

PZ/MZZ

BURKINA FASO

Unity – Progress – Justice

DECREE No. 2016 - 926 / PRES/PM/
MATDSI/MJDHPC/MINEFID/MENA concerning
protection of the educational domain

**THE PRESIDENT OF FASO,
PRESIDENT OF THE COUNCIL OF MINISTERS**

[handwritten:] VISAIF No. 00743

IN LIGHT OF the Constitution;

IN LIGHT OF Decree No. 2016-001/PRES of January 6, 2016, concerning the nomination of the Prime
Minister; [illegible signature]
September 27, 2016

IN LIGHT OF Decree No. 2016-003/PRES/PM of January 12, 2016, concerning the composition of the
government;

IN LIGHT OF Decree No. 2016-006/PRES/PM/SGG-CM of February 8, 2016, concerning the
attributions of the members of the Government;

IN LIGHT OF Law No. 9/79/AN of June 7, 1979, governing beverage shops in Haute Volta;

IN LIGHT OF Law No. 064-2015/CNT of October 20, 2015, concerning freedom of association;

IN LIGHT OF Law No. 43/96/ADP of November 13, 1996, concerning the Penal Code and its amending
law, Law No. 6-2004/AN of April 6, 2004;

IN LIGHT OF Law No. 55-2004/AN of December 21, 2004, concerning the General Code of Territorial
Collectivities, as amended;

IN LIGHT OF Law No. 013-2007/AN of July 30, 2007 concerning the Law for the guidance of
education;

In consultation with the Minister of National Education and Literacy;

The Council of Minsters having been notified in its session of August 3, 2016; hereby

DECREES

Chapter 1. General provisions

Section 1: Definitions

Article 1: For the purposes of this Decree, the educational domain shall be understood to refer to
the enclosure and adjacent buildings as well as any other space reserved or assigned for
educational activities at educational institutions.

Article 2: Educational institutions are, notably:

- Public or private centers for pre-school education;
- Public or private schools for primary instruction;
- Public or private institutions for post-primary instruction;
- Public or private institutions for non-formal education;

- Public or private establishments of general secondary instruction;
- Public or private establishments for technical and vocational training.

ARTICLE 3: Protection shall be understood to refer to preventive and enforcement measures against any kind of physical or moral threat against the educational domain or in the educational domain.

Section 2: Scope

ARTICLE 4: The following shall benefit from protection against any kind of physical or moral threat in the educational domain:

- Students at educational institutions;
- Instructors at educational institutions;
- Staff who habitually work in educational institutions;
- All movable or immovable assets.

Chapter 2. Regime for the protection of the educational domain

ARTICLE 5: The educational domain is inviolable. No individual other than the students, instructors and staff who work in educational institutions can enter therein at any time whatsoever, without authorization from the person in charge of the educational institution, for intentions other than instruction in keeping with educational life.

Section 1: Preventive measures

ARTICLE 6: The educational domain, particularly where it usually conducts its educational activities, should be enclosed, while keep openings accessible and subject to control.

ARTICLE 7: There can be no establishment or any activity of a nature that would harm or disturb directly or indirectly the conduct of educational activities within or in the vicinity of educational spaces.

ARTICLE 8: There can be no establishment or any activity of a nature that would constitute an assault on health or moral integrity, or negatively influence the psychic development of the students within or in the vicinity of educational spaces.

ARTICLE 9: The distance measuring the extent of the vicinity is a radius of four hundred (400) meters.

Section 2: Enforcement measures

ARTICLE 10: Any attack perpetrated on the beneficiaries of the protection of the educational domain constitutes a physical threat.

ARTICLE 11: The following things constitute a moral assault on the students, notably:

- Assaults perpetrated on an instructor or staff member in their presence;
- Insults or any other moral assault perpetrated against an instructor or staff member in the presence of the students;
- The wearing of indecent garments in the presence of the students.

ARTICLE 12: The following things constitute establishments or activities located in the vicinity of an educational domain of a nature to assault health or moral integrity, or to negatively influence the psychology of the students:

- Auditory or olfactory nuisances;
- The opening of beverage shops;
- The opening of public houses;
- The holding of promotional campaigns, particularly for alcoholic beverages, tobacco or obscene demonstrations.

ARTICLE 13: The following things constitute a moral assault on the instructors or staff members working in the educational domains:

- Threats of any kind whatsoever;
- Insults;
- Disclosure of private life;
- Defamation;
- Acts of humiliation.

ARTICLE 14: Without impairment to civil and penal sanctions pursuant to the civil and penal codes, violation of the provisions of this Decree are punishable by a fine of 300,000 FCFA to 1,500,000 FCFA.

ARTICLE 15: In the event of violation of the provisions of this chapter, the director of a public educational institution shall be required to notify his superiors with a detailed report within a period of four (04) business days. A copy thereof is to be sent to the mayor of the commune of the territory in which the educational institution is located.

ARTICLE 16: In the event of violation of the provisions of this chapter, the director of a private educational institution shall be required to notify the provincial department of education with a detailed report within a period of four (04) business days. A copy thereof is to be sent to the mayor of the commune of the territory in which the educational institution is located.

ARTICLE 17: Should the need arise, authorized officials may call upon law enforcement agents to put a stop to an assault perpetrated on the educational domain.

Chapter 3. Final and transitory provisions

ARTICLE 18: The owners of establishments or people engaging in activities located in the vicinity of an educational domain of a nature to pose a threat to health, moral integrity, or to negatively influence the psychological development of students shall have a period of one (01) year counting from the entry into force of this Decree to enter into compliance with it.

Unofficial Translation

ARTICLE 19: The Minister of State, the Minister of Territorial Administration, Decentralization and Internal Security, the Minister of Justice, Human Rights and Civic Promotion, Attorney General, the Minister of the Economy, Finance and Development, and the Minister of National Education and Literacy are charge each within the areas that concern them, with the execution of this Decree, which is to be published in the *Journal Officiel du Faso* ('Official Journal of Faso').

Ouagadougou, October 3, 2016

[STAMP:]
BURKINA FASO
THE PRESIDENT
[illegible signature]
Roch Mare Christian KABORE

The Prime Minister

[illegible signature]
Paul Kaba THIEBA

The Minister of Justice, Human Rights
And Civic Promotion, Attorney General

[illegible signature]
Bessolé René BAGORO

The Minister of National Education
and Literacy

[illegible signature]
Jean-Martin COULIBALY

The Minister of State, Minister of Territorial
Administration, Decentralization and Internal Security

[illegible signature]
Simon COMPAORE

The Minister of the Economy, Finance
and Development

[illegible signature]
Hadizatou Rosine COULIBALY/SORI