



# Convention on the Rights of the Child

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## Committee on the Rights of the Child

Fifty-third session

11-29 January 2010

### Consideration of reports submitted by States parties under article 44 of the Convention

#### Concluding observations: Burkina Faso

1. The Committee considered the combined third and fourth report periodic reports of Burkina Faso (CRC/C/BFA/3-4) at its 1462nd and 1463rd meetings held on 13 January 2010, and adopted, at its 1500th and 1501st meetings, held on 29 January 2010, the following concluding observations.

#### A. Introduction

2. The Committee welcomes the submission of the combined third and fourth periodic reports, as well as the written replies to its list of issues (CRC/C/BFA/Q/3-4 and Add. 1) which provided a better understanding of the situation of children in the State party. It also appreciates the presence of a high-level delegation and the frank and open dialogue with the delegation

#### B. Follow-up measures and progress achieved by the State party

3. The Committee notes with appreciation the adoption of:
- Act No. 029-2008 on Combating Trafficking in Persons and Related Practices of 15 May 2008;
  - Act No. 028-2008/AN of 14 May 2008 issuing the Labour Code;
  - Act No. 049-2005/AN of 22 December 2005 on Reproductive Health;
  - Act No. 28-2004/AN of 8 September 2004 on Judiciary Organization.
4. The Committee also welcomes the ratification by the State Party of the following:
- Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict on 30 December 2005;
  - Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography on 30 December 2005;

- International Convention for the Protection of All Persons from Enforced Disappearance on 3 December 2009;
- Convention on the Rights of Persons with Disabilities and its Optional Protocol on 23 July 2009;
- Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa on 9 June 2006
- Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women on 10 October 2005;
- Rome Statute of the International Criminal Court on 16 April 2004.

5. The Committee also welcomes the adoption of the National Policy for the Comprehensive Development of Young Children, the National Strategic Framework to combat HIV/AIDS (2006-2010), the National Action Plan against Trafficking in Persons of 2007, as well as the creation of a multisectoral Committee for the Equalization of Opportunities for Persons with Disabilities and a National Committee for Combating the Practice of Excision (SP/CNLPE).

## C. Main areas of concern and recommendations

### 1. General measures of implementation (arts. 4, 42 and 44, paragraph 6 of the Convention)

#### The Committee's previous recommendations

6. The Committee welcomes efforts by the State party to implement the 2002 concluding observations of the Committee on the second periodic report of the State party (CRC/C/15/Add.193). Nevertheless, the Committee regrets that some of its concerns and recommendations have been insufficiently or only partly addressed.

**7. The Committee urges the State party to take all necessary measures to address those recommendations from the concluding observations on the second report that have not yet been implemented or sufficiently implemented, including those related in particular to the definition of the child, the allocation of resources for children, early and forced marriages, ill-treatment of children in police stations, child abuse and neglect, and child labour. The Committee also recommends that the State party provide adequate follow-up to the recommendations contained in the present concluding observations.**

#### Legislation

8. The Committee commends the State party for the significant legislative reform undertaken in the field of child rights and the elaboration of a child code as previously recommended by the Committee (CRC/C/15/Add.193 para. 8). The Committee is however concerned that the draft code does not include all the principles and provisions of the Convention and is restricted to children in conflict with the law. It further notes with concern that the enjoyment of child rights continues to be negatively affected by the application of certain customary laws and weak law enforcement.

**9. The Committee urges the State party to take, as a matter of priority, all appropriate measures to expedite the process of elaboration and adoption of the child code and ensure that it covers all the provisions of the Convention. The Committee**

also recommends that the State party improve awareness and implementation of its legislation, in particular among communities which continue to apply customary laws.

#### Coordination

10. The Committee, while noting that additional human resources have been allocated to the Permanent Secretariat of the National Action Plan for the Survival, Protection and Development of Children (*Comité national de suivi et d'évaluation du plan d'action national pour l'enfance, SP-PAN/Enfance*), is concerned that its budget remains insufficient to effectively carry out its coordinating role.

**11. The Committee reiterates its previous recommendation (CRC/C/15/Add.193 para. 12) that all necessary measures be taken to allocate sufficient human and financial resources to the coordination mechanism.**

#### National plan of action

12. The Committee is concerned about the eight-year delay in adopting a new national plan of action for children. The Committee notes that the Framework of Strategic Guidelines for Children's Promotion 2008-2017 (*Cadre d'orientations stratégiques pour la promotion de l'enfant (COSPE) 2008-2017*) adopted in October 2008 is serving as the new national action plan for the survival, protection and development of children. However, the Committee expresses concern that the implementation of the COSPE has not yet started.

**13. The Committee urges the State party to proceed without delay with the implementation of the Framework of Strategic Guidelines for Children's Promotion 2008-2017. It calls upon the State party to provide further details in its next report of the concrete measures taken for its implementation.**

#### Independent monitoring

14. The Committee notes with satisfaction the reform of the national human rights institution on the basis of a law adopted by the parliament on 21 December 2009. The Committee is however concerned that the source and level of funding of the National Human Rights Commission, the nomination/appointment and revocation processes of its members, as well as its relations with the executive, are likely to affect its independence and effective functioning.

**15. Drawing attention to its general comment No. 2 (2002) on the role of independent national human rights institutions in the promotion and protection of the rights of the child, the Committee reiterates its recommendation that the State party consider the structure and functions of the National Commission on Human Rights, in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), and enable it to cover child rights and empower it to receive, investigate and address complaints about violations of child rights in a child-sensitive manner. To this end, the Committee recommends that the State party allocate sufficient financial and human resources to the National Human Rights Commission and seek technical assistance from, among others the Office of the United Nations High Commissioner for Human Rights (OHCHR).**

#### Allocation of resources

16. While noting that an increasing part of the State party budget is devoted to education and health, the Committee remains concerned at the low proportion of budgetary resources devoted to the implementation of the Convention. The Committee expresses concern that the sector of social action and national solidarity receives less than 1 per cent of the

national budget. The Committee also notes with concern that in the absence of specific allocations for children, the State party is still unable to monitor the impact of its budget allocations. It is further concerned that corruption continues to divert resources that could enhance the implementation of the rights of the child.

17. **The Committee urges the State party, taking into account the recommendations of the Committee during its day of general discussion in 2007 on “Resources for the rights of the child - responsibility of States”, to:**

(a) **Increase the proportion of the budget allocated to the realization of children’s rights to the “maximum extent ... of available resources” and, in this context, ensure the provision, including through international cooperation, of appropriate human resources and guarantee that the implementation of policies relating to social services provided to child survival, development, protection and well-being remain a priority;**

(b) **Utilize a child rights approach in the elaboration of the State budget by implementing a tracking system for the allocation and use of resources for children throughout the budget, thus providing visibility to the investment in children. The Committee also urges that this tracking system be used for impact assessments on how investments in any sector may serve the best interests of the child, ensuring that the differential impact of such investment on girls and boys is measured;**

(c) **Ensure transparent and participatory budgeting through public dialogue and participation, especially that of children, and for proper accountability by local authorities;**

(d) **Define strategic budgetary lines for disadvantaged or particularly vulnerable children and for those situations that may require affirmative social measures (such as birth registration, training of teachers and health workers) and make sure that those budgetary lines are protected even in situations of economic crisis, natural disasters or other emergencies;**

(e) **Strengthen its anti-corruption mechanisms, implement existing legislation to combat corruption, and undertake investigations, and prosecute cases of corruption in the use of budgetary resources, especially for children;**

(f) **Seek assistance from international organizations, including from the United Nations Children’s Fund (UNICEF), in implementing these recommendations.**

#### **Data collection**

18. While noting the establishment of a permanent data collection system in 2002, the Committee expresses concern that this system is not yet operational, as reflected by the lack of up-to-date, comprehensive and disaggregated data and information in the report of the State party on all the areas covered by the Convention. The Committee is also concerned that the population census of 2006 was not used to collect data on children, including children in need of special protection.

19. **The Committee encourages the State party to continue to strengthen its data collection system with the support of its partners and to use this data as a basis for assessing progress achieved in the realization of child rights and to help design policies to implement the Convention. The Committee reminds the State party of its previous recommendation (CRC/C/15/Add.193 para. 18) that the data should cover all children up to the age of 18 years and be disaggregated by sex, age, and urban and rural area, with specific emphasis on groups of vulnerable children, including child victims of abuse, neglect or ill-treatment, children with disabilities, refugee and asylum-seeking children, children in conflict with the law, working children, and street children.**

**Dissemination, training and awareness-raising**

20. The Committee is concerned that in spite of the measures taken by the State party to disseminate the Convention, most children remain unaware of their rights. The Committee also notes with concern that the training provided to, inter alia, magistrates, lawyers, police and military forces as well as to traditional leaders, remains inadequate.

21. **The Committee urges the State party to:**

(a) **Broadly disseminate the Convention in all the local languages so as to ensure that the provisions of the Convention are widely known and understood by children and their families;**

(b) **Include human rights and child rights in the curricula of schools at all levels;**

(c) **Expand adequate and systematic training of all professional groups working for and with children;**

(d) **Regularly assess the impact of its awareness-raising activities.**

**Cooperation with civil society**

22. The Committee commends the assertion of the State party as to the necessity to better coordinate the efforts of all stakeholders working on child rights. However, the Committee notes that the Permanent Secretariat of the National Action Plan for the Survival, Protection and Development of Children lacks a comprehensive view of all the organizations/associations working in this field.

23. **The Committee urges the State party to promptly establish a directory of all the national actors working on child rights and to systematically involve communities and civil society, including children's organizations, throughout all stages of implementation of the Convention.**

**Definition of the child (art. 1 of the Convention)**

24. The Committee expresses concern at the disparity in the minimum age for marriage between girls (17 years) and boys (20 years) and notes the possibility in exceptional circumstances of lowering the legal age of marriage for girls to 15 years.

25. **The Committee urges the State party to set the minimum age for marriage for girls and boys at 18 years and to penalize early and forced marriage.**

**2. General principles (arts. 2, 3, 6 and 12 of the Convention)****Non-discrimination**

26. The Committee reiterates the concern previously expressed at the persistence of de facto discrimination against children belonging to the most vulnerable groups, such as children with disabilities and children living in rural areas, amongst whom girls are often disproportionately affected.

27. **The Committee recommends that the State party increase its efforts to review, monitor and ensure implementation of legislation guaranteeing the principle of non-discrimination and full compliance with article 2 of the Convention, and adopt a proactive and comprehensive strategy to eliminate discrimination on gender, ethnic, religious or any other grounds, and against all vulnerable groups of children throughout the country.**

**Best interests of the child**

28. While noting that the principle of the best interests of the child is reflected as a general principle in some legislation concerning children, the Committee expresses concern at the insufficient information provided by the State party on how it is taken into consideration and effectively applied in State party legislative, administrative and judicial decisions, as well as in policies and programmes relevant to children.

29. **The Committee draws the attention of the State party to its general comment No. 5 (2003) on general measures of implementation of the Convention on the Rights of the Child (arts. 4, 242 and 44, para. 6), and recommends that the State party take active measures throughout Government, parliament and the judiciary to ensure that every legislative, administrative and judicial body or institution apply the best interests principle by systematically considering how children's rights and interests are or will be affected by their decisions and actions - by, for example, a proposed or existing law or policy or administrative action or court decision, including those which are not directly concerned with children, but indirectly affect children.**

**The right to life, survival and development**

30. The Committee expresses concern at the extremely high number of road accidents, of which children are victims. While noting the initiatives already taken, the Committee is concerned that they remain too limited to effectively address the situation.

31. **The Committee recommends that the State party strengthen its efforts to decrease the number of child victims of road accidents by systematically enforcing the existing regulations and by introducing awareness-raising campaigns and education programmes aimed at parents, children and the public at large.**

**Respect for the views of the child**

32. The Committee expresses concern at the lack of information provided by the State party about respect for the views of the child and at the absence of legal recognition of this right, specifically in schools and communities. The Committee is also further concerned that misperceptions of children and societal attitudes continue to negatively impact on their rights, especially their right to freely express their views within family, schools and communities. While noting the assertion of the State party that the national Child Parliament is consulted for all the important decisions taken at national level, the Committee is however concerned that its consultation once a year is reportedly a formality and that its work is not well known to children themselves.

33. **The Committee urges the State party to:**

(a) **Pay further attention to the right of every child to be heard in the family, at school, within other institutions and bodies, in the community and in society at large, with special emphasis on gender stereotypes and patriarchal values which undermine and place severe limitations on girls' enjoyment of this right;**

(b) **Incorporate this right into all laws, policies and programmes relating to children and establish clear mechanisms to facilitate the participation of children;**

(c) **Develop specific and clear guidelines on how the views presented by the Child Parliament are taken into account in the formal political process and in policymaking;**

(d) **Further develop the Child Parliament as an independent and democratic body and establish child parliaments at regional and local levels;**

(e) **Provide children with adequate responses to their proposals;**

(f) Take into account its general comment No. 12 (2009) on the right of the child to be heard.

### **3. Civil rights and freedoms (arts. 7, 8, 13-17, 19 and 37(a) of the Convention)**

#### **Birth registration**

34. The Committee, while noting significant efforts of the State party to increase birth registration, in particular the activities conducted in 2009, declared as Universal and Free Birth Registration Year, remains concerned that one third of children remain unregistered at birth, owing mainly to the geographical distance from registration services, the insufficient resources allocated to them and the cost of birth registration. The Committee is also concerned that children born outside the State party may not have birth certificates, or other substitute certificates, which may prevent their access to social services

**35. The Committee urges the State party to strengthen its efforts to establish a national system of free birth registration which should be sustainable and available, including in the most remote areas of the State party, through the provision of decentralized registration offices with the necessary human, material and financial resources. The Committee also recommends the State party to strengthen its awareness-raising activities about birth registration. The Committee further urges the State party to ensure that refugee children are provided with a birth certificate and that unregistered children are not deprived of access to social services.**

#### **Access to appropriate information**

36. The Committee takes note of the opening of several libraries for children in the State party, including in the rural regions. However, the Committee is concerned that children still have limited access to appropriate information which is mainly disseminated only in French, a language that most children do not understand. The Committee is also concerned that no information was provided by the State party on the measures undertaken to guarantee access to information to children with disabilities. The Committee is further concerned that children are increasingly exposed to inappropriate or offensive material through access to the Internet.

**37. The Committee recommends that the State increase its efforts to provide children with access to appropriate information in all the languages of the State party and pay particular attention to the most disadvantaged children, among them girls, children with disabilities and children living in rural and remote areas. The Committee also recommends that the State party consider adopting specific legislation and develop appropriate guidelines to protect children from information and material injurious to their well-being, in accordance with article 17 (e) of the Convention.**

#### **Torture or other cruel, inhuman or degrading treatment or punishment**

38. The Committee expresses serious concern at the lack of concrete measures taken by the State party to follow up on the previous recommendations of the Committee on the conditions of detention of children in police or gendarmerie stations and the methods used by law enforcement officials (CRC/C/15/Add.193 paras. 30 and 31) which are still reported and which constitute a grave violation of article 37 (b) of the Convention. The Committee is also gravely concerned that in some places of detention in the State party, children continue to be detained together with adults.

39. **The Committee urges the State party to investigate, prosecute and punish any case of mistreatment committed by law enforcement personnel, including prison guards, and establish an independent, child-sensitive and accessible system for receiving and dealing with complaints. Referring to its general comment No. 10 (2007) on children's rights in juvenile justice, the Committee also calls upon the State party to urgently and effectively establish separate facilities for children deprived of their liberty, which include specific child-centred staff, personnel, policies and practices, and ensure children's right to prompt access to legal and other appropriate assistance.**

#### **Corporal punishment**

40. The Committee, while welcoming the circular sent by the Education Ministry to schools stressing the adverse consequences of corporal punishment, as well as the creation of a National Council against Violence in Education areas, notes with great concern that children are commonly beaten, whipped, insulted and humiliated by their teachers. The Committee also notes with concern that in spite of existing laws, corporal punishment continues to be widely practiced in alternate care settings, in situations of employment and in the home, where it remains lawful.

41. **The Committee urges the State party to take all the necessary measures to eradicate corporal punishment, and in particular:**

(a) **Explicitly prohibit corporal punishment by law in the family and all situations of child-rearing, and ensure that those laws are effectively implemented and that legal proceedings are systematically initiated against those responsible for mistreating children;**

(b) **Conduct a comprehensive study to assess the causes, nature and extent of corporal punishment;**

(c) **Introduce public education, awareness-raising and social mobilization campaigns on the harmful effects of corporal punishment with a view to changing the general attitude towards this practice, and promote positive, non-violent, participatory forms of child-rearing and education;**

(d) **Ensure that an educational programme is undertaken against corporal punishment, insisting both on the child rights and psychological aspects;**

(e) **Take into account its general comment No. 8 (2006) on the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment (arts. 19; 28, para. 2; and 37, inter alia).**

#### **Follow-up to the United Nations Study on Violence against Children**

42. The Committee, while commending the national surveys on violence against children and women conducted in 2008, expresses concern that while these surveys revealed widespread violence throughout the State party and especially in the family environment and the school system, the capacity of the Government to respond to violence against children has remained very limited. It also notes with concern the emergence of new forms of violence, in particular paedophilia, child pornography, cybercrimes and itinerant pimps.

43. **The Committee encourages the State party to prioritize elimination of all forms of violence against children. With reference to the United Nations Study on Violence against Children (A/61/299), the Committee recommends that the State party:**

(a) **Take all necessary measures to implement the recommendations of the Study, taking into account the outcome and recommendations of the regional**

consultations for west and central Africa (held in Bamako, from 23-25 May 2005). In particular, the Committee recommends that the State party pay particular attention to the following recommendations:

- Prohibit all forms of violence against children
- Strengthen national and local commitment and action
- Promote non-violent values and awareness-raising
- Enhance the capacity of all who work with and for children
- Ensure accountability and end impunity;

(b) Use the recommendations of the Study as a tool for action in partnership with civil society and, in particular, with the involvement of children to ensure that all children are protected from all forms of physical, sexual and psychological violence and to gain momentum for concrete and time-bound actions to prevent and respond to such violence and abuse;

(c) Provide a 3-digit, toll-free, 24-hour national helpline for children, in collaboration with UNICEF and other partners;

(d) Seek technical cooperation in this respect from the Special Representative of the Secretary-General on Violence Against Children, OHCHR, UNICEF, the World Health Organization (WHO) and other relevant agencies, inter alia, the International Labour Organization (ILO), the United Nations Educational, Scientific and Cultural Organization (UNESCO), the Office of the United Nations High Commissioner for Refugees (UNHCR) and the United Nations Office on Drugs and Crime (UNODC), as well as NGO partners.

#### **4. Family environment and alternative care (arts. 5, 18 (paras.1-2), 9-11, 19-21, 25, 27 (para.4) and 39 of the Convention)**

##### **Family environment**

44. The Committee notes with interest the educational debates organized as part of the National Policy on Education for Family Life, as well as the adoption in July 2009 of the National Gender Policy. However, the Committee shares the concerns expressed by the Committee on the Elimination of Discrimination against Women in its concluding comments (CEDAW/C/BFA/CO/4-5 para. 27) over the strong prevalence of patriarchal attitudes as well as deep-rooted stereotypes, customs and traditions that discriminate against women and negatively impact on children, especially on girls. Among these are the practice according to which children belong exclusively to their father, the persistence of polygamy, levirate and sororate marriage, dowry, and practices that prevent women from owning land and inheriting from their husbands. The Committee is further concerned about the scale of domestic violence in the State party.

45. **The Committee urges the State party to ensure effective implementation of its National Gender Policy and to strengthen its National Policy on Education for Family Life and set up specific educational programmes for parents and children that challenge discriminatory customs and traditions and stereotypical attitudes regarding the roles and responsibilities of women and girls in the family, and promote equal sharing of parental responsibility. The Committee also urges the State party to discourage polygamy by applying legal and administrative measures and conducting awareness-raising campaigns on its adverse effects on children. The Committee**

**further urges the State party to take all necessary measures to combat domestic violence.**

#### **Children deprived of their family environment**

46. The Committee notes the services provided by the Directorate for the Protection of the Child and Adolescent to safeguard the child at risk and reinsert adolescents in difficulty, as well as the opening in 2008 of a new reception and social insertion structure in the capital for abandoned children and young mothers in distress. However, in spite of an increasing number of orphaned children in the State party, particularly as a result of HIV/AIDS as well as the recent phenomenon of abandonment of newborn children and teenage girls being chased from their families because of their pregnancies, the Committee notes with concern that:

- (a) Most of the institutions caring for children deprived of their family environment are private, with limited funding and supervision from the State party;
- (b) The legal framework regulating the opening, functioning and supervision of the institutions caring for orphans and other vulnerable children has not yet been adopted;
- (c) Children are increasingly placed in such institutions rather than in a family-type environment;
- (d) Limited support and funding are provided by the State party to foster families and orphanages.

#### **47. The Committee recommends that the State party:**

- (a) Urgently develop an effective alternative care strategy and monitoring systems, taking into account the Guidelines for the Alternative Care of Children contained in General Assembly resolution 64/142 adopted on 20 November 2009;**
- (b) Promptly adopt and implement the legal regulatory framework for the opening, functioning and supervision of institutions caring for orphans and other vulnerable children, and ensure regular reviews and inspections of all orphanages and children's homes;**
- (c) Promote and support family-type forms of alternative care for children deprived of parental care, including foster care, in order to reduce the resort to residential care;**
- (d) Provide adequate funding and training, including on the provisions of the Convention for caregivers and personnel of alternative care institutions.**

#### **Adoption**

48. The Committee notes with concern the absence of significant measures taken to end the practices of *confiage* which is often a synonym for the exploitation of children as domestic servants and their exposure to various forms of abuse and violence. The Committee is also concerned at the insufficient progress made by the State party in implementing the Hague Convention No. 33 on Protection of Children and Co-operation in respect of Intercountry Adoption to which the State is a party, and especially the principle of subsidiarity. The Committee notes in particular the lack of legal provisions on the necessity to take into account the best interests of the child in evaluations and on the minimum duration before consent to adoption can be given by the biological parents.

**49. The Committee reiterates its previous recommendation (CRC/C/15/Add.193 para. 35) to urgently take all necessary measures aiming at ending the practice of *confiage*. The Committee also urges the State party to take all necessary measures to**

**promote domestic adoptions and ensure respect for the "subsidiarity principle" so that intercountry adoption will only be considered after all possibilities for domestic adoption have been exhausted. The Committee further urges the State party to bring its legislation into conformity with the Hague Convention No. 33 on Protection of Children and Co-operation in respect of Intercountry Adoption.**

#### **Abuse and neglect**

50. The Committee expresses serious concern at the prevalence of abuse and neglect of children in the family environment and at the insufficient measures taken to combat this problem. While noting the opening in 2002 in Ouagadougou of a centre for children victims of abuse, the Committee is particularly concerned about the absence of specific legislation on domestic violence, the lack of an appropriate complaints procedure for children, and the still very limited number of children who have access to psychological care, recovery and reintegration services. The Committee is also concerned about the impunity enjoyed by those responsible for abusing children, as illustrated by the cases reported to the Committee by the State party which have not led to any prosecution.

51. **The Committee urges the State party to:**

- (a) Assess the scope, nature and causes of child abuse and neglect with a view to adopting a comprehensive strategy;**
- (b) Adopt an inclusive and rights-based legal framework that addresses child abuse and neglect and domestic violence;**
- (c) Ensure that there is an effective system accessible to children for receiving, monitoring and investigating reports of abuse and neglect, in a manner which is child-sensitive;**
- (d) Promptly investigate cases of abuse and neglect and apply sanctions against perpetrators;**
- (e) Develop awareness-raising campaigns, with the involvement of children, aimed at preventing and combating child abuse and neglect;**
- (f) Ensure psychological and legal support for children victims of abuse or neglect.**

#### **5. Basic health and welfare (arts. 6, 18 (para.3), 23, 24, 26, 27 (paras.1-3) of the Convention)**

##### **Children with disabilities**

52. The Committee takes notes of the current adoption of a law and a strategy on the protection of disabled persons as well as the creation in 2005 of a multisectoral committee for the equalization of opportunities for persons with disabilities. However, while the Committee notes that efforts were made to provide children with disabilities with financial support and school opportunities, it expresses concern that children with disabilities continue to have limited access to appropriate health care, education and job opportunities. The Committee is also concerned that in spite of the strong advocacy by the Coalition of Associations for the Promotion of People living with a Handicap, no data was collected during the 2006 census about people with disabilities and no study conducted into the causes of disabilities, which precludes effective planning for prevention and appropriate care.

53. While adopting its law and strategy on disabled persons, the Committee urges the State to carefully review and implement the previous recommendations of the Committee (CRC/C/15/Add.193 para. 47) and to:

- (a) Carry out studies to assess the nature and causes of disabilities in the State party;
- (b) Ensure the use of adequate and comprehensive data in the development of policies and programmes for children with disabilities;
- (c) Review the situation of these children in terms of their access to suitable health care, education services and employment opportunities;
- (d) Allocate adequate resources to strengthen services for children with disabilities, support their families and train professionals in the field;
- (e) Strengthen policies and programmes of inclusion in regular education, train teachers and make schools accessible to children with disabilities;
- (f) Sensitize the population to the human rights of children with disabilities;
- (g) Seek assistance from, among others, UNICEF and WHO;
- (h) Take into account the Committee's general comment No. 9 (2006) on the rights of children with disabilities.

**Health and access to health services**

54. The Committee notes with satisfaction the efforts undertaken by the State party, among them the adoption of the National Health Development Plan (2001-2010) as well as the increased resources devoted to develop the health-care sector which has led, inter alia, to the reduction of maternal and infant mortality, the improvement of the nutritional situation of children under the age of five, and to better immunization of children. The Committee remains however concerned that:

- (a) Maternal and infant mortality rates, although decreasing, remain high;
- (b) The major causes of child mortality are preventable and treatable diseases such as malaria, respiratory illnesses, diarrhoea and vaccine-preventable diseases;
- (c) High levels of malnutrition remain widespread throughout the country, especially in the northern regions;
- (d) Health services are inadequate in terms of coverage and quality and under-utilized by the poor and vulnerable groups;
- (e) Only 19 per cent of children under six months of age are exclusively breastfed.

55. **The Committee recommends that the State party continue to prioritize the allocation of financial and human resources to the health sector, in order to ensure equal access to quality health services by all children, including children living in the most remote areas of the country. Furthermore, the Committee recommends that the State party strengthen its efforts to improve the health situation of children, including through:**

- (a) **Continuing to ensure the provision of necessary medical assistance and health-care access to all children with emphasis on the development of primary health care;**
- (b) **Strengthening its efforts to further reduce infant and child mortality, especially by focusing on preventive measures and treatment, including vaccination**

uptakes, improved nutrition and sanitary conditions, greater access to clean drinking water, and the management of communicable diseases and malaria;

(c) Increasing its efforts to further reduce maternal mortality throughout the country, including generalization of specific actions to prevent post-partum bleeding and other major causes of maternal death;

(d) Pursuing immunization efforts, including through improved outreach activities and immunization of “drop-out” children, and efficient implementation of the full package of integrated interventions in all health districts;

(e) Ensuring that all segments of society are informed of and have access to education and support on the use of basic knowledge of child health and nutrition, including the advantages of exclusive breastfeeding for children up to six months;

(f) Seeking technical cooperation from UNICEF and WHO.

#### **Adolescent health**

56. The Committee notes with satisfaction the adoption in 2008 of a National Youth Policy, Act No. 049-2005/AN of 22 December 2005 on reproductive health and a plan for improving the health of young persons (2004-2008). However, the Committee expresses serious concern at the high number of deaths of teenage girls due to unsafe and clandestine abortions and at the increasing incidence of sexually transmitted diseases, including HIV/AIDS, among adolescents.

57. The Committee draws the attention of the State party to its general comment No. 4 (2003) on adolescent health and development in the context of the Convention on the Rights of the Child and joins the Committee on the Elimination of Discrimination against Women in its concluding comments (CEDAW/C/BFA/CO/4-5 para. 36) in recommending that the State party improve the availability of sexual and reproductive health services, including family planning, enhance the availability of contraceptive services and promote sex education targeted at girls and boys, with special attention to the prevention of early pregnancies and sexually transmitted diseases. The Committee also calls upon the State party to review its legislation concerning abortion, with a view particularly to guaranteeing the best interests of pregnant teenagers.

#### **Harmful traditional practices**

58. The Committee commends the commitment at the highest levels of the State in the fight against female genital mutilation (FGM) and the complementary initiatives undertaken, including the setting up of a national hotline. However, the Committee remains concerned at the continuing prevalence of FGM, the rise in infant FGM, especially in the north of the country, and the low level of sanctions taken against those who subject children to genital mutilation. The Committee is also seriously concerned that in spite of the high rate of early and forced marriage in the State party, limited measures have been taken to prevent, prohibit and punish these practices.

59. The Committee calls upon the State party to:

(a) Pursue its efforts to eradicate FGM throughout its territory, in particular by better coordinating anti-FGM related activities, ensuring that offenders are prosecuted and adequately punished and continuing awareness-raising efforts to change cultural perceptions connected with FGM;

(b) Reinforce cooperation with neighbouring countries in the region to combat FGM;

(c) **Implement measures to ensure that traditional marriage practices, including forced marriages, which are harmful to children are prohibited through, inter alia, adoption and implementation of appropriate legislation;**

(d) **Undertake sensitization campaigns, especially among local traditional leaders, on the negative impact that early and forced marriage has, particularly on girls;**

(e) **Provide shelters to girls who escape early and forced marriage.**

#### **HIV/AIDS**

60. The Committee notes with satisfaction the adoption of National Strategic Framework (2006-2010) to combat HIV/AIDS, the creation of a National Council to Combat HIV headed by the President himself and the adoption of a Strategic Framework for Orphans and Vulnerable Children (2005-2014). While the Committee notes with satisfaction the continuous decrease in national HIV prevalence, it is however concerned that:

(a) Only 10 per cent of HIV-infected children receive medical care because of the lack of available health structures to care for them and the reluctance of families to have their children tested;

(b) Population coverage for prevention of mother-to-child transmission of HIV remains at a low level and early infant diagnosis of HIV is very limited;

(c) Children living with HIV continue to be stigmatized;

(d) The formulation of the Strategic Plan for Orphans and Vulnerable Children was not preceded by the collection of precise data about HIV orphans, among them children heads of households;

(e) The coordination of services for orphans and vulnerable children remains poor;

(f) Children and parents are not sufficiently sensitized about HIV/AIDS, including modes of HIV transmission and precautionary measures, such as use of condoms, among adolescents.

61. **In light of the Committee's general comment No. 3 (2003) on HIV/AIDS and the rights of the child and the International Guidelines on HIV/AIDS and Human Rights, the Committee recommends that the State party:**

(a) **Ensure universal and cost-free access to antiretroviral therapy;**

(b) **Strengthen measures to expand facilities and medical training for diagnosis and treatment of HIV-infected children;**

(c) **Strengthen efforts to combat discrimination against children infected with HIV and/or affected by HIV/AIDS;**

(d) **Strengthen its efforts to prevent mother-to-child transmission of HIV and to improve availability of contraceptives throughout the country;**

(e) **Take steps to collect disaggregated data on the prevalence of HIV/AIDS in the State party and on HIV orphans, which can be used for the development, implementation and monitoring of policies and programmes;**

(f) **Involve children in a programme combating HIV/AIDS, in particular by ensuring that more attention is given to the issue of children and HIV/AIDS;**

**(g) Improve protective and preventive support for AIDS orphans.****Right to an adequate standard of living**

62. The Committee welcomes the adoption of a National Plan of Action for the Protection and Promotion of the Family in 2008 and the current formulation of a strategy for accelerated development. However, the Committee notes with concern that a large proportion of families and children in the State party continue to live in extreme poverty, especially in rural areas. The Committee is also concerned at the absence of a social security system in the State party and the still limited coverage of existing social assistance programmes.

63. **In accordance with article 27 of the Convention, the Committee urges the State party to increase its efforts to raise the standard of living among the rural and urban population living in poverty. The Committee recommends that the promotion and protection of all children's rights be fully integrated into the strategy for accelerated development and that priority be given to the establishment of a social security system and the provision of increased material assistance and support to economically disadvantaged children and their families. The Committee further urges the State party to provide precise information on the implementation of its strategy for accelerated development in its next periodic report.**

## **6. Education, leisure and cultural activities (arts, 28, 29 and 31 of the Convention)**

**Education including vocational training and guidance**

64. The Committee commends the adoption of a 10-year Development Plan for Basic Education (PDDEB), the development since 2009 of a national vocational training and guidance policy, and the continuous increase in budget allocations to the education sector, which have led to improvements in schools infrastructure, the recruitment of teachers, primary school enrolment and pre-school education, as well as the abolition of school fees. The Committee is however concerned that:

- (a) Primary enrolment is still far too low;
- (b) Only 2.8 per cent of GDP is devoted to the education sector and families are still responsible for paying for school supplies, which limits children's effective access to education;
- (c) Children are exposed to grave forms of physical and psychological violence in schools, particularly girls who are at risk of being sexually abused by teachers;
- (d) School enrolment at secondary level remains at an extremely low level;
- (e) Significant disparities persist in access to education between provinces, urban and rural areas, and between girls and boys;
- (f) The teacher-student ratio has not decreased to an acceptable level;
- (g) The illiteracy rate remains at a very high level;
- (h) Vocational education and training is available for a minority of children only;
- (i) Attendance at early childhood programmes and facilities is extremely low.

65. The Committee recommends that the State party:

(a) Strengthen its efforts to ensure compulsory and free primary schooling for all children, in particular by constructing and setting up new schools, expanding the infrastructure for education, and recruiting and training more teachers;

(b) Ensure adequate funding of the public education system by further increasing the percentage of GDP allocated to the education sector;

(c) Design strategies to prevent the occurrence of violence in schools and encourage school and health services to detect and report evidence of abuse, ensure full and unannounced inspection of school facilities and wide publicity of the investigations conducted;

(d) Continue to take measures to increase the availability of and enrolment rates in secondary education and facilitate access to secondary education;

(e) Reduce disparities between provinces in access to and full enjoyment of the right to education;

(f) Expand the system of vocational training institutions and make sure that children who have dropped out of school also have access to it;

(g) Increase access to early childhood development and education programmes and facilities, including community-based and parents' programmes, in all regions of the State party;

(h) Take into consideration general comments No. 1 (2001) on the aims of education and No.7 (2006) on implementing child rights in early childhood.

## **7. Special protection measures (arts. 22, 38, 39, 40, 37(b) and (d), 30, 32-36 of the Convention)**

### **Repatriated children**

66. The Committee expresses serious concern at the insufficient measures taken to support the thousands of children and their families repatriated from Côte d'Ivoire between 1999 and 2004. The Committee is concerned that repatriated children who have suffered several forms of psychological trauma have not been provided with psychosocial assistance. The Committee is also concerned that repatriated children suffer extreme poverty and malnutrition owing mainly to their families' limited access to land in the State party. The Committee is further concerned that family disintegration has led to a high proportion of repatriated children living in foster families where they are subjected to various forms of violence and neglect.

67. The Committee urges the State party to take concrete action to support the integration of repatriated families and children and in particular to:

(a) Provide social services with the necessary human and financial resources for them to effectively support the psychosocial integration of repatriated children;

(b) Ensure access to land of repatriated families for them to live a full and decent life;

(c) Take the necessary measures to combat stigmatization of repatriated children and promote their integration in their communities;

(d) Seek assistance from UNHCR, UNICEF and WHO in this regard.

### **Economic exploitation, including child labour**

68. The Committee welcomes Act No. 028-2008/AN of 13 May 2008 issuing the Labour Code which prescribes 16 years as the minimum age for access to any kind of employment or work, thus aligning it to the age of compulsory schooling. However, the Committee expresses concerns that:

- (a) Exploitation of child labour is a common practice throughout the State party, with 47 per cent of children between 5 and 14 years being economically active, most of them in the agricultural sector;
- (b) Migration and trafficking of children for economic exploitation on the cotton farms, where they are exposed to harmful pesticides, is widespread;
- (c) Children continue to work in extremely dangerous conditions, especially in gold mines and as domestic servants, a situation that often exposes girl children to multiple forms of abuse;
- (d) There is no mechanism to protect children who are working in the informal sector;
- (e) The plan of action against child labour elaborated in 2008 has still not been adopted;
- (f) The labour inspectorate and police face shortages of qualified staff, adequate funds and training to carry out their mandates.

69. **The Committee urges the State party to:**

- (a) Promptly adopt the plan of action against child labour elaborated in 2008;**
- (b) Give priority to addressing the vulnerable situation of child domestic workers and children working in dangerous conditions on cotton farms;**
- (c) Bring its legislation into conformity with ILO Conventions No. 138 (1973) concerning Minimum Age for Admission to Employment and No. 182 (1999) concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, and to put in place mechanisms to protect working children, including children working in the informal sector;**
- (d) Strengthen the labour inspectorate to ensure effective implementation of child labour laws, both in the formal and informal sectors;**
- (e) Continue seeking assistance from ILO and UNICEF.**

### **Children in street situations**

70. The Committee takes note of the strengthening of the Non-Institutional Educational Action (AEMO), a programme that provides assistance to boys living on the streets of the main cities of the State party. It also notes as positive the creation of a National Committee for Combating Begging by Children. However, the Committee expresses concerns at:

- (a) The increasing number of children living on the streets and at their limited access to health, education and other social services;
- (b) The fact that children living on the streets are subjected to police brutality, sexual abuse and economic exploitation;
- (c) Girls living on the streets who do not benefit from the AEMO protection programme;

(d) The insufficient resources allocated to the AEMO programme, which undermines the effective protection, rehabilitation and social integration of children living in the street;

(e) The increasing number of *garibous* children who are forced by religious leaders to beg in the street or are trafficked to neighbouring countries for the same purpose;

(f) Parents sending out twins for begging in the street under the pretext of tradition.

**71. The Committee urges the State party to study the causes and scope of the phenomenon of street children and ensure that:**

**(a) Children living on the streets are provided with adequate nutrition, clothing, housing, health care and educational opportunities, including vocational and life-skills training, in order to support their full development;**

**(b) Children living on the streets are provided with protection from police brutality and services for reconciliation with their families, and that perpetrators of violence against street children are prosecuted and punished;**

**(c) AEMO provides all boys and girls living on the streets with protection, recovery and reintegration services;**

**(d) Additional resources are allocated to the AEMO programme for its effective implementation;**

**(e) The National Committee for Combating Begging by Children develops a comprehensive strategy to curb the practice of sending children to beg in the street;**

**(f) Religious leaders and parents who send children to beg in the streets, as well as those who perpetrate abuse against those children, are brought to justice.**

#### **Sexual exploitation and abuse**

72. The Committee, while welcoming the ratification by the State party of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography and the adoption of a National Action Plan against Trafficking in Human Beings which covers sexual violence against children, expresses concern that child prostitution is on the rise in all provinces of the State party and that children are increasingly trafficked from rural to urban areas and from neighbouring countries for sexual exploitation. The Committee also expresses deep concern at the extremely low level of sanctions pronounced against persons committing paedophilia.

**73. The Committee recommends that the State party:**

**(a) Intensify its efforts to tackle child prostitution and child trafficking for sexual exploitation;**

**(b) Take appropriate measures to ensure that those who perpetrate sexual offences against children are effectively punished with sanctions proportionate to their crime;**

**(c) Ensure that child victims of sexual exploitation or abuse have access to free, child-sensitive complaints mechanisms and provide support to children denouncing sexual abuse;**

**(d) Continue to implement appropriate policies and programmes for the prevention, recovery and social reintegration of child victims, in accordance with the outcomes of the first, second and third World Congresses against Commercial Sexual**

**Exploitation of Children of 1996, 2001 and 2008, as well as the outcome of other international conferences on this issue.**

#### **Sale, trafficking and abduction**

74. The Committee welcomes the adoption of Act No. 029-2008 on Combating Trafficking in Persons and Related Practices of 15 May 2008 and of a National Plan of Action against Trafficking in Persons in April 2007. The Committee also notes with satisfaction that several multilateral cooperation agreements were signed between 2004 and 2006 with neighbouring countries and the establishment of vigilance and supervision committees, the increased number of children intercepted and trafficking offenders brought to justice. However, the Committee notes that in spite of these efforts:

- (a) Trafficking in children within and from the State party for domestic servitude, sexual exploitation, forced labour in gold mines, stone quarries and the agriculture sector remains widespread;
- (b) Police do not exhibit any systematic effort to identify trafficking victims, among them women and girls in prostitution;
- (c) Very minor sentences are pronounced against those trafficking children;
- (d) No legal alternatives to the removal of foreign victims to countries where they face hardship or retribution are provided;
- (e) The 2007 National Action Plan against Trafficking in Persons has been insufficiently implemented due to a lack of appropriate funding.

75. **The Committee recommends that the State party:**

- (a) Undertake awareness-raising educational measures to prevent and eliminate women and child trafficking, in particular by supporting the current efforts undertaken by NGOs;**
- (b) Ensure proper investigation in cases of child trafficking, in particular by training police and government social workers to identify trafficking victims;**
- (c) Ensure systematic prosecution of the perpetrators and impose adequate sentences for such crimes;**
- (d) Provide foreign victims with legal alternatives to removal to countries where they may face hardship and retribution, and establish a regional prevention and response mechanism including comprehensive data collection;**
- (e) Provide adequate resources for a full implementation of the National Action Plan against Trafficking in Persons;**
- (f) Strengthen its efforts to support physical and psychological recovery for all children, victims of sale or trafficking;**
- (g) Establish a 3-4 digit, toll-free, 24-hour national helpline for children, with an outreach component for the most remote areas of the State party, and ensure that it is provided with adequate financial and human resources for its effective functioning.**

#### **Administration of juvenile justice**

76. The Committee welcomes Act No. 28-2004/AN of 8 September 2004 on judiciary organization, the appointment of two magistrates for children, the creation of two juvenile justice courts respectively in the tribunals and courts of appeal of Bobo-Dioulasso and the establishment of child protection brigades. The Committee is however concerned that the

magistrates for children have not been adequately trained and that in the absence of procedures governing the functioning of the juvenile justice system, the juvenile justice courts do not function effectively. The Committee is also concerned that children in conflict with the law:

- (a) Continue to be judged by adult courts throughout the State party;
- (b) Are rarely provided with legal assistance and therefore cannot benefit from legal assistance in the early stages of the proceedings;
- (c) May be kept for weeks in police custody;
- (d) Are often placed in pretrial detention for lengthy periods;
- (e) Are liable to receive prison sentences of up to 20 years;
- (f) Continue to be detained together with adults in police stations and detention facilities;
- (g) Lose contact with their families while in detention, especially those who are jailed far from home because there is no local detention facility
- (h) Rarely benefit from educational measures in prison to facilitate their social reinsertion.

**77. The Committee recommends that the State party continue its efforts to improve the juvenile justice system in conformity with articles 37 (b), 39 and 40 of the Convention, as well as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines) and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty (the Havana Rules). While taking into account the Committee's general comment No. 10 (2007) on children's rights in juvenile justice, the Committee also urges the State party to:**

- (a) Promptly adopt the rules of procedure which are necessary for the functioning of the new juvenile justice system in Ouagadougou and Bobo-Dioulasso and introduce the institution of specialized judges in all provinces;**
- (b) Take all measures to ensure that the review of criminal cases concerning children is conducted by judges trained accordingly, until such time as the establishment of juvenile courts becomes possible in all provinces;**
- (c) Ensure that public prosecutors and judges actively monitor arrest practices and conditions for children in police custody;**
- (d) Ensure that detention is applied as a measure of last resort and for the shortest possible period of time and is reviewed on a regular basis with a view to revoking it;**
- (e) Promptly adopt the regulations needed to implement the 2001 Decree on Legal Assistance and make sure that adequate legal assistance is provided at an early stage of legal proceedings;**
- (f) Ensure that pretrial detention is used only for serious crimes and that alternative measures are used for other crimes;**
- (g) Take all the urgent measures necessary to remove children from adult detention facilities;**
- (h) Ensure that children remain in contact with their families while in detention;**

(i) Ensure that all children deprived of liberty have access to education, health and recreational facilities;

(j) Develop a multisectoral preventive response to child delinquency, such as supporting the role of families and communities in order to help eliminate the social conditions leading children to come into contact with the criminal justice system, and take all possible measures to avoid stigmatization;

(k) Request further technical assistance in the area of juvenile justice and police training from the Interagency Panel on Juvenile Justice, which includes UNODC, UNICEF, OHCHR, and NGOs.

## **8. Ratification of international and regional human rights instruments**

78. The Committee calls upon the State party to promptly submit its periodic reports under the two Optional Protocols to the Convention. It also encourages the State party to accede to all core human rights instruments, including the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, and ensure prompt compliance, implementation and reporting requirements in order to promote and improve the overall protection of human rights.

## **9. Follow-up and dissemination**

### **Follow-up**

79. The Committee recommends that the State party take all appropriate measures to ensure that the present recommendations are fully implemented, *inter alia* by transmitting them to the members of the Council of Ministers, the National Assembly and to local authorities, when applicable, for appropriate consideration and further action.

### **Dissemination**

80. The Committee further recommends that the third and fourth periodic reports and written replies submitted by the State party and the related recommendations (concluding observations) it adopted be made widely available in the languages of the country, including (but not exclusively) through the Internet to the public at large, civil society organizations, youth groups, professional groups and children, in order to generate debate and awareness of the Convention, its implementation and monitoring.

## **10. Next report**

81. In the light of the recommendation on reporting periodicity adopted by the Committee and described in its reports CRC/C/114 and CRC/C/124, and noting that the fifth periodic report of the State party is due within two years of the consideration of its combined third and fourth reports, the Committee invites the State party to submit a consolidated fifth and sixth periodic report on 29 September 2017 (i.e. 18 months before the date established in the Convention for the submission of the sixth periodic report). This report should not exceed 120 pages (see CRC/C/118). The Committee expects the State party to report every five years thereafter, as foreseen by the Committee.

82. The Committee also invites the State party to submit an updated core document in accordance with the requirements of the common core document in the harmonized guidelines on reporting, approved by the 5th Inter-Committee meeting of the human rights treaty bodies in June 2006 (HRI/MC/2006/3).

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