

Preamble

We, the Sovereign People of Burkina Faso:

- CONSCIOUS of our responsibilities and of our duties before history and before humanity;
- STRENGTHENED by the democracies [we have] acquired;
- COMMITTED to preserve those acquired and animated by a will to construct a State of law guaranteeing the exercise of collective and individual rights, liberty, dignity, security, well-being, development, equality and justice as the fundamental values of a pluralist society of progress and free from all prejudice;
- REAFFIRMING our commitment to the struggle against any form of domination as well as to the democratic character of power;
- DETERMINED to promote integrity, probity, transparency, impartiality and the obligation to render account as the republican and ethical values proper to moralize the life of the Nation;
- RECOGNIZING the customary and traditional leadership as [a] moral authority[,] depository of the customs and of the traditions in our society;
- RECOGNIZING that the promotion of gender is a factor for realization of the equality of law between men and women of Burkina Faso;
- SEARCHING [for] the economic and political integration with the other peoples of Africa with a view to the construction of a federative unity of Africa;
- SUBSCRIBING to the Universal Declaration of the Rights of Man of 1948 and to the international instruments concerning economic, political, social and cultural problems;
- REAFFIRMING solemnly our commitment vis-a-vis the African Charter of the Rights of Man and of Peoples of 1981;
- DESIROUS to promote peace, international cooperation, the peaceful resolution of differences between States, with justice, equality, liberty and the sovereignty of peoples;
- CONSCIOUS of the absolute necessity to protect the environment;

APPROVE and ADOPT this Constitution of which this preamble is made an integral part.

TITLE I: OF THE FUNDAMENTAL RIGHTS AND DUTIES

CHAPTER I: OF CIVIL RIGHTS AND DUTIES

Article 1

All the Burkinabe are born free and equal in rights.

All have an equal vocation to enjoy all the rights and all the freedoms guaranteed by this Constitution.

Discrimination of all sorts, notably those founded on race, ethnicity, region, color, sex, language, religion, caste, political opinions, wealth and birth, are prohibited.

Article 2

The protection of life, security, and physical integrity are guaranteed.

Slavery, slavery-like practices, inhuman and cruel, degrading and humiliating treatments, physical or moral torture, services and mistreatments inflicted on children and all forms of the degradation of Man[,] are forbidden and punished by the law.

Article 3

No one may be deprived of his liberty if he is not prosecuted for acts specified and punishable by the law.

No one may only be arrested, detained, deported or exiled by virtue of the law.

Article 4

All Burkinabe and all persons living in Burkina Faso benefit from an equal protection of the law. All have the right to have their case heard by an independent and impartial jurisdiction.

Any accused is presumed innocent until his guilt has been established.

The right to a defense, including that of freely choosing one's defender is guaranteed before all the jurisdictions.

Article 5

Anything which is not forbidden by the law may not be hindered and no one can be constrained to do that which [the law] does not order.

The penal law does not have retroactive effect. One may only be judged and punished by virtue of a law promulgated and published prior to the punishable act.

Punishment is personal and individual.

Article 6

The residence, the domicile, private and family life, [and] the secrecy of correspondence of every person, are inviolable.

It can only be infringed according to the forms and in the cases specified by the law.

Article 7

The freedom of belief, of non-belief, of conscience, of religious opinion, [of] philosophy, of exercise of belief, the freedom of assembly, the free practice of custom as well as the freedom of procession and of demonstration, are guaranteed by this Constitution, under reserve of respect for the law, for public order, for good morals and for the human person.

Article 8

The freedoms of opinion, of the press and the right to information are guaranteed.

Every person has the right to express and to disseminate his opinions within the order of the laws and regulations in force.

- Right to life
- Prohibition of cruel treatment
- Prohibition of slavery
- Prohibition of torture

- Protection from unjustified restraint

- Power to deport citizens

- Right to fair trial

- Presumption of innocence in trials

- Right to counsel

- Protection from ex post facto laws
- Principle of no punishment without law

- Inalienable rights
- Right to privacy

- Freedom of assembly
- Freedom of religion

- Freedom of expression
- Right to information
- Freedom of opinion/thought/conscience
- Freedom of press

Article 9

The free circulation of persons and of assets, the free choice of residence and the right of asylum, are guaranteed within the order of the laws and regulations in force.

Article 10

Every Burkinabe citizen has the duty to participate in the defense and in the maintenance of the territorial integrity.

He is required to fulfill national service when it is required of him.

CHAPTER II: OF POLITICAL RIGHTS AND DUTIES

Article 11

All Burkinabe enjoy civil and political rights within the conditions specified by the law.

Article 12

All the Burkinabe without any distinction, have the right to participate in the conduct of the affairs of the State and of society.

In this capacity, they are electors and eligible within the conditions specified by the law.

Article 13

The political parties and formations create themselves freely.

They participate in the activity of political life, in the information and the education of the people as well as in the expression of suffrage.

They conduct their activities freely within respect for the laws.

All the political parties or formations are equal in rights and in duties.

However, tribalist, regionalist, denominational, or racist political parties or formations are not authorized.

CHAPTER III: OF ECONOMIC RIGHTS AND DUTIES

Article 14

The natural wealth and resources belong to the people.

They are utilized for the amelioration of their conditions of life.

Article 15

The right of property is guaranteed. It may not be exercised contrary to social utility or in a manner which results in prejudice to the security, to liberty, to existence or to the property of others.

It can only be infringed the in case of public necessity declared in the legal forms.

- Protection of stateless persons
- Freedom of movement

- Duty to serve in the military

- Prohibited political parties
- Right to form political parties

- Ownership of natural resources

- Protection from expropriation
- Right to own property

No one will be deprived of their possessions if it is not for [a] cause of public utility and under the condition of a just indemnity established conforming to the law. This indemnity must be prior to the expropriation, except in case of urgency or of force majeure.

Article 16

The freedom of enterprise is guaranteed within the order of the laws and regulations in force.

Article 17

The duty to fulfill one's fiscal obligations conforming to the law is imposed on each one.

CHAPTER IV: OF SOCIAL AND CULTURAL RIGHTS AND DUTIES

Article 18

Education, instruction, [professional] training, work, social security, housing, sport, leisure, health, protection of Maternity and of Infancy, assistance to the aged or handicapped persons and [those] in social cases, [and] artistic and scientific creation, constitute the social and cultural rights recognized by this Constitution which sees to their promotion.

Article 19

The right to work is recognized and is equal for all.

It is prohibited to discriminate in matters of employment and of remuneration founded notably on sex, color, social origin, ethnicity or political opinion.

Article 20

The State sees to the constant amelioration of the conditions of work and to the protection of the worker.

Article 21

The freedom of association is guaranteed. Every person has the right to constitute associations and to participate freely in the activities of the associations created. The functioning of the associations must conform to the laws and regulations in force.

The syndical freedom is guaranteed. The unions exercise their activities without constraint and without limitation other than those specified by the law.

Article 22

The right to strike is guaranteed. It is exercised conforming to the laws in force.

Article 23

The family is the basic unit of society. The State has the duty to protect it.

- Right to establish a business

- Reference to art
- Right to culture
- State support for the elderly
- State support for the disabled
- Right to rest and leisure
- Reference to science
- Right to shelter

- Right to work
- Right to equal pay for work

- Freedom of association
- Right to join trade unions

- Right to strike

- Right to marry
- Provision for matrimonial equality

Marriage is founded on the free consent of the man and of the woman. All discrimination based on race, color, religion, ethnicity, caste, social origin, [and] fortune, is forbidden in matters of marriage.

Children are equal in rights and in duties in their familial relations. The parents have the natural right and the duty to raise and to educate their children. These must give them respect and assistance.

Article 24

The State works to promote the rights of the child.

Article 25

The right to transmit one's assets by inheritance or gift is recognized conforming to the laws and regulations in force.

Article 26

The right to health is recognized. The State works to promote it.

Article 27

Every citizen has the right to instruction.

Public education is secular.

Private education is recognized. The law establishes the conditions of its exercise.

Article 28

The law guarantees intellectual property.

The freedom of creation and [of] artistic, scientific and technical works, are protected by the law.

The manifestation of cultural, intellectual, artistic and scientific activity is free and is exercised conforming to the texts in force.

Article 29

The right to a healthy environment is recognized; the protection, the defense and the promotion of the environment are a duty for all.

Article 30

Every citizen has the right to initiate an action or participate in a collective action under the form of petition against the acts:

- harming the public patrimony;
- harming the interests of the social communities;
- infringing the environment or the cultural or historic patrimony.