



# REPORT OF A PROMOTION MISSION OF COMMISSIONER REZAG BARA TO BURKINA FASO

(26<sup>TH</sup>-30<sup>TH</sup> MARCH, 2007)

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CONCLUSIONS

RECOMMENDATIONS

The Government of Burkina Faso is urged to :

Civil society, especially NGOs are urged to :

## I. INTRODUCTION

1. In line with its mandate of promotion and protection, the African Commission on Human and People's Rights decided, at its 26<sup>th</sup>. Ordinary session held from 1<sup>st</sup> to 15<sup>th</sup> November 1999 in Kigali, Rwanda, to set in motion a constructive dialogue with State Parties to the African Charter on issues of Human and People's Rights, through promotion missions undertaken by commissioners in countries under their jurisdiction. This is to enable them undertake their activities of intercession. The mission of Commissioner Rezag Bara of Burkina Faso is the outcome of the Kigali Decision and falls in line with the practice of the African Commission.
2. A series of correspondence between the secretariat of the African Commission and the Burkina Faso Ministry of Foreign Affairs led to the agreement to undertake this mission, first from 19<sup>th</sup> to 26<sup>th</sup> February and later from March 26 to April 4 and finally from March 26 to March 30, 2007. Commissioner Rezag Bara's promotion mission went on very well, thanks to the help and support of the Burkinabe Government, particularly that of H.E Monique Ilboudo, Minister for Human Rights Promotion as well as the Mobilisation of NGOs and civil society as a whole.
3. The documents on the African Charter and the work of the African Commissioner brought along by the delegation were all distributed to people and human rights activists whom Commissioner Rezag Bara met.
4. An important document on human rights situation in Burkina Faso was received by the delegation. This document is available at the Banjul secretariat of the African commission.
5. By way of preliminary remarks, let us state briefly that Burkina Faso is a former French colony which became independent in 1960 under the name of Republic of Upper Volta, which later became known as Burkina Faso (country of men of integrity), under the August 1983 Revolution. A landlocked country in West Africa,

this country shares common borders with Benin, Côte d'Ivoire, Ghana, Mali, Niger and Togo.

6. The fundamental economic policy is self-sustenance, with more than 85% of farmers out of a population of 14m. People made up mainly of :

• Mossi:	42%
• Fulani:	11%
• Lobi-Dagara:	8%
• Mandé:	7%
• Bobo:	6.7%
• Sénoufo:	5.4%
• Gourounsi:	4.7%
• Gourmantché	4.5%

7. French is the official language of Burkina Faso and the most widely spoken National/ vernacular languages are Mooré, Djula (Bambara) and Fulfuldé (Fulani).

8. The Burkinabe population distribution, as far as religions are concerned, follows this pattern:

- Animists:	57.8%
- Moslems:	30.7%
- Catholics:	10.6%
- Protestants:	1.3%

9. Socio-economic situation of Burkina Faso:

- Child mortality rate: about 134 per 1,000;
- Maternal mortality rate: 6 per 1,000;
- Life expectancy: between 48 and 50;

- GDP: \$425 per head;
- Human Development Index: 0.317 (174<sup>th</sup> out of 177 countries assessed in 2006 by the UNDP.)

10. This shows some improvement as compared to the previous assessments, but poverty remains the dominant feature of the country as a result of the absence of natural resources;
11. After the revolutionary era (1983) and the return to a constitutional order (1987), Burkina Faso returned to the rule of law with the adoption of the 4<sup>th</sup>. Republican Constitution on June 2, 1991 which Constitution opted for a Presidential system of government with a National Assembly elected by direct universal adult suffrage and an appointed House of Representatives.
  - Subsequent reforms were successively introduced which abolished the House of Representatives, thereby making the process democratic and stable because democratic elections are regularly held for the past two decades, for the benefit of a change that enhances respect for human rights. In support of the existing civilian and military judicial system, Burkina Faso is going to put in place institutions such as the Burkinabe Mediator and the Higher Council for Information, the National Human Rights Commission, the National Anti-Corruption Commission, etc.
  - The country is ratifying many international human rights instruments and incorporating them into domestic legislation; it also maintains regular cooperation with the African Commission, in particular through the presentation of periodic reports as enshrined in Article 62 of the African Charter which is binding on State parties.
  - Burkina Faso thus presented its last Report at the 35<sup>th</sup> Ordinary Session of the African Commission held in May 2004 and in line with its practice, the African Commission ,

on that occasion, adopted some conclusions which take into account those of its promotion mission to Burkina Faso which took place in September 2001.

## **II. TERMS OF REFERENCE OF THE MISSION**

### Aims and Objectives of the Mission

12. Commissioner Rezag Bara's promotion mission, first and foremost, sought to strengthen the dissemination and popularization of the African Charter in Burkina Faso and consequently to give the African Commission's support and encouragement to this State party in her efforts to ensure that the people enjoy real benefit of respect for human rights.
13. Following the presentation of Burkina Faso's 3<sup>rd</sup> periodic Report at the 35<sup>th</sup> Ordinary Session of the African Commission in May 2004 and adoption by the African Commission of the accompanying conclusions of the Government, Commissioner Rezag Bara's mission then sought to ensure the monitoring of the changes in the human and people's rights situation in Burkina Faso,
14. The meeting which Commissioner Rezag Bara had with Government officials, parliamentarians, judicial authorities and administrators, political parties, labour unions, NGOs, media and other civil society actors sought in particular to gather from the Government, information on the enjoyment of human rights in Burkina Faso in general, especially by some categories of people (women, children, prisoners and other detained people; problem of extrajudicial executions during security operations, health and food, etc.)
15. These meetings also sought to gather information on the enjoyment of human and people's rights because the mission kicked off at a time when the country was preparing for parliamentary elections after the presidential election of 2005 and the 2006 local council elections.

### Composition of the Delegation.

16. The delegation of the African Commission was led by Commissioner Rezag Bara, in charge of Burkina Faso, in the African Commission. He was accompanied and assisted by Mr. Jules Batchono, a lawyer working for the African Commission in Banjul.
17. The African Commission and Commissioner Rezag Bara's delegation sought to reiterate their deep gratitude to the Burkinabe Ministry of Foreign Affairs and Regional Cooperation, Her Excellency Madame Monique Ilboudo, Minister for Human Rights promotion and the Government of Burkina Faso, in particular the Prime Minister, His Excellency Mr. Paramenga Ernest Yonli, for the facilities put in place for Commissioner Rezag Bara's mission and for the warm and fraternal reception accorded the delegation, which in no little measure made it possible for the African Commission to carry out its mission ;

### Dates for the Mission

- 18 The African Commission's promotion mission to Burkina Faso took place from March 26 to 30,2007 ;

### Reception and Work agenda

- 19 Commissioner Rezag Bara and Mr. Jules Batchona arrived respectively on the night of Saturday March 24 2007, from Algiers via Paris and from Banjul via Dakar, a few minutes separating their arrival. They were warmly received at the Ouagadougou airport by Mr. André Dembélé, Chief Director of the Ministry of Human Rights Promotion. Accompanied by Mr. Marc Somda, Technician Advisor and Mr. Souleymane Dabo, Chief of Protocol.
- 20 The African Commission's delegation was warmly received at their hotel and a draft work programme was presented to them by the representatives of the Government in



the presence of Her Excellency the Minister. A consultative meeting was scheduled for March 26 at the Ministry. This significantly facilitated the work of the promotion mission.

- 21 The working session was actually held on 26<sup>th</sup> March 2007; at 9.30am under the chairmanship of Her Excellency Madame Monique Ilboudo, the Burkina Minister for Human Rights Promotion; Messieurs André Dembélé and Marc Somda, Chief Director and Technician Advisor respectively took part in this meeting.
- 22 In a rather relaxed mood, Her Excellency Madame Ilboudo expressed both the thanks and gratitude of the Burkinabe Government to the African Commission for the Mission's visit. She later welcomed Commissioner Rezag Bara's delegation and urged them to start working while waiting for the meetings that have been requested for ;
- 23 In his response, Commissioner Rezag Bara expressed the gratitude of his delegation and that of the African Commission to the Government of Burkina Faso for allowing them to undertake the promotion mission and for doing everything to ensure that the mission's work is accomplished.
- 24 Commissioner Rezag Bara underscored the personal contribution of Her Excellency Madame Monique Ilboudo and that of his His Excellency Mr. Youssouf Ouedraogo, Minister of State for Foreign Affairs and Regional Cooperation to facilitating the promotion mission embarked upon by his delegation in Burkina Faso ;
- 25 Commissioner Rezag Bara further said that his delegation agreed to the work proposals made by Her Excellency the Minister, even though he expressed regret about starting the work without paying the customary courtesy call on His Excellency the Minister of Foreign Affairs.

26 The end of this very constructive meeting paved the way for the start of the work of Commissioner Rezag Bara's delegation.

### **III. The Mission**

26<sup>th</sup> March

#### Audience with Her Excellency Minister of Human Rights Promotion

27. After the meeting on the work programme, Her Excellency Madame Monique Ilboudo welcomed Commissioner Bara's delegation, first on behalf of the minister for Foreign Affairs who was on an official assignment abroad, then in her capacity as Minister for Human Rights Promotion. The meeting, which was held in the minister's office was attended by Messieurs Andre Dembélé and Marc Somda ;
28. Answering questions from Commissioner Rezag Bara, particularly on the role of the ministry during elections, the National Human Rights Commission, female genital mutilation and on Burkinabe victims of the Ivorian crisis who have returned to their country, the Honorable Minister gave an overview of her Ministry and the adoption of its plan of action the priorities of which are human rights education and the functioning of the Nation Human Rights Commission The minister Further said :
- The Ministry of human rights promotion which now has regional directorates undertakes sensitization campaigns to ensure that people register to vote, renew their voters' registration cards, collect their voters' cards and carry out their civic responsibility.
  - The Ministry also undertakes awareness campaigns against the practice of excision despite the passage of a law that prohibits it and the institution of legal action against such practice by the judicial authorities.

- Burkinabes who have returned home as a result of the Ivorian crisis are mainly women and very young children (cf report of the special Rapporteur of the UN Human Rights Council); with the support of some NGOs, other ministries and even of the entire people, the returnees were received for medical screening before being sent to their various provinces while the other refugees enjoyed the relevant status of the OAU Convention on Refugees ;

Audience with his Excellency Boly Yero Minister for Defence

29. The meeting was held in the Minister's office. After the usual exchange of courtesies, Commissioner Rezag Bara spelt out the aims and objectives of the promotion mission of the African Commission. He thereafter introduced the members of the delegation of which he was head and asked a few questions about training in human and peoples rights in the army and the security forces, the role of the armed forces in the electoral process, the state of relations with neighboring States, the role played by the army in the Ivorian crisis.
30. The minister first explained that thanks to the support of the International Red Cross, a training programme in international humanitarian law is organized for armed forces personnel in the barracks. The police college also receives some training in human rights and benefits from a special training on counter terrorism.
31. The Minister further explained that during elections the army ensures security at the voting centers, on the directives of the Security Minister ;
32. The relations with neighboring States were good but other Ministers, (security) are better qualified to talk about it, added the Minister who explained that during the Ivorian crisis the army was mobilized to provide transport, accommodation and medical care for the benefit of the repatriated Burkinabes.

33. The police ensured public security and the maintenance of law and order in the rural areas and carried out other duties on the directives of the Minister for Security.

Meeting with her Excellency Marie Gisèle Guigma, Minister for the Promotion of Women's Rights

34. Her Excellency Guigma Marie Gisèle, Minister for the Promotion of Women's Rights received the delegation in a simple, direct and friendly manner. Commissioner Rezag Bara succinctly explained the aim of his mission, introduced the delegation and asked questions pertaining to the way the Ministry functions, the evolution of women, in particular in the areas of education, literacy, training, access to secondary and tertiary education and integration into social life.
35. In response, Her Excellency Madame Guigma gave a historical overview of her ministry, the way it functions and the state of International Women's Day which falls on March 8. She also threw light on the fight against poverty and the quota system by which 30% of all decision making positions should be reserved for women. The Hon. Minister further explained that education, literacy, access to secondary and tertiary education and training partially depends on changing mindset which means that in some regions of the country, such as the sahelian north, free education for the girl child is one of the means of ensuring access to education just as the implementation of positive discrimination at the secondary and tertiary levels. These are no specialized professional training institutions apart from the Lycée Technique de Ouagadougou.
36. Her Excellency Madame Guigma averred that there are laws against female genital mutilation which are supported by awareness creation campaigns. At the moment, the authorities are trying to implement tough laws but this seems ineffective to ensure the protection of the rights of women. In fact, women's rights protection is faced with problems from other areas such as kidnapping of women and young girls, forced and early marriage, the practice whereby a widowed woman is forced to marry the brother of her deceased husband, particularly in the Sahel zone. The Koranic School is also a source of challenge because it exposes the child to begging. Commissioner Rezag Bara

suggested ways of bringing this situation to an end, particularly finding the ways and means of making Koranic education free, if it is not integrated into the education system, at least regulating it.

Audience with His Excellency the Minister of Justice and Attorney General

37. The meeting was held in the office of His Excellency Boureima Badini, in the presence of Mr. Traoré Jerome, Chief Director of the Ministry and Mrs. Meda Somé Honorine, Director of administration.
38. The Minister answered questions posed by Commissioner Rezag Bara (Access to justice, legal aid, the role of the Ministry in the electoral process, capital punishment, constitutional control etc.). After explaining the rationale behind his mission and introducing his delegation, His Excellency Badini Boureima made the following points:
  - Access to justice is more open in Ouagadougou (8 courts) as in Bobo Dioulasso and it progresses with the proximity of justice to persons subject to be tried. This has been done through the creation of courts in the departments and the provincial capitals where there are already 24 county courts. An ongoing project seeks to establish a country court in each of the provinces and each department (350) with a magistrate's court
  - Legal aid is provided for and funded by the State and the French Embassy
  - There is congestion at the remand centers and the prisons. However, there are efforts aimed at reducing this overcrowding, and separating men from women and children from adults while ensuring food self sufficiency.
  - Petty crime and bloody crimes are on the upsurge, perhaps as a result of poverty and the abolition of capital punishment. This is still a matter for debate while there is a de facto moratorium which favors five people facing the death penalty.

- The Minister for Justice does not have any particular role to play either in the electoral process or in constitutional control since the 2002 reforms have relieved the ministry of that role.

27<sup>th</sup> March

Meeting with human rights NGOs.

39. The delegation met individually with NGO representatives and the National Human Rights Commission first at the Ministry for the Promotion of Human Rights before being received by the entire members of the Commission at its headquarters.
40. Commissioner Rezag Bara spelt out the aims of his mission, introduced his delegation and asked NGO representatives questions about human rights, cultural and socioeconomic changes, the state of the courts that had been set up under the judicial reforms of 2000. The following answers were given:
  - Burkinabe Movement for Human and People's Rights, MBDHP: Observer status with the African Commission: Messieurs Kambou Kassoum, Sanou Ali: There are formal guarantees about human rights, but generally speaking, the enjoyment of human rights is facing difficulties, in particular in the areas of health and education. Human rights defenders are faced with difficulties and in maintaining security there have been cases of extrajudicial killings. In spite of the reforms, the bench remains dependent and corrupt. This made the Head of State personally order a probe into corruption. The enjoyment of civil rights is thus facing problems because in politics independent candidates are not allowed to contest elections; this is problematic. The Burkinabe Movement for Human and People's Rights (MBDHP) has launched a signature campaign in support of independent candidacy. The fight against poverty is not being effectively waged.

- TOCSIN: Mr. Arouna Savadogo gave an overview of the difficulties faced by Burkinabes repatriated from Côte d'Ivoire and what TOCSIN did. TOCSIN is an association which is mainly concerned with the rights of Burkinabes living abroad, in particular in the Republic of Côte d'Ivoire as victims of the events in this country managed to be repatriated. M. Savawado also talked about the demands of repatriated Burkinabes. These demands are about fair compensation for the harm done them and TOCSIN's continued activities in support of the cause of Burkinabes repatriated from Côte d'Ivoire as well as all Burkinabes in the Diaspora. Concluding, he said that victims of the conflict in Côte d'Ivoire do not benefit from any state assistance once the welcome formalities and the journey to their region are over.
- Association of Burkinabes Women Lawyers (AFJ/BF, enjoys an observer status with the African Commission):

- Madame Somkida Ouédraogo-Traoré averred that the condition of women is improving, but that the continued discrimination against women is an obstacle to the enjoyment of human rights. Polygamy, particularly in the rural areas, creates problems about the fair distribution of property to the wives when a polygamous spouse dies. The regularization of polygamous marriages rectifies this anomaly, but it is inaccessible as a result of a distance related cost of the procedure. Communalizing it could bring about a favorable change for women in many areas of marriage.

- GERDES-Burkina: Madame Liéhoun Mriam and Hervé Sorgho: GERDES-Burkina is the national chapter of GERDES-AFRIQUE which was established in Cotonou in 1990. The objectives of GERDES-BURKINA are mainly to contribute to the promotion of human rights in general (promotion and consolidation of democratic pluralism, civic education with the view to instituting and deepening a democratic culture; giving counsel and assistance on issues of democracy; undertaking studies

and analyses on lawmaking, election monitoring, etc). This is how GERDES-BURKINA contributes to development and the fight against poverty (publication of survey entitled “knowing the HIPC Initiative”), women’s income generating activities (through cooperation), agricultural reform and search for a solution to the problem of access to shelter and land and the fight against the proliferation of arms.

- GERDES-BURKINA has decentralized bodies in the provinces (45 provincial branches) in the regions (13 regional coordinators. and 350 branches spread across the entire country) GERDES\_BURKINA has undertaken activities, particularly in Burkina Faso, Niger, Senegal, Benin, etc.
- ACAT-Burkina: Madame Lucienne Ariane Zoma (Chairperson) briefed the delegation about living conditions in the prisons and other detention facilities (13 regional prisons and cells at the numerous police stations) with the following common features: notorious overcrowding: promiscuity (adults are not separated from minors and men are not separated from women; it is only in the dormitory), total lack of health care facilities and feeding problems. Madame Zoma also talked about problems caused especially by the fact that the law does not allow legal representation for remand prisoners while, at the same time, many factors (lack of infrastructure, particularly cars, and even roads for the transfer of the prisoners constitute an obstacle to the respect for the rights of detained persons some of whom remain on remand for days and even months. As the ACAT-Burkina document reveals in the annex, prison and detention conditions are a major concern in Burkina Faso where the death penalty has been abolished.
- ABPAM (Burkinabè Association for the Blind and Visually Impaired): Mr. Sankane Assane (a tutor at the ABPAM School) indicated that young blind persons face social integration problems after their education at the organisation’s School for the Blind or at the University. Some blind persons were recruited by the Government but there has not



been any improvement in the situation nor in the living conditions of those who are working. There are provisions that protect the rights of the visually challenged but provisions that address the concerns of the blind and visually-impaired are never complied with in practice.

- **CBDF:** Mrs. Kaboré Elizabeth, Mr. Sawadogo Joseph Alain, Mrs. Sirima Mariam, representing the Burkinabè Coalition for Women's Rights which is a network of 13 NGOs created in 2002 to ensure the promotion of Women's rights at both the regional and national levels. They espouse the view that provisions for the protection of women's rights exist in Burkina Faso but they are consistently abused. In fact, women are victims of all sorts of discrimination and desertion of family, a situation which is further enhanced by traditional practices, to the detriment of Personal and Family Law which protects ordinance marriage and as a result of the turnaround by the majority party (CDP), the enforcement of the 11% quota of women registered in the communal elections cannot be recorded in the next parliamentary elections.
- **CGD (Centre for Democratic Governance):** Mr. Luther Yaméogo (a representative) traced the background of his Ouagadougou-based NGO and its regional, provincial and district branches. Prof Augustin Loada is the Executive Director of this NGO and its objectives include promotion of democratic and good governance through democratic dialogue, sample surveys, applied research and capacity building for political parties and civil society in the area of constitutionalism, the rule of law, human rights, administration of elections, participation by citizens, democratic culture, local governance and public policies. The Centre for Governance publishes studies and analyses on human rights issues especially women's rights and submits an annual report on the state of human rights to the Head of State.
- **CNDH (National Commission for Human Rights):** Mr. François de Salle Bado (President) gave a background information on the CNDH: Created in 2001 by decree, the CNDH is composed of several human rights organisations. It has a membership of 34 and a bureau made up of the

President, Vice President and Secretary General. Its branches are spread across 11 regions of the country, 45 provinces and 352 prefectures including several communes. The CNDH carries out activities targeted particularly at promotion and protection of human rights but it faces a lot of constraints due to the low budgetary outlay allocated to it by the State, etc.

- The African Commission delegation then met all the members of the CNDH at its headquarters, visited the facilities and after the usual courtesies and protocols, Commissioner Rezag Bara asked questions that enlivened the discussions which ended with the following conclusions: Generally, Burkina Faso can boast of international human rights protection instruments such as Protocols of the African Charter, the African Charter on the rights and WELFARE of the Child, etc. and is taking appropriate internal measures but there is a discrepancy between the laws and their application especially with regard to women's rights, the right to education, prison and detention conditions, security issues and extrajudicial killings, right to shelter and health. This also includes lack of effective participation of women in the electoral processes which are quite regular. These can be attributed to difficulties encountered in the enjoyment of their rights, poverty due to lack of resources and constraints faced by the CNDH particularly the non-existence of financial autonomy; etc.

41. The list of CNDH members that took part in the meeting are as follows:

- François de Salle Bado (Catholic Episcopacy, President)
- Kaboré Jean Paul (Secretary General CNDH)
- Ouattara Maminata (Ombudsman, Burkina Faso)
- Napon/Traoré Ramata (ADABA)
- Ouedraogo/Zorome Ramata (CDA/FEB)
- Sanon K. Ursul Viviane (MASSA)
- Fadima Bambara (USTB)
- Minoungou D. Roger (Stagiaire)

- Thiombiano/Y Cécile (Stagiaire)
- Ouédraogo Harouna (SOS/JD)
- Ilboudo G. Jean Luc (Ministry of Health)
- Drabo Jean (MPDH)
- Pauline Bagoré Zongo (AFJ/BF)
- Pastor Japsoba I. Flavien (Federation of Churches and Evangelical Missions)
- Ilboudo T. Ernest (ADA)
- Paul Yougharë (New Observation OSC)
- Zongo Camille (MBDHP)

**28<sup>th</sup> March, 2007**

### **Meeting of Parliamentary Groups**

42. The delegation was received by each of the Parliamentary Select groups in their offices at the National Assembly. Commissioner Rezag Bara introduced his delegation, stated the purpose of their visit and asked several questions to which the Parliamentarians attempted to provide the following answers:

- **Democracy and Justice Group:** Honourable Ouédraogo Salif (UNDD) explained in presence of Honourables Ouédraogo Boureina (UNIR/MS), Dicko Hama Moussa and Badolo François (CPS) that their parliamentary group was constituted by opposition parties and their membership was 10. He explained that each of the parties could not single-handedly have attained the required number stipulated by law for the formation of a parliamentary group. The group was formed in 2002 and organises a parliamentary Day before and after the Parliamentary Session. Its contribution to the work of Parliament is to ensure participation in the adoption of the national budget by factoring into it the concerns of the citizens in terms of education and health as well as the control of any frivolous and less prudent expenditures and participation in the anti-corruption drive, parliamentary

commissions of enquiry (regarding food and other imported products, and reports of investigations on the Ouaga-Bobo highway which is yet to be published. The issue of economic, social and cultural rights is a worrisome phenomenon. We have questioned the Government in both oral and written forms about the disturbing phenomenon as far as economic, social and cultural rights are concerned including the enjoyment of other rights (we have no access to the public media and we pay for television coverage activities ourselves), but a lot remains to be done in the area of human rights. We shall contest for the elections separately but some of the members of the group have joined forces. The Independent National Electoral Commission (CENI) cannot remain neutral as it seemed to be the case when its President was appointed. In addition, some members (particularly representatives of religious bodies and traditional chiefs are supportive of the regime. Thus, the CENI manipulates the voters' register by using various administrative documents, which heightens our suspicions that our democracy is on a downward course as a result of lack of transparency.

- **CFR Parliamentary Group:** Honourable Toussaint Abel Coulibaly (Speaker of the House) stated that his group is made up of 6 opposition parties and includes 17 Parliamentarians. He concluded that the CENI had no voters' register, a situation which calls into question transparency in the voters' register. The group was therefore compelled to advocate for reforms at the CENI, review of the electoral law and the unsuitable voting mechanism.
  
- **CDP Parliamentary Group (majority):** Its Chairman, Honourable Kanidoua Nabouho is carrying out an evaluation in the legislature as follows: The rule of law has been consistently operational for 15 years at the institutional level; Committees of Enquiries have been set up on Importation, Corruption and Security including a General and Institutional commission and a Human Rights Commission. The problems of the CENI arise from the fact that the political parties cannot reach consensus on the electoral code, the voting system (proportional representation). There has not been any private member's bill for

independent candidates and the quota applied for the local elections is 11% whilst 25% will be applied for the parliamentary elections.

- **PDP/PS Parliamentary Group:** According to Honourable Ouédraogo Salfo, Chairman of the group, (10 parliamentarians) it is difficult to get our concerns addressed but we contribute to the adoption of the budget, exercise our prerogative as a legislature by overseeing activities of the Executive branch through oral and written questions addressed to the Government, participation in committees of enquiry like the issue of tarring the Ouaga/Bobo road (the report is yet to be published). The use of different kinds of identification cards by the CENI for voter registration promotes manipulation of the electoral register by CENI just like the control that the Government has over the entire electoral process. Consequently, there are about 3.5 million registered persons including fraudulent ones.
  
- **ADF/RDA Parliamentary Group:** Standing in for Honorable Belem Sidi, Chairman of the Group, Honourable Boureima Tambara emphasised on means by which Parliamentarians could question members of Government including the Prime Minister in furtherance of their watchdog role over the Executive and on the contribution his group could make on the various parliamentary committees of enquiry. He concluded by outlining the problems associated with the voters' register and administrative documents that open the door for fraudulent registration.

### **Press Statement by Commissioner Rezag Bara**

43. The press conference was held in the afternoon of March, 28 at the Hotel de la Delegation and the spokesperson was Commissioner Rezag Bara. It was intended to draw the attention of the people to the arrival of a delegation from the African Commission and the issues centered on the objectives of the promotion mission to ensure verification of

resolutions taken by the African Commission following the presentation of Burkina Faso's report (excerpt from the Hansard of March 31, 2007).

**March 29, 2007**

**Meeting with the Chairman of the Independent National Electoral Commission (CENI)**

44. The delegation was welcomed by Mr. Compaoré Adama, Deputy Chairman, in the absence of Mr. Michael Tapsoba, Chairman of CENI. The meeting took place at the Headquarters of the CENI in the presence of Mr. François d'Assise Yaméogo, Secretary General of CENI. In his introduction, Commissioner Rezag Bara focused essentially on issues directly connected with the role of CENI in the electoral process and in response Mr. Adama Compaoré hinted specifically that:
  
45. The voters' register had been revised but the new cards had not yet been distributed and that had perhaps been the source of apprehension for the political parties. We have units even as far as the communes and this will help us to quickly distribute them. Contrary to the view expressed by the parliamentarians, the voters' identity cards would be changed and their distribution effected from 14 to 28 April 2007. Sensitization and information campaigns are being carried out among the political parties to ensure that the voters are sensitised to register and collect their cards. We are trying to avoid any manipulation tactics in the handling of the voters' register but the problems may result from some material errors. There is a single ballot paper indicating the positions of political parties and this would be displayed even under trees where the ballot boxes are placed and of course there will always be a polling booth. The security of the ballot boxes will be ensured with the support of the political parties. The Constitutional Council adjudicates in matters relating to complaints brought up by political parties and some of them had won their cases.

## **Meeting with the Faso Ombudsman**

46. Her Excellency Ouédraogo, M. Traoré Amina courteously welcomed the delegation to her office. After the usual protocols, the introduction of the delegation and the purpose of the visit by Commissioner Rezag Bara, H.E. the Faso Ombudsman indicated that her work, first and foremost, is to carry out promotion activities (ensure that people know their rights) and ensure protection (resolution of complaints). Many of the complaints are directed to the Public Service Ministry for career reorientation and determination of equivalence of certificates) or to the Ministry of Finance in respect of land title issues related to demarcation. In conclusion, the Ombudsman explained that she writes an annual activity report which reviews the overall human rights situation. This report is written and submitted to the Head of State.

## **Meeting with the President of the Economic and Social Council**

47. The meeting was held in the office of H.E. Thomas Sanon, President of the Economic and Social Council. After all the usual protocols of introduction and purpose of the visit by Commissioner Rezag Bara, H.E. Thomas Sanon informed the delegation about the following:

48. That within the framework of sustainable development, the Economic and Social Council (CES) appreciates the situation and makes proposals. The problems that cropped up in matters of security should not be handled apathetically. These are fundamental issues related to the nature of the troops who have no control over stability because the causes are circumstantial. The CES holds two sessions during which resolutions are passed. One of the two sessions is devoted to the consideration of the economy. The report of the CES is presented to the Head of State.

### **Meeting with the Minister of Basic Education and Literacy (MEBA)**

49. The meeting was held in the Office of H.E. Odile Marie Bonkougou, Minister in charge of MEBA during which she briefed the delegation about the policy orientation of her Ministry since 1990 till the inception of the Policy Guideline in 2003. School attendance was 76% in 2004 – 2005 and 64% from 2006 – 2007. We are in consultation with the rest of the education sectors to ensure transition from basic education to training; in particular, of women (attendance rate is 34%) whereas the infrastructure for training, materials and even trained teachers are not available. But we have an alternative means of enrolling girls whose parents are deprived. To encourage girls to stay in school and reduce the imbalance between boys and girls in some regions, we absorb the cost of school textbooks and contributions due to parents. The Koranic schools are also a source of worry to us because the attempts to integrate these schools into the normal school system have not yet borne fruit. Commissioner Rezag Bara proposed a mixed teaching programme of Koranic school/training.

### **Meeting with the Minister in charge of Human Rights Promotion**

50. The meeting was held in the Office of H.E. Monique Ilboudo who was expected to lead an important delegation to the countryside for the celebration of the 6<sup>th</sup> Anniversary of the National Day of Forgiveness. Mr. André Dembélé, Secretary General of the Ministry and Marc Somda, Technical Counsellor were at the meeting. Commissioner Rezag Bara told the Minister that the delegation had met a host of personalities in the course of their programme including administrative and political officials who raised some sensitive issues. Regarding civil society, the latter expected that progress should be made to reach a balanced status between principles and facts. Commissioner Rezag Bara expressed the appreciation of the African Commission and his delegation to H.E. Ilboudo for the excellent facilities made available to the delegation to ensure the promotional activity in Burkina Faso was carried out in very optimal conditions. Commissioner Rezag Bara concluded by asking H.E. Minister Monique Ilboudo to communicate the satisfaction of the delegation to the Government, political and administrative authorities, civil society



personalities they had met who, generally-speaking, were courteous and availed themselves to the African Commission delegation.

51. H.E. Madame Ilboudo, in turn affirmed that the delegation's presence in Burkina Faso was an honour to the country and a greater manifestation of the interest the African Commission had demonstrated to deepen the culture of human rights in the country. Conscious of the problems associated with human rights, the Burkinabe Government hopes to take advantage of all the suggestions made by the African Commission in her efforts to stem the tide of poverty which is the root cause of all the problems we face. H.E. the Minister, consequently expressed her personal satisfaction and gratitude as well as that of Government to the delegation and wished them a successful mission and safe journey back home.

### **Discussion Forum facilitated by Commissioner Rezag Bara at the Ouagadougou Institute of Diplomacy and International Relations**

52. Invited in his personal capacity on the sidelines of the mission, Commissioner Rezag Bara successfully facilitated a discussion Forum in the presence of students and lecturers at the Institute of Diplomacy and International Relations, Ouagadougou.
53. Established on the initiative of the Government of Burkina Faso with the support of the Canadian Cooperation, this school admits Burkinabe students who have graduated from the University. They are taken through a two-year post University training programme leading to diplomatic and international career. The school has just begun with its first batch but students from other countries in the sub-region, Central Africa and Asia have been admitted based on their qualifications. Final examinations are organised at the Institute of Diplomacy and International Relations of Ouagadougou which issues a certificate to the successful ones.

**March 30, 2007**

**Meeting with Mr. Cheick Ouédraogo, President of the Supreme Court of Appeal**

54. We were welcomed to the Office of the President of the Supreme Court of Appeal, Cheick Ouédraogo, where the meeting was held. The reception was warm and courteous. The meeting took place at the premises of the Supreme Court.

55. Answering questions posed by Commissioner Rezag Bara, Mr. Cheick Ouédraogo stated the following, especially concerning progress made in the area of procedure, judicial control and security in relation to the publication of decisions:

By creating the Supreme Court of Appeal and other courts, the judicial reforms carried out in 2002 were meant to generate greater efficiency in the procedure and consolidate the independence of the judiciary as guaranteed by the constitution. We are expected to deliver in line with this reform and we are taking steps to hasten justice delivery, though we are sometimes saddled with about 150 cases. It is not a perfect situation but some progress has been made but it must however be noted that it is not obvious that all persons who make appeals would appreciate the outcome in its right perspective. Since justice is justice, it is the procedures that have to be followed, though a little bit slow. The issue here is whether there is the need to opt for quick delivery at the risk of falling into arbitrariness. The control of the judicial function is the responsibility of the judicial authorities and it is exercised regularly but the control regarding the respect for the rules and the exercise of the security function is the responsibility of the police. Mr. Cheick Ouédraogo explained however that the relationship between justice and those responsible for it is quite good and that out of the existing 45 provincial capitals 25 already have county courts dealing with administrative, commercial and judicial cases. In conclusion, he stated that since 2005, the “The Report of Decisions by the Supreme Court of Appeal” which is a biannual journal carries all the decisions.

### **Meeting with Madam Dakouré Haridiata, President of the Council of State**

56. This simple and cordial meeting took place in the Office of the President, Madam Haridiata Dakouré who answered questions posed by Commissioner Rezag Bara as follows:

57. The Council of State originated from the Administrative Court of the erstwhile Supreme Court. The fundamental responsibility of the Council of State is to ensure compliance with the law. The State ensures that Public Service Institutions are fully operational.

58. The Council of State oversees decisions of the administrative courts operating in only Ouagadougou and Bobo Dioulasso, but in the other cities, county courts have additional administrative functions and their decisions can be referred to the Council of State. The administrative cases brought up are usually directed at the Ministry of Public Service and the issues border on career progression of public servants or on the determination of equivalence of certificates. The Council of State is one of the mechanisms for the stabilisation of the situation and though publication of its Decisions is not yet operational, it is on the right path to ensuring that it is done.

### **Meeting with H.E. Paramenga Ernest Yonli, Prime Minister of Burkina Faso**

59. The meeting was held in the Office of the Prime Minister who was assisted by Mr. Milogo Youssouf, Political Affairs Counsellor. Commissioner Rezag Bara expressed the appreciation of the African Commission and the delegation he had just introduced to the Prime Minister for the latter's personal efforts in ensuring the promotion of human rights and thereafter explained the purpose of the mission.

60. Commissioner Rezag Bara then gave an account of the outcomes of the meetings his delegation had had with the administrative, political, judicial authorities as well as civil society.

62. Commissioner Bara emphasized on issues raised by the various discussants which are mainly centered on the control of Government by parliamentarians, the problem of identity cards for voters' registration, the revision of the voters' register for the upcoming parliamentary elections and the distribution of these cards to the voters. Other problems related to the actual enjoyment of rights by women, especially access by girls to schools and training, the need to build capacity at the National Commission for Human Rights (CNDH) through allocation of a substantial budget, the recruitment of competent human resource and deepening of the financial independence. Commissioner Rezag Bara finally made a proposal for the problem of Koranic schools to be addressed.
63. The Prime Minister thanked the African Commission for showing interest in Burkina Faso and commended Commissioner Rezag Bara and his delegation for the quality of work done before making a submission (as indicated by Commissioner Rezag Bara) that certain situations must be improved upon but not all is so "simplistic" as people who are just passing through this place would want others to believe. Such people even seize the opportunity to make all kinds of allegations. We refer to control by Parliament which adopts the budget and can successfully question the executive to toe the former line. Genuine and permanent voters' register is quite good in all respects. As issues of human rights are not always a forgone conclusion, the best option is to have the necessary information on them. This is the reason why we would be very grateful if you could send recommendations to us on what we are doing. The Prime Minister once again expressed his gratitude to Commissioner Rezag Bara's delegation before cordially accompanying them to the hall where journalists from the National Television Network had assembled for a press conference. At this conference Commissioner Rezag Bara first of all introduced his delegation and stated the purpose of their visit. He then pointed out that their mission was a success and expressed the sincere appreciation of the delegation to all personalities they had so far met and who readily availed themselves, felt free to express themselves on even delicate issues. Commissioner Rezag Bara also stated that the entire programme had been fully accomplished by his delegation and that he had briefed H.E. the Prime Minister who willingly granted us time to pay him a very fruitful courtesy call. The Prime Minister confirmed his authority over some of the observations and requested

him to forward recommendations to his Government which is a good sign of the readiness and encouragement by the African Commission.

64. Finally, Commissioner Rezag Bara requested the journalists to express the gratitude of the African Commission delegation to the Government and other partners of the African Commission based in Burkina Faso for all the facilities put at the disposal of the delegation to enable it to achieve a successful sensitization mission in Burkina Faso.

#### **IV. CONCLUSIONS AND RECOMMENDATIONS**

##### **CONCLUSIONS**

65. From the information gathered and observations made by the African Commission delegation led by Commissioner Rezag Bara, the following conclusions were drawn:

- That Burkina Faso is generally classified among least developed countries
- Lack of natural resources is the major cause of poverty and the international environment, characterized by the effects of globalisation, plays an influential role in efforts aimed at reducing poverty ;
- That the African Charter is an integral part of the Constitution, which confers a constitutional legal value on the provisions;
- That the elections are held effectively at all levels and the democratic institutions are working effectively;
- That serious reforms have been made in respect of deepening transparency in elections, from representation by various shades of opinion to efficiency in the judicial system;
- That the pertinent role played by civil society in general is visible in the laws and in practice especially for NGOs working in defense of women's rights and the Government has complied with this principle;

- That human rights are therefore a source of great concern in this country where the existence and the enjoyment of freedoms of association, of the press, of expressing one's opinions and others are being consolidated.

64. However, Burkina Faso faces challenges in the implementation of human rights especially certain categories of rights are of particular concern. These include:

- Women and girls' rights;
- Right of access to justice;
- Right to a fair trial;
- Canker of corruption;
- Extrajudicial killings in the course of security operations;
- Right to political participation;
- Transparency in the electoral process;
- Control of the Executive branch by Parliament;
- Prison conditions and the rights of persons on remand
- Right to health, education and shelter;
- Right to poverty reduction and the enjoyment of economic, social and cultural rights, etc.

65. The sensitization mission by Commissioner Rezag Bara to Burkina Faso was supported by the Government and Civil Society especially the CNDH, NGOs and this firm support by partners of the African Commission helped to rally all the various stakeholders on the ground.

66. The sensitization mission of the African Commission to Burkina Faso took place from 26 – 30 March 2007 under very satisfactory conditions. This mission fully achieved the expected objectives;

## RECOMMENDATIONS

67. Based on progress made generally in the area of human rights and the preparedness of both Government and Civil Society, especially Human Rights NGOs to strive to deepen the culture of human rights in Burkina Faso, the African Commission hereby makes the following recommendations to the Government and members of Civil Society especially Human Rights NGOs:

### **The Government of Burkina Faso is called upon to:**

- Fully play its role as the first authority in the promotion and protection of human rights in the country, in particular by improving efficiency in poverty reduction, eliminating the canker of corruption in order to promote effective enjoyment of economic, social and cultural rights;
- Hasten the process of making justice accessible to those who need it by providing courts and district courts in all the provinces and regions of the country and promoting the effective operationalization of the communes so as to ensure access to justice and actual enjoyment of certain categories of rights;
- Focus maximum attention on the independence of the judiciary to foster the enjoyment of the right to a fair trial and protection of the right of persons on remand as well as provide continuous training to the police to stem the lapses that lead to extrajudicial killings during security maintenance operations;
- Take the necessary measures for the improvement of conditions in cells and prisons by providing adequate food and appropriate health care. Envisage the eradication of overcrowding and promiscuity in the prisons by building appropriate structures that conform to international norms for women and minors (like the case of Laye which is preferred so much by some NGOs;

- Carefully envisage integration of the gender dimension in the Public decision-making bodies including participation of women in political life by ensuring that all their rights are respected especially in terms of literacy as well as access to school and training by girls;
- Promote improvement in transparency in the activities of the Independent National Electoral Commission; ensure the publication of annual human rights reports by the appropriate institutions on a timely basis including reports of parliamentary enquiries and encourage applied research in human rights by local NGOs especially;
- Take all the necessary measures to build capacity at the National Human Rights Commission particularly through allocation of substantial financial resources and deepening of its financial self-sufficiency;
- Forward Burkina Faso's 11<sup>th</sup> report (3<sup>rd</sup> in actual fact) to the African Commission Secretariat so that it would be presented at the 41<sup>st</sup> Ordinary Session of the African Commission.

**Civil Society, particularly NGOs are called upon to:**

- Further consolidate their activities in the area of sensitization of the population on human rights issues through promotion of the African Charter;
- Further develop the bonds of cooperation between the CNDH and the African Commission and ensure the creation of Networks with the view to consolidating cooperation between them.
- Cooperate with the Government to elicit their contribution to the formulation of reports to be submitted by Burkina Faso to the supervisory organs in charge of related international instruments, especially the African Commission.