



**International Convention on the
Protection of the Rights of
All Migrant Workers and
Members of Their Families**

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**Committee on the Protection of the Rights of All
Migrant Workers and Members of Their Families**
Thirty-fourth session

Summary record of the 479th meeting

Held at the Palais Wilson, Geneva, on Thursday, 31 March 2022, at 10 a.m.

Chair: Mr. Corzo Sosa

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The meeting was called to order at 10.05 a.m.

Consideration of reports submitted by States parties under article 73 of the Convention *(continued)*

Second periodic report of Burkina Faso (continued) (CMW/C/BFA/2 and CMW/C/BFA/QPR/2)

1. *At the invitation of the Chair, the delegation of Burkina Faso joined the meeting.*
2. **Mr. Sako** (Burkina Faso), replying to questions posed at the previous meeting (see [CMW/C/SR.478](#)), said that the latest subregional cooperation agreement aimed at protecting the rights of migrant children had been signed with Nigeria. Burkina Faso had established unified intersectoral desks on the border with Côte d'Ivoire, Mali and the Niger, as well as specially trained focal points at transport hubs, to provide information and support to children. In addition, members of the Child and Young Workers' Association, many of whom had been migrants themselves, received training in how to assist child migrants. In trafficking cases, decisions to return children to their country of origin were made by an interdisciplinary team on the basis of an assessment that took into account the best interests of the child. Lastly, a decree adopted in June 2016 enumerated the occupations considered hazardous for children and empowered the Labour Inspectorate to conduct visits to worksites and, where appropriate, remove children from dangerous situations.
3. **Mr. Daboné** (Burkina Faso) said that one of the root causes of labour migration was the high birth rate, particularly in rural areas. Accordingly, the main goal of the national population policy was to lower the total fertility rate to 2.5 births per woman by 2025. In addition, young people were being encouraged to remain in rural areas through soil regeneration schemes and measures to ensure equal access to land tenure, as well as training in traditional agricultural production methods, financial literacy and job search techniques. Land-use planning strategies built around a region's specific areas of potential, for instance crops, livestock or fisheries, had been introduced with the aim of triggering growth in other sectors. Burkina Faso had set up an observatory that monitored trends in poverty and economic growth, in order to inform public policy.
4. In terms of employment, a World Bank-funded programme provided 3,000 young people each year with either employment assistance or entrepreneurship training. The main goal of the national employment strategy was to promote decent jobs in all sectors with a view to reducing unemployment and underemployment through enhanced employability, increased job creation, improved job quality and strengthened labour-market governance. Similarly, the Government had set the target of creating 50,000 decent jobs for young people annually; despite the coronavirus disease (COVID-19) pandemic, 44,000 such jobs had been created in 2020. From 2013 to 2020, the vocational training and apprenticeship fund had provided training to more than 39,000 people and financing to 700 projects. In response to the pandemic, 5 billion CFA francs (CFAF) had been mobilized to help 9,000 young people reintegrate the labour market.
5. **Mr. Cyrille Sawadogo** (Burkina Faso) said that, following an agreement with Nigeria in December 2010, a cooperation mechanism had been established whereby sectoral experts from both countries met periodically to discuss concerns related to human trafficking. In that context and in response to the significant influx of Nigerian girls to Burkina Faso, two bilateral agreements had been signed in December 2021, one on the promotion and empowerment of women, gender equality and child protection, and the other on the prevention and punishment of trafficking in persons, especially women and girls. The agreements would enable the two countries not only to define an information-sharing framework but also to pool their resources to address trafficking.
6. Non-governmental organizations supported the State's community health workers in providing services, including sexual and reproductive health services, for girls engaged in prostitution, through mobile units. In 2021, 63 Nigerian girl victims of trafficking had been provided with shelter and care in Burkina Faso, and the authorities had facilitated the return of some victims to their families. A helpline had been set up to report cases of gender-based violence. On the judicial level, the offence of procurement of prostitution was defined broadly in the Criminal Code to include the act of impeding prevention, oversight and

assistance activities by the competent entities. In 2021, there had been 11 court cases in which the victims were Nigerian girls. The penalties imposed had ranged from 1 to 6 years' imprisonment, combined with a fine of from CFAF 500,000 to 3 million.

7. **Ms. Zongo Sawadogo** (Burkina Faso) said that, as a recommendation from the third cycle of her country's universal periodic review, the accreditation of the national human rights institution was a government priority. Accordingly, the Government had solidified the institution's basis in law by replacing the original decree with an act, which also expanded the institution's mandate with regard to the protection and promotion of human rights and the processing of complaints. The institution had been functioning autonomously since 2018. As of 1 January 2022, the institution had its own budget rather than an allocation from the budget of the Ministry of Justice. The remaining steps for accreditation were the responsibility of the institution, which had given assurances that the request would be submitted that year.

8. **Mr. Bado** (Burkina Faso) said that the free circulation of persons within the Economic Community of West African States (ECOWAS) was subject to certain conditions. If migrant workers failed to fulfil those conditions, notably that of holding a valid identity document, they could still find themselves in an irregular situation and risked detention and/or deportation. Nonetheless, irrespective of whether their status was regular or irregular, all migrant workers enjoyed protection under the law.

9. A national coordinating body with the task of monitoring the actions of the police and the gendarmerie had been created. Composed of high-ranking law enforcement officials appointed directly by the Council of Ministers, the coordinating body had begun operating in 2017, since when there had been a notable decline in the number of reported abuses by public officials against migrant workers. In 2021, administrative sanctions had been brought against five officers for improper conduct against migrant workers. Persons who had lost their identity documents or who were otherwise in an irregular situation could be issued with a safe conduct or a laissez-passer, under which they could move around more or less freely while awaiting the definitive regularization of their status.

10. **Mr. Jean Yves Sawadogo** (Burkina Faso) said that, just like migrant workers in Burkina Faso, workers from Burkina Faso in other States often found themselves in an irregular situation owing to their inability to establish their legal identity. In order to address that issue, consular missions of Burkina Faso abroad worked to provide the country's migrants with identity and civil status documents, with a view to helping them regularize their status and find work in their host countries. Between 2018 and 2019, the consulates had issued 5,343 passports and 21,600 identity cards. As a consequence of the COVID-19 pandemic, the issuance of documents had been interrupted in 2020 but it had resumed in 2021, when 2,964 identity cards, 528 passports, 223 ECOWAS travel cards and 2,173 certificates of nationality had been issued, notably to workers in Benin, Côte d'Ivoire, Senegal and Togo.

11. Burkina Faso had 37 embassies and 17 consulates across the world, some of which served more than one country. For example, the embassy in Gabon also covered Cameroon and Equatorial Guinea, while the embassy in France also dealt with Portugal and Spain. The preferred country of destination for migrant workers from Burkina Faso was Côte d'Ivoire, with 1,039,522 registered workers, followed by Mali, Guinea, Gabon and Ghana. The top destinations in Europe were Italy with 19,791 registered workers and France with 6,992. According to statistics from 2018, a total of 1,249,206 migrants from Burkina Faso were working abroad. However, the figures were derived from the number of workers registered with their local embassy or consulate; since registration was an entirely voluntary process, the true number of Burkina Faso citizens working abroad was thought to be much greater, perhaps as high as 10 million.

12. Migrant workers from Burkina Faso who got into difficulties abroad could count on assistance from the country's embassies and consulates. In specific cases, the Minister of Foreign Affairs or even the President could intervene. As a further guarantee, the Ministry for Foreign Affairs was examining the possibility of setting up a special fund for migrant workers, as well as an oversight committee to monitor the situation of workers in their host countries and identify any potential difficulties they might face. One of the questions due to

be dealt with by that committee was the situation of Burkina Faso mine workers in Senegal. In the meantime, that issue was being addressed through diplomatic channels. Cooperation agreements signed recently between Burkina Faso and Côte d'Ivoire had gone some way towards resolving the problems faced by migrant workers from Burkina Faso employed in Ivorian cocoa plantations.

13. **Mr. Ouattara** (Burkina Faso) said that workers employed in mines located more than 5 km from an inhabited area received food and lodging from their employers. The legal obligations of employers in that regard, which also extended to the workers' families, were enshrined in the Labour Code. The fulfilment of those obligations was monitored by labour inspectors who, in the course of 2020, had conducted 16 visits to mining companies and their subcontractors across the 13 regions of Burkina Faso. The results had shown that the companies amply exceeded the minimum requirements set forth in the law and did not discriminate in any way against migrant workers, who received the same food and lodging as local workers. The law was equally applicable to workers in official mines and those employed in informal mining operations.

14. Although there was no overarching national strategy to provide training to potential migrants, the Government had identified certain areas of the country from where people were more likely to move abroad in search of employment. Campaigns were carried out, also drawing on the positive and negative experiences of returning migrants, to raise awareness among young people in those areas about the potential benefits and risks of migration and thus help them make an informed choice before setting out.

15. Migrants from the Burkina Faso diaspora in Côte d'Ivoire who returned to Burkina Faso, including their children who had been born abroad, reintegrated without difficulty into the social and economic fabric of the nation, where they had exactly the same rights to education and public sector employment as any other citizen of Burkina Faso.

16. **Mr. Thiao** (Burkina Faso) said that, following recent political changes in Burkina Faso, the country had been suspended by ECOWAS and that suspension had been upheld by the African Union. However, Burkina Faso had not been sanctioned by ECOWAS, the African Union or any other international body and it remained bound by its international obligations.

17. The task of the National Commission for Refugees, which was part of the Ministry for Foreign Affairs, was to determine refugee status and to protect recognized refugees and asylum seekers. The structure of the Commission included an eligibility committee, which met three times a year to examine requests for refugee or asylum seeker status. Any decisions that the committee made could be challenged before an appeals committee, which was also part of the Commission. The Commission was funded by the State budget, although its statutes also allowed it to receive donations from external organizations.

18. **Mr. Soualem** (Country Rapporteur) said that he would welcome information regarding the State party's cooperation with the International Organization for Migration (IOM) and the International Labour Organization (ILO).

19. He wished to know whether the State party had concluded any cooperation or placement agreements for its citizens outside the ECOWAS region, for instance with European countries. Such agreements guaranteed transport, social security, health insurance and other benefits for migrants.

20. He would appreciate receiving basic data regarding the amount of transfers each year from the diaspora to Burkina Faso. Global research by international organizations had indicated that such transfers contributed more to families, communities and national development than international development aid.

21. **Mr. Oumaria** (Country Rapporteur) noted that, according to the Labour Code, migrant workers were permitted to participate in the management of trade unions if they had been resident in the country for at least five years. He asked whether the State party would consider amending that provision in order to align the Code with the provisions of the Convention.

22. He wished to know whether measures were taken to make citizens of Burkina Faso working abroad aware of the desirability of sending remittances to their homeland. It would also be useful to know whether advice was offered within the country regarding the investment of such funds, in order to prevent any improper diversions.
23. Children living and working in the street were frequently victims of irregular migration, trafficking or even terrorism. He would appreciate information concerning action taken by the State and by traditional and religious authorities to remove them from the streets and, if possible, to assist them in finding employment.
24. **Mr. Babacar** said that the State party should ratify the ILO Domestic Workers Convention, 2011 (No. 189) as soon as possible, especially since its provisions were reflected in a decree that had been adopted in 2010.
25. Noting that Burkina Faso had ratified the ILO Labour Inspection Convention, 1947 (No. 81), which required States to ensure that the status and conditions of service of labour inspectors guaranteed their independence and impartiality, he wished to know whether the State party had complied with that provision.
26. The ILO Worst Forms of Child Labour Convention, 1999 (No. 182) required States, following ratification, to design and implement a programme of action for its implementation. The plan should seek to eliminate all forms of child exploitation, including trafficking and prostitution. He asked whether the State party planned to adopt such a programme of action.
27. Burkina Faso was a party to the ILO Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87), pursuant to which migrant workers should be permitted to participate in the management of trade unions. Like Mr. Oumaria, he asked whether steps had been taken to meet that requirement.
28. **Mr. Zounmatoun** asked whether the State party had ratified the ILO Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143). He also wished to encourage the State party to ratify ILO Convention No. 189, since its implementation would effectively address many pending issues pertaining to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.
29. With regard to the World Bank project aimed at integrating young people into the employment market, it was frequently difficult for the State, when such projects were completed, to ensure the long-term preservation of their results. He wished to know what measures had been taken to ensure that young people continued to receive assistance following the completion of the project.
30. As the economic and employment situation in both the public and private sectors currently left a great deal to be desired, vigorous action was required to render enterprises sustainable in the longer term. When young people presented projects and established companies, they were frequently unable to manage the enterprise effectively, so that eventually it failed. It would be useful to hear about national action to support the sustainability of such companies and to finance and give management training to young people who had developed sound projects.
31. As there was a strong demand for domestic workers in countries of the Middle East, where women were likely to be subjected to ill-treatment, he asked whether measures were taken to protect women or other workers and whether a monitoring policy had been adopted.
32. **Mr. Ceriani Cernadas** noted that the State party occupied a strategic position on the route to European Union countries. The Committee had frequently been alerted to difficulties in achieving a balance between ECOWAS free movement agreements and restrictions resulting from agreements on migration control with the European Union. He would therefore be interested in hearing about recent changes and challenges in the State party.
33. The Committee had received information concerning the detention of migrants in detention centres on the border between Burkina Faso and other countries, especially the Niger, alleged extortion practices by police officers and members of security forces, and ill-treatment in places of deprivation of liberty.

34. There were unfortunately reports of a number of disappeared and deceased persons on the hazardous migration routes. He would therefore appreciate information regarding policies and programmes to facilitate the identification of such persons and to inform their families of the tragedy. He wished to learn about the procedures used for communicating with the family members of disappeared migrants and for providing them with psychological support.

The meeting was suspended at 11.45 a.m. and resumed at 12.10 p.m.

35. **Mr. Kéré** (Burkina Faso) said that the Office of the United Nations High Commissioner for Human Rights had requested information the previous week regarding a student who had allegedly been abducted and found several months later in the high security prison in Ouagadougou. Investigations were being conducted and precise information concerning the situation and the remedial action taken would be provided in due course.

36. Written replies would be provided the following day to the questions concerning measures to support the continuation of projects implemented with the country's financial and technical partners and to assist young employers in managing their enterprises.

37. **Mr. Ouattara** (Burkina Faso) said that a number of cooperation agreements had been concluded with countries outside the ECOWAS region, for instance with Chad in 2015, but no placement agreements had been concluded to date. He hoped, however, that steps would be taken in the future to remedy that shortcoming.

38. ILO and IOM were privileged partners in the area of international migrant labour. Numerous activities had been organized in conjunction with the Ministry of Public Service, Labour and Social Security. He had participated, for example, in tripartite subregional consultations on migration in Abuja, Nigeria, from 11 to 13 September 2019. In addition, there was a joint ILO and IOM programme on migrant labour in Africa, and an international seminar on labour migration governance and intra-African mobility had been held in Yaoundé from 26 to 30 April 2021.

39. Burkina Faso had ratified the ILO Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143) on 9 December 1977. It had also ratified the ILO Migration for Employment Convention (Revised), 1949 (No. 97).

40. The situation of domestic workers in, for example, the United Arab Emirates was a matter of concern. Migrant workers travelling to the United Arab Emirates or certain other countries were required to show a labour contract approved by the Labour Inspectorate to the border police at the airport. Migrant workers were also advised to contact the embassies or consulates of Burkina Faso if they required protection.

41. While there was currently no formal provision to ensure that the status and conditions of service of labour inspectors guaranteed their independence and impartiality, they did indeed comply with the principle of impartiality. Due note had been taken of the Committee's recommendation in that regard.

42. A national strategy to combat the worst forms of child labour (2019–2023) was currently being implemented, and the reports for 2019 and 2020 could be submitted to the Committee.

43. With regard to the right of migrant workers to participate in the management of trade unions and its dependence on the duration of their residence in the country, the Labour Code would be reviewed to ensure that it complied with the Convention.

44. **Mr. Jean Yves Sawadogo** (Burkina Faso) said that his country cooperated with IOM in addressing issues related to the repatriation of migrants. Compatriots who faced difficulties abroad and wished to return home could contact IOM, which would inform the embassy or consulate of Burkina Faso. The diplomatic mission would then facilitate the migrants' repatriation. Some 500 migrants had been repatriated in 2021.

45. With a view to ensuring the reintegration of returning migrants, the authorities had decided in 2018 to construct a reception and transit centre. Work had begun on 4 December 2020 and the first stage of the project, comprising the construction of rooms for men, women and children, a health-care centre, and recreational and other facilities, had been completed.

The second stage would involve installing training equipment for returning migrants. IOM had supported Burkina Faso by training the officials responsible for managing the reception and transit centre.

46. As migration-related issues involved many stakeholders, a mechanism had been established to identify focal points in diverse areas.

47. **Mr. Daboné** (Burkina Faso) said that, according to World Bank data, remittances sent by migrants in 2019 had totalled CFAF 441 billion, which constituted 3.4 per cent of gross domestic product. By way of comparison, public development aid had totalled approximately CFAF 360 billion in 2019. Informal channels, which could not be easily controlled and monitored, were also used for a large proportion of remittances. About CFAF 92 billion had been transferred by means of mobile banking in 2019, primarily from countries in the subregion. Some 31 per cent of remittances to Burkina Faso came from Côte d'Ivoire, 15.1 per cent from the United States of America and 11.5 per cent from Italy.

48. According to a study by the Higher Institute of Population Sciences, Burkina Faso failed to benefit from migration because the migration variable was not adequately reflected in its development policies. Between 65 and 70 per cent of funds were used for family support, 9 per cent for health care and 15 per cent for education. Two forums had been held for the diaspora and compatriots, during which they had been informed of the most promising areas for productive investment.

49. **Mr. Jean Yves Sawadogo** (Burkina Faso) said that a department of the Ministry for Foreign Affairs was responsible for promoting investment in the economy by the diaspora. An investment fund was being established with a view to providing technical and financial support for such projects. The department had held a workshop in October 2021 on the contribution of the diaspora to national development and on procedures for addressing challenges related to the transfer of funds.

50. **Mr. Sako** (Burkina Faso) said that, according to a census conducted in 2016 in 49 municipalities, more than 9,000 children (7,500 boys and about 1,700 girls) had been living in the streets. Under the National Health Development Plan, the Government aimed to reduce their number by 50 per cent. Vigorous action had begun to be taken to that end in Ouagadougou and Bobo Dioulasso in 2018. Advocacy initiatives had been launched among traditional and religious leaders and administrative authorities, and their advice had been sought. Meetings had then been held with representatives of the various ministries in order to develop a well-structured response.

51. As it was found that some 25 per cent of children in the streets came from a Qur'anic family background, the Federation of Islamic Associations of Burkina Faso had been contacted to seek advice. Agreements had been concluded with 282 Islamic leaders, and street teams, family teams and placement teams had been formed. More than 3,050 children and teenagers had benefited from the action taken between 2018 and 2021, including 82 young girls and 713 children who had been begging with their mothers in the streets. A highly successful rate of school enrolment in primary education had been recorded from 2018 and 2021. Recovery centres were able to host 736 street children and 293 families had fostered between one and three children. The children were returned, whenever possible, to their birth families.

52. **Mr. Bado** (Burkina Faso) said that five incidents involving the extortion of funds and deprivation of liberty had occurred during 2021 and the perpetrators had been prosecuted in all five cases.

53. **Mr. Kéré** (Burkina Faso) said that vigorous action was being taken to address the relatively recent problem of internally displaced adults and children.

54. **Mr. Soualem** said that the Committee was encouraged by the action being taken by the State party to address the existing challenges and by its determination to amend its legislation and harmonize it with international norms.

55. **Mr. Kéré** (Burkina Faso) commended the Committee's constructive spirit and assured it that his country's Government would take note of its concluding observations and

spare no effort to comply with its recommendations. It would seek to provide answers to pending questions within the specified period.

56. He nevertheless drew attention to the significant challenges faced by his country, including the increase in terrorist attacks and internal displacement. He therefore solemnly requested the assistance of its partners and the international community as a whole in protecting the rights of migrant workers and members of their families.

The meeting rose at 12.55 p.m.