

which deals with administrative matters; the Court of Appeal; and the Supreme Court. National legislation is largely based on the international human rights instruments and the provisions of these instruments may be invoked directly before the courts or administrative authorities. Under the heading, "National machinery," the report lists the following national non-governmental bodies as responsible for overseeing the observance of human rights: the Burkina Faso Human and Peoples' Rights Movement (MBDHP), the Burkina Faso Association for the Promotion of the Rule of Law and the Defence of Freedoms (APED Libertés), and the Study and Research Group on Democracy and Economic and Social Development in Burkina Faso (GERDES-Burkina).

#### **Racial Discrimination**

Acceded: 18 July 1974.

Burkina Faso's 12<sup>th</sup> periodic report is due 17 August 1999.

Burkina Faso's sixth through 11<sup>th</sup> periodic reports were submitted as one document (CERD/C/279/Add.2) and considered by the Committee at its August 1997 session. The report prepared by the government covers three areas: the transition from the state of emergency to rule of law with an emphasis on respect for human rights and establishment of peace and stability; legislative, judicial, administrative and other measures covering the Constitution, the personal and family code, the criminal code; and, measures implementing the Convention, including initiatives related to women and educational development.

The Committee's concluding observations and comments (CERD/C/304/Add.41) welcomed: the government's active policy of equality and non-discrimination; the process of democratization; the fact that provisions of the Convention take precedence over national legislation and can be invoked before the courts; the constitutional prohibition of discrimination on any ground; recent enactment of provisions in the Criminal Code making racial discrimination a criminal offence; measures taken to favour the use of and instruction in national languages in education and media; and, the establishment of the office of Mediator to consider complaints by any individual against arbitrary acts of the administration.

The principal subjects of concern identified by the Committee were: lack of legal provisions to implement fully article 4 of the Convention (racist organizations, hate speech, incitement to racial violence); the lack of data on the demographic composition of the population and representation of ethnic groups at various levels in public life; and, absence of data on the enjoyment of economic, social and cultural rights by different sectors of the population and their access to development projects.

The Committee recommended that the government provide more information in its next report on:

- ▶ provision 132 of the Criminal Code related to freedom of association and whether and how the law prohibits all acts of racial discrimination and organizations promoting racial discrimination;
- ▶ the composition of the population, representation of ethnic groups at various levels of public life and their enjoyment of economic, social and cultural rights;

- ▶ the promotion of national languages and the education of all the population; and,
- ▶ the powers and functioning of the office of Mediator and other institutions promoting respect for human rights and multicultural and multi-ethnic understanding.

#### **Discrimination against Women**

Acceded: 14 October 1987.

Burkina Faso's second and third periodic reports were due 13 November 1992 and 1996 respectively.

#### **Rights of the Child**

Signed: 26 January 1990; ratified: 31 August 1990.

Burkina Faso's second periodic report was due 29 September 1997.

### **THEMATIC REPORTS**

#### *Mechanisms of the Commission on Human Rights*

##### **Disappearances, Working Group on enforced or involuntary:** (E/CN.4/1997/34, paras. 76–78)

No new cases of disappearance were transmitted by the Working Group (WG) to the government. The three outstanding cases of disappearance concern two soldiers and a university professor, all reportedly arrested in 1989, together with 27 other persons, on charges of having participated in an alleged conspiracy against the government. The report notes that the government has not provided any information on these cases and they therefore remain to be clarified.

##### **Extrajudicial, summary or arbitrary execution, Special Rapporteur on:** (E/CN.4/1997/60, paras. 16, 18; E/CN.4/1997/60/Add.1, paras. 79–80)

The report notes information received indicating that a number of people had been executed by members of the security forces in March 1996. Reference is also made to an incident in 1995, when more than 100 people were arrested, and members of the armed forces were deployed to assist the police in restoring order. The report notes that one of those arrested was reported to have died in detention.

##### **Independence of judges and lawyers, Special Rapporteur on:** (E/CN.4/1997/32, paras. 32, 91–92)

The report notes that in March 1996 the Special Rapporteur (SR) participated in the Tenth International Commission of Jurists Workshop on NGO participation in the African Commission on Human and Peoples' Rights, held in Burkina Faso. At that time, the SR also met with the Minister of Justice and received information about constitutional guarantees for the independence of judges and lawyers, as well as information about recent legislation, including modifications to provisions intended to increase the independence and impartiality of the judiciary and to improve the implementation of human rights.

#### *Mechanisms and Reports of the Sub-Commission*

##### **Contemporary forms of slavery, Working Group on:** (E/CN.4/Sub.2/1997/13, para. 74)

The report notes that information concerning trafficking in children in West Africa was submitted by a non-