requested more information on the availability of family planning services in both rural and urban areas and on the actual implementation of the many health programmes and projects described in the report.

29. **Ms. Gaspard**, noting that the number of women in the civil service was very low, asked what steps, such as recruitment campaigns or temporary special measures, had been planned in order to close that gap.

30. **Mr. Ouedraogo** (Burkina Faso) said that the latest figures on infant mortality, which had been obtained too late to be included in the report, indicated that the rate had fallen. The various health projects and

programmes cited in the report had all been implemented in the 55 health districts of the country. The districts received guidelines and financing from the national health administration and reported back to the national health authorities yearly on progress achieved.

31. **Ms. Bagré** (Burkina Faso) said that the elimination of stereotypes in textbooks should be seen as a progressive and positive step to change sexist attitudes. All children benefited from the free distribution of school materials. In the provinces deemed priority areas for education, girls in particular were given at least one book as well.

32. **Ms. Guigma** (Burkina Faso) said that the Government sought to encourage women to enter the civil service by reserving one quarter of the posts for women. Employment was changing in Burkina Faso with increasing privatization. Career appointments were increasingly rare, and contractual arrangements were assuming greater importance, especially in the business sector.

Articles 15 and 16

33. **Ms. Bokpe-Gnacadjia** noted that the old Napoleonic law code, common in West African countries, in particular the provisions relating to persons and the family, did not appear to have been repealed in Burkina Faso, despite the recent legal reforms and the adoption of a new code on the family. The old code contained provisions that discriminated against women and needed to be formally nullified in order to avoid conflicts between the systems. She asked about the implementation of provisions prohibiting the payment of dowries and about the treatment of widows and family property when a married man died. Polygamy was inherently discriminatory against women and brought with it many problems, including the distribution of property and the custody and care of children, both during and after the marriage. For a system that allowed multiple spouses to be non-discriminatory, it would have to give the same rights to both men and women to have multiple spouses. Noting that Burkina Faso had ratified the Convention without reservations, she said that the Government should be considering additional legislation to ensure full equality among men and women.

34. **Ms. Tan** noted that the Committee in its concluding comments on earlier reports by Burkina Faso had urged the abolition of polygamy and revision of the family code. She asked what provisions existed to protect women against violence, what punishments had been established and what was done to protect witnesses. Staff in the judiciary and police needed to be trained to deal with such problems. She recommended the integration of article 16 into the new family code. She asked what was being done to enforce the laws on forced and early marriages, on the levirate and on the distribution of inheritances and children after the death of a married male.

35. **Ms. Simms** noted that women without children were not valued in many countries and asked what was being done to protect such women in Burkina Faso. Without such protection, women who chose professional careers and consequently delayed having children, if they had any at all, found themselves penalized by discriminatory attitudes or practices. She also asked about protection for other minority women, such as lesbians.

36. **Ms. Ibouido** (Burkina Faso) said that, once the Individual and Family Code had entered into force, any contrary provisions of the French Civil Code had been abrogated. The new Code generally governed commercial and civil relations. It permitted simple gifts relating to a marriage, but when a demand for dowry became an obstacle to a marriage the parties concerned could invoke the Penal Code. Polygamy was a continuing and undoubtedly discriminatory practice which Burkina Faso had actively sought to outlaw. It had been one of the first West African countries to establish monogamy as the preferred form of marriage in law, but when the Individual and Family Code was being discussed nationally people in the rural areas of the country had soundly rejected the idea of abolishing polygamy. The Government had then decided to engage in negotiations, and had taken measures to protect those in polygamous marriages. Entering such a marriage had to be a clearly expressed choice, and a woman could always refuse. Once she was in such a marriage she could object to her spouse taking another wife if she could prove that she and her children would suffer as a result. If she and her children were abandoned she had recourse to force her abandoning spouse to take care of them and provide maintenance for the children. The Code stated that each woman created a household with her husband. Despite Burkina

Faso having fought hard to secure the complete eradication of polygamy, the Protocol to the African Charter on Human Rights and Peoples' Rights on the Rights of Women in Africa, while stating that monogamy was encouraged as the preferred form of marriage, asserted that the rights of women in polygamous marital relationships were also promoted and protected. Polygamy had thus become a more complex issue for Burkina Faso. While tolerating polygamy, the country was continuing to seek the establishment of monogamy as the preferred form of marriage.

37. As for levirate marriage, the Government had taken steps to prohibit the forcing of a widow to live with a relative of her dead husband, and punishments were available if there was such coercion. As for succession rights, there was legal equality between children; in the case of monogamy, a widow inherited one quarter of her late husband's assets, while in the case of polygamy all his widows shared that quarter. Under the Individual and Family Code, proof of marriage was the legal act of marriage, undertaken with the full and free consent of both parties. Some widows, however, were unable to provide such proof; the Government was looking into ways of reforming the law on de facto unions with a view to legalizing the succession rights of such widows.

38. **Ms. Guigma** (Burkina Faso) said she was not aware that there were any lesbians in the country but undertook to check.

39. **Ms. Simonovic** noted that the report stated that the right to decide on the number and spacing of children should normally be exercised with the consent of the husband, as provided for by the Individual and Family Code. Why was the consent of the husband needed when the Convention stated in article 16 (e) that the husband and wife had the same rights in that regard?

40. **Ms. Morvai** confessed that from her European perspective she found it hard to understand why a woman would freely choose to live in a polygamous marriage or with the relative of her late husband. Could some light be shed on that mentality, and did it ever happen that a widower of a polygamous relationship would choose to live with a relative of his late wife?

41. **Ms. Pimentel** asked whether socio-economic factors also made it difficult to eradicate polygamy and

levirate marriage, and what strategies and arguments were deployed in the struggle against such practices.

42. **Ms. Saiga** asked who inherited the remaining three quarters of the late husband's assets if his widow inherited one quarter.

43. **Ms. Coker-Appiah**, noting that the report stated that a divorced husband or wife could claim alimony for his or her own needs under certain circumstances, asked if that applied to both monogamous and polygamous marriages.

44. **Ms. Guigma** (Burkina Faso) said that five years previously the Committee had expressed the hope that the present report would state that polygamy had been eradicated. Unfortunately, that was not the case and the report had stated as much in a fully transparent manner. Burkina Faso had argued vigorously in the deliberations leading up to the adoption of the Protocol to the African Charter but had not prevailed. Nevertheless, given that polygamy remained a reality in the region, and specifically in Burkina Faso, the Government had had to legislate for those who were engaged in it, while at the same time campaigning to ensure that women and girls were aware of the fact that monogamy was the preferred form of marriage. It was her delegation's hope that in another five years' time Burkina Faso would be in a position to report the final eradication of polygamy.

45. **Ms. Iboudo** (Burkina Faso) said that the Individual and Family Code stated that spouses assumed together the moral and material responsibility for their marriage; the Code promoted the idea of the family based on consent, fidelity, mutual respect and support, and on that basis the number and spacing of children became a free choice taken by both partners. If that were not the case there was always recourse to the law in terms of separation or divorce.

46. There was no single explanation of polygamy and levirate marriage. There was sometimes a religious component, and sometimes a social one: some women in polygamous marriages considered themselves to be living in a broader family context and therefore accepted levirate marriage. There was of course an economic component in that when women were poor they often tried to find a way out of their poverty through marriage, for in the poor countries of Africa it was usually the men who had the resources. The advancement of women in the economic sphere would help them to make an enlightened choice in that regard.

47. As for inheritance, the remaining three quarters of the late husband's assets went to the children. If there were no children, the widow received more. A woman in a polygamous marriage who got divorced was entitled to a food pension from her ex-husband for a minimum period of three years, or until she remarried.

48. **The Chairperson**, after thanking the delegation for the frank and constructive dialogue it had held with the Committee, said that polygamy was an issue for continuing vigilance in many countries. She encouraged Burkina Faso to continue with its determined efforts to eradicate it and expressed the confident hope that the time would soon come when there was harmony between its domestic law and the Convention.

The meeting rose at 5.40 p.m.