



# Convention on the Rights of the Child

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Committee on the Rights of the Child

## Combined fifth and sixth reports submitted by Burkina Faso under article 44 of the Convention, due in 2017\*, \*\*

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\* The present document is being issued without formal editing.

\*\* The annexes to the present document may be accessed from the web page of the Committee.



## Introduction

1. This report covers the implementation of recommendations resulting from previous reports under the Convention on the Rights of the Child and its two Optional Protocols following guideline No. 16 of 3 March 2015.
2. It was developed in an inclusive and participatory manner, involving the following stages:
  - Establishment of a multidisciplinary editorial board and a coordinating committee
  - Pre-validation on 29 and 30 October 2018
  - Validation during a national workshop on 20 December 2018
  - Review and validation by the Interministerial Committee for Human Rights and International Humanitarian Law at its meetings on 5 March and 9 April 2019
  - Adoption by the Council of Ministers at its meeting on 11 October 2019
3. It addresses 11 main points, each of which includes recommendations, shown in italics, and points from the guidelines to which answers are given.

### **I. General measures of implementation (Convention, arts. 4, 42 and 44 (6))**

#### **Expedite the process of drafting and adopting the Child Protection Code**

4. The Child Protection Code is being drawn up. The Criminal Code, Act No. 025-2018/AN of 31 May 2018, and the Code of Criminal Procedure, Act No. 040-2019/AN of 29 May 2019, include aspects related to child protection to a sufficient degree.

#### **Promoting awareness and implementation of legislation, particularly among communities that continue to apply customary law**

5. Article 513-2 of the Criminal Code, as well as articles 8 and 49 of Act No. 061-2015/CNT on the prevention and repression of, and reparation for, violence against women and girls and the care of victims, repressing abduction and forced marriages, have been widely disseminated to communities, especially those in regions with a high prevalence of harmful social practices.

6. Female genital mutilation is punishable under articles 513-7 ff.

7. A combination of enforcement and awareness-raising has made it possible to prosecute the perpetrators in proven cases of harmful social practices. In 2016, around 12 per cent of villages had announced publicly that they had renounced female genital mutilation and had begun reporting cases.

#### **Allocate human and financial resources to the coordination mechanism**

8. The National Council for Children is the main body for coordinating action to protect children's rights. The human and financial resources of its permanent secretariat increased between 2009 and 2018. See tables 1 and 2 in the annex.

#### **Implement the Framework of Strategic Guidelines for Children's Promotion 2008-2017**

9. The Framework came to an end in December 2017. Its achievements include:
  - Strengthening information and public awareness-raising campaigns on children's rights and duties
  - Increasing the capacity of the special education centres

- Expanding prevention and control in combating violence against children, child marriage, female genital mutilation, etc.
- Improving legal and social care for children in conflict with the law
- Improving children's access to basic social services

10. In 2018, the Government drew up the National Child Protection Strategy. Its aim is to strengthen the national child protection system through actions and preventive measures related to care for and rehabilitation of as many child victims of all forms of violence or children at risk as possible.

**Apply the Paris Principles to the structure and mandate of the National Human Rights Commission, and allocate financial and human resources to it**

11. The Commission was established pursuant to Act No. 001-2016/AN of 24 March 2016. The commissioners were installed in 2018, and measures are being taken to ensure that the institution is able to work. It is responsible for receiving and investigating all individual or collective complaints containing allegations of human rights violations.

**Increase the proportion of the budget allocated to implementing children's rights**

12. The State allocates resources to the ministries and structures responsible for implementing the Convention and its Protocols. See annex, graph 1.

**Monitor the allocation and use of resources earmarked for children in the national budget**

13. The implementation of the gender- and child-rights-sensitive budgeting strategy and the financial programming of the three-year action plan under the National Child Protection Strategy will make it possible to monitor the allocation and use of resources earmarked for children in the national budget.

**Ensuring transparent and participatory budgeting**

14. There is no mechanism for involving children directly in the preparation of the national budget. However, since 2015, the country has complied with the West African Economic and Monetary Union community directives on programme budget preparation and implementation, the principles of which are based on the involvement and accountability of actors at all levels of the administration, a culture of accountability and the quality of public spending.

**Ensure that local authorities are accountable for their actions**

15. The General Code for Local Authorities requires council presidents to report regularly to the public. To this end, it provides a communal consultation framework and a forum for community dialogue and questions.

**Establish and secure strategic budget lines for disadvantaged children**

16. There is no specific budget line for these disadvantaged and vulnerable groups. However, since 2017, 375 staff members from 24 ministries have been trained in gender-responsive budgeting and children's rights. In January 2018, training in planning on the topic was provided for 10 ministries. Six ministries are currently piloting the project, with a further 11 to follow in 2020.

**Combat corruption and misappropriation of resources intended for children**

17. The adoption of Act No. 082-2015/CNT of 24 November 2015 adds combating corruption to the tasks of the Higher State Supervisory Authority. The relevant civil society organizations include the National Anti-Corruption Network. These structures carry out investigations and produce annual reports on dysfunction, embezzlement and any other form of mismanagement of public resources. The reports are published and some offenders are penalized.

**Seek assistance from international organizations, notably the United Nations Children’s Fund, in implementing the recommendations.**

18. The organizations of the United Nations system provide technical and financial support to the Government through the development and implementation of strategic plans, put into operation through annual work plans. Between 2015 and 2019, the United Nations Children’s Fund (UNICEF) mobilized \$28,791,778 for child protection activities.

**Strengthen the statistical system**

19. Various types of action have been taken:

- The research and planning departments under each of the Ministries have been changed to General Departments for Research and Sectoral Statistics, enabling the regular production of administrative statistics<sup>1</sup>
- The establishment of a children’s register in the social services, enabling the regular production of statistical yearbooks and dashboards
- The integration of the Washington Group questions into the general population and housing census tools, which improves data collection for specific groups
- The validation in 2018 of a matrix of indicators indexed to the Convention and its Protocols, with disaggregated indicators that will make it possible to collect, process and centralize data relating to childhood

**Disseminate the Convention in local languages**

20. The simplified guide to the Convention has been translated into seven national languages, and 28,017 copies of it were distributed in the 13 regions of the country. Radio and television programmes are also produced regularly in local languages.

**Include human rights and children’s rights in school curricula**

21. A pedagogical guide on human rights education was tested in a number of pilot primary schools in four provinces in 2013 and 2014, and the topics were integrated into the curricula. In 2016, the guide was revised to take account of the lessons learned from the test phase and the topics linked to civic responsibility and citizenship. As part of teacher training, a human rights module has been incorporated into the curricula of the École Normale Supérieure at the University of Koudougou. The same module is also taught in the national primary teacher training colleges.

**Strengthen training for professional groups working for and with children**

22. A training module on the rights and duties of the child is taught in vocational colleges for social workers, legal professionals, court clerks, human rights staff, police officers, gendarmes, primary and post-primary school teachers and health workers.

23. Technical support from United Nations specialized agencies and international non-governmental organizations enabled the development in 2017 of initial and specialized training kits on children’s rights and child-friendly practices. The kits are integrated into the training curricula for social workers, legal professionals, police officers and prison guards. In addition, four operating procedures have been drawn up, clarifying the roles of the different actors in the care system for children in contact with the law, to be able to respond adequately and diligently to their needs and foster their social reintegration. A total of 4,182 professional staff have been trained, 10 per cent of them women.

24. Between 2017 and 2018, several groups were trained on the protection of women and children in time of armed conflict. They include 134 members of the defence and security forces: 50 military personnel, 28 gendarmes, 19 police officers, 16 prison guards and 21 instructors. In addition, 90 members of civil society organizations were trained in the protection of women, children and detainees in the event of armed conflict and other

<sup>1</sup> Decree No. 2013- 404/PRES/PM/SGG-CM of 23 May 2013.

situations of internal disturbances or tensions. Furthermore, a training manual has been put together for the defence and security forces on child protection in the event of armed conflict and other situations of internal disturbances or tensions, with 500 copies produced.

#### **Regularly assess the impact of awareness-raising activities**

25. After the 2008 survey on knowledge, attitudes and practices on children's rights, another survey was carried out in 2014, by which time the public's level of knowledge had risen from 59.3 per cent to 62.6 per cent for adults and from 37 per cent to 49.2 per cent for children.

#### **Compile a directory of all national actors working on children's rights**

26. In 2018, there were 980 non-governmental organizations and associations working on the protection of the rights of children, women and persons with disabilities.<sup>2</sup>

#### **Involve communities and civil society organizations in implementing the Convention**

27. At the initiative of the Child Protection Working Group, a child protection network approach was developed to provide a holistic response to the needs of child victims. There are now 45 child protection networks, each made up of State services, community representatives and civil society organizations. Regular consultative meetings, awareness-raising and training activities are held with these actors.

## **II. Definition of a child (art. 1)**

#### **Set the minimum age for marriage for girls and boys at 18 years and penalize early and forced marriage**

28. The trend towards setting the same minimum age for marriage continues with the process of revising the Code of the Individual and the Family.

29. Article 531-4 of the Criminal Code states: "Anyone who forces a person to marry is liable to a prison sentence of between 6 months and 2 years. The penalty is 1 to 3 years' imprisonment if the victim is a minor. The maximum penalty is incurred if the victim is under the age of 13 years. Anyone who contracts or promotes a marriage under such conditions is considered an accomplice."

## **III. General principles (arts. 2, 3, 6 and 12)**

### **A. Non-discrimination (art. 2)**

#### **Review, monitor and ensure implementation of legislation guaranteeing this principle and adopt a proactive and comprehensive strategy to eliminate discrimination.**

30. Articles 9–15 of Act No. 012-2010/AN of 1 April 2010 on the protection and promotion of the rights of persons with disabilities guarantee priority enrolment for all children with disabilities in the preschool, primary, post-primary, secondary and university educational establishments closest to their homes. Teaching units must be created to accommodate those children who are unable to attend school full-time. Children with disabilities also benefit from an extension of the statutory age limit for taking examinations, as well as extra time and special arrangements depending on the nature of their disability and the test concerned. Articles 6–8 of the Act guarantee free or reduced-cost care in public healthcare facilities for anyone holding a disability or indigence (financial hardship) card.

<sup>2</sup> Directory, Ministry for Human Rights and Civic Responsibility, General Directorate for Cooperation, Permanent Secretariat for Non-Governmental Organizations, Permanent Secretariat/National Council for Children.

Article 17 of the Act requires public and private transport companies to give priority seating to any disabled person.

31. At the administrative level, a number of actions have been taken to reduce social inequalities and promote national solidarity. For example:

- The “social safety nets” project has been implemented for vulnerable households in rural areas
- Integrated care has continued to be provided for orphans and other vulnerable children
- Street children are removed, rehabilitated and reintegrated

32. With a view to reducing gender-based social inequalities, the Government has implemented the National Gender Policy 2009–2018 and the National Strategy for the Protection of Girls 2017–2026, and it continues to commemorate Women’s Day (8 March), Girls’ Day (11 October), Rural Women’s Day (15 October) and Fight Against Poverty Day (17 October).

33. The outcomes of implementing the National Gender Policy are discussed in greater detail in paragraphs 116 and 117.

## **B. Best interests of the child (art. 3)**

### **Apply the principle of the best interests of the child**

34. Current laws and regulations take into account the principle of the best interests of the child. These include:

- Protection of inheritance rights and child custody in divorce proceedings
- Use of imprisonment as a measure of last resort, provision of special premises for police custody, abolition of the death penalty, introduction of penal mediation, requirement for the presence of a lawyer from the time that a preliminary investigation is undertaken
- Criminalization of female genital mutilation, the sale of children, and marriage, prostitution and pornography involving children
- Imprisonment separate from adults

## **C. The right to life, survival and development (art. 6)**

35. In addition to legislation recognizing this right, other measures are being taken:

- Abolition of the death penalty
- Free healthcare for pregnant women and children under 5
- Free family planning care and services

### **Decrease the number of child victims of road accidents**

36. Since 2013, the Government has recruited and trained 6,000 volunteer safety assistants to regulate traffic at major road intersections and school entrances, secure accident zones and provide first aid. A handbook on road safety education for schools has also been developed and introduced into primary school curricula, to introduce children to the Highway Code.

## **D. Respect for the views of the child (art. 12)**

### **Apply the right of every child to be heard in his or her environment**

37. Act No. 013-2007/AN of 30 July 2007, on education policy, and Act No. 015-2014 reinforce children’s right to express their opinion in all decision-making concerning them.

Student representatives sit on all school bodies. School governments and clubs have also been set up.

**Incorporate this right into all laws, policies and programmes relating to children**

38. Article 4 of Act No. 015-2014 guarantees children the right to express their opinions and to be heard in all judicial and administrative proceedings concerning them.

**Take into account the views presented by the Children’s Parliament in policymaking**

39. The Children’s Parliament participates as a statutory member in all consultations at local and national levels. It takes part in discussions on policies and programmes relating to children’s rights. As part of the process of drawing up the National Child Protection Strategy, focus groups were organized with children to take their point of view into account.

**Develop the Children’s Parliament as an independent and democratic body and establish children’s parliaments at regional and local levels**

40. The aim of attaching the Children’s Parliament to the Permanent Secretariat of the National Council for Children in 2016 was to further develop it as an autonomous structure. Regional and provincial offices were created in 1997 and renewed in 2002 for a three-year term. The last renewal of these bodies took place in 2018.

**Provide children with adequate responses to their proposals**

41. At sessions held since 2009, the Children’s Parliament has made recommendations to the Government and monitored their implementation.

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

42. See paragraphs 37–39.

## **IV. Civil rights and freedoms (arts. 7, 8 and 13–17)**

### **A. Birth registration, name and nationality (art. 7)**

**Establish a national system of free birth registration that is sustainable and accessible**

43. Birth registration is free. In 2011, a Directorate General for Modernization of the Population Register was created, with administrative responsibility for organization of the system, monitoring and training of registration officers.

44. The National Population Register Strategy 2012–2022 is being implemented with the aim of improving the coverage rate of civil registry offices from 20 per cent to at least 90 per cent and reducing the average theoretical distance to a civil registry centre from 55 km to 2 km by 2025.

45. As a result, 1,847 secondary civil registry offices were operational by the end of 2017. See annex, table 3.

46. A total of 741,830 births were registered in public and private health facilities in 2017.

47. In 2016, the Government acquired data processing software called “CITOYEN” to enable the interconnection of all the country’s provinces and the digitization and centralization of civil status records.

### **B. Preservation of identity (art. 8)**

48. Preservation of identity is guaranteed through the provision of the Individuals and Family Code concerning attribution and change of name. It is ensured through registration in the civil register and the drawing-up of a birth certificate for the child or a judgment

establishing her or his date of birth. In addition, rules governing attribution and change of name are set forth in article 33 of the Code. Changes of name are governed by a procedure enabling the Public Prosecutor's Office to exercise supervision by conducting inquiries and making submissions. Changes may be authorized only by means of a judgment handed down by the court of major jurisdiction in the child's place of birth.

#### **Issue birth certificates to refugee children**

49. The establishment of health posts in secondary civil registry centres has made it possible to issue birth certificates to refugee children more quickly. A total of 80,448 birth certificates have been issued, including 79,489 for schoolchildren. In 2016, 66 per cent of children born in Burkina Faso had a birth certificate. Awareness-raising activities and mobile courts are organized to register children within the legal time frame. These actions enabled 2,177 Malian refugee children to attend school in 2018. See annex, table 4.

### **C. Freedom of expression and the right to seek, receive and impart information (art. 13)**

50. In addition to the points made in section 3.4 on the principle of respect for the views of children, 2.3 per cent of primary schools and 11.7 per cent of post-primary schools have libraries, while 77.3 per cent and 62.2 per cent respectively have sports fields, and 8.7 per cent of post-primary schools have computer rooms.<sup>3</sup>

51. "Bibir Radio", a non-governmental organization (NGO) initiative in partnership with the national broadcaster (Radiodiffusion Télévision du Burkina) and approximately 10 local radio stations, produces programmes to promote children's rights, hosted by the children themselves.

### **D. Freedom of thought, conscience and religion (art. 14)**

52. Children generally follow their parents' religion until they reach the age of majority.

### **E. Freedom of association and freedom of peaceful assembly (art. 15)**

53. There are no legally-recognized associations that only have children as members. Children exercise freedom of peaceful assembly in schools, districts and villages, where informal groups are found.

### **F. Protection of privacy and image (art. 16)**

54. Article 5 of Act No. 015-2014 strengthens the protection of children's privacy in their family and the community, without prejudice to the regulations on the exercise of parental authority.

55. In legal proceedings, articles 511-24 and 524-9 of the Criminal Code provide for the possibility of holding proceedings in camera or exempting the victim from appearing in order to protect the identity and privacy of the victims or witnesses. Penalties are also provided for anyone who violates the privacy of others (arts. 711-12 ff.).

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<sup>3</sup> Directorate General for Research and Statistics/Ministry of Education: Post-primary Statistical Yearbook, 2017.

## **G. Access to information and protection from material injurious to the child's well-being (art. 17)**

### **Provide children with access to appropriate information**

56. In 2019, the directory of the High Council for Communication listed 168 radio stations, including religious stations and stations run by associations or communities, and 30 television stations, of which 16 are operational. In the production schedules of these radio and television stations, local languages are now used more frequently for broadcasting programmes in general, and cultural, artistic and entertainment programmes for children in particular.

57. In the same vein, the following measures have been adopted:

- Act No. 012-2013/AN of 7 May 2013, regulating imports and exports
- Decision No. 2014-0008/CSC/CAB/SG on the protection of minors from television programmes that could be harmful to their development
- Censorship of programmes and commercials harmful to children

58. Regulations governing online and print media, advertising, and radio and television broadcasting protect children from dangerous publications and broadcasts.<sup>4</sup> For example, the report of the High Council for Communication (2015) mentions seven instances between 2009 and 2015 in which persons responsible for broadcasting images or messages inappropriate for children were questioned and one case of a formal notice being issued against the media concerned.

59. Since 2014, the Data Protection Commission has set up a digital education programme for secondary school students and associates.

60. The transmission of information in sign language during major events and on television news enables deaf-mute children with knowledge of sign language to access information.

## **V. Violence against children (arts. 19, 24 (3), 28 (2), 34, 37 (a) and 39)**

### **A. Abuse and neglect (art. 19)**

#### **Adopt specific legislation and develop appropriate guidelines to protect children from information and material injurious to their well-being**

61. See paragraphs 56–60.

#### **Assess the scope, nature and causes of child abuse and neglect with a view to adopting a comprehensive strategy**

62. In 2018, it was reported in the National Study on Violence Against Children that 15.6 per cent of children between 12 and 17 years of age had been victims of physical violence. The family environment is where most violence occurs (86.6 per cent of cases in 2008 compared to 65.7 per cent in 2018), followed by schools (53.8 per cent compared to 21.9 per cent) and the streets (33.4 per cent compared to 8.4 per cent). There were significant links between such violence and the child's age, level of education, ethnicity and marital status. The Study reveals prevalence rates of 2.4 per cent for child marriage, 18 per cent for female genital mutilation, 25.7 per cent for emotional violence, 15.6 per cent for physical violence and 3.1 per cent for sexual violence.

<sup>4</sup> Articles 27–29 of Act No. 057-2015/CNT of 4 September 2015 on the rules governing the written press in Burkina Faso; articles 21–23 of Act No. 058-2015/CNT of 4 September 2015 on the rules governing the digital media in Burkina Faso; article 143 of Act No. 080-2015/CNT of 23 November 2015 on the regulation of advertising in Burkina Faso.

63. In view of the persistence of these phenomena, the National Child Protection Strategy was drawn up with the following aim: “By 2024, Burkina Faso will have a stronger institutional, community and family environment to ensure effective child protection”.

**Adopt a rights-based legal framework that addresses child abuse and neglect and domestic violence**

64. The legal framework for child protection has been strengthened with the adoption of new laws:

- Act No. 015-2014
- Act No. 011-2014
- Act No. 061-2015

**Ensure that there is an effective system accessible to children to receive their complaints**

65. In addition to the National Human Rights Commission, which is empowered to receive individual and group complaints, the State has set up:

- a toll-free number, 116, to report cases of child abuse and hear children’s concerns
- Children’s judges in the seven courts
- a toll-free number, 1010, for reporting any case of insecurity
- Three regional child protection units, in Ouagadougou, Bobo-Dioulasso and Banfora
- Child protection networks in the 45 provinces
- Toll-free numbers for the emergency police force, 17, and for the gendarmerie, 16
- Health and social services, which register and provide care for child victims of sexual abuse

**Promptly investigate cases of abuse and neglect and apply sanctions against perpetrators**

66. See paragraphs 94–96.

**Prevent and combat child abuse and neglect**

67. See paragraphs 98–101.

**Ensure psychological and legal support for child victims of abuse or neglect**

68. Psychologists and lawyers are members of the child protection networks. Psychologists are also among the care staff of all the country’s special education centres.

**B. Harmful practices (art. 24 (3))**

**Eradicate female genital mutilation**

69. A number of television and radio broadcasts, as well as forum theatre performances, have been produced in several languages.

70. There has been an increase in law enforcement activity, with 605 patrols carried out between 2013 and 2017 by the defence and security forces, in collaboration with decentralized services and civil society organizations, to deter criminality and raise awareness.

71. To build the capacities of stakeholders, in 2016, six training sessions were organized for 335 teachers and researchers looking at the integration/extension of modules on female genital mutilation in education.

72. A toll-free number has been set up to enable people to report cases of female genital mutilation anonymously and free of charge.

73. Regarding coordination, three action plans to promote the elimination of female genital mutilation have been implemented since 2009, the most recent of which covers the period 2016–2020. These efforts are being continued, with the commitment of the country’s highest authorities and the holding of a high-level meeting in Ouagadougou in October 2018.

74. The rate among children aged 0 to 14 years fell from 23 per cent in 2005 to 11.3 per cent in 2015. Over the same period, the rate of excision among women of childbearing age fell from 75.8 per cent to 67.6 per cent. The percentage of girls between 15 and 19 years of age who had been excised fell from 57.7 per cent to 42.4 per cent.<sup>5</sup>

#### **Prosecute and punish the perpetrators of female genital mutilation**

75. Articles 513-7 and 513-9 of the Criminal Code provide for a fine of 250,000 to 3,000,000 CFA francs (CFAF) and a prison sentence of 1 to 10 years for those committing or complicit in acts of female genital mutilation. The maximum penalty is handed down in the case of medical and paramedical staff (art. 512-8). A total of 158 judgments have been issued, including 569 convictions between 2009 and 2018. See annex, table 5.

#### **Reinforce cooperation with neighbouring countries in the region to combat female genital mutilation**

76. In the context of efforts to combat the cross-border practice of excision, the following should be noted:

- Consultation meetings have been held with Mali and Côte d’Ivoire
- A project to further promote the elimination of excision was implemented in five border regions from 2016 to 2018

#### **Prohibit forced marriages**

77. See paragraphs 28 and 29.

78. The Government is implementing the National Strategy for the Prevention and Elimination of Child Marriage 2016–2025, with a multisectoral platform to coordinate the national effort to eradicate this practice.

#### **Raise awareness among traditional leaders of the negative impact of early and forced marriage on girls**

79. Since 2016, the actions under the National Strategy, combined with the implementation of the subproject to combat child marriage, have raised awareness among customary leaders and gained their support. Awareness-raising, training and advocacy initiatives have reached 900 traditional, religious and community leaders in seven regions. In March 2019, with the support of UNICEF, an awareness-raising campaign called “Don’t call me Mrs.” was carried out through interactive activities, the broadcasting of video clips and the participation of influencers through social networks. Another campaign, entitled “Zero child marriage”, was conducted with the collaboration of customary leaders in three regions.

#### **Provide shelters to girls who escape early and forced marriages**

80. The country has two care centres for victims of gender-based offences and 36 transit centres in decentralized government structures.

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<sup>5</sup> Permanent Secretariat of the National Council for Childhood, Annual Report on Activities, 2018.

## C. Sexual exploitation and sexual abuse (art. 34)

### Intensify efforts to tackle child prostitution and child trafficking

81. The following laws have been adopted:

- Act No. 036-2015/CNT of 26 June 2015 on the Mining Code, which prohibits child labour in artisanal mining
- See paragraph 64

82. An agreement with Côte d'Ivoire on combating cross-border child trafficking was signed on 17 October 2013.

83. A project to boost efforts to combat child trafficking on the country's northern and eastern borders (2012–2014) was implemented in nine border communes.

84. The creation of child protection networks and regional child protection units is helping to strengthen efforts to combat these practices at the national level.

### Take appropriate measures to punish those who perpetrate sexual offences against children

85. See paragraphs 64 and 81.

### Create complaints mechanisms for child victims of sexual exploitation or abuse

86. See paragraph 65.

### Implement policies and programmes for the prevention, recovery and social reintegration of child victims

87. The Government has implemented prevention and treatment strategies for child victims, including:

- The “Travel, Inform, Raise Awareness and Take Action” programme to build the capacities of tourism and security professionals to deal with the issue of sexual exploitation
- Road map for the prevention of children working on gold-panning sites and artisanal quarries, the removal of children from those sites and the rehabilitation of such children for the period 2015–2019

## D. Torture or other cruel inhuman or degrading treatment or punishment, including corporal punishment (arts. 28 (2) and 37 (a))

### Investigate, prosecute and punish any case of mistreatment committed by law enforcement personnel

88. No cases of mistreatment by law enforcement officials have been officially reported. Similarly, no studies have been carried out in this area.

### Establish an independent, child-sensitive and accessible system for receiving complaints

89. See paragraph 65.

### Establish separate facilities for children deprived of their liberty

90. Act No. 10-2017 was adopted, in line with international standards governing the protection of detainees. In addition, a programme to standardize the prison system, taking into account the separation of detainees by category, is currently underway. Of the 26 remand prisons and reformatories, 24 have quarters for minors. This system is bolstered by halfway houses for minors in Laye, Bobo Dioulasso, Fada, Gampéla, Baporé and Orodara. In October 2018, there were 199 children in conflict with the law, including 193 boys and 3 girls. Of

these, 91 (90 boys and 1 girl) were awaiting trial, 28 (25 and 3) had been formally charged and 80 (78 and 2) had been sentenced. In addition to this, 102 children (92 boys and 10 girls) were placed in specialized centres during the same period.<sup>6</sup>

#### **Ensure children's right to access legal and other appropriate assistance**

91. Article 12 of Act No. 015-2014 guarantees legal aid for any child in conflict with the law.

92. The Legal Aid Fund, established under Decree No. 2016-185/PRES/PM/MJDHPC/MINEFID of 11 April 2016, grants ex officio assistance to child victims of trafficking or children in conflict with the law, children without assistance and children whose parents are living in poverty in any proceedings concerning the child. From 2016 to 2018, 607 persons, including persons with dependent minor children and 110 children involved in legal cases (alimony, divorce or inheritance), benefited from the Fund.<sup>7</sup>

#### **Prohibit corporal punishment in children's living environments**

93. Articles 531-8 ff. of the Criminal Code penalize domestic violence.

94. Physical abuse is prohibited under Decree No. 2016-926/PRES/PM/MATDSI/MJDHPC/MINEFID/MENA of 3 October 2016 on protection of the school environment. The provisions of this Decree have been transposed into the internal regulations of schools.

#### **Implement laws and initiate legal proceedings against those responsible for mistreating children**

95. Between 2014 and 2015, 487 court decisions were handed down.

#### **Conduct a study to assess the causes, nature and extent of corporal punishment**

96. See paragraphs 62 and 63.

#### **Raise awareness of the harmful effects of corporal punishment with a view to changing the general attitude towards this practice, and promote positive and non-violent forms of child-rearing and education**

97. Awareness-raising sessions are held for traditional and religious leaders, civil society organizations and actors in the criminal justice system.

98. In 2018, the National Council for the Prevention of Violence at School set up violence prevention mechanisms called peace units in three of the country's regions. Radio programmes to raise awareness of violence in schools were broadcast in seven of the country's provinces.

99. The Government has implemented a pilot project that has led to the revision of the internal regulations of schools, training in children's rights and violence prevention for 671 teachers and 320 students, and awareness-raising activities about violence for 15,247 people, including 5,966 children, between 2014 and 2016.

100. During the same period, four communications campaigns and 228 group discussions about violence against children reached more than 126,665 people.

#### **Ensure that an educational programme is undertaken against corporal punishment**

101. See paragraphs 22–24.

#### **Take into account general comment No. 8 (2006) on the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment**

102. See paragraphs 22–24.

<sup>6</sup> Source: Directorate General of Prison Officers, Registries and Prison Statistics Division.

<sup>7</sup> Data from the Legal Aid Fund, 2019.

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

### **Prohibit all forms of violence against children**

103. Under the Criminal Code, children are protected against all forms of violence, abuse and ill-treatment in all circumstances (arts. 531-1 ff., 532-1 ff. and 533-1 ff.).

### **Strengthen national and local commitment and action**

104. The national child protection system has been strengthened by the creation of child protection networks in all provinces, the training of child protection workers on mobility, human trafficking and violence against children, the roll-out of the toll-free number 116 and the establishment of two centres to combat gender-based violence.

### **Promote non-violent values and awareness-raising**

105. In addition to the actions referred to in paragraphs 98–101, the following initiatives have been undertaken to inculcate values of civic-mindedness, peace, tolerance, peaceful cohabitation and human rights among various socio-professional and population groups:

- In 2014, the organization of a national travelling information campaign on good citizenship
- In 2014, training for members of the journalists' network on the promotion of human rights
- In 2015, the organization of 13 awareness-raising sessions for 400 local media professionals on the inclusion of human rights and civics in programme schedules
- Between 2014 and 2016, the training of 1,000 defence and security forces, opinion leaders, political parties and economic actors
- The celebration of the International Day of Peace and the International Day of Tolerance;
- In 2015, the review of the National Strategy for the Promotion of a Culture of Tolerance and Peace
- In 2015, the establishment of a national observatory for the prevention and management of community conflicts, with branches in administrative districts and villages
- In 2018, the creation of the High Council for Social Dialogue
- In 2019, the appointment of a Minister for Social Cohesion

### **Enhance the capacity of all who work with and for children**

106. See paragraphs 22–24.

### **Ensure accountability and end impunity**

107. The regulations provide for the effective application of the principle of criminal responsibility for any act constituting an offence committed against children, as indicated in paragraphs 28, 29, 75 and 103.

### **Use the recommendations of the Study as a tool for action**

108. Following the recommendations of the Study, a strategic policy framework for the promotion of children's rights was developed and implemented. The difficulties encountered when implementing this framework led to the development of the National Child Protection Strategy.

**Seek technical cooperation from specialized United Nations agencies and NGOs**

109. The Government has signed cooperation agreements with United Nations agencies. It is implementing activities to promote and protect children's rights in collaboration with NGOs and civil society organizations.

**F. Physical and psychological recovery and social reintegration of child victims (art. 39)**

**Allocate resources for the physical and psychological recovery and social reintegration of child victims**

110. There is no budget line specifically dedicated to the provision of care for children, but it is covered by budget allocations for the social sectors.

**Create a mechanism to identify asylum-seeking, refugee and migrant children**

111. Burkina Faso has an early warning mechanism. Following assessment, specialized staff may detect elements that could suggest the involvement of an asylum-seeker or refugee in armed activities. When such elements are detected, a procedure is triggered to declare refugee status.

112. In the case of an asylum application for a child involved in an armed conflict, a specific procedure is launched that takes her or his situation into account to determine individual responsibility and decide on admissibility or exclusion.

**Provide assistance to children involved in armed conflict for their physical and psychological recovery and social reintegration**

113. There have been no armed conflicts involving children in Burkina Faso.

**G. Availability of helplines for children**

**Provide a three-digit, toll-free national helpline for children**

114. Since 2011, the toll-free number 116 has been open from 7 a.m. to 10 p.m.

**VI. Family environment and alternative care (Convention, arts. 5, 9 (a), 11, 18 (1–2), 19 (a), 21, 25, 27 (4) and 39)**

**A. Family environment (art. 5)**

**Ensure implementation of the National Gender Policy**

115. The following measures have been taken:

- The review of Act No. 010-2009/AN of 16 April 2009 on the setting of quotas for legislative and municipal elections, which provides for alternating positioning of candidates for legislative and municipal elections on a two-thirds basis
- Equitable representation of women and men in the composition of the National Human Rights Commission and gender parity in the composition of the bureau;
- The establishment of a quota for women in the composition of the High Council for Reconciliation and National Unity
- The development and implementation of programmes for the economic empowerment of women
- The appointment of women to political and administrative decision-making positions

116. Regarding children, in 2012, the Government adopted the National Strategy for the Acceleration of Girls' Education 2012–2021, aimed at establishing equity and equality in

schooling between girls and boys and promoting inclusive education. Its implementation has helped to reduce disparities between girls and boys, resulting in a parity index of 0.96 in 2018 at the primary level and 1.12 at the post-primary level.

#### **Strengthen the National Policy on Education for Family Life**

117. The adoption of the National Parental Education Programme 2016–2020 is aimed at strengthening basic scientific knowledge in the following areas: child development; health; food and nutrition; water, hygiene and sanitation; sustainable environmental management; early learning, care and education; and protection.

118. In 2018, the Programme was revised to become the National Social Education Strategy through targeted educational programmes for parents and children on their roles and responsibilities in the areas of family, education and child protection.

#### **Discourage polygamy**

119. Under article 232 of the Individuals and Family Code, monogamy is enshrined as the common law form of marriage. However, polygamy is a permitted alternative.

#### **Take all necessary measures to combat domestic violence**

120. See paragraphs 93 and 103.

### **B. Parental responsibilities (art. 18)**

121. Under article 293 of the Individuals and Family Code, spouses are required to take moral and material responsibility for the household. This obligation covers all expenses relating to a child's maintenance (Individuals and Family Code, art. 682).

122. The implementation of the National Parental Education Programme and the National Social Education Strategy provides essential services through targeted educational programmes for parents and children on their roles and responsibilities in the family, education, and child protection and supervision.

123. As at 31 December 2018, there were 83 crèches, 23 nurseries, 1,049 early-learning and preschool education centres, including 154 public, 737 private and 158 community centres, as options for childcare.<sup>8</sup>

### **C. Separation from parents (art. 9)**

124. Foster care and institutional placement are used for children separated from their families. There are 259 foster homes with 2,045 children in care, and 75 reception centres for children in need, which house 3,041 children. The opening of the Fada centre in 2016 added to the capacity of the existing Gampéla and Orodora centres. Each of these specialized centres takes in on average 120 children per year.

### **D. Family reunification (art. 10)**

125. Conditions of entry and stay in Burkina Faso are governed by Ordinance No. 84-49 of 4 August 1984. Family reunification cases are referred to the relevant Burkina Faso embassy for investigation or are dealt with through intermediation between the Ministry of Security and Burkina Faso diplomatic missions abroad.

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<sup>8</sup> Preschool Education Statistical Yearbook, 2015–2016.

## **E. Recovery of maintenance for the child (art. 27 (4))**

126. Articles 690 and 691 of the Individuals and Family Code refer to maintenance obligations, which take the form of child maintenance payments when one of the parents refuses to assume his or her responsibilities.

## **F. Children deprived of a family environment (art. 20)**

### **Develop an alternative care strategy and monitoring systems**

127. See paragraph 124.

## **G. Periodic review of placement (art. 25)**

### **Adopt and implement the legal regulatory framework for the opening, functioning and supervision of institutions caring for children**

128. The establishment, opening and supervision of reception centres for children in need and foster homes are governed by:

- Decree No. 2010-617/PRES/MASSN/MJ/MEF of 12 October 2010 on conditions for the placement and monitoring of children in facilities and foster homes
- Order No. 2013-022/MASSN/SG/DGEPEA/DPA of 23 April 2013 on the terms of reference applicable to the founders of reception centres for children in need
- Joint Order No. 2013-037/MASSN/MJ/MEF of 19 July 2013 on the implementation of Decree No. 2010-617/PRES/MASSN/MJ/MEF of 12 October 2010 on conditions for the placement and monitoring of children in facilities and foster homes

129. The ministry responsible for children's affairs conducts follow-up and supervision visits.

### **Promote foster care**

130. The number of foster homes increased from 17 in 2009 to 274 in 2018.

### **Provide training for staff of alternative care institutions**

131. Training in the care of children placed in institutions has been provided to 291 staff members, in all reception centres.

## **H. Domestic and intercountry adoption (art. 21)**

### **End the practice of *confiage***

132. As at 31 December 2018, there were more than 60 accommodation centres for schoolgirls. Thanks to the “girl-friendly schools” approach, implemented with the support of UNICEF, it has been possible to improve these centres and promote residential schools for girls, while girls have been provided with bicycles so that they can stay in their families while attending school.

### **Promote domestic adoptions**

133. The central authority responsible for adoption issues and for civil aspects of international child abduction was established by Decree No. 2010-618/PRES/MASSN/MJ/MEF of 12 October 2010.

134. In 2014, a campaign was conducted to promote domestic adoption, which included forum theatre productions, lectures and advertising. There were 345 registered domestic adoptions in the country between 2009 and 2018.<sup>9</sup>

## **I. Illicit transfer and non-return (art. 11)**

135. See paragraph 125.

## **J. Protection of children with incarcerated parents and children living in prison with their mothers**

136. Act No. 10-2017 provides for a flexible prison regime for pregnant women, mothers of young children and women accompanied by their children.

## **VII. Disability, basic health and welfare (arts. 6, 18 (3), 23, 24, 26, 27 (1)–(3) and 33)**

### **A. Survival and development (art. 6 (2))**

#### **Assess the nature and causes of disabilities**

137. The 2013 general census of children with disabilities revealed mobility problems to be the most widespread impairment, experienced by 20,646 children with disabilities out of 79,617 surveyed. The next most common impairments were visual (8,850 children), hearing (8,586) and hearing and language (deaf-mute persons) (7,760). These disabilities are mainly congenital, pathological or accident-related. See annex, graph 2.

#### **Use data in the development of policies and programmes for children with disabilities**

138. The National Strategy for the Protection and Advancement of Persons with Disabilities was drawn up in 2012 on the basis of the results of the 2006 general population and housing census and a 2008 multisectoral study on the situation of persons with disabilities.

#### **Review the situation of children with disabilities in terms of their access to suitable healthcare, education services and employment opportunities**

139. Act No. 012-2010 provides for the integration into public health policy of prevention, screening and treatment of disabilities in children of all ages. Under the Act, persons with disabilities can obtain disability cards and/or certificates of financial hardship.

140. Specific actions taken include:

- Organizing campaigns to provide reconstructive surgery and psychosocial support for persons with disabilities
- Providing referral facilities with vehicles for the transport of persons with disabilities
- Technical and material capacity-building of orthopaedic fitting centres
- Establishment of a training pathway for physiotherapists
- Introduction of a disease early warning programme.

141. In terms of education, article 9 of Act No. 012-2010 guarantees inclusive education at the preschool, primary, post-primary, secondary and university levels. Accordingly, the following measures have been taken:

<sup>9</sup> Ministry of Women's Affairs, National Solidarity, the Family and Humanitarian Action, 2018 statistical yearbook.

- Enrolment in school of 39,628 children with disabilities at the primary level and 8,920 at the post-primary and secondary levels in 2018
- School fees and the cost of school materials were covered for 5,637 children with disabilities
- Awareness-raising of inclusive education among 519 trainee teachers and 766 members of traditional and religious authorities, parent-teacher and school mothers' associations, school management committees and local authorities
- Provision by the Ministry of Education and Literacy of material and financial support and human resources to educational establishments responsible for children with disabilities and/or vulnerable children
- Commencement of 32 inclusive education transition classes for students with sensory disabilities in some State and private schools
- Provision of teachers to private special education establishments
- Provision of financial support for private establishments responsible for children with special needs
- Allocation of specific equipment and mobility equipment for children with disabilities
- Ongoing deliberations with a view to taking account of the needs of children with disabilities in the set of school supplies paid for by the State
- Dissemination of texts on inclusive education
- Consideration of students with disabilities in the award of prizes for excellence
- Consideration of inclusive education in the review of curricula
- Training of 8,000 teachers and school counsellors in the educational psychology of children with disabilities
- Training in inclusive education for a network of 74 journalists.

142. Building specifications for new schools and universities require such establishments to be provided with reasonable accommodations. Access ramps have been installed in 4,884 schools and handrails in 2,225 primary schools; 786 secondary schools have specific arrangements for children with disabilities. See annex, table 6.

143. Regarding access to employment, article 15 of Act No. 012-2010 provides that persons with disabilities who are called upon to sit university and school tests and competitive examinations must be given extra time and special equipment, in accordance with the nature of their disability and the examination.

**Allocate resources to strengthen services for children with disabilities, support their families and train professionals in the field**

144. The Disability and Social Inclusion Project 2017–2019, implemented at an overall cost of CFAF 1,193,665,675, allowed for the training of specialized personnel and support for the economic initiatives of persons with disabilities and their families.

**Strengthen policies and programmes of inclusion in regular education, train teachers and make schools accessible to children with disabilities**

145. To strengthen the inclusion of children with disabilities in the mainstream education system, a directorate in charge of promoting inclusive education was established in 2016 and a national strategy for the development of inclusive education was adopted in 2018.

146. In this context, 1,435 primary school teachers, 127 trainers at the National School for Primary Education Teachers, 1,345 school counsellors, 106 post-primary and secondary education teachers and 14 principals were trained in 2018.

147. In 2010, an inclusive education module was included in the training curricula of the National School for Primary Education Teachers and the National Institute for Training in Social Work.

### **Sensitize the population to the rights of children with disabilities**

148. The National Strategy for the Protection and Advancement of Persons with Disabilities and its action plan give priority to raising awareness of the rights of persons with disabilities. The following measures have been taken:

- Awareness-raising of inclusive education among 519 trainee teachers and 766 members of traditional and religious authorities, parent-teacher and school mothers' associations, school management committees and local authorities
- Advocacy efforts aimed at 600 non-State actors and local authorities
- Production and dissemination of legal compendiums
- The organization in 2018 of a national forum of persons with disabilities with direct dialogue between persons with disabilities and the President of Burkina Faso in the presence of traditional and religious leaders.

### **Seek assistance from UNICEF and the World Health Organization**

149. All protection programmes targeting children receive technical and/or financial support from the World Health Organization (WHO) and UNICEF.

### **Take into account the Committee's general comment No. 9 (2006)**

150. See paragraph 138.

## **B. Health and health services (art. 24)**

151. The revision of the National Health Policy in 2016 and the adoption of a child survival plan for 2015–2020 have led to a reduction in morbidity and mortality, an increase in life expectancy at birth and an improvement in the population's well-being.

### **Ensure the provision of medical assistance and health-care access to all children**

152. Since 2016, the health sector has seen the construction of 149 new health and social welfare centres and the creation of 15 new health districts, reducing the average theoretical radius of action from 6.8 km in 2015 to 6.4 km in 2018.

153. Decree No. 2016-311/PRES/PM/MS/MATDSI/MINEFID of 29 April 2016 introduced free healthcare for pregnant women and children under the age of 5 years.

154. Between 2016 and 2018, 2,507 doctors, pharmacists, nurses and midwives were recruited, bringing the total number of health workers in these categories to 13,249, with the following ratios:

- The doctor/population ratio fell from 1 doctor to 15,518 inhabitants in 2015 to 1 to 12,732 in 2018, as compared with the WHO standard of 1 to 10,000
- The pharmacist/population ratio went from 1 pharmacist to 71,514 inhabitants in 2015 to 1 to 71,282 in 2018
- The midwife/population ratio, which was 1 to 7,743 in 2015, dropped to 1 to 5,559 in 2018, compared with the WHO standard of 1 to 5,000
- The number of inhabitants per State-licensed nurse fell from 4,243 in 2015 to 3,600 in 2018, compared with the WHO standard of one nurse per 3,000 inhabitants
- The nurse/population ratio dropped from 1 to 2,669 in 2015 to 1 to 2,621 in 2019
- The percentage of health and social welfare centres meeting the minimum staffing requirement went from 94.3 per cent in 2015 to 93 per cent in 2018.

155. Access to healthcare services has been strengthened by the following measures:

- The organization since 2012 of a seasonal malaria chemoprevention campaign
- Free distribution of insecticide-treated mosquito nets since 2009

- Recruitment of 16,000 community-based health workers
- Strengthening of public health facilities' material capacities and cold chain
- Free family planning.

## C. Physical and mental health and well-being of children

### Reduce infant and child mortality

156. The community dimension of integrated management of childhood illness has made it possible to scale up the treatment of diarrhoea, malaria, pneumonia and tuberculosis. The proportion of children covered by integrated management of childhood illness rose from 32.88 per cent in 2012 to 58.5 per cent in 2017. See annex, graph 3.

157. In 2018, the country achieved the following vaccine coverage: DPT-Hep-Hib3 vaccine, 100 per cent; measles and rubella (two doses), 90 per cent; and meningitis A, 85 per cent. The inactivated polio vaccine has recently been introduced in the Expanded Programme on Immunization.

158. To improve the nutritional status of the population, nutritional inputs were made available in health facilities in 2018. These facilities treated 126,382 cases of moderate acute malnutrition and 91,825 cases of severe acute malnutrition, including 80,541 outpatient cases and 11,286 cases with complications, with a case fatality rate of 1.7 percent, which was below the WHO target of 3 per cent.

159. The following main measures led to reductions in malnutrition cases:

- The implementation of the 2011 national nutrition policy and its 2014 revised version
- The allocation since 2014 of a specific budget line for the purchase of nutritional inputs
- The introduction of an integrated care protocol for acute malnutrition
- The biannual organization of “vitamin A days” and the establishment of a programme for the fortification of staple foods (salt, oil)
- The annual organization of events to mark breastfeeding day.

160. The infant and young child feeding plan for 2013–2025 promoted the 10 steps to successful breastfeeding with a view to increasing the exclusive breastfeeding rate in children under 6 months of age from 38 per cent in 2012 to at least 80 per cent in 2025.

161. In 2016, 47.8 per cent of children were exclusively breastfed. At the national level, 91.0 per cent of children received colostrum at birth and 84.4 per cent were breastfed until they reached 1 year of age. Meanwhile, 75.1 per cent of children aged 6 to 8 months benefited from complementary feeding.

162. Implementation of the 2006–2010 and 2011–2015 strategic plans to combat malaria reduced the fatality rate associated with severe malaria among children under 5 from 3.1 per cent in 2011 to 1.4 per cent in 2015.

163. The strategic plan to combat malaria 2016–2020 was adopted in the light of the new WHO guidance for eliminating malaria by 2030. The proportion of children covered by the integrated management of childhood illness rose from 32.88 per cent in 2012 to 58.5 per cent in 2017. See annex, table 7.

164. The community dimension of integrated management of childhood illness has made it possible to scale up the treatment of diarrhoea, malaria, pneumonia and tuberculosis.

165. Between 2010 and 2017, the child mortality rate fell from 66 to 51 deaths per 1,000 live births. The neonatal mortality rate fell from 31 to 25 over the same period. The infant and child mortality rate fell from 116 in 2010 to 81 in 2017.

### **Tobacco control**

166. This matter is discussed in detail under section 7.5.

### **Prevent post-partum bleeding and other major causes of maternal death**

167. A programme for the period 2009–2013 was developed to accompany the African Union road map. A State subsidy for emergency obstetric and neonatal care was granted in this framework.

168. The following measures have been taken to reduce maternal death due to bleeding:

- Use of the partogram to monitor delivery and the immediate postnatal period
- Administration of iron and folic acid during pregnancy
- Use of preparation cards for childbirth and obstetric and neonatal emergencies
- Teaching of danger signs to women and their companions at antenatal consultations
- Training of service providers in basic and comprehensive emergency obstetric and neonatal care
- Fitting out of facilities with medical equipment
- Maternal death surveillance and response conducted on a weekly basis
- Audit of maternal deaths by health facility
- Provision of free medical care, including caesarean sections, for pregnant women
- An annual survey on the availability of health products
- Provision of labile blood products by the National Blood Transfusion Centre
- Decentralization of blood transfusion centres and improvement of the blood bag preparation method, allowing three components to be obtained from a single bag
- An increase in the percentage of births assisted by qualified personnel, from 80.5 per cent in 2013 to 83.9 per cent in 2017, and in the percentage of women attended at least four times during pregnancy, from 28.5 per cent to 38 per cent over the same period.

### **Pursue immunization efforts in all health districts**

169. National immunization days for polio, tetanus, measles, yellow fever and meningitis are organized every year.

170. The immunization coverage rate among children rose from 85.5 per cent in 2009<sup>10</sup> to 97.7 per cent in 2018. Among pregnant women, it stood at 79.3 per cent in 2018.<sup>11</sup>

### **Ensure that all segments of society are informed of and have access to information on health, nutrition and exclusive breastfeeding**

171. All plans implemented by the health districts include the components of information, education and communication, and behaviour change communication.

172. Since 2016, 16,000 community-based health workers have held information and awareness-raising sessions on health, nutrition, hygiene and sanitation in all villages. In 2017, 65,726 information, communication and education or behaviour change communication sessions were organized, benefiting 300,963 people.<sup>12</sup>

173. In partnership with 263 grass-roots organizations, the Government held 237,068 information, education and communication sessions on malaria, tuberculosis and sexually transmitted infections and HIV/AIDS, reaching 3,614,705 people.<sup>13</sup>

<sup>10</sup> Multi-year plan, 2012.

<sup>11</sup> Ministry of Health, 2018 statistical yearbook.

<sup>12</sup> Ibid.

<sup>13</sup> Ibid.

## **D. Reproductive health of adolescents and healthy lifestyle**

### **Improve the availability of reproductive health services, including family planning, and promote sex education targeted at girls and boys**

174. Under the “Access to Health Services” programme adopted in 2016, free healthcare is provided for pregnant and nursing women and children aged up to 5 years. It includes free treatment for gynaecological conditions, childbirth and contraceptive methods.

175. Other steps taken include:

- The provision of integrated sexual and reproductive health services for adolescents and young people
- The establishment and fitting out of health centres for young people in several provinces
- The inclusion of sexual and reproductive health in the primary and post-primary curricula

### **Review legislation concerning abortion**

176. Articles 513 (13) and (14) of the Criminal Code authorize abortion within the first 14 weeks of pregnancy in cases where maintaining the pregnancy would endanger the mother’s health, where there is a likelihood that the child will be born with an incurable disease or impairment, and in cases of rape and incest.

### **Ensure cost-free access to antiretroviral therapy**

177. Thanks to a procurement system, all lines of antiretroviral therapy have been made available free of charge to eligible children since 2009. The protocols for the treatment of HIV-infected children were revised in 2014. Of the 78,414 persons living with HIV, 78 per cent (61,162) are undergoing antiretroviral therapy, with laboratory monitoring financed by the State and the United Nations Population Fund to the tune of CFAF 5,092,527,417. All persons living with HIV benefit from community support and nutritional rehabilitation.<sup>14</sup>

### **Expand facilities and medical training for diagnosis and treatment of HIV-infected children**

178. See paragraphs 152–155. All healthcare workers have been trained in the care of HIV-infected children.

### **Combat discrimination against infected children**

179. In application of Act No. 030-2008/AN of 2008 on Combating HIV/AIDS and Protecting the Rights of Persons Living with HIV/AIDS, awareness-raising efforts have reduced discrimination against infected and/or affected persons.

### **Prevent mother-to-child transmission of HIV and make contraceptives available**

180. The screening rate for pregnant women attending antenatal consultations rose from 56 per cent in 2010 to 84 per cent in 2017. The proportion of children born to infected mothers who had received treatment rose from 61.8 per cent in 2014 to 93 per cent in 2017.

181. The main measures taken were:

- Provision of antiretroviral drugs free of charge to all infected children
- Development of a national programme for the prevention of mother-to-child transmission for the period 2011–2015

<sup>14</sup> Report of the Permanent Secretariat of the National Council for the Fight Against HIV.

- Implementation of a plan to eliminate mother-to-child transmission of HIV, integrating maternal and child health and reproductive health.

182. The uptake of screening at the first antenatal consultation resulted in the HIV-positive rate falling from 1.05 per cent to 0.80 per cent between 2010 and 2017. The number of children born to HIV-positive mothers increased from 1,036 to 1,561 over the same period.<sup>15</sup> The number of children tested using the polymerase chain reaction (PCR) technique increased markedly from 538 in 2010 to 1,467 in 2017.

183. See paragraphs 174 and 175.

**Collect disaggregated data on the prevalence of HIV/AIDS and on HIV orphans, implement policies and programmes**

184. Between 2005 and 2018, the overall prevalence rate fell from 2.01 per cent to 0.8 per cent. In 2018, 71,000 orphans and vulnerable children were identified, 29,057 of whom were being cared for by various stakeholders.<sup>16</sup> These results have been achieved through various strategic frameworks for combating HIV/AIDS and sexually transmitted infections.

**Involve children in a programme combating HIV/AIDS**

185. Children's and youth organizations are involved in the fight against HIV/AIDS through awareness-raising and peer education activities in schools.

**Improve support for AIDS orphans**

186. In 2017, the Government provided integrated care for 40.9 per cent of the 71,000 identified orphans and vulnerable children.<sup>17</sup>

*7.5. Measures to protect children from substance abuse (art. 33)*

187. The National Committee on Illicit Drugs has reviewed the Drugs Code to take account of international concerns. A national drug control strategy is being drawn up with the aims of reducing risks, providing care for users and ensuring their social reintegration. A consortium of nine NGOs and musical artists, supported by the United Nations Office on Drugs and Crime, is running awareness campaigns in schools.

188. Act No. 040-2010/AN of 25 November 2010 on Tobacco Control regulates tobacco production, packaging, consumption and marketing and exposure to tobacco smoke.

**Raise the standard of living of the population living in poverty**

189. Social safety net programmes have been put in place to support disadvantaged groups. These have involved the subsidizing of emergency obstetric and neonatal care, the widespread introduction of school canteens, the distribution of food vouchers to poor households and the sale of food at subsidized prices.

190. The National Economic and Social Development Plan 2016–2020 was intended to improve the standard of living of the whole population. One of the objectives of the Plan's second component, entitled "Developing human capital", was social protection for all.

<sup>15</sup> Directorate of Family Health, summary of reports on implementation of the plan.

<sup>16</sup> Joint United Nations Programme on HIV/AIDS.

<sup>17</sup> Ministerial Committee for Combating HIV/AIDS/Ministry of Women's Affairs, National Solidarity, the Family and Humanitarian Action, 2017 activity report.

## **VIII. Education, leisure and cultural activities (Convention, arts. 28–31)**

### **A. Education, including vocational training and guidance (art. 28) and CRC/C/58/Rev.3**

#### **Make primary education compulsory and available free to all children**

191. Act No. 013-2007 makes education compulsory and free in public schools for all children aged 6 to 16 years.<sup>18</sup> Thanks to the construction efforts undertaken as part of the Basic Education Strategic Development Programme for 2012–2021, the number of schools increased from 7,997 in 2009 to 11,771 in 2018. One of the aims of the Education and Training Sector Plan for 2017–2030 is the construction of a variety of infrastructure facilities (see table 8).

192. The gross primary school enrolment rate rose from 77.6 per cent in 2010–2011 to 90.7 per cent in 2017–2018 (see annex, table 9).

193. Three national schools for primary school teacher training have been built, and 19,590 persons have been recruited and trained as certified assistant teachers.

#### **Ensure that the public education system receives funding by increasing the percentage of gross domestic product allocated to education**

194. The education budget rose from CFAF 104.44 billion in 2009 to CFAF 414.557 billion in 2019.

#### **Prevent violence in schools**

195. Violence in schools is prevented through:

- The creation of the National Council for the Prevention of Violence in Schools and, between 2017 and 2019, the setting up of peace groups in schools to monitor and report cases of violence
- The development of a national strategy and action plan to combat drugs, drug addiction and violence in schools
- The adoption of Decree No. 2016-926
- The gradual introduction of social services in schools

#### **Facilitate access to secondary education**

196. Under the Education and Training Sector Plan, 5,823 classrooms were constructed and 2,655 teachers were recruited to general and technical post-primary education facilities, while 631 teachers were recruited to general, technical and vocational secondary education facilities, thereby helping to increase the enrolment rate from 29.7 per cent in 2010 to 52 per cent in 2018 and the enrolment rate in secondary schools from 10.4 per cent to 17.6 per cent (see table 9).

#### **Reduce inequalities between provinces in terms of access to education and the full exercise of the right to education**

197. Particular support in classroom scheduling has been provided to 18 provinces identified as experiencing problems with supply and/or demand in post-primary, general secondary and technical vocational education and 43 priority communes experiencing such problems in primary education. School canteens have been set up in all schools, with particular emphasis on vulnerable areas.

<sup>18</sup> Summary of the reports of the Directorate of Family Health on the plan's implementation.

**Strengthen the system of vocational training institutions and ensure that children who have dropped out of school have access to it**

198. In 2017 there were 616 training centres providing non-formal education to adolescents.<sup>19</sup> Vocational training was provided to 2,749 learners, 56 per cent of whom were female (see table 10).

199. The following measures have been adopted to promote access to vocational training for children who have dropped out of school:

- A reduction in training fees at public facilities run by the National Employment Agency
- The subsidizing of training costs in certain facilities

**Improve access to early childhood development and education programmes and facilities**

200. As part of the Basic Education Strategic Development Programme, 742 early-learning and preschool education centres were built between 2012 and 2018, compared with 90 in 2010. Continuous training on specific topics was given to 4,150 professionals working at those centres. Preschool enrolment rates consequently increased from 2.98 per cent in 2011 to 4.1 per cent in 2018.

**B. The aims and quality of education (art. 29)****Take into account general comment No. 1 (2001) on the aims of education and general comment No. 7 (2020) on implementing children's rights in early childhood**

201. The aims and objectives of education are defined in Act No. 013-2007.

202. The National Strategy for Integrated Early Childhood Development considers children's rights in the areas of:

- Water, hygiene and sanitation
- Early childhood, supervision and education
- Nutrition
- Protection
- The environment
- Health

**C. Children from Indigenous or minority groups (art. 30)**

203. The country has no Indigenous or minority populations.

**D. Human rights education and civic education**

204. See paragraph 21.

**E. Rest, play, leisure, recreation and cultural and artistic activities (art. 31)**

205. Work in this area is ongoing through:

- The construction of youth centres and sports facilities

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<sup>19</sup> Directorate General for Research and Statistics/Ministry of National Education, Non-Formal Education Statistical Yearbook, 2017 campaign.

- Literary activities for readers – around 80 per cent of whom are children – including storytelling, performances, film screenings and children’s areas at major events
- Beginners’ drawing, modelling, sculpture and painting classes
- Extracurricular leisure activities

## **IX. Special protection measures (arts. 22, 30, 32–33, 35–36, 37 (b)–(d) and 38–40)**

### **A. Children in emergency situations (refugees, art. 22), returnees and internally displaced children**

206. As of 31 December 2018, 24,248 refugees, including 14,624 children, were registered in the country, most of them Malians. A total of 2,245 refugee children are enrolled in school, including 17 in preschool, 1,976 in primary school, 207 in secondary school and 33 in non-formal education.

207. As of the same date, 115,310 internally displaced persons were registered. Moreover, 1,135 schools have been closed and 154,233 pupils deprived of education, 46.6 per cent of them girls. The 2019 Emergency Plan aims to provide comprehensive assistance to persons affected at an estimated cost of \$100 million. The Ministry of National Education has also implemented a strategy to reopen schools and organize special examinations for children in the affected areas.

#### **Provide social services with sufficient human and financial resources to support effectively the psychosocial integration of returnee children**

208. On 28 December 2018, eight children aged between 14 and 17 years were returned from Côte d’Ivoire. They were cared for as part of a subregional project to assist and protect children in situations of mobility that covers Burkina Faso, Côte d’Ivoire, the Gambia, Guinea, Mali and the Niger, at a cost of CFAF 1 billion CFA.

#### **Ensure access to land for returnee families so that they can lead a full and decent life**

209. Returnee families’ access to land for the purpose of agropastoral production is addressed by a local development project in Comoé, Léraba and Kénédougou, a programme to manage the lowlands in the south-west of the country and an irrigation and small-scale water management project.

#### **Adopt the necessary measures to combat discrimination against returnee children and promote their integration**

210. Care is provided for these children on the basis of the fundamental principle of equitable access to all services.

#### **Seek assistance from the Office of the United Nations High Commissioner for Refugees, UNICEF and WHO in this regard**

211. When managing persons in emergency situations, the Government has been supported by these partners in drawing up response plans and mobilizing the resources required to implement them.

### **B. Children belonging to a minority or indigenous group (art. 30)**

212. See paragraph 203.

## C. Children in street situations

### **Ensure that these children are properly cared for and provided with vocational skills training**

213. A census carried out in the 49 urban communes aimed at informing decisions on the action to be taken identified 9,313 children and young people in street situations in December 2016.

214. As of 31 December 2018, 1,465 children and young people in street situations have been taken off the street, including 1,402 boys and 63 girls. Approximately 236 have been reunited with their families, 73 have had their school fees paid for them, 77 have been placed in vocational training and 115 in specialized education centres, 10 have received funding for income-generating activities and 954 are being cared for in the emergency reception centres in Ouagadougou.

### **Protect children from police brutality and help them reconcile with their families, and ensure that perpetrators of violence against children in street situations are prosecuted and punished**

215. Pursuant to Act No. 022-2014/AN of 27 May 2014 on the prevention and repression of torture and related practices, alleged perpetrators of brutality against children and young people in street situations are subject to disciplinary sanctions without prejudice to legal proceedings.

216. As for reconciliation with families, 500 family mediations have been carried out.

### **Ensure that the non-institutional educational action strategy (AEMO) provides all children in street situations with appropriate protection, rehabilitation and reintegration services**

217. The AEMO programme ensures the provision of care for children and young people in street situations through mechanisms developed to monitor them in their living environment and provide them with appropriate care, offer them vocational training and facilitate their return to their families.

### **Allocate additional resources to the AEMO programme**

218. The AEMO programme, which ran from January 2005 to December 2009 and cost a total of CFAF 4,146,681,250 CFA, has not been renewed. However, as an approach, it has been permanently integrated into the provision of care for children in need.

### **Ensure that the National Committee for Combating Child Begging develops a strategy to address the phenomenon**

219. This Committee no longer exists. However, the Government has set up 49 street intervention teams in the 49 urban communes. Joint outings are also organized with the defence and security forces. Between 2017 and 2018, wide-ranging measures were implemented to remove children from the street. Agreements have been signed between the Government and umbrella organizations of Qur'anic school teachers' associations to this end.

### **Bring to justice religious leaders and parents who send children to beg on the streets, as well as those who abuse these children**

220. Articles 511-9 to 511-12 of the Criminal Code provide penalties for begging. The country has intensified its efforts to raise awareness of this phenomenon among religious leaders and parents.

## **D. Children in situations of exploitation, including measures for their physical and psychological recovery and social reintegration**

### **Economic exploitation, including child labour (art. 32)**

#### **Adopt the action plan**

221. The 2011–2015 national action plan to combat the worst forms of child labour has saved 1,631 children from the worst forms of child labour and led to the placement of 1,420 of those children in apprenticeships, representing a placement rate of 87.06 per cent.

#### **Addressing the vulnerable situations of child domestic workers on cotton farms**

222. The following child protection measures have been taken:

- Adoption of Decree No. 2010-807/PRES/PM/MTSS of 31 December 2010 setting the conditions of work of domestic servants
- Training of girls in domestic service in the prevention of risks related to the exercise of their professional activities in June 2013
- Completion of a study of the situation of children in domestic work
- Awareness-raising of the worst forms of child labour among cotton farmers
- Acquisition at subsidized prices of 128,785 agricultural ploughs for 9,656 households, 27,716.4 tons of seed for 692,016 households and 33,252.7 tons of fertilizer for 254,679 households
- Reduction of child labour on gold-panning sites and in the agricultural sector through the implementation of the “Reducing child labour through education and services” project
- Opening of three training schools for domestic assistants

#### **Bringing legislation into line with International Labour Organization (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**

223. Article 152 of Act No. 028-2008/AN of 13 May 2008 on the Labour Code sets the minimum age for employment at 16.

224. However, under Decree No. 2016-504/PRES/PM/MFPTPS/MS/MFSNF, which establishes the list of hazardous occupations, children are banned from working in all activities considered hazardous.

225. The prohibition on the worst forms of child labour applies to both the formal and informal sectors.

226. In 2016, a Child Labour Monitoring System was piloted and 195 checks on gold-panning sites and cotton fields were organized. As a result, eight traffickers were arrested and brought to justice, four formal notices were served on four artisanal gold mining companies and six trafficked children were returned to their families. A national programme and road map to combat child labour in gold-panning sites and artisanal quarries for the period 2015–2019 have been adopted and implemented. As a result, 6,926 children have been removed from gold-panning sites and monitored.

#### **Strengthening the labour inspectorate**

227. Between 2013 and 2016, 66 labour inspectors and 34 labour supervisors were recruited. In 2018, the country had 154 labour inspectors and 109 labour supervisors.

Furthermore, training sessions were delivered to 101 labour inspectors and supervisors, 80 magistrates and 2,263 other stakeholders.<sup>20</sup>

#### **Seek assistance from ILO and UNICEF**

228. In the fight against the worst forms of child labour, the Government is supported by ILO and UNICEF.

#### **Use of children in the illicit production of and trafficking in drugs and psychotropic substances (art. 33)**

229. Article 381-1 of the Criminal Code prohibits the cultivation, production, manufacture, extraction, preparation or processing of high-risk drugs. Article 386-1 provides penalties for supplying toxic chemical inhalants to a minor. Article 387-1 increases the penalty if the drug is delivered or offered, or its use is facilitated, to a minor, and in cases where a minor has participated in the offence. In 2018, 10.6 tons of cannabis, 5.6 kilograms of cocaine, 18.6 kilograms of heroin and 75.29 tons of prohibited drugs were seized and incinerated. However, while there is no doubt that this phenomenon occurs, no study has determined the extent to which children are being implicated.

#### **Sexual exploitation and sexual abuse (art. 34)**

230. See paragraphs 81–87.

#### **Sale, trafficking and abduction (art. 35)**

##### **Undertake awareness-raising educational measures to prevent and eliminate trafficking of women and children**

231. According to the 2017 national report on trafficking in persons, 4,451 awareness-raising and education campaigns were conducted, reaching 543,522 persons: 10,966 girls, 12,746 boys and 519,810 adults, of whom 416,253 were women.

232. A total of 240 reports were received from the public, 41 per cent of them from transport operators. The third largest number of reports (19 per cent) came from the community, followed by calls to the toll-free number (9 per cent).

##### **Ensure that cases of child trafficking are investigated and the victims identified**

233. Between 2015 and 2017, 383 patrols resulted in the interception of 4,280 presumed victims of trafficking in persons, as well as the checking of 351 vehicles, 40 of which were transporting such persons.

##### **Ensure systematic prosecution of the perpetrators and impose adequate sentences for such crimes**

234. According to the 2017 national report on trafficking in persons, 80 suspected traffickers and four suspected trafficking networks were identified. Between 2009 and 2017, 153 people were prosecuted and 54 were taken into police custody.

##### **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**

235. The following should be noted:

- The creation of the National Border Commission and the implementation of an integrated border management support programme for the period 2016–2025, aimed

<sup>20</sup> Ministry of the Civil Service, Labour and Social Protection, 2017 statistical yearbook.

at strengthening cross-border cooperation, coverage and the interoperability of actors involved in securing borders and preventing irregular migration, migrant smuggling and trafficking in persons

- The development of a case management approach that promotes integrated victim care and makes use of all available competence, including that of the embassy of the country of origin if necessary
- The creation of 36 transit centres in provincial capitals

**Provide adequate resources for the full implementation of the National Action Plan against Trafficking in Persons**

236. The process of preparing the National Action Plan against Trafficking in Persons has not led to the adoption of an official document.

**Strengthen efforts to support physical and psychological recovery for all children, victims of sale or trafficking**

237. Between 2016 and 2018, 187 child victims of trafficking were enrolled in school and 429 others placed in apprenticeships. A total of 1,178 visits made it possible to monitor 845 children, including 257 girls who were victims or whose reintegration/rehabilitation was at risk.

**Establish a helpline for children**

238. See paragraph 65.

**Other forms of exploitation (art. 36)**

239. Thousands of children are used as workers in drinking establishments. The use of twins as beggars is increasing in towns and the phenomenon of child begging is being encouraged by parents.

240. To combat these forms of exploitation, a special operation to remove children from the street and combat begging was carried out in collaboration with civil society organizations, religious groups and Qur'anic school teachers.

**E. Children in conflict with the law, victims and witnesses of crimes and juvenile justice**

**Administration of juvenile justice (art. 40)**

**Adopt the rules of procedure which are necessary for the functioning of the juvenile justice system and introduce the institution of specialized judges in all provinces**

241. The operationalization of juvenile courts continued with the appointment of juvenile judges in five other courts of major jurisdiction, including Banfora, Kaya, Koudougou, Ouahigouya and Tenkodogo.

242. Act No. 015-2014 clarifies and provides for the introduction of innovations throughout the judicial process, as outlined in the paragraphs below.

**Take all necessary measures to ensure that the review of criminal cases concerning children is conducted by judges trained accordingly**

243. In courts of major jurisdiction where there are no juvenile judges, juvenile cases are dealt with by a sitting judge. In such cases, the judge is required to apply all of the specific laws governing the situation of the child who is in conflict with the law or at risk.

### **Children deprived of liberty (art. 37 (b)–(d))**

#### **Ensure that public prosecutors and judges actively monitor arrest practices and conditions for children in police custody**

244. Act No. 015-2014 provides for the application of safeguards during the arrest of children and sets forth conditions for holding children in police custody. The measures introduced to benefit such minors include:

- Reduction in the length of police custody and introduction of the concept of “detention”: from 72 to 48 hours (arts. 31–33)
- The right to assistance (art. 34): the assistance of a lawyer during interviews is mandatory in the case of a crime, and minors must be immediately informed of their right to be assisted by a lawyer from the outset of police custody
- The summoning of a doctor to perform a medical examination of the minor at the outset of custody
- The annulment of proceedings in the event that one of the guarantees applicable to custody is not respected (art. 39)

245. These guarantees are applied under the supervision of juvenile judges. Accordingly, the juvenile judge can, in cooperation with social workers, take protective measures on behalf of the child who is in conflict with the law or at risk.

### **Prohibition of capital punishment and life imprisonment (art. 37 (a))**

246. Article 78 (3) of Act No. 015-2014 provides for the prohibition of the death penalty and prioritization of the use of diversion and educational measures in respect of the minor.

#### **Apply detention as a measure of last resort and for the shortest possible period of time**

247. Articles 40–46 of Act No. 015-2014 provide that the State prosecutor and juvenile judges may apply criminal mediation in respect of lesser offences in proceedings concerning children in conflict with the law.

#### **Adopt the necessary regulations on legal aid and provide adequate assistance at an early stage of proceedings**

248. See paragraphs 91, 92, 244 and 245.

#### **Ensure that pretrial detention is used only in the case of serious offences and that alternative measures are used for other offences**

249. The length of pretrial detention for misdemeanours has been reduced from 6 to 3 months, with the possibility of an extension every 3 months instead of 6.

250. A child accused of committing a misdemeanour may be held in pretrial detention for no more than 3 months.

251. A child accused of committing a crime may be held in pretrial detention for more than 3 months, but for no more than 6 months. If continued detention appears necessary at the end of that period, the juvenile judge may extend it by a special reasoned court order, based on reasoned arguments by the State prosecutor. Each extension may be for no more than 3 months. An extension should only ever be ordered in exceptional cases. The parents or legal guardians of the child and the child’s lawyer or assistant must be notified of the decision to hold the child in pretrial detention (art. 56).

#### **Take all the measures necessary to remove children from adult detention facilities**

252. See paragraph 90.

253. Article 34 of Act No. 010-2017 provides that “detainees must be divided into categories, separating:

- Women from men
- Minors from adults
- Suspects, persons charged with an offence and defendants from convicted persons and persons subject to enforcement by committal
- Prisoners under sentence of death from other convicted prisoners
- Dangerous detainees from other detainees”

**Ensure that children remain in contact with their families while in detention**

254. Pursuant to Act No. 10-2017, detainees have the right to correspond with their family, to be regularly informed about family events and to receive visits from their relatives.

255. The social services of detention centres work to restore family ties. Contact between the child and his or her family is ensured through the measures taken by the Sentence Enforcement Commission to benefit children, in particular the granting of temporary release and the splitting or suspension of sentences.

**Physical and psychological recovery and social reintegration (art. 39)**

**Ensure that all children deprived of liberty have access to education, health and recreational facilities**

256. In 2017, the social rehabilitation centres and prison and correctional centres had 36 training workshops with capacity for 475 minors. A total of 690 minors benefited from a package of vocational training and schooling/literacy activities and psychotherapy sessions.

257. All prison and correctional centres have health facilities where children can receive care, and serious cases are referred to referral health facilities.

258. Socio-educational and cultural activities such as film screenings, theatrical performances, concerts, football tournaments and board games are organized in prisons.

**Develop a multisectoral preventive response to juvenile delinquency and take all possible measures to avoid stigmatization**

259. An alliance of outreach workers supporting young people and children in street situations, which is made up of representatives of civil society and State actors, carries out advocacy and awareness-raising activities.

260. The National Committee on Illicit Drugs, which was established pursuant to Decree No. 93-231, is also made up of representatives of ministries, NGOs and associations involved in the fight against drugs and drug addiction.

**Request technical assistance in the area of juvenile justice and police training**

261. See paragraphs 22–24.

**Submit its initial reports under the two Optional Protocols to the Convention and accede to all 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**

262. Initial reports under the two Optional Protocols to the Convention were submitted on 23 January 2013. Under Act No. 015-2014, use of the death penalty is excluded for children (art. 78).

263. Article 900-1 of the Criminal Code provides for the abolition of the death penalty. Ratification of the Second Optional Protocol to the International Covenant on Civil and Political Rights was a recommendation made in the course of the universal periodic review that Burkina Faso has accepted. The Government has made ratification of the Protocol one of its priorities.

**Training of juvenile justice professionals, including immigration officers and social workers, on the provisions of the Convention and the Optional Protocols (Economic and Social Council resolution 2005/20, annex)**

264. See paragraphs 22–24.

**F. Children in armed conflicts (art. 38), including physical and psychological recovery and social reintegration (art. 39)**

265. See paragraph 113.

**Follow-up and dissemination of recommendations**

**Ensure that the present recommendations are fully implemented by transmitting them to the members of the Council of Ministers, the National Assembly and local authorities**

266. The recommendations were reported to the Council of Ministers in 2013. A table summarizing the recommendations was sent to the various ministries, institutions and Regional Councils for Children for implementation.

267. A matrix of indicators for implementing and monitoring the Convention on the Rights of the Child and its Optional Protocols has been prepared.

**Disseminate the third and fourth periodic reports, the written replies and the recommendations of the Committee**

268. The third and fourth follow-up reports on the implementation of the Convention on the Rights of the Child, the initial reports on the two Optional Protocols and the recommendations of the Committee on the Rights of the Child have been broadly disseminated to the public. Workshops on the preparation of reports have been organized.

269. As regards the concluding observations made by the Committee following the presentation of the combined third and fourth reports, an oral report was made to the Council of Ministers in 2010.

**X. Implementation of the Optional Protocol to the Convention on the sale of children, child prostitution and child pornography**

**A. Implementation of the recommendations in the concluding observations under the Optional Protocol**

**Implement a comprehensive and coordinated data collection system**

270. Data collection is managed at the individual ministry level. Decentralized bodies are responsible for data collection at the field level.

271. These data are centralized at the level of the Directorate General for Research and Statistics, where they are processed and validated.

272. The process launched with the development of the indicator matrix will provide a harmonized and centralized system for collecting and processing data on the situation of children.

**Disaggregate data on children who are at risk of becoming victims of crimes under the Optional Protocol**

273. A level of disaggregation that takes into account the variables of sex, age, nationality, region and socioeconomic status is planned.

**Design policies to implement the Optional Protocol**

274. Data collected annually on violence against children served as the basis for the development of the National Child Protection Strategy.

**B. Major developments concerning legal and policy measures taken towards the implementation of the Optional Protocol**

**Incorporate the Optional Protocol in the legal system**

275. See paragraph 64.

**C. Liability of legal persons for offences under the Optional Protocol**

**Clearly define and prohibit all cases of “sale of children”**

276. Article 533-31 of the Criminal Code defines the sale of children as “any act or transaction whereby a child is transferred by any person or group of persons to another for remuneration or any other consideration”.

**Elaborate and adopt the Child Protection Code**

277. See paragraph 4.

**Adopt a comprehensive policy for the implementation of the Convention, with adequate human, technical and financial resources**

278. The National Child Protection Strategy project will be implemented through four strategic areas: prevention, improvement of care, capacity-building and improvement of the institutional and legal framework.

**Coordinate the various entities involved in the implementation of children’s rights policies and provide the Permanent Secretariat with adequate human, technical and financial resources**

279. The mandate of the National Council for Children, which was created in 2014, includes coordinating, monitoring and evaluating all plans, policies and strategies for the protection and promotion of children’s rights, as well as reporting on the implementation of ratified treaties and conventions.

**D. Preventing and raising awareness about offences under the Optional Protocol**

**Increase awareness of the rights of children and disseminate information and develop education programmes on the harmful effects of offences under the Protocol**

280. See paragraph 20.

**Collaborate with religious or community leaders and with village vigilance and supervision committees in relation to the offences covered by the Optional Protocol.**

281. Religious and traditional leaders take part in advocacy meetings and in training and awareness-raising workshops on the provisions of the Optional Protocol. They participate in consultation frameworks at national, regional, provincial and local levels.

**Allocate sufficient resources to preventive measures and to the National Council for Children, law-enforcement agencies and social workers**

282. See annex, graph 1.

**Establish a national system of free birth registration and increase awareness-raising activities**

283. See paragraphs 43–47.

**Challenge discriminatory customs and traditions and stereotypical attitudes regarding the roles and responsibilities of women and girls**

284. The following should be noted:

- The National Gender Policy, which is based on cultural and religious values proclaiming the intrinsic equality of human beings
- The “Sukaabè Rewlè” project, which builds on the achievements of the pilot project on “Eliminating child marriage in Burkina Faso: a community protection, empowerment and intervention plan”
- The National Parental Education Programme, which aims to strengthen basic knowledge of child development from the ages of 0 to 8 years
- The National Social Education Strategy, which aims to strengthen education in family life and citizenship
- The introduction of emerging topics into education (female genital mutilation, child marriage, etc.)

**Study the root causes and risk factors of offences under the Optional Protocol**

285. No study is available.

**Design and implement preventive strategies against all the offences covered by the Optional Protocol and take effective steps to remove children from situations of forced labour and other situations of servitude**

286. See paragraphs 228, 289 and 290.

**Ratify ILO Convention No. 189 (2011)**

287. Employers and workers have been informed about the Convention and asked to give their views on its possible ratification.

**Set the minimum age for marriage at 18 and end the practice of *confiage*.**

288. See paragraphs 28, 29 and 132.

**Prevent, monitor and eliminate child sex tourism and disseminate the Global Code of Ethics for Tourism**

289. Act No. 011-2014 transposes the provisions of the Optional Protocol to the Convention on the sale of children, child prostitution and child pornography into domestic law.

290. A procedural manual for reporting child sex tourism and a code of ethics have been adopted.

**Identify the root causes, nature and extent of child prostitution and child pornography**

291. No study is available.

**Develop preventive education programmes on the harmful effects of the offences under the Protocol**

292. The National Parental Education Programme has been adopted and takes into account the issues covered by the Protocol. The same applies to the National Social Education Strategy.

**E. Social reintegration and physical and psychological recovery of child victims**

**Assist all child victims**

293. See paragraphs 91 and 92.

**Criminalize the sale of children; offering, obtaining, procuring or providing a child for child prostitution; producing, distributing, disseminating, importing, exporting, offering, selling or possessing child pornography; attempts to commit any of the above-mentioned acts and complicity or participation in any of these acts; and the production and dissemination of materials advertising any of these acts**

294. Under articles 533-34, 533-36 and 533-38 of the Criminal Code, any person found guilty of the three offences covered by the Protocol is liable to either a term of imprisonment of between 5 and 10 years or a fine of between CFAF 1,500,000 and CFAF 3,000,000 or both penalties.

295. Article 533-41 of the Criminal Code provides for the same penalties for complicity in these offences.

**Provide legal protection to child victims**

296. Protection for child victims of the offences covered by the Protocol is guaranteed under articles 533-47 to 52 of the Criminal Code.

**Protect children from all forms of sexual exploitation**

297. See paragraphs 81-84.

**Punish perpetrators of sexual offences against children**

298. See paragraphs 294 and 295.

**F. Protect child victims and/or witnesses in the criminal justice process**

**Protect child victims through cooperation between the police, social services and village vigilance and supervision committees**

299. Article 23 of Act No. 011-2014 provides that “the State guarantees the protection of victims and witnesses of the sale of children, child prostitution and child pornography”. Child protection networks have been established as institutions bringing together community-based actors, social workers, defence and security forces, judges, psychologists and health workers.

**Take into account the best interests of the child**

300. See paragraph 34.

**Guarantee legal assistance as well as psychological, medical and social support**

301. Pursuant to articles 24 and 26 of Act No. 011-2014, victims are assisted by either a social worker, legal counsel, a recognized person who works with children and has been approved by the juvenile court, or a guardian.

**Ensure that child victims' right to privacy is respected**

302. See paragraphs 54 and 55.

**Adequately train judges, prosecutors, police officers, social workers, medical staff and other professionals working with child witnesses.**

303. See paragraphs 22–24.

**G. International cooperation and coordination**

**Prosecute and repeal the requirement of double criminality for the prosecution of offences covered by the Protocol**

304. Article 533-39 of the Criminal Code provides that “Any person suspected of being either the perpetrator of or an accomplice to any of the offences referred to in this section committed outside Burkina Faso may be prosecuted and tried in accordance with the law of Burkina Faso when the victim is a national of Burkina Faso”.

**Establish mechanisms for identifying child victims**

305. See paragraph 65.

**Allocate sufficient resources to the 116 toll-free number, conduct capacity-building for persons operating it and make the helpline known to all**

306. In 2014 and 2015, 75 social workers, listening counsellors and mobile teams responsible for managing the toll-free number were trained in four regions.

307. Activities in the area of information, education and communication and the use of communication to change behaviour and training in relation to violence against children include information on the helpline.

308. More needs to be done to allocate resources for its operation.

**H. International cooperation to assist in the physical and psychological recovery, social reintegration and repatriation of child victims**

**Strengthen international cooperation**

309. See paragraph 235.

**Ratify the Optional Protocol to the Convention on the Rights of the Child on a Communications Procedure**

310. This Protocol has yet to be ratified.

**I. Follow-up and dissemination**

**Ensure the implementation of the recommendations of the Committee**

311. See paragraphs 266 and 267.

**Make the initial report, written replies and recommendations widely available**

312. See paragraphs 268 and 269.

## **XI. Implementation of the Optional Protocol on the involvement of children in armed conflict**

### **A. Implementation of the recommendations relating to the Optional Protocol**

313. The Interministerial Committee on Human Rights and International Humanitarian Law, established pursuant to Decree No. 2017-1053/PRES/PM/MJDHPC/MINEFID of 7 November 2017 and bringing together 18 ministries, is responsible for coordinating action undertaken by the ministries to ensure compliance with the rules of international humanitarian law, including those relating to the involvement of children in armed conflict. It holds two ordinary sessions a year.

314. See paragraphs 8–10.

### **B. Minimum age for military conscription**

315. Between the ages of 18 and 30 years, according to article 39 of Act No. 038-2016/AN of 24 November 2016 on the general status of national armed forces personnel.

#### **Apply Act No. 052-2009/AN of 3 December 2009**

316. This law was promulgated pursuant to Decree No. 2009-894/PRES of 31 December 2009. No children have been enlisted in the national armed forces.

#### **Establish a free national birth registration system**

317. See paragraphs 43–47.

#### **Detect the use of false documents by individuals under the age of 18 years**

318. To this end, only civil status certificates that are more than 3 years old are accepted for army recruitment files.

319. This measure ensures that children are not recruited into the armed forces, thus avoiding their active participation in armed conflict.

#### **Ensure the equal treatment of boys and girls**

320. Equality between girls and boys is guaranteed in law (Act No. 013-2007, art. 4).

321. The implementation of the National Gender Policy and its action plan is helping to reduce inequalities between men and women.

#### **Place the Kadiogo Military Academy under the supervision of the Ministry of Education and consider students as civilians until their eighteenth birthday**

322. These students are considered as civilians since they are not part of the armed forces. Lessons are taught by civilian teachers assigned by the Ministry of Education.

#### **Ensure children's access to independent complaint and investigation mechanisms**

323. See paragraph 65.

### **C. Minimum age for voluntary recruitment**

324. See paragraph 314.

325. In times of armed conflict, however, the voluntary enlistment in the national armed forces of children over the age of 15 years does not constitute an offence under article 411-6 of the Criminal Code.

## **D. Changes in legal measures and policies**

### **Criminalize the recruitment and use of children in the national armed forces, non-State armed groups and security companies**

326. Act No. 052-2009/AN of 3 December 2009 determining the jurisdiction and procedure for implementation of the Rome Statute of the International Criminal Court by the courts of Burkina Faso is applicable following its promulgation pursuant to Decree No. 2009-894/PRES of 31 December 2009.

327. Article 411-6 of the Criminal Code states: “Anyone who conscripts or enlists minors into the armed forces or armed groups or causes them to participate in hostilities is punishable by a period of imprisonment of between 11 and 30 years and a fine of between CFAF 1 million and CFAF 10 million; this provision does not prevent the voluntary enlistment of minors over the age of 15 years in the national armed forces.”

328. The attempted conscription or enlistment of a minor is punishable (Criminal Code, art. 122-2), and the penalty may be increased in the event of a repeat offence (Criminal Code, art. 218 ff.).

### **Exercise universal jurisdiction regarding the crimes covered by the Protocol**

329. Apart from the four crimes covered by the Rome Statute (war crimes, crimes against humanity, genocide, aggression), the crimes covered by the Protocol are subject to extradition.

330. Bilateral extradition agreements cover all punishable crimes and offences. The types of individuals liable to extradition are:

- Persons who have been prosecuted for acts punishable under the laws of the contracting parties by at least 2 years’ imprisonment;
- Persons who, for offences punishable under the law of the requested State, are sentenced, either after trial or in absentia, by the courts of the requesting State to a penalty of at least 6 months’ imprisonment.

### **Bringing acts covered by the Optional Protocol within the scope of extradition agreements**

331. See paragraphs 328 and 329.

### **Abolish the double criminality rule**

332. Under the terms of article 113-2 of the Criminal Code, “When the extradition, expulsion or refoulement of a person to a State where that person runs the risk of being subjected to torture or similar practices is refused by the authorities of Burkina Faso, the Burkina Faso courts have jurisdiction to try the person if the acts for which surrender is requested are provided for and punished under the legislation in force in Burkina Faso or if they constitute an international crime”. The courts of Burkina Faso can exercise universal jurisdiction. The double criminality rule does not apply to this type of offence.

## **E. Direct involvement of children in hostilities**

### **Identify asylum-seeking, refugee and migrant children who have been involved in armed conflict**

333. See paragraphs 111 and 112.

### **Create a mechanism for families to report cases of missing children**

334. See paragraph 65. We note:

- Radio, television and social networks
- Town criers

- Advertisements

**Ensure that no child is recruited by non-State armed groups**

335. Measures have been taken to reduce the socioeconomic vulnerability of families and young people:

- Action to get children off the streets
- A special job creation programme

336. Measures have been taken to help refugees:

- Setting up community monitoring committees
- Vocational and entrepreneurial training for young people
- Financial and material support

337. The Government, in collaboration with the Office of the United Nations High Commissioner for Refugees (UNHCR), runs awareness-raising campaigns in refugee settlements, urging refugees to comply with their asylum obligations.

338. Border controls have been reinforced by deploying police personnel and setting up cooperation mechanisms with neighbouring countries.

339. The Joint Force of the Group of Five for the Sahel further strengthens border control and the combating of armed groups in the Sahel.

340. The 2017–2020 Sahel Emergency Programme has enabled the construction of infrastructure for socio-educational, technical and vocational training and for health, hygiene and sanitation and drinking water supply, and the reinforcement of security arrangements.

**F. Measures to ensure the physical and psychological recovery of children recruited or used in hostilities**

**Provide child victims with assistance for their physical and psychological recovery and social reintegration**

341. See paragraph 113.

**Intensify cooperation with the International Committee of the Red Cross (ICRC) and the Special Representative of the Secretary-General for Children and Armed Conflict**

342. Burkina Faso contributes contingents to United Nations and African Union peacekeeping operations. It receives technical and financial support from ICRC for the implementation of international humanitarian law at the national level. It regularly takes part in the annual meeting of ICRC and the Economic Community of West African States (ECOWAS) on the implementation of international humanitarian law in West Africa, which was first held in 2001.

**G. Measures to identify asylum-seeking and migrant children, and ensure their physical and psychological rehabilitation**

343. See paragraphs 111 and 112.

**Collect disaggregated data on asylum-seeking, refugee, migrant and unaccompanied children**

344. The National Commission for Refugees, NGOs and associations have tools for collecting data on children at the site level.

345. All refugee children are registered individually according to a coding system, and their data are entered into a regularly updated database. This system makes it possible to monitor cases and respond appropriately.

346. In 2016, more than 8,600 children between 5 and 11 years of age were registered, of whom 2,338, including 1,013 girls, attended schools in Ouagadougou, Bobo-Dioulasso, Dori and Djibo.<sup>21</sup>

347. UNHCR keeps weekly records of children who have been victims of sexual or gender-based violence.

348. The data collection system is strengthened by the matrix of indicators indexed to the Convention on the Rights of the Child and its optional protocols, and the deployment of the Child Protection Information Management System (CPIMS+).

#### **Assist children indicted for war crimes**

349. See paragraph 113.

### **H. Human rights and peace education**

#### **Include peace education**

350. This concern of the Committee is taken into account in curricula, civic education and awareness-raising efforts.

351. The National Strategy to Promote a Culture of Tolerance and Peace 2016–2025 has been adopted and is currently being implemented.

352. On 26 September 2014, a project was launched with the aim of promoting a culture of peace, conflict management, citizenship, democracy and good governance, and of providing training and awareness-raising activities on efforts to combat terrorism in the Sahel and Central regions. The results achieved are:

- The availability in local languages of the ECOWAS reference manual for a culture of peace, produced by the United Nations Educational, Scientific and Cultural Organization
- The training of around 60 trainers on the culture of peace and conflict management, human rights, citizenship and civic-mindedness, democracy and good governance
- Media outreach to 50,000 people

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

#### **Ensure implementation of the recommendations**

353. See paragraphs 266 and 267.

#### **Make widely available the initial report and written responses submitted by the State party**

354. See paragraphs 268 and 269.

### **Conclusion**

355. Burkina Faso has made great strides in the protection and promotion of children's rights. Numerous laws, regulations and administrative measures have been introduced to create a more protective environment for children.

356. Progress has been made in education, health, birth registration and juvenile justice.

357. However, challenges remain. They range from consolidating the gains made to synergizing action in efforts to combat violence against children.

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<sup>21</sup> <https://data2.unhcr.org/en/country/bfa>.

358. Moreover, the finalization of the National Child Protection Strategy and the Individuals and Family Code will help to strengthen the legal framework for the protection and promotion of children's rights. Completion of the permanent data collection system will enable the country to monitor legal instruments relating to children's rights in a strategic and forward-looking manner.

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