



Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women Thirty-third session 5-22 July 2005

Concluding comments: Burkina Faso

1. The Committee considered the combined fourth and fifth periodic reports of Burkina Faso (CEDAW/C/BFA/4-5) at its 695th and 696th meetings, held on 14 July 2005.

Introduction by the State party

2. Introducing the report, the representative said that the Government of Burkina Faso, in conjunction with non-governmental organizations, associations and development partners, was working to consolidate the progress made in the area of gender equality in its domestic legislation.

3. On 19 May 2005, the National Assembly had adopted an act authorizing the ratification of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women.

4. The representative stated that policies for the advancement of women dealt with many issues, such as the fight against HIV/AIDS, rural development, communications, employment and work, health, education, the national policy for the advancement of women and the National Population Policy. In addition, Burkina Faso's policy letter on sustainable human development addressed the situation of women.

5. Efforts to publicize the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child, the establishment of legal clinics and the revision of the content of school textbooks had led to a sea change in traditional social standards. In particular, existing laws had been strengthened in order to prohibit levirate, dowry, forced and early marriage and female genital mutilation.

* Reissued for technical reasons.

6. Equality between men and women in the area of employment was enshrined in texts governing both the private and public sectors.

7. Although prostitution was illegal, it had taken on worrying proportions, owing mainly to impoverishment. The representative described the strategies implemented by the Government, in conjunction with the regions, to counter that phenomenon. She also detailed the policies introduced to combat trafficking in children, which was a growing problem.

8. With regard to education, the representative observed that disparities continued to exist between girls and boys in the school system. Fewer girls than boys were enrolled in school owing to the persistence of religious and customary practices, the overburdening of girls with housework and the lack of financial resources.

9. However, the adoption in 1999 of the ten-year basic education development plan had, particularly since 2002, led to a significant upswing in the net literacy rate owing to an increase in the number of local schools, financial assistance for parents and campaigns to promote girls' enrolment. Literacy for women and girls who had dropped out of school or who had never been to school was a priority and efforts in that area had been successful owing to the spread of non-formal education centres.

10. Access to primary health care was a constant concern for the Government. Efforts were being made to ensure that reliable family planning was readily available throughout the country. The Government had also developed a plan to safeguard reproductive health products.

11. Measures had been introduced to promote women's involvement in the agricultural sector, and the presence of women in organizations gave them the opportunity to take part in decision-making in rural areas.

12. Since 1990, marriage and family matters had been governed by the Individual and Family Code. Under the Code, monogamy was the preferred form of marriage, but polygamy was permitted under strict conditions designed to protect women's rights. That type of union still existed and, in practice, was more common. Since the adoption of the Code, awareness-raising, information and training campaigns had been launched to promote monogamy and the issue had been incorporated into educational activities and vocational training. There was no discrimination towards either spouse in respect of the rights and obligations arising from marriage and divorce. Spouses enjoyed the same inheritance rights, the right to legal guardianship of minor children, the right to property and the right to remarry. However, retrograde practices still existed, to the particular detriment of widows since, in accordance with those practices, children belonged exclusively to their father.

13. In conclusion, the representative said that the Committee's recommendations would be taken into consideration by the Government of Burkina Faso with a view to the effective implementation of the Convention.

Concluding comments of the Committee

Introduction

14. The Committee expresses its appreciation to the State party for its combined fourth and fifth periodic report. The Committee commends the State party for the written replies to the list of issues and questions raised by the pre-session working

group and for the oral presentation which added further information about the situation of women.

15. The Committee commends the State party for its high-level delegation, headed by the Minister for the Advancement of Women and which included the Minister of Health and representatives of other ministries with responsibility for implementation of the Convention. The Committee expresses its appreciation for the frank and constructive dialogue held between the delegation and the members of the Committee and the further clarifications provided in response to the questions orally posed by the Committee.

Positive aspects

16. The Committee congratulates the State party for its recent legislative reforms and policy measures to empower women and to eliminate discrimination against them, including the amendment to the Labour Code (Act No. 033-2004/AN) to prohibit sexual harassment, the policy letter on sustainable human development which provides for a more active role for women in development and the policy letter on decentralized agricultural development which includes as one of its specific objectives the promotion of the role of women in the agricultural sector.

17. The Committee welcomes with satisfaction the fact that the State party signed in 2001, and is in the process of ratifying, the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women.

18. The Committee welcomes the establishment of the National Committee to Combat Discrimination responsible for monitoring implementation of the Convention and of gender points of contact in all ministries.

19. The Committee commends the State party for its campaign against female genital mutilation, which has resulted in a significant decrease in this practice.

Principal areas of concern and recommendations

20. The Committee notes the State party's obligation for the systematic and continuing implementation of all the provisions of the Convention. At the same time, it is the Committee's view that the concerns and recommendations identified in the present concluding comments require the State party's priority attention between now and the submission of the next periodic report. Consequently, the Committee calls upon the State party to focus on these areas in its implementation activities and to report on actions taken and results achieved in its next periodic report. It calls upon the State party to submit the present concluding comments to all relevant ministries and to Parliament so as to ensure their full implementation.

21. The Committee is concerned that the State party has not taken adequate steps to implement the recommendations in regard to some concerns raised in the Committee's previous concluding comments adopted in 2000 (A/55/38). In particular, the Committee finds that its recommendations in paragraphs 268 (to give priority to education of girls), 278 (to enforce women's rights to property and provide women with access to credit) and 280 (to enforce labour laws to eliminate discrimination in employment) have been insufficiently addressed.

22. The Committee reiterates these concerns and recommendations and urges the State party to proceed without delay with their implementation.

23. The Committee is concerned about the lack of specific legislation to eliminate violence against women, including domestic violence. While the Committee notes the State party's contention that victims of violence receive medical and legal services, it is concerned that the State party did not provide any details about such services, and their accessibility to women. The Committee further expresses concern about the paucity of information and statistics provided on the incidence of various forms of violence against women.

24. In accordance with its general recommendation 19, the Committee urges the State party to give high priority to putting in place comprehensive measures to address all forms of violence against women and girls, recognizing that such violence is a form of discrimination against women and constitutes a violation of their human rights under the Convention. The Committee calls upon the State party to enact, as soon as possible, legislation on violence against women, including domestic violence, so as to ensure that violence against women constitutes a criminal offence, that women and girls who are victims of violence have access to immediate means of redress and protection and that perpetrators are prosecuted and punished. The Committee recommends that the State party also implement educational and awareness-raising measures aimed at law enforcement officials, the judiciary, health providers, social workers, community leaders and the general public, in order to ensure that they understand that all forms of violence against women are unacceptable. It also recommends the establishment of shelters and counselling services for victims of violence. The Committee requests the State party to provide information in its next report on the laws and policies in place to deal with violence against women and the impact of such measures. The Committee also requests the State party to provide details of services provided to victims of violence, including details about access to and scope and effectiveness of the services.

25. While welcoming the Individual and Family Code which provides for women's equality with men in many respects in the areas of marriage, divorce and death and inheritance, the Committee is concerned about the persistence of several discriminatory provisions in the Code, particularly in relation to the minimum age of marriage, which is 17 years for girls and 20 years for boys, and the legality of polygamy under the Code.

26. The Committee urges the State party to accelerate the process of legal reform to raise the minimum age of marriage of girls and to prohibit polygamy in order to ensure compliance with articles 2 and 16 of the Convention and the Committee's general recommendation 21 on equality in marriage and family relations.

27. While welcoming legislation prohibiting female genital mutilation, forced and early marriage, levirate and sororate, dowry and practices that prevent women from owning land and inheriting from their husbands, the Committee remains concerned about the continuing strong prevalence of patriarchal attitudes and deep-rooted stereotypes and of customs and traditions that discriminate against women, particularly women in rural areas, and constitute violations of their human rights. The Committee is concerned that these practices persist in contravention of the

provisions of the Convention, as well as national legislation. The Committee is also concerned that women are not informed of remedies under relevant legislation.

28. The Committee calls upon the State party to take all necessary measures to ensure full compliance with the provisions of the Convention, the Individual and Family Code, the Penal Code and other laws in regard to harmful traditional or customary practices that violate women's rights. The Committee recommends that these efforts be undertaken in combination with educational programmes designed to raise awareness and challenge discriminatory customs and traditions and stereotypic attitudes regarding the roles and responsibilities of women in the family and society, as required under articles 2 (f) and 5 (a) of the Convention. The Committee encourages the State party to undertake these efforts in collaboration with civil society and women's and human rights organizations, and target women and men in all segments of society, including public officials at all levels of government, and community and traditional leaders, as well as the general public. It also urges the State party to improve women's access to remedies, including through awareness-raising efforts and measures to enhance women's legal literacy.

29. While the Committee welcomes the adoption of a law to prevent and combat trafficking in children for purposes of exploitation of labour, it is unclear that this legislation covers trafficking of children, especially girls, for sexual exploitation. The Committee is further concerned that similar measures have not been taken with respect to trafficking in women.

30. The Committee urges the State party to intensify its efforts to combat trafficking in girls and women for sexual exploitation. The Committee recommends that the State party implement a national strategy to combat trafficking in girls and women, which should include the prosecution and punishment of offenders and measures aimed at improving the economic situation of girls and women so as to eliminate their vulnerability to traffickers, educational initiatives and social support measures and rehabilitation and reintegration measures for girls and women who have been victims of trafficking.

31. The Committee regrets that the combined fourth and fifth periodic report did not provide sufficient statistical data on the situation of women in all areas covered by the Convention. The Committee is concerned about the lack of information on the impact of measures taken and of results achieved in various areas of the Convention.

32. The Committee calls upon the State party to put in place a comprehensive system of data collection and assessment of trends in the situation of women. It encourages the State party to monitor, through measurable indicators, the impact of measures taken and progress achieved towards realization of women's de facto equality. It invites the State party, as necessary, to seek international assistance for the development of such data collection and analysis efforts. The Committee also requests the State party to include in its next report statistical data and analysis on the situation of women, disaggregated by sex and by rural and urban areas, indicating the impact of measures and the results achieved in the practical realization of women's de facto equality.

33. The Committee is concerned about the situation of rural women, particularly in view of their extreme poverty and lack of access to adequate nutrition and sanitation, health care, education and income-generating opportunities. This situation leads to multiple forms of discrimination against rural women. The Committee is also concerned about the absence of statistical information related to the situation of rural women.

34. The Committee urges the State party to pay special attention to the situation of rural women so as to enhance compliance with article 14 of the Convention. In particular, the Committee calls upon the State party to ensure that rural women have full access to education, health services and credit facilities, and can fully participate in decision-making processes. The Committee also urges the State party to implement provisions of the Agrarian and Land Reform that give women equal access to arable land and housing and provisions of the Individual and Family Code so as to eliminate all forms of discrimination against women with respect to ownership and inheritance of land. It also urges the State party to place emphasis on women's human rights in all development cooperation programmes with international organizations and bilateral donors so as to address the socio-economic causes of discrimination against women and sociocultural causes of poverty of women, especially those impacting women in rural areas, through all available sources of support. The Committee urges the State party to put into operation the principle of gender equality as a key factor in eradicating poverty as outlined in the strategic and regional frameworks for poverty reduction. The Committee invites the State party to provide detailed statistical information about the impact on women of the implementation of the policy letters on sustainable human development, decentralized rural development and agricultural development and of the strategic and regional frameworks for poverty reduction, in its next report.

35. While noting the efforts made by the State party to improve reproductive health care for women including through subsidizing contraceptives, the Committee remains concerned about the limited access to adequate health-care services for women, including those related to family planning. It is particularly concerned about high rates of fertility, infant and maternal mortality and death due to clandestine abortions, inadequate family planning services and low rates of contraceptive use. The Committee is further concerned that the report contained insufficient information on the impact of measures taken to reduce infant and maternal mortality rates, and improve access to family planning services. The Committee is concerned about the limited information provided on prevalence of HIV/AIDS and trends in the spread of the epidemic.

36. The Committee recommends that the State party take measures to improve women's access to health care and health-related services and information, in accordance with article 12 of the Convention and the Committee's general recommendation 24 on women and health. It calls upon the State party to improve the availability of sexual and reproductive health services, including family planning, also with the aim of preventing clandestine abortions. It encourages the State party to enhance availability of contraceptive services. It further recommends that sex education be widely promoted and targeted at girls and boys, with special attention to the prevention of early pregnancies and sexually transmitted diseases. The Committee requests the

State party to provide in its next report detailed statistical and analytical information on measures taken to improve women's access to health-related services and information, including in regard to sexual and reproductive health and family planning, and the impact of these measures, in accordance with the Committee's general recommendation 24 on women and health. The Committee calls upon the State party to carefully monitor implementation and results of the national plans to combat HIV/AIDS and sexually transmitted infections (2001-2005) and any follow-up programmes and strategies, to be reflected in its next report.

37. While noting the increase in the number of women in the National Assembly from 3 in 2000 to 13 in 2005, the Committee remains concerned about the low level of representation of women in public and political life and in decision-making positions, including in the foreign service. It notes with concern the absence of temporary special measures to increase women's participation in political and public life despite the Committee's recommendation in paragraph 273 of its previous concluding comments (A/55/38).

38. The Committee urges the State party to implement temporary special measures, including quotas, in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation 25 and to establish concrete goals and timetables so as to increase the number of women in political and public life and in decision-making positions. The Committee also draws the State party's attention to general recommendation 23 on the participation of women in public life and urges full implementation of the measures recommended therein.

39. The Committee encourages the State party to accept, as soon as possible, the amendment to article 20, paragraph 1, of the Convention, concerning the meeting time of the Committee.

40. The Committee urges the State party to utilize fully in its implementation of its obligations under the Convention, the Beijing Declaration and Platform for Action, which reinforce the provisions of the Convention, and requests the State party to include information thereon in its next periodic report.

41. The Committee also emphasizes that a full and effective implementation of the Convention is indispensable for achieving the Millennium Development Goals. It calls for the integration of a gender perspective and the explicit reflection of the provisions of the Convention in all efforts aimed at the achievement of the Millennium Development Goals and requests the State party to include information thereon in its next periodic report.

42. The Committee commends the State party for having ratified the seven major international human rights instruments.¹ The Committee notes that the State party's adherence to the seven major international human rights instruments enhances the enjoyment by women of their human rights and fundamental freedoms in all aspects of life.

43. The Committee requests that the present concluding comments be widely disseminated in Burkina Faso, in French and local languages, in order to make the people of Burkina Faso, including government officials, politicians, parliamentarians and women's and human rights organizations, aware of the steps that have been taken to ensure de jure and de facto equality for women

and the future steps required in that regard. It also requests the State party to continue to disseminate widely, in particular to women's and human rights organizations, the Convention and the Optional Protocol thereto, the Committee's general recommendations and the Beijing Declaration and Platform for Action, as well as the outcome of the twenty-third special session of the General Assembly entitled "Women 2000: gender equality, development and peace for the twenty-first century".

44. The Committee requests the State party to respond to the concerns expressed in the present concluding comments in its next periodic report under article 18 of the Convention, which is due in November 2008.

Notes

- ¹ The International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of the Child and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.