

Universal Periodic Review
(16th session, spring 2013, from 22 April – 3 May 2013)
Contribution of UNESCO

(The countries to be reviewed are, in this order: Turkmenistan, Burkina Faso, Cape Verde, Colombia, Uzbekistan, Tuvalu, Germany, Djibouti, Canada, Bangladesh, Russian Federation, Azerbaijan, Cameroon, and Cuba. Each submission should refer to one country only)

Burkina Faso

I. BACROUND AND FRAMEWORK

1. Human rights treaties which fall within the competence of UNESCO and international instruments adopted by UNESCO

I.1. Table:

<i>Title</i>	<i>Date of ratification, accession or succession</i>	<i>Declarations /reservations</i>	<i>Recognition of specific competences of treaty bodies</i>	<i>Reference to the rights within UNESCO's fields of competence</i>
Convention against Discrimination in Education (1960)	Ratified 04/09/2012	<i>Reservations to this Convention shall not be permitted</i>		Right to education
Convention on Technical and Vocational Education. (1989)	Not state party to Convention			Right to education
Convention concerning the Protection of the World Cultural and Natural Heritage (1972)	Ratified 02/04/1987			Right to take part in cultural life
Convention for the Safeguarding of the Intangible Cultural Heritage (2003)	Ratified 21/07/2006			Right to take part in cultural life
Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005)	Ratified 15/09/2006			Right to take part in cultural life

II. Promotion and protection of human rights on the ground

Right to education¹

Normative Framework:

2. Constitutional framework: Burkina Faso's Constitution of June 2nd, 1991,² revised by Law No. 001 -2002/AN of January 22nd, 2002 recognizes the Right to Education in Articles 18 and 27.
3. Article 18 (Section I on Fundamental Rights and Obligations, Chapter IV on Social and Cultural Rights and Duties) pronounces that education is among the social and cultural rights that the constitution promotes (Law N° 002/97/ADP du 27 January 1997).
4. Article 27 adds that every citizen has the right to a public and non-confessional education. Private education is recognized and regulated by law.
5. Article 23 affirms that all children are equal in terms of rights and obligations within family relations, and parents have a natural right and obligation to raise and educate their children.
6. Furthermore, Article 1 affirms the equality in law of its citizens and prohibits discrimination.
7. Articles 7 and 8 recognize the freedom of conscience and the freedom of religion.
8. Legislative framework: The central Law on education (Law No. 013-2007/AN)³ was adopted on July 30th, 2007. In Articles 2 and 3, the fundamental principle of the Right to Education without discrimination is enshrined.
9. Article 4 establishes that education is compulsory for all children between six and sixteen years of age and that the state and civil society are responsible for developing pre-school education. Lastly, it establishes the right to education for people with disabilities.
10. Article 6 stipulates that public education is free and compulsory.
11. Article 7 affirms that public education is secular .
12. Article 10 states that the languages used in education are French as well as national languages.
13. Article 11 recognizes the contribution of NGO's to education.

¹ *Sources:*

² <http://presidence.bf/constitution.php?sid=22>

<http://unpan1.un.org/intradoc/groups/public/documents/cafrad/unpan002916.pdf>

³ http://planipolis.iiep.unesco.org/upload/Burkina%20Faso/BurkinaFasoLoi_0132007.pdf

14. Article 9 of Law No. 012-2010/AN⁴ guarantees inclusive education for people with disabilities and Article 12 states that preschool education should take into account inclusive education in its programs.

15. Law No. 065-2009/AN of the 11th March, 2010⁵ modified Law No. 055-2004/AN of December 21st, 2004. The 2010 Law deals with the division of competencies between region and municipality. On the regional level, responsibility should be taken in participating in preschool and primary education. Together with the state, responsibility for developing higher education lies at the regional level. Likewise, the responsibility for the promotion of employment, professional training and literacy is shared between the central and regional levels.

16. Decree No. 99-221 / PRES / PM / MESSRS / MEBA from the 29th June, 1999, regulates private education. It was implemented through Order N°2004-005/MEBA/SG/DGEB/DEB.

17. Decree No. 99-254/PRES/PM/MEBA of the 20th July, 1999 holds a decennial plan on education for the period of 2000-2009. The decree N° 2001-178/PRES/PM/MEBA of the 2nd May 2001 concerns the adoption of the plan to make the education system more effective.

18. Many decrees have been adopted in order to implement the law that deals with the orientation of Education N° 013-2007/AN:⁶

19. Decree N° 2008-236/PRES/PM/MEBA/MESSRS/MASSN/MATD (05/08/2008) about the organization of primary education, divides primary education in three levels, establishes the conditions for the recruitment of teachers and recalls the principles of freedom of education and non-discrimination.

20. Decree N° 2008-373/PRES/PM/MESSRS (07/02/2008) concerns the organization of secondary education.

21. Decree N° 2008-584/PRES/PM/MESSRS/MEF from the 19th September, 2008 is about technical and professional education. The structure of this education and conditions for access is established in decree N° 2009-946/PRES/PM from the 4th of March, 2010.

22. Decree N° 2010-146/PRES/PM of the 8th of April, 2010⁷ is about the organization of the National Commission of Education and Technical and Professional Training.

23. Decree N° 2007-836/PRES/PM/MASSN (12/12/2007) is about the organization of special education. It places the education of people with mental and physical disabilities under the responsibility of the Minister of Social Action.

⁴ http://www.legiburkina.bf/jo/jo2010/no_25/loi_2010_00012.htm

⁵ http://www.legiburkina.bf/jo/jo2010/no_10/loi_2009_00065.htm

⁶ http://www.ilo.org/dyn/natlex/natlex_browse.details?p_lang=fr&p_country=BFA&p_classification=09&p_origin=SUBJECT

⁷ http://www.legiburkina.bf/jo/jo2010/no_17/Décret_2010_00146.htm

24. Decree N°2008-645/PRES/PM/MESSRS concerns the organization of higher education and it puts in place private and public Universities and provides that the education follows the LMD system.

25. The organization of non-formal education has been established through Decree N° 2009/644/PRES/MEBA from the 24th September, 2009.

26. Decree N° 2009-231/PRES/PM/MEBA/MEF from the 9th April, 2009 modifies Article 2 of the status of National schools and teachers in primary school (ENEP) and was adopted by decree N° 2008-265/PRES/PM/MEBA/MEF from the 13th May 2008.

Policy measures:

27. Strategic Documents: The Decennial Plan for Development in Primary Education (PDDEB)⁸ is a sectorial policy for the development of the primary educational system for 2001-2010. The PDDEB strives to fulfill the following goals⁹:

- a) to raise the level of schooling to 70%, with a special effort in favor of girls and disadvantaged rural areas;
- b) to diversify forms of basic learning such as satellite schools, Centers of Non-Formal Basic Education (CEBNF), French-Arabic schools and Centers of Literacy for Children;
- c) to reach a level of literacy of 40% in 2010 by developing and diversifying literacy actions;
- d) to strengthen the quality of basic education through training of teachers, improving the conditions for teaching/training, and creating a permanent control of the quality of training;
- e) to diversify action of post-literacy in national languages and in French;
- f) to strengthen the capacity of the management of the Ministry of Basic Education and Literacy (MEBA).

28. The PDDEB came to an end in 2010. The Government elaborated a Program of Strategic Development for Basic Education (PDSEB) that covers the period of 2011-2020. PDSEB relies on the subsections already adopted as well as different rapports and analysis. Through the PDSEB a new vision of the development of the educational sector is operationalized, such vision is defined in the SCADD document.¹⁰

29. For more information on PDDEB, see <http://www.sp-pddeb.org/>

30. Literacy and Adult Education: Burkina Faso has had among the lowest literacy rates in the world. Literacy has increased remarkably in the last years. This is mainly due to the literacy programs that have been adopted.

⁸ http://www.sp-pddeb.org/data/présentation_du_pddeb/document_pddeb.pdf

⁹ Report on "The experience of Burkina Faso in inclusive education of children with disabilities" submitted to the 48th International Conference on Education in Geneva in 2008, http://www.ibe.unesco.org/National_Reports/ICE_2008/burkinafaso_natrep08_fr_scan.pdf
http://www.sp-pddeb.org/index.php?option=com_content&view=article&id=48&Itemid=55

¹⁰ http://sp-pddeb.org/index.php?option=com_content&view=article&id=67:demarche-pour-lelaboration-du-pdseb-2011-2020

31. Indeed, in Burkina Faso, new opportunities towards literacy have opened up with evening courses for adults. According to a survey, 142 courses were organized and provided. In Ouagadougou, the capital, 95 % of the courses took place and gathered more than 18 000 people. Most of the learners were in the age-range of 15 to 24 years old, and had abandoned school for economic reasons in order to start working. Their principal motivation was to learn how to read and write so as to pass national exams in order to receive a national certificate of a fulfilled primary education. However, the state authority did not recognize these courses and therefore the financing was weakened as it depended entirely on tuition fees. In 2008, the authorities decided to support these courses in a more direct way. But there is a lot to do before these evening courses become a real second chance.

32. Furthermore, according to the minister in charge of literacy, it is the ambition of Burkina Faso to raise the sum of 76 billion francs CFA for the implementation of a new programme to accelerate literacy levels. This program aims at a 60% rate of literacy in 2015, compared to the 2010 rate of 28,7% t.¹¹

33. Since 2007, STROMME, a Norwegian foundation based in Niger has permitted 39.000 children, aged between 9 and 12, to resume their schooling in three West African countries (Niger, Mali and Burkina Faso).¹² Inclusive Education

34. In Burkina Faso, rural children run a four time higher risk than urban children of not being educated. These statistics reflect specific problems that the rural communities encounter, such as the distance to schools, poverty and disadvantages related to gender.¹³ The construction of satellite schools in the rural areas has allowed for a connection between educational environments and locals, as well as reducing the differences between the sexes.¹⁴

35. Persons with disabilities: The NGO *A Better Life foundation* organized a day of training the 30th September 2010 for primary and secondary teachers in Tenkodogo on the rights of people with disabilities and inclusive education. According to the director of the NGO, 80.6% of the persons with disabilities are found in the rural areas and 19,4% in the urban zones. The NGO *A Better Life foundation* comprises three programs.¹⁵

36. Education and Health: In Burkina Faso, a link between investments in education and investments in health can be observed especially when it comes to the health of mothers and babies.¹⁶

¹¹ Press Agency (08/12/2010)

¹² Press Agency (24/03/2011)

¹³EFA Global Monitoring Report, 2010, pp. 66-67,
<http://unesdoc.unesco.org/images/0018/001875/187513F.pdf>

¹⁴EFA Global Monitoring Report, 2011, p.52 ; 82,
<http://unesdoc.unesco.org/images/0019/001917/191794f.pdf>

¹⁵AllAfrica, *Des enseignants sensibilisés*, 7 octobre 2010, <http://fr.allafrica.com/stories/201010070257.html>
(Accessed 03/06/11)

¹⁶ EFA Global Monitoring Report, 2010, p. 51,
<http://unesdoc.unesco.org/images/0018/001875/187513F.pdf>

37. Languages in Education: An example: A bilingual school that was created in the mid-nineties with instruction in French and the local language, it had a success rate of 85% whereas the national average is 62%.¹⁷

38. Education during times of conflicts: In February 2011, the Government decided to suspend classes in educational establishments throughout the territory for an undetermined period. These measures were taken after riots conducted at the city of Koudougou. After the deaths of a couple of people due to the riots, the Government decided to prolong the suspension of primary and secondary educational establishments. The same applied to universities, until further notice.¹⁸

39. Human Rights Education: The Plan of Action for the promotion of Human Rights was adopted on December 2001. This initiative is organized by the Ministry of Education with the aims of promoting human rights. Moreover, a Strategic Plan for the Promotion of Human Rights 2008-2010 was adopted on December 2008. The themes integrated within these programs are: peace, democracy, equality, justice, tolerance, respect and human dignity. Training is also provided for teachers on different themes, e.g. gender-based violence.¹⁹

40. Cooperation: Burkina Faso is party to UNESCO's 1960 Convention against Discrimination in Education, but did not submit a national report within the framework of the seventh consultation of Member States on the measures taken for the implementation of the Convention and Recommendation against Discrimination in Education (covering the period 2000-2005).

41. Burkina Faso is not party to the 1989 UNESCO Convention on Technical and Vocational Education.

42. Burkina Faso reported within the framework of the fourth consultation of Member States, the measures taken for the implementation of UNESCO's 1974 Recommendation concerning Education for International Understanding, Co-operation and Peace and Education relating to Human Rights and Fundamental Freedoms (covering the period 2005-2008).

Freedom of opinion and expression²⁰

Achievements, best practices, challenges and constraints

43. Legislative framework: The Constitution guarantees the freedom of opinion, freedom of the press, and the freedom of information under article eight²¹ while the Information Code

¹⁷ EFA Global Monitoring Report, 2010, p. 215, <http://unesdoc.unesco.org/images/0018/001875/187513F.pdf>

¹⁸ Press Agency (2/03/2011)

¹⁹ Report submitted by Burkina Faso in 2009 within the framework of the fourth consultation of Member States the measures taken for the implementation of UNESCO's 1974 Recommendation **concerning Education for International Understanding, Co-operation and Peace and Education relating to Human Rights and Fundamental Freedoms** (covering the period 2005-2008).

²⁰ Sources :

²¹ <http://presidence.bf/constitution.php?page=3&sid=22>

(Loi N°56/93/ADP) reinforces these protections.²² Moreover, under Article 49 of the Code, journalists have a special mention as regards freedom to access sources of information due to the exercise of their profession. In practice however, access to information can be problematic for both journalists and the wider public.

44. Libel remains criminalized under article 364 of the Criminal Code (Loi No. 043/96/ADP)²³; if libel is committed against anyone of the public administration, the constitutional body, the court or in the public service overall, the conviction could carry a term in prison of up to one year while if libel is committed against anyone of the general public, the sentence carries a maximum of six months imprisonment.

45. There is yet to be a specific freedom of information law in the country.

46. Media self-regulation: Media self-regulatory mechanisms exist through several organisations and an informal journalist network including the National Union of Independent Broadcast Media, the Burkina Faso Association of Journalists and the Association of Press Editors.

47. Safety of journalists: Journalists operate in a relatively safe environment; however there have been reports of harassment of journalists which has increased an already existing trend of self-censorship.²⁴ Moreover, the murderers of leading journalist, Norbert Zongo, have still not been brought to justice since 1998.

III. RECOMMENDATIONS

Right to education

48. UNESCO has recently launched the 8th Consultation on the measures taken for the implementation of the Convention and Recommendation against Discrimination in Education (covering the period 2006-2011), the results of this Consultation will be submitted to UNESCO's governing bodies at the end of 2013. Burkina Faso did not report yet to UNESCO within this consultation and is now strongly encouraged to submit a report.

Freedom of opinion and expression

49. The Government is encouraged to decriminalize the defamation law and subsequently incorporate it into the civil code in accordance with international standards.

50. The Government is encouraged to give effect to the constitution through a process to introduce a freedom of information law to enable public information to be accessed easily and freely by the public in accordance with international standards.

51. The Government is recommended to pursue the investigation and resolution of all cases of attacks against journalists and media workers, including the unsolved case of Norbert Zongo.

²² <http://presidence.bf/constitution.php?page=3&sid=22>

²³ <http://www.unhcr.org/refworld/country,LEGAL,,,BFA,,3ae6b5cc0,0.html>

²⁴ <http://www.bbc.co.uk/news/world-africa-13072778>

52. UNESCO recommends strengthening capacity in the field of journalism standards and ethics to develop the media self-regulatory mechanism both for media professionals and policy-makers.

**The right to enjoy the benefits of scientific progress and
its applications (REBSP)**

53. The Government of Burkina Faso is encouraged to report to UNESCO within the framework of the on-going consultation with Member States on the monitoring of the implementation of the 1974 Recommendation on the Status of Scientific Researchers.