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**DRAFT REPORT OF THE WORKING GROUP ON
THE UNIVERSAL PERIODIC REVIEW ***

Burkina Faso

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Introduction

1. The Working Group on the Universal Periodic Review, established in accordance with Human Rights Council resolution 5/1 of 18 June 2007, held its third session from 1 to 15 December 2008. The review of Burkina Faso was held at the 12th meeting, on 9 December 2008. The delegation of Burkina Faso was headed by S.E. Mrs. Salamata Sawadogo, Minister for the Promotion of Human Rights. At its meeting on 11 December 2008, the Working Group adopted the present report on Burkina Faso.
2. On 8 September 2008, the Human Rights Council selected the following group of rapporteurs (troika) to facilitate the review of Burkina Faso: Switzerland, Qatar and Madagascar.
3. In accordance with paragraph 15 of the annex to resolution 5/1, the following documents were issued for the review of Burkina Faso:
 - (a) A national report submitted made in accordance with paragraph 15 (a) (A/HRC/WG.6/3/ BFA /1);
 - (b) A compilation prepared by the Office of the United Nations High Commissioner for Human Rights (OHCHR), in accordance with paragraph 15 (b) (A/HRC/WG.6/3/ BFA /2);
 - (c) A summary prepared by OHCHR, in accordance with paragraph 15 (c) (A/HRC/WG.6/3/ BFA /3).
4. A list of questions prepared in advance by the United Kingdom of Great Britain and Northern Ireland, Denmark, Germany, Latvia, the Netherlands and Sweden was transmitted to Burkina Faso through the troika. These questions are available on the extranet of the universal periodic review.

I. SUMMARY OF THE PROCEEDINGS OF THE REVIEW PROCESS

A. Presentation by the State under review

5. A sa 3ème séance, le 9 décembre 2008, S.E. Madam Salamata Sawadogo, Ministre de la Promotion de droits humains, a présenté le rapport national et fait un exposé.
6. Après avoir félicité le Président et les membres du Conseil des Droits de l'homme, ainsi que Madame Pillay pour sa nomination au poste de Haut Commissaire aux Droits de l'Homme, la Ministre a souligné que le rapport national du Burkina Faso était le résultat d'une large consultation impliquant toutes les composantes de la nation dont la société civile.
7. Au niveau du cadre normatif, la Constitution du Burkina Faso proclame les droits et devoirs fondamentaux de la personne humaine, la non discrimination et l'égalité des sexes, consacre le principe de la supériorité des traités et accords internationaux sur les lois nationales.
8. Dans le cadre d'une meilleure promotion et protection des droits de l'homme d'autres institutions publiques ont été créées, et l'attention du Groupe de travail a été particulièrement attirée sur :

9. La Commission nationale des droits humains pour laquelle un projet de loi est en cours d'examen afin de la rendre conforme aux principes de Paris ;
10. La Commission de l'informatique et des libertés, chargée de veiller à l'application de la loi portant protection des données à caractère personnel.
11. L'Autorité supérieure de contrôle d'Etat ouverte à la saisine directe des citoyens qui mène des investigations sur les pratiques de délinquance économique et de corruption au sein de l'administration concernant les personnes physiques et les personnes morales de droit privé. Elle peut publier ses rapports et saisir directement la justice de toute violation des textes ci-dessus cités.
12. Le Burkina a fait de la lutte contre la corruption, une de ses priorités et l'a inscrite dans son cadre stratégique de lutte contre la pauvreté.
13. Chaque année une journée nationale est organisée respectivement pour les femmes, les paysans et les jeunes au cours de laquelle il est procédé à un dialogue direct avec le chef de l'Etat sur leurs préoccupations et la mise en œuvre des différentes politiques sectorielles les concernant.
14. A travers le plan d'action national pour la réforme de la justice pour la période 2002-2006 et son cadre de consolidation de nombreuses mesures ont été prises pour améliorer les conditions de vie et de travail des magistrats et des personnels judiciaires.
15. Par ailleurs, des mesures ont été prises pour améliorer les conditions de détention : construction de nouvelles maisons d'arrêt et de correction, assistance psychologique, alphabétisation, aménagement des peines et travail pénitentiaire pour favoriser la réinsertion sociale des détenus, extension de la Maison d'arrêt et de correction de Ouagadougou pour lutter contre la surpopulation carcérale. Les femmes et les mineurs sont détenus dans des locaux séparés ; leurs droits en matière d'alimentation, de soins de santé et d'hygiène font l'objet d'une attention particulière. Les mineurs bénéficient en plus de formation professionnelle. Leur suivi par un service social dans les maisons d'arrêt permet de maintenir les liens familiaux.
16. En matière de lutte contre les violences faites aux détenus, des dépliants sur leurs droits et devoirs traduits en langues nationales sont mis à leur disposition. Il faut noter le renforcement qualitatif des ressources humaines par le recrutement de régisseurs, l'engagement de procédures disciplinaires ou pénales contre les auteurs de violences faites aux détenus.
17. Concernant la peine de mort, son abolition est envisageable. Le Burkina Faso est un pays abolitionniste de fait.
18. Concernant le Protocole facultatif se rapportant à la Convention contre la torture et autres peines ou traitements cruels, inhumains ou dégradants, des mesures seront prises pour sa ratification.
19. Concernant la coopération avec les procédures spéciales des Nations Unies, le Burkina Faso continuera comme par le passé, de coopérer avec ces mécanismes.
20. Le Burkina Faso reconnaît n'avoir pas entièrement rempli ses engagements de soumission des rapports aux organes de traités. A cet égard, il transmettra une demande formelle d'assistance technique afin de former des cadres nationaux à la rédaction desdits rapports.

21. En vertu du principe de non discrimination, la problématique du genre et de l'égalité des sexes est prise en compte dans toutes les politiques et stratégies nationales. Des efforts significatifs ont été fournis tant au plan économique que politique en matière de promotion et de protection des droits des femmes.

22. En matière d'éducation des filles, les déséquilibres persistent malgré les mesures incitatives prises par l'Etat. Toutefois les efforts se poursuivent pour les résorber.

23. Concernant le droit à la santé, la loi hospitalière garantit l'égal accès de tous aux soins. La santé de la mère et de l'enfant reste une préoccupation majeure du pays dans ses programmes de développement. Des actions sont ainsi menées pour faire face à la mortalité maternelle et infantile.

24. Concernant la situation économique et sociale de la femme, tous les projets et programmes mis en œuvre en vertu du cadre stratégique de lutte contre la pauvreté prennent en compte les femmes. Il y a en outre, la mise en œuvre du plan d'action de la stratégie nationale de micro-finance qui favorise l'accès des femmes aux services de micro-finances, la construction et la réhabilitation des maisons de la femme et des centres de promotion féminine en milieu rural, la création de la commission nationale de suivi de la mise en œuvre des engagements du Burkina Faso en faveur de la femme.

25. Des stratégies ont été développées pour lutter contre les violences faites aux femmes allant de la sensibilisation et la répression à la prise en charge des victimes.

26. Concernant la pratique de l'excision, des actions sont menées sur le terrain en collaboration avec les partenaires techniques et financiers, les ONG et les associations. Un comité national de lutte contre la pratique de l'excision est actif sur le terrain. En vertu de la loi, les exciseuses et leurs complices sont poursuivis, jugés et condamnés. Un plan d'action « Tolérance zéro à la MGF d'ici 2012 » est en cours d'exécution. Les victimes de séquelles sont prises en charge médicalement.

27. Le Burkina Faso dispose d'une loi sur la lutte contre la traite des personnes et pratiques assimilées. En matière de trafic transfrontalier des enfants, il a signé au plan bilatéral, un accord avec le Mali et au plan multilatéral, un accord sous régional de coopération pour lutter contre la traite des enfants. Avec des pays de l'Afrique de l'Ouest et du Centre, il a signé un accord de coopération pour lutter contre la traite des personnes, en particulier les femmes et les enfants.

28. Face au phénomène de l'exploitation sexuelle et de la violence sexuelle, le Burkina a ratifié en 2005, le protocole facultatif se rapportant à la convention relative aux droits de l'enfant concernant la vente d'enfants, la prostitution des enfants, la pornographie mettant en scène des enfants.

29. En 1999, le Gouvernement, en partenariat avec l'Organisation internationale du travail, s'est engagé dans un programme national pour l'abolition du travail des enfants. Il procède à des campagnes d'information et de sensibilisation des populations, mène une politique de promotion socioéconomique en faveur des familles à risque. Des sanctions judiciaires et ou disciplinaires sont prises à l'encontre des auteurs de la traite, du trafic ou de la violence faite aux enfants. Le Gouvernement s'est doté aussi d'un plan sectoriel d'action relatif au travail de la petite fille en milieu urbain.

30. Répondant aux engagements pris devant le Conseil des droits de l'homme lors de sa candidature comme membre du Conseil, le Burkina a adopté les lois portant autorisation de ratification de la convention des Nations Unies relative aux droits des personnes handicapées et son protocole ainsi que la convention relative à la protection de toutes les personnes contre les disparitions forcées.

31. L'accès à la justice est un droit qui se renforce depuis quelques années au Burkina Faso avec l'augmentation du nombre de tribunaux et de magistrats. Un décret portant organisation de l'assistance judiciaire vise à faciliter l'accès des personnes indigentes à la justice. C'est donc dire que l'Etat a perçu la nécessité de promouvoir le droit d'accès à la justice des personnes indigentes et s'atèle à le rendre effectif.

32. Les personnes placées en détention par le procureur dans le cadre d'une procédure de flagrant délit comparaissent devant le juge dans un délai moyen de 2 à 3 jours. Lorsque le juge d'instruction ordonne la détention provisoire, la loi lui fait obligation de renouveler cette détention dans un délai de 6 mois. S'agissant du délai d'obtention du verdict, il est très variable car il est largement tributaire d'éléments tels que la complexité de l'affaire, la présence des parties, des témoins, les résultats des expertises.

33. Malgré les efforts fournis par le gouvernement, des difficultés persistent dans la promotion et la protection des droits de l'homme. A cet égard, le Burkina Faso sollicite formellement un appui du Conseil des droits de l'homme et de ses mécanismes ainsi que de la communauté internationale dans les domaines énumérés dans les paragraphes 19 à 21 du rapport national.

B. Interactive dialogue and responses by the State under review

34. During the interactive dialogue, statements were made by 46 delegations. A number of delegations thanked the Government for its comprehensive national report and for the high quality of its presentation. Statements were made welcoming the State's commitment to the review and the use of electronic and print media, which ensured wide consultations with stakeholders and transparency in the preparation of the national report, which openly addresses the challenges the country faces. A number of delegations praised the State's continuous efforts to improve its human rights situation despite numerous challenges, including the difficult situation resulting from poverty. The ratification of most human rights treaties was also noted. A number of delegations welcomed the strengthening of the national institutional framework by the establishment, inter alia, of the Ministry for the Promotion of Human Rights and institutions such as the national human rights commission.

35. France congratulated Burkina Faso on the progress made, particularly regarding freedom of religion, the respect of the rights of minorities, indigenous people and human rights defenders. Although it stressed that, since 1988, Burkina has de facto abolished death penalty, France recommended that Burkina Faso (a) adopt legislation aimed at abolishing it. Despite the independence of the judiciary, the Constitution provides that the head of State can appoint and dismiss members of the judiciary. France inquired about the State's intentions to reinforce the independence of judiciary. It also enquired about the measures intended by the Government to fully guarantee freedom of the press. France noted that sanctions against perpetrators of violence against women are rarely applied and recommended that Burkina Faso (b) adopt specific legislation to prevent and punish violence against women. While noting that there is no specific legislation to prevent discrimination against persons with disabilities, France recommended that

the Government (c) take every possible measure to put an end to all discrimination against them. It also recommended that it (d) continue to implement the United Nations Convention against Corruption to prevent and punish corruption.

36. Turkey welcomed the recent legislative reforms and the measures to combat the marginalization of women and to eliminate discrimination against women. It encouraged Burkina Faso to pursue its efforts to combat discrimination against women based on customary traditional cultural practices, which illustrated the importance of education. It therefore encouraged Burkina Faso to increase its action and promote access to education. Turkey noted a delay with regard to the State's reporting to treaty bodies and noted its request for technical assistance in order to train national professionals.

37. Argentina noted the persistence of patriarchal attitudes, cultural stereotypes and traditions and customs that discriminate against women, particularly in rural areas. It enquired about existing policies promoting gender equality and equal opportunities, particularly in rural areas, about their implementation and the assessment of the implementation. With reference to the recommendation that Burkina Faso improve the conditions of juveniles in detention, that in some cases amount to inhuman and degrading treatment, Argentina enquired about measures that could be taken to establish special detention facilities for children.

38. Chile welcomed the progress made in the area of women's rights. It acknowledged, however, that there are also deep-rooted traditional practices that are an obstacle to the application of the law. Chile also noted that the Person/ Family Code still allows polygamy and recommended that (a) polygamy be eliminated. Chile reaffirmed the importance of combating forced marriages and enquired about the impact of the measures adopted in this regard. It noted concerns by non-governmental organizations regarding child trafficking and child labour and the recommendations of the Committee on the Rights of the Child to bring Burkinabe legislation into line with the Convention. Chile requested information on the measures taken in this regard. It noted that several journalists have been intimidated for criticizing the head of State, his family or friends and recommended that (b) the authorities take all necessary measures to protect journalists who have been victims of intimidation, and identify and bring the perpetrators before the courts. Chile recommended that the Government (c) abolish the death penalty and (d) ratify ICCPR-OP 2. It also welcomed the resolution reaffirming the moratorium on death penalty adopted in 2008. It echoed the call of the Burkinabe delegation that the international community should assist Burkina Faso to comply with its human rights obligations.

39. Italy commended Burkina Faso for its longstanding de facto moratorium on executions and its recent stance adopted at the General Assembly. Italy recommended that Burkina Faso consider the establishment of a de jure moratorium on death penalty with a view to abolishing capital punishment in national legislation. Italy was concerned about detention conditions and recommended that Burkina Faso ameliorate detention facilities and overall detention conditions, also by means of training law enforcement officials in human rights. While encouraging Burkina Faso to take full advantage of current international cooperation programmes aimed at fighting trafficking in children and child labour, Italy recommended the effective implementation of the various international instruments ratified which focus on the protection of the child and children's rights.

40. Germany welcomed the efforts to improve attendance at primary and secondary schools and enquired about measures to address the issue of perceived discrimination regarding educational opportunities for girls, children with disabilities, children born out of wedlock and

children in rural areas. Germany was concerned about the absence of a juvenile courts system and detention of minors together with adults under deplorable conditions. It enquired about the measures taken to ensure humane treatment of minors under arrest and about plans for establishing a juvenile justice system. Germany noted the persisting inequality between men and women, particularly in rural areas, and widespread polygamy and forced and early marriage of women and girls. It requested further information on measures to address these phenomena and to raise awareness of women's rights, promote gender equality and prevent domestic violence against women and children.

41. While commending the fact that torture is prohibited, Denmark noted with concern that torture and cruel, inhuman and degrading treatment persist in detention centres and prisons. It noted the prohibition of violent conduct by prison and detention officers, and requested further information on the plans to end such conditions. It asked when the Government intends to establish an effective national preventive mechanism. Denmark recommended that Burkina Faso take all steps to improve prisoner's condition and ratify the Optional Protocol to the CAT in the near future and establish a national preventive mechanism.

42. The Netherlands noted the challenges in access to justice and the measures to reform the justice system, and recommended that Burkina Faso further strengthen measures to improve public access to the justice system and the independence of the justice system by, inter alia, providing sufficient means, and that Burkina Faso reports about the results of these measures in the next review report. It recommended that Burkina Faso consider the structure and function of the national human rights commission in accordance with the Paris Principles. It commended Burkina Faso for reducing female genital mutilation significantly and recommended that it share these best practices with other countries and continue to take measures to fully eradicate female genital mutilation. It recommended that Burkina Faso consider ratifying the Optional Protocol to the CAT.

43. Viet Nam noted the progress made in the area of economic and social rights, the elaboration of a legal and judicial system and, as an example of good practice, the establishment of the Ministry for the Promotion of Human Rights. It recommended that Burkina Faso increase its efforts to see through its commitments set out in the national report, especially as regards campaigning against poverty and ignorance and reinforcing the legitimate rights of specific social groups in the country.

44. Mexico welcomed the creation of national institutions for the promotion and defence of human rights, particularly for the most vulnerable: women, children and the elderly. It invited Burkina Faso to continue its efforts in awareness-raising and information, particularly given the high rates of illiteracy still in the country. Mexico recommended that Burkina Faso (a) continue with its efforts by ratifying the OP-CAT. It also recommended that Burkina Faso (b) extend an open and standing invitation to all special procedures of the Council. Mexico emphasized that Burkina Faso should pay greater attention to trafficking, exploitation and abuse of minors, which have reached alarming levels, and to the situation of women. It noted the legal and institutional framework to promote women but also the obstacles to the full implementation of laws. Noting that older women require greater protection from the State, it recommended (c) that efforts be redoubled to eliminate the discrimination against women and that the Government fully apply the CEDAW. Mexico highlighted the challenge of improving the penitentiary system, characterized by overcrowding in prisons, and the lack of access to immediate legal aid. It was concerned at the presence of private militia and a sort of "local police", simply made in parallel

to the public security police. Mexico recommended that the State (d) abolish capital punishment and (e) consider ratifying ICCPR-OP 2 abolishing the death penalty.

45. Encouraged by the way Burkina Faso complies with international commitments in the area of human rights, Benin encouraged Burkina Faso to continue its efforts to sign and ratify the relevant human rights instruments. Benin noted that Burkina Faso is already a party to the CAT, and welcomed the signature of OP-CAT in 2005. Benin inquired about measures, at the national level, to ensure ratification of OP-CAT and about efforts to prevent torture. Benin recommended that Burkina Faso make an effort to ratify OP-CAT in order to set up a national preventive mechanism, like in Benin.

46. Chad welcomed the fact that Burkina Faso is party to a number of international instruments and recommended that the Government continue efforts to improve the human rights situation in the country and that, with the support of the international community, it take up the major challenges it faces.

47. Luxembourg was proud to be a partner of Burkina Faso in combating poverty and achieving the Millennium Developing Goals. It supported the recommendation from the Committee on the Rights of the Child that it ensure that the statute of this commission is in conformity with the Paris principle to ensure that it is fully operational. It was concerned about the information concerning the frequent use of torture and detention conditions. Luxembourg recommended the effective application of the Convention against Torture and the ratification of the Optional Protocol thereto. Luxembourg supported the CEDAW recommendation that full access be given to rural women to education, health care and credit, as well as to land and housing. It recommended that appropriate measures be taken to protect the most vulnerable children, particularly girls, disabled children and rural children, and ensure effective protection of children against sexual abuse, all forms of violence and exploitation, trafficking and child labour.

48. Pakistan noted significant progress towards a rule-based society, the strong role of the Ombudsman and the national human rights commission and the role of media as guarantors of freedom of opinion and expression. Pakistan also noted the establishment of a national ethics committee and a parliamentary committee on general, institutional and human rights affairs, and the steps taken to protect women's and children's rights. Pakistan acknowledged the State's need for financial and technical assistance to promote and protect human rights. Pakistan recommended that Burkina Faso be provided all possible technical assistance it needs by the international community and OHCHR.

49. Albania noted with satisfaction the effective measures taken to reduce the practice of female genital mutilation and encouraged Burkina Faso to (a) continue its efforts in order to definitely eliminate the practice. Albania recommended that Burkina Faso (b) abolish the death penalty by adopting a law commuting all death sentences that have been pronounced and that Burkina Faso (c) accede to the Second Optional Protocol to the ICCPR. Albania recommended that Burkina Faso (d) consolidate its cooperation with OHCHR in order to reinforce national capacity in the area of human rights, cited in paragraph 108 of the national report.

50. Algeria congratulated Burkina Faso for submitting to the African Peer Review Mechanism and welcomed the creation of the national human rights commission and the policies adopted, particularly regarding the right to primary education, to facilitate access to health care and to combat ill treatment of children. It drew special attention to the promotion of the role of

women in society. Algeria recommended that Burkina Faso accede to the 1960 UNESCO Convention against Discrimination in Education. Algeria recommended that the international community provide further technical and financial assistance to Burkina Faso, particularly in the area of education, health and employment. Algeria also encouraged the Government to continue its initiative to combat and end the practise of excision.

51. The United Kingdom commended the creation of the Ministry for the Promotion of Human Rights and the national human rights commission, and encouraged Burkina Faso to ensure that the commission is in full compliance with the Paris Principles. It recommended that Burkina Faso strengthen awareness-raising efforts in rural areas, where some cultural traditions inhibit women's rights. It also noted the Government's decision in 2007 to provide free education until 16 years of age and the progress towards universal enrolment and gender parity at the primary level, but referred to CRC concerns that child labour is widespread. It recommended that Burkina Faso take all necessary measures to ensure that employment of children does not interfere with their right to education. While acknowledging that the Penal Code provides for capital punishment and that there is de facto moratorium on its application, it recommended that Burkina Faso consider taking steps to abolish the death penalty in all circumstances. It also encouraged Burkina Faso to take further steps to submit periodic reports to the treaty monitoring mechanisms and to implement recommendations in a timely fashion.

52. Azerbaijan commended the collaboration of Burkina Faso with international human rights institutions. It was concerned about problems in the effective protection of women's rights, gender inequality, the lack of full-scale children's rights and reform of the judicial and penal system. Azerbaijan enquired about progress made on these issues.

53. Cuba praised the efforts made in the education sector with a view to achieving primary universal schooling by 2015. It recognized the strategies and policies in the health sector to facilitate access to adequate medical care, reducing child mortality and improving maternal health. Cuba recommended that Burkina Faso continue its efforts in the area of economic, social and cultural rights to promote and increasingly consolidate the progress made. It encouraged the international community, especially developed countries, to fulfil its international commitment to contribute 0.7 per cent of GDP to official development assistance (ODA), in order to contribute, inter alia, to fight the poverty in many countries of the South, like Burkina Faso.

54. China noted considerable progress achieved in regard to the right to education, children's rights and the elimination of discrimination against women. It noted that the national report identified poverty and illiteracy as main challenges and that therefore technical support from the international community for capacity-building is greatly needed. China recommended that the international community give a positive response to the reasonable request of Burkina Faso with regard to technical and financial assistance.

55. Mauritius noted the participation of Burkina Faso in the African Peer Review Mechanism and its signature of the Bamako Declaration. It welcomed the establishment of the Ministry for the Promotion of Human Rights, the independent national electoral commission, the national human rights commission and the establishment of a parliamentary committee on general, institutional and human rights affairs. It noted the significant rate of illiteracy and the low rate of secondary schooling, and the challenge of providing education owing to a lack of infrastructures and human resources. Mauritius appealed to the international community to support the efforts of Burkina Faso to combat poverty and ensure the right to education for all. Mauritius appealed to

OHCHR to provide appropriate technical assistance to enhance the capacities of Burkina Faso in terms of promoting human rights in the areas mentioned in paragraph 108 of the national report.

56. Morocco noted with satisfaction the significant progress that Burkina Faso has achieved since its independence and welcomed the efforts made to guarantee children's rights and the establishment of a solidarity fund for HIV-positive children, as well as the initiative to guarantee the right to health. It requested further information on the measures adopted to counter child labour and to promote the access of children to health care.

57. Sweden referred to reports on the lack of independence in the judicial system, impunity and corruption that obstruct the rule of law. Sweden noted with interest that Burkina Faso has adopted a strategy for 2008-2010, including the establishment of a process whereby individuals can report human rights violations. Sweden requested whether the complaint procedure has been set up and on any initial experiences of this process. Sweden recommended that Burkina Faso intensify its efforts to reinforce the human rights protection system, combat impunity and ensure the independence of the judicial system. Sweden remained concerned over the situation of women's rights, especially sexual and reproductive health and rights, rape, including marital rape, polygamy and women's limited rights to inheritance. Sweden recommended that Burkina Faso increase efforts to strengthen the respect of the rights of women and to promote gender equality.

58. Belgium welcomed the creation of a ministry for the promotion of human rights, but expressed concern about the lack of an independent justice system and the uncompleted fight against corruption. While noting that the reform of justice and the fight against corruption are key priorities and that the justice inspectorate has been strengthened, Belgium emphasized that tangible efforts and concrete actions are needed. It noted that national courts have not yet been seized of any case of corruption. Belgium enquired about measures taken to improve the working of justice and when the higher State supervisory authority will be able to publish a report, which can be translated into tangible measures to combat corruption. Belgium recommended that Burkina Faso (a) make all possible efforts to ensure that justice can operate independently and that all political influence on the legal system be eliminated. With regard to corruption, Belgium recommended that (b) the Government translate its intentions into tangible results and measures. Belgium recommended (c) that the national human rights commission be independent, in conformity with the Paris Principles, particularly in adopting its competences and funding.

59. Angola welcomed the strategic policy framework for the promotion of children's rights for the period 2006-2015. It asked how the international community can contribute to help Burkina Faso achieve the objectives of this strategy. Angola welcomed the efforts to reduce poverty, in particular among women, by setting up the Ministry for the Advancement of Women, and requested further information concerning its work and the challenges the authorities are facing in implementing these policies. Angola recommended that Burkina Faso continue to strengthen educational policies.

60. A la suite du dialogue interactif, la Ministre de la Promotion des droits humains à répondu aux questions posées par un premier groupe d'intervenants.

61. Concernant la liberté de la presse, elle a indiqué que le code de l'information est libéral. Ce cadre juridique favorable génère l'essor des radios et de la presse privée. Le droit à l'information fait partie des droits fondamentaux du citoyen burkinabé. Aussi, toute censure

reste celle des journalistes eux-mêmes. Le gouvernement souhaite avoir plus d'informations sur les allégations de pression exercées sur les journalistes.

62. S'agissant des peines d'emprisonnement, elle a mentionné les possibilités légales de peines alternatives à la détention telles que l'accomplissement d'un travail d'intérêt général.

63. Quant aux mesures de lutte contre les stéréotypes, il est procédé entre autres à des campagnes de sensibilisation, à des plaidoyers auprès des responsables coutumiers. Une loi réprime la pratique de la mutilation génitale. Pour l'accès de la femme à la terre, un avant projet de loi sur la sécurisation foncière est en cours d'examen. Les stéréotypes sexistes sont éliminés des manuels scolaires.

64. Les mesures entreprises contre les discriminations à l'égard des filles incluent des symposiums pour l'accélération de leur scolarisation, la création d'une direction de la promotion de l'éducation des filles, la mise en place des associations des mères éducatrices pour encourager la scolarisation des filles et la formation des personnels d'éducation en approche genre.

65. Pour les enfants handicapés, leurs besoins spécifiques sont prise compte dans l'enseignement. Des modules sont en expérimentation dans les écoles de formation.

66. Sur la traite et les pires formes de travail des enfants les mesures prises sont : la réalisation d'études pour cerner l'ampleur du problème, la mise en œuvre d'une stratégie nationale de lutte contre le phénomène, l'adoption d'une loi réprimant la traite des enfants, la mise en place de 255 comités de vigilance et de surveillance dans les provinces, les communes et les villages, la création de 23 centres de transit et plusieurs autres initiatives.

67. La réforme de l'organisation judiciaire en 2004, a permis la création de juridictions spécialisées pour les enfants.

68. Malaysia welcomed the measures taken to improve the situation of women in Burkina Faso. It noted that more efforts could be made to address discrimination in that domain. Malaysia recommended that Burkina Faso (a) consider enacting legislation on violence against women, including domestic violence as recommended by the CEDAW. Malaysia also recommended that Burkina Faso (b) intensify its efforts to combat trafficking in girls and women for sexual exploitation, inter alia, through the implementation of a national strategy to combat this issue. Malaysia supported and (c) called on international community to respond favourably to Burkina Faso's request for capacity-building and technical assistance in various fields of human rights.

69. Djibouti welcomed the priority attached by Burkina Faso to education, health and the situation of women, but noted the difficulties and constraints faced. Djibouti recommended that Burkina Faso make further efforts to ensure that the social services provided for children remain a priority.

70. While noting the role of the Constitutional Council and the independent national electoral commission in referendums and elections, Zambia expressed the hope for clear terms of reference of these bodies to avoid conflict of interest. Zambia welcomed the introduction of human rights and civic education in schools. It appreciated the 2006-2015 strategic policy on children's rights, but requested further information on the activities of the children's parliament. Zambia noted the establishment of the Ministry for the Advancement of Women and that obstacles to the implementation of the relevant laws and the CEDAW persist. It called on the

Government to ensure that all obstacles in this regard are addressed, including the issue of witchcraft. It also called upon the international community and OHCHR to provide Burkina Faso with technical assistance to allow the country to meet its reporting obligations to treaty bodies.

71. Nigeria noted the creation of the Ministry for the Promotion of Human Rights and the establishment of human rights committees in the national Parliament. It also noted the progress made in the fight against female genital mutilation and the continuing efforts in education and public awareness of human rights, citing the significant progress made in the primary education of the girl-child. Nigeria called on the Council and the international community to provide urgently technical and financial assistance to Burkina Faso to support its efforts and for the eventual implementation of the recommendations from the review process.

72. Brazil congratulated Burkina Faso for its support to regional human rights initiatives, like the African Peer Review Mechanism. It welcomed efforts aiming at establishing a national legal framework for human rights, especially the creation of the Ministry for the Promotion of Human Rights, the Ministry for Women's Promotion and the national human rights commission. Brazil enquired about the State's intentions to address customary practices that discriminate against women. Brazil recommended that Burkina Faso (a) consider fostering national strategies to combat child labour and to promote decent work, and (b) consider the extension of a standing invitation to the special procedures of the Council. Brazil recommended (c) the abolishment of the death penalty in accordance with the General Assembly resolution 62/149, and that that Burkina Faso (d) continue efforts towards the full elimination of female genital mutilation.

73. The Republic of Korea noted the efforts of Burkina Faso to adopt domestic legislation reflecting international standards, in particular the Constitution, which guarantees fundamental human rights. It commended the establishment of the national human rights commission, the Ombudsman of Burkina Faso and the Commission on Information Technology and Freedoms. However, it noted the concerns raised by international human rights bodies over the effectiveness of such legislation and institutions. It requested information on the measures taken to coordinate the work of those institutions. While welcoming the national measures prohibiting female genital mutilation, it shared the concerns of the CEDAW and the CRC on the widespread practice of forced and early marriage within the country.

74. Slovenia noted that cases such as the death of journalist Norbert Zongo indicated a lack of freedom of expression in Burkina Faso. Slovenia expressed concern about excessive use of force against civilians, criminal suspects and detainees by security forces, which resulted in deaths and injuries. It was also concerned that some members of the security forces committed serious human rights violations and that execution-type actions have reportedly taken place. Slovenia concluded that the climate of impunity for human rights violations remains a problem and that the current legal framework is insufficient to deal with it. Slovenia expressed concern about the restrictions on freedom of assembly and demonstrations, according to the law of 8 May 2008. Slovenia recommended that Burkina Faso ease current restrictions to allow for full, unhindered freedom of expression and freedom of assembly. It commended Burkina Faso for allocating 25 per cent of the national budget to education; however, it noted discrepancies in access to education for girls and boys. Slovenia was very concerned about child labour. Slovenia recommended that Burkina Faso develop and implement the preventative and protection policies and measures for the victims of child labour. In that respect, Slovenia further encouraged Burkina Faso to indicate its needs for technical assistance and capacity-building. Slovenia also highlighted the phenomena of trafficking in women and children and asked about steps taken to

address the issue. Slovenia recommended that Burkina Faso set up an anti-trafficking public campaign and put in place measures to protect its victims and to render them the necessary legal and psychosocial assistance and societal reintegration.

75. Côte d'Ivoire noted the significant efforts made by Burkina Faso to protect the rights of the child. It noted the efforts in promoting the right to education, the measures taken to ensure free schooling for girls and the free distribution of textbooks. It encouraged Burkina Faso to make even greater efforts in this area. It enquired about measures intended and taken to curb cross-border trafficking of children and child labour in West Africa.

76. Bangladesh noted the establishment of a number of ministries and the creation of the national human rights commission. It also noted the progress in education, the status of women and children and the fight against HIV/AIDS. Bangladesh recommended that Burkina Faso, with the support and cooperation of international community, continue to fight poverty, ensuring that the benefits are accrued by all citizens in all regions; continue to make progress in the campaign to achieve universal basic education, including through non-formal education; continue to improve the health-care system and combat deadly diseases like HIV/AIDS.

77. Ghana congratulated Burkina Faso on the establishment of the Economic and Social Council, the higher council for communication and the national human rights commission, the recent increase in access to education and the establishment of the Ministry for the Advancement of Women. It also noted that a separate body has been established to monitor the implementation of the CEDAW. It recommended that, with the assistance of the international community, Burkina Faso strengthen its human and institutional capacity in education and health, and increase activities aimed at incorporating human rights education in official school curricula and strengthen the capacity of national authorities to promote the enjoyment of human rights.

78. Gabon noted that Burkina Faso has always cooperated with regional and interregional human rights mechanisms. Gabon encouraged Burkina Faso to (a) submit regularly its reports to the treaty bodies. Gabon recommended (b) that the international community provide technical support to Burkina Faso, in order for it to implement its ambitions in the promotion and protection of human rights. It welcomed the State's willingness to do more in the area of women's rights, particularly with regard to young girls, their schooling and the banning of forced marriage. It further welcomed the creation of a ministry for the promotion of human rights and the national human rights commission, Gabon recommended that Burkina Faso (c) ratify the Second Optional Protocol to the ICCPR aiming at abolishing the death penalty.

79. Burundi welcomed the existence of a ministry for the promotion of human rights and the national human rights commission. It recommended that the State pursue its already remarkable efforts to ensure the schooling of girls and the re-schooling of children who have dropped out of school or who never attended school, with the support of the United Nations. It asked Burkina Faso to seek assistance from the international community in an effective way, in order to meet the material, technical and financial challenges which constitute the main obstacle to the promotion of human rights.

80. Latvia noted with appreciation the Government's respect for freedom of religion and its policy measures promoting the role of women in development and the agricultural sector. In the light of the cooperation of Burkina Faso with the special procedures, Latvia recommended that Burkina Faso consider extending a standing invitation to all special procedures of the Council.

81. Cameroon welcomed the creation of a number of institutions and the ministry for the promotion of human rights. Cameroon encouraged Burkina Faso to complete all reports to be submitted to treaty bodies; ensure the functioning of the various structures that have been set up; enhance the work of the independent national human rights commission; continue to raise awareness among traditional communities with regard to the protection and promotion of the rights of older people, particularly elderly women; develop regional cooperation to counter trafficking in children; and draft a proper migration policy.

82. Canada noted that Burkina Faso is a reference in West Africa with regard to stability, economic development and good governance. Canada noted the concerns expressed by NGOs at the poor detention conditions in the Burkinabe penitentiary centres. Canada recommended that the Government (a) intensify its dialogue with the international community on the issues of ill treatment by submitting to the Committee against Torture the reports which are due. It also recommended that Burkina Faso (b) invite the Special Rapporteur on torture to make an official visit to the country. Canada noted the concerns of several actors, in particular ILO, stating that Burkina Faso is a sending, receiving and transit country for trafficked children. It acknowledged the efforts made to combat this scourge, particularly the adoption of its national action plan in 2007. Considering the information by the ILO committee of experts that only 18 individuals have been convicted for this crime since 2003, Canada recommended that the Government (c) intensify its efforts to implement the national action plan to combat trafficking, particularly by bringing to justice and systematically convicting those individuals held responsible. Canada congratulated Burkina Faso on promoting a language that does not discriminate between men and women when referring to human rights and on the creation of the ministry for the promotion of human rights. It recommended that Burkina Faso (d) continue its efforts so that the language truly reflects equality between men and women.

83. Senegal welcomed the considerable efforts made by Burkina Faso to comply with its commitments to human rights and its concern to meet the deadlines of treaty bodies. Senegal encouraged Burkina Faso to continue to ensure the realization of the rights to health and education, and to continue its efforts to enhance the means at the disposal of the judiciary. Senegal asked Burkina Faso for information on its good practices, in particular, the measures to ensure the effective promotion of women and to build capacities of civil society.

84. Mali welcomed the progress made in the areas of education, health and justice. It encouraged the international community to support the State's initiatives to improve the socio-economic situation of the population. It called upon the international community to assist Burkina Faso to strengthen its capacities in the area of human rights.

85. Congo welcomed the efforts made by Burkina Faso to enhance human rights education and to implement the instruments ratified. It cited the adoption of a national action plan for the survival, protection, and development of the child, the adoption of the action plan for the promotion of women and the policies to enhance the lives of vulnerable people. It encouraged Burkina Faso to pursue measures to counter female genital mutilation. Congo remained concerned about the issue of child labour, child trafficking and practices that violate children's rights. It stressed that violence against women should be the object of special attention and requested further information on the efforts made in this regard.

86. The Syrian Arab Republic welcomed the pioneer projects that Burkina Faso undertook in the information and awareness-raising activities to familiarize the general public with the universal periodic review mechanism. It recommended that Burkina Faso continue its efforts to

protect and promote human rights in conformity with its self-pledged commitments and the development needs of society.

87. Australia welcomed that Burkina Faso has not carried out the death penalty since 1988 and encouraged the Government to (a) take the steps to abolish the death penalty under the law. It welcomed the establishment of a ministry for the advancement of women. It welcomed efforts to eradicate female genital mutilation and (b) encouraged the Government to continue its efforts in this regard. It noted the concerns expressed by the CEDAW concerning the trafficking of women and girls for sexual exploitation. Australia recommended that (c) Burkina Faso implement a national strategy to combat this issue.

88. South Africa noted that considerable efforts have been made to promote the human rights of women, especially through the ministry for the advancement of women, and commended the Government for making human rights education for the general public a priority. It recommended that the Council make available the requisite support in the areas highlighted under section VII in the national report for the effective promotion and protection of human rights.

89. Répondant au deuxième groupe d'intervenants, la Ministre a donné les réponses suivantes :

90. Concernant l'Autorité supérieure de contrôle d'Etat, et les mesures de lutte contre la corruption, un contrôleur général et des contrôleurs ont été nommés, formés, et ont prêté serment. Un plan d'action en cours d'élaboration sera adopté en décembre 2008. En conséquence la publication des rapports peut être envisagée pour 2009.

91. Sur la justice des mineurs la Ministre a précisé que 19 juges en charge des questions des enfants ont été placés dans les juridictions qui ne disposent pas de juridictions pour enfants.

92. Concernant la politique nationale de promotion de la femme, une évaluation à mi-parcours du plan d'action 2006-2010 de la promotion de la femme est en cours.

93. Sur la question du mariage précoce, le Code des personnes et de la famille, dispose que l'âge minimum de mariage pour la fille est de 17 ans et de 20 ans pour le garçon. Le mariage avant cet âge nécessite une autorisation spéciale des parents. Un projet de lutte contre le mariage des enfants devra bientôt démarrer et comporte des stratégies impliquant les leaders traditionnels.

94. La ministre a informé que la coordination de l'action gouvernementale en matière de droit international des droits de l'homme est assuré par le Comité interministériel des droits humains et du droit international humanitaire. Elle a réaffirmé l'indépendance de la Commission nationale des droits de humains et de la Commission des Affaires Générales Institutionnelles et des Droits Humains. Le Ministère leur apporte une assistance technique.

95. En matière de droit au logement, elle a indiqué qu'un appui de la communauté internationale permettra de porter l'initiative du gouvernement de 10.000 logements sociaux à 50.000.

96. Le parlement des enfants créé en 1997, a participé activement à la mise en œuvre des programmes en faveur des enfants. Ce parlement a notamment plaidé pour le parrainage d'au moins 1000 enfants défavorisés.

97. Concernant l'accessibilité des enfants aux soins de santé, le Plan National de Développement sanitaire 2006-2010 prend en compte cet aspect.

II. CONCLUSIONS AND/OR RECOMMENDATIONS

98. The recommendations formulated during the interactive dialogue have been examined by Burkina Faso and the recommendations listed below enjoy the support of Burkina Faso:

1. Accede to the 1960 UNESCO Convention against Discrimination in Education (Algeria);
2. Continue to implement the United Nations Convention against Corruption to prevent and punish corruption (France);
3. Ensure the effective application of the Convention against Torture (Luxembourg), ratify OP-CAT (Netherlands, Mexico, Benin, Denmark, Luxembourg) and establish a national preventive mechanism (Benin, Denmark);
4. Ensure that the statute of the national human rights commission is in conformity with the Paris Principle to ensure that it is fully operational, as recommended by the CRC (Luxembourg); consider the structure and function of the national human rights commission (Netherlands); ensure its independence, particularly in adjusting its competences and funding (Belgium), in accordance with the Paris Principles (Netherlands, Belgium);
5. Submit regularly the reports to treaty bodies (Gabon), take further steps to present periodic reports to the treaty monitoring mechanisms and implement the recommendations in a timely fashion (United Kingdom);
6. Intensify dialogue with the international community relating to issues of ill treatment by submitting the reports which are due to CAT (Canada);
7. Take every possible measure to put an end to all discrimination against people with disabilities (France);
8. Continue efforts so that the language referring to human rights truly reflects equality between men and women (Canada); increase efforts to strengthen the respect of the rights of women and promote gender equality (Sweden); redouble efforts to eliminate discrimination against women and fully apply the CEDAW (Mexico); ensure that there is full access for rural women to education, health care and credit, as well as to land and housing as recommended by CEDAW (Luxembourg); and strengthen awareness-raising efforts in rural areas where some cultural traditions inhibit women's rights (United Kingdom);
9. Consider the establishment of a de jure moratorium on death penalty with a view to abolishing capital punishment in national legislation (Italy); adopt legislation aimed at ultimately abolishing death penalty (France); and consider steps to abolish the death penalty in all circumstances (United Kingdom);

10. Take all steps to improve prisoner's condition (Denmark), ameliorate detention facilities and overall detention conditions, also by means of training law enforcement officials in human rights (Italy);
11. Share best practices with other countries regarding female genital mutilation (Netherlands), pursue its efforts to continue to make exemplary progress with regard to the effective abolition of sexual mutilation (Luxembourg) and continue efforts to fully eradicate it (Netherlands, Albania, Brazil, Australia);
12. Continue its initiative to combat and end the practise of excision (Algeria);
13. Intensify efforts to combat trafficking in girls and women for sexual exploitation (Malaysia) through the implementation of a national strategy to combat this issue (Malaysia, Australia), intensify its efforts to implement the national action plan to combat trafficking, particularly by bringing to justice and systematically convicting those individuals held responsible (Canada);
14. Set up an anti-trafficking public campaign and put in place measures to protect victims and to render them the necessary legal and psycho-social assistance and societal reintegration, and indicate the needs for technical assistance and capacity-building to the international community (Slovenia);
15. Effectively implement the international instruments ratified that focus on the protection of the child and the enjoyment of children's rights (Italy); make further efforts to ensure that the social services provided for children remain a priority (Djibouti) and take appropriate measures to protect the most vulnerable children, particularly girls, disabled children and rural children, and ensure effective protection of children against sexual abuse, all forms of violence and exploitation, trafficking and child labour (Luxembourg);
16. Consider fostering national strategies to combat child labour and to promote decent work (Brazil); and develop and implement preventative and protection policies and measures for the victims of child labour (Slovenia);
17. Take all necessary measures to ensure that employment of children does not interfere with their right to education (United Kingdom);
18. Continue to strengthen educational policies (Angola), make even greater efforts in the right to education (Côte d'Ivoire) and, with the assistance of the international community, strengthen its human and institutional capacity in education and health (Ghana);
19. Pursue its efforts to ensure the schooling of girls and the re-schooling of children who have dropped out of school or who have never gone to school, with the support of the United Nations (Burundi), and continue to make progress in the campaign to achieve universal basic education, including through non-formal education with the support and cooperation of the international community (Bangladesh);
20. Intensify efforts to reinforce the human rights protection system and combat impunity (Sweden), further strengthen measures to improve public access to the

justice system (Netherlands) and ensure the independence of the judicial system (Sweden, Netherlands) by, inter alia, providing sufficient means, and report on the results of these measures in the next review report (Netherlands);

21. Continue efforts to protect and promote human rights in conformity with its self-pledged commitments and the development needs of society (Syrian Arab Republic);
22. Effectively promote and protect human rights and seek the support of the Council in the areas highlighted under section VII in its national report (South Africa), consolidate its cooperation with OHCHR to reinforce its national capacity in human rights, cited in paragraph 108 of the national report (Albania), enhance the capacities of Burkina Faso in promoting human rights in the areas mentioned in paragraph 108 of the national report, with the appropriate technical assistance of OHCHR (Mauritius), increase efforts to see through its commitments set out in the national report, especially with regard to campaigning against poverty and ignorance, and reinforce the legitimate rights of specific social groups in the country (Viet Nam);
23. Continue its efforts in the area of economic, social and cultural rights in order to consolidate the advances that have already been made (Cuba); improve the socio-economic situation with the support of the international community (Mali); with the support and cooperation of the international community, continue to fight poverty, ensuring that the benefits are accrued by all citizens in all regions; continue to improve the health-care system and combat deadly diseases such as HIV/AIDS (Bangladesh); combat poverty and ensure the right to education for all, with the support of the international community (Mauritius);
24. Fulfil, with the help of the international community, its international obligations regarding human rights (Chile); further enhance its capacity to promote and protect human rights with the support of the international community in terms of capacity-building and technical assistance in human rights, as requested by Burkina Faso (Malaysia);
25. Continue efforts to promote and protect human rights with all possible technical assistance by the international community and OHCHR (Pakistan); implement its ambitions in the promotion and protection of human right with the technical support of the international community (Gabon); continue efforts to improve the human rights situation in the country and, with the support of the international community, meet the major challenges it faces (Chad); meet challenges, particularly high poverty and illiteracy, with the technical and financial assistance of the international community (China); overcome, with the technical and financial assistance of the international community, the constraints and challenges particularly in the area of education, health and employment (Algeria);
26. Continue its positive efforts in the promotion and protection of human rights, including, with the support of developed countries, through their compliance with the commitment to devote 0,7 per cent of GDP to ODA (Cuba);

27. With the assistance of international community, increases activities aimed at incorporating human rights education in the official school curricula and strengthen the capacity of national authorities to promote the enjoyment of human rights (Ghana).

99. The recommendations noted in the report in paragraphs 35(b), 38(a), (b), (c) and (d), 44(b) and (d), 49 (c), 58(a), (b), 68(a), 72(b) and (c), 74(a), 78(c), 80, 82(b), 87(a), above did not enjoy the support of Burkina Faso.

100. Burkina Faso takes note of the recommendations reflected in paragraphs 35(b), 38(b), 58(a) and (b), 68(a), 74(a) and offers the following comments:

Burkina Faso takes note of the recommendations reflected in paragraphs 38 (b) and 74(a) regarding freedom of the press. It considers that they are unfounded, since the concerns expressed in these recommendations were largely addressed in its national report and interventions. Burkina Faso also considers that the recommendations in paragraphs 35(b) and 68(a) are unfounded, since a legislative framework punishing violence against women has already been put in place and applied. Regarding recommendation 58(a), Burkina Faso believes that it has sufficiently been taken into account in the national report, statements and the responses given during the interactive dialogue. With regard to the recommendation in paragraph 58(b), it is worth pointing out that the “Autorité supérieure de contrôle d’Etat”, which was created recently, reflects the State’s resolve to fight corruption. Burkina Faso invites Belgium to support it in this fight and subsequently evaluating the results.

101. The following recommendation will be examined by Burkina Faso, which will provide responses in due time. The responses of Burkina Faso will be included in the outcome report to be adopted by the Council at its tenth session:

Abolish death penalty by adopting a law, which will commute all death sentences that have been pronounced (Albania)

102. All conclusions and/or recommendations contained in the present report reflect the position of the submitting State(s) and /or the State under review thereon. They should not be construed as endorsed by the Working Group as a whole.

Annex

COMPOSITION OF THE DELEGATION

La délégation du Burkina Faso était dirigée par S.E. Madame Salamata SAWADOGO, Ministre de la promotion des droits humains et composée de quinze membres:

S.E. M. Prosper VOKOUMA, Ambassadeur, Représentant Permanent du Burkina Faso à Genève ;

M. Marc SOMDA, Conseiller Technique du Ministre de la Promotion des Droits Humains ;

Mme Myriam KONSIMBO/POUSSI, Directrice générale de Promotion et de la Vulgarisation des Droits Humains ;

M. Fortuné Gaétan ZONGO, Directeur Général de la Protection et de Vulgarisation des Droits Humains ;

Mme Sabine BAKYONO/KANZIE, Deuxième Conseiller à la Mission Permanente du Burkina Faso à Genève ;

Mme Clarisse MERINDOL/OUOBA, Conseiller Juridique à la Mission Permanente du Burkina Faso à Genève ;

M. François de Salle BADO, Président de la Commission Nationale des Droits Humains ;

M. Boukaré LINKONE, Ministère de la Promotion des Droits Humains ;

M. Tuansi Bruno LOYA, Ministère de la Santé ;

Mme Florentine KIMA, Ministère de la Justice ;

Mme Emma KINDA, Ministère de l'Enseignement de Base et de l'Alphabétisation ;

M. K. Célestine SAWADOGO, Ministère du Travail et de la Sécurité Sociale ;

Mme Harguietta CONGO, Ministère de l'Action Sociale et de la Solidarité Nationale ;

Mme Hélène OUEDRAOGO/TP, Ministère de la Promotion de la Femme.
