

GO/CKS
BURKINA FASO

Unity-Progress-Justice

**DECREE No. 2020-0259/PRES/PM/MATDC/
MSECU/MJ/MINEFID/MENAPLN amending
Decree No. 2016-926/PRES/PM/
MATDSI/MJDHPC/MINEFID /MENA of
October 3, 2016 on the protection of schools.**

**THE PRESIDENT OF BURKINA FASO,
THE PRIME MINISTER,**

- In consideration of** the Constitution;
✓ Approved see No. 00214
- In consideration of** Decree No. 2019-0004/PRES of January 21, 2019 appointing the Prime Minister;
- In consideration of** Decree No. 2019-0042/PRES/PM of January 24, 2019 on the composition of the Government;
- In consideration of** Decree No. 2019-0139/PRES/PM/SGG-CM of February 18, 2019 on the duties of the members of the Government;
- In consideration of** Act No. 9/79/AN of June 7, 1979 governing drinking establishments in Upper Volta;
[illegible]
- In consideration of** Act No. 055-2004/AN of December 21, 2004 on the General Code of Territorial Collectivities, including its amendments;
04/06/2020
- In consideration of** Act No. 013-2007/AN of July 30, 2007 on the educational framework act;
- In consideration of** Act No. 040-2010/AN of November 25, 2010 on tobacco control in Burkina Faso;
- In consideration of** Act No. 064-2015/CNT of October 20, 2015 on freedom of association;
- In consideration of** Act No. 080-2015/CNT of November 23, 2015 regulating advertising in Burkina Faso;
- In consideration of** Act No. 025-2018/AN of May 31, 2018 on the Criminal Code;
- In consideration of** Decree No. 2016-926/PRES/PM/MATDSI/MJDHPC /MINEFID/MENA of October 3, 2016 on the protection of schools;
- In consideration of** Decree No. 2019-0344/PRES/PM/MENAPLN of April 24, 2019 organizing the Ministry of National Education, Literacy and the Promotion of National Languages;

Following the report of the Minister of National Education, Literacy and the Promotion of National Languages;

The Cabinet being heard in its session on February 19, 2020;

DECREES:

Article 1: The provisions of Articles 2, 8, 9, 11, 12, 14, 15 and 16 of Decree No. 2016-926/PRES/PM/MATDSI/MJDHPC/MINEFID/MENA of October 3, 2016 on the protection of schools are hereby amended as follows:

Instead of:

Article 2: Educational structures are, inter alia:

- Public or private centers for preschool education
- Public or private schools for primary education
- Public or private institutions for post-primary education
- Public or private structures for informal education
- Public or private institutions for general secondary education
- Public or private institutions for technical and professional training and education

Read:

Article 2: Educational structures are, inter alia:

- Public, private or community centers for preschool education
- Public or private schools for primary education
- Public or private institutions for post-primary and secondary education
- Public or private structures for informal education

Instead of:

Article 8: Any institutions or activities that may be harmful to health or moral integrity or that may negatively influence students' mental development may not be held within or in the vicinity of school spaces.

Read:

Article 8: Any institutions or activities that may be harmful to health or moral integrity or that may negatively influence students' mental development may not be held within or in the vicinity of school spaces.

In particular, the consumption and/or sale of tobacco and tobacco products, drugs, alcohol and any other product that may result in addiction are prohibited within or in the vicinity of school spaces or during the institution's activities.

Instead of:

Article 9: The area of vicinity is a radius of four hundred (400) meters.

Read:

Article 9: The area of vicinity is a radius of four hundred (400) meters from the school limits.

Instead of:

Article 11: The following constitute acts that are mentally harmful to students, inter alia:

- Assault of a teacher or staff member in their presence
- Insults or any other mentally harmful acts perpetrated against a teacher or staff member in the presence of students
- Wearing indecent clothing in the presence of students

Read:

Article 11: The following constitute acts that are mentally harmful to students, inter alia:

- Assault of a student, teacher or staff member in their presence
- Insults or any other mentally harmful acts perpetrated against a student, teacher or staff member in their presence
- Wearing indecent clothing in their presence

Instead of:

Article 12: The following constitute institutions or activities located in the vicinity of schools that may be harmful to health or moral integrity or may negatively influence the psychology of students:

- Noise and odor nuisances
- Opening drinking establishments
- Opening brothels
- Holding promotional campaigns for alcoholic beverages or tobacco or obscene displays

Read:

Article 12: The following constitute institutions or activities located in the vicinity of schools that may be harmful to health or moral integrity or may negatively influence the psychology of the institution's students and staff members:

- Noise and odor nuisances
- Opening drinking establishments and the sale of alcoholic beverages
- Opening brothels
- Obscene displays, images and signs
- The sale of tobacco, tobacco products and drugs and other narcotics
- Any form of direct or indirect advertising and promotion of tobacco, tobacco products, drugs or alcoholic beverages, to any degree
- Any form of sponsorship by the tobacco industry, its devolved entities, or by any direct or indirect employee of the tobacco industry
- Any form of sponsorship by the alcoholic beverage industry, its devolved entities, or by any direct or indirect employee of the alcoholic beverage industry by an alcoholic beverage brand
- The manufacturing and sale of sweets, toys or any other objects having the form or taste of tobacco, a tobacco product or any other prohibited product

Instead of:

Article 14: Notwithstanding the civil and criminal penalties pursuant to the Criminal and Civil Codes, violation of the provisions of this decree is punishable by a fine of 300,000 CFA francs to 1,500,000 CFA francs.

Read:

Article 14: Notwithstanding the civil and criminal penalties pursuant to the Criminal and Civil Codes, violation of the provisions of this decree is punishable by a fine of 200,000 CFA francs, which may be accompanied by provisional measures.

In the event of recidivism, the specified penalties shall be doubled.

Instead of:

Article 15: In the event of violation of the provisions of this section, directors of public educational structures must notify their superiors by means of a detailed report within four (04) business days. A certified copy thereof shall be sent to the mayor of the town on which territory the educational structure is located.

Read:

Article 15: In the event of violation of the provisions of this section, supervisors of educational structures shall file a complaint with the town's mayor and send a detailed report to their superiors within four (04) business days.

The mayor must put a stop to the violation within 15 days. If the violation has not been stopped within a maximum of one month, the supervisor of the educational structure must refer the matter to the competent court.

Instead of:

Article 16: In the event of violation of the provisions of this section, directors of private educational structures must notify the provincial department of education by means of a detailed report within four (04) business days. A certified copy thereof shall be sent to the mayor of the town on which territory the educational structure is located.

Read:

Article 16: Any individual or legal entity who is a direct or indirect victim of violation of the provisions of this section may take legal action to obtain redress.

The rest unchanged

Unofficial Translation

Article 2: The Minister of Territorial Administration, Decentralization and Social Cohesion; the Minister of Security; the Minister of Justice, Keeper of the Seals; the Minister of National Education, Literacy and the Promotion of National Languages; and the Minister of the Economy, Finances and Development are charged with the implementation, within their respective areas of responsibility, of this Decree, which shall be published in the Official Gazette of Burkina Faso.

Ouagadougou, April 7, 2020

[stamp: BURKINA FASO
[coat of arms of Burkina Faso]
The President]

[signature]
Roch Marc Christian KABORE

The Prime Minister

[signature]

Christophe Joseph Marie DABIRE

The Minister of Security,

[signature]

Ousséni COMPAORE

The Minister of National Education,
Literacy and the Promotion of
National Languages

[signature]

Stanislas OUARO

The Minister of State, Minister of Territorial
Administration, Decentralization and Social
Cohesion

[signature]

Siméon SAWADOGO

The Minister of Justice,
Keeper of the Seals

[signature]

Bessolé René BAGORO

The Minister of the Economy,
Finances and Development

[signature]

Lassané KABORE