



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 Nineteenth session

Summary record of the 234th meeting

Held at the Palais Wilson, Geneva, on Tuesday, 10 September 2013, at 10 a.m.

Chairperson: Mr. El Jamri

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(*continued*)

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The meeting was called to order at 10.10 a.m.

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

Initial report of Burkina Faso (CMW/C/BFA/1; CMW/C/BFA/Q/1 and Add.1) (continued)

1. *At the invitation of the Chairperson, the members of the delegation of Burkina Faso resumed their places at the Committee table.*

2. **Mr. Consigui** (Burkina Faso) said that Burkina Faso's existing legislation prohibited all forms of discrimination, except for positive discrimination in favour of vulnerable sectors of the population. Foreigners enjoyed equal access to public services and equal protection of the law with Burkina Faso citizens. The State party pursued a policy of total assimilation of foreigners, without any conditions of reciprocity and without distinction as to national origin. Burkina Faso's initial report was a collaborative effort on the part of the public authorities, the private sector and civil society; it does not however, provide disaggregated data on the situation of migrant workers.

3. **Mr. Bambara** (Burkina Faso) said that the country was aware that it had to take migration issues into account in its development planning, which was why the national migration strategy was based on key national and international instruments on both migration and development. The aim of the strategy was to guarantee migrant rights up to the year 2025, by pursuing a coherent, effective, integrated and concerted management of migration devoted to sustainable human development. Apart from the protection of migrant rights, he explained that several strategic lines of action had been defined, such as research on migrations. Burkina Faso had taken steps to ensure that the question of migrant workers was taken into account in censuses and surveys, in particular in the area of household living conditions. He noted, however, that due to the free movement of persons and goods, it was proving difficult to collect data, especially data on circular and temporary migrations.

4. In reply to the question regarding the financial and human resources that had been made available, he said that the budget allocated to the implementation of the migration strategy came to CFAF 4 billion for a period of three years. With regard to long-term strategic objectives, he said that demographic trends gradually changed, so that in any case each year new migration data would have to be taken into account when redefining priorities and budgets.

5. With regard to migrants' remittances, he said that between 1985 and 2009 they had averaged CFAF 48 billion, which represented, however, only some 40 to 50 per cent of the true quantity of such remittances, since the figure did not take into account informal transfers. He noted a reduction in the volume of remittances from 1999–2000 onwards as a result of events in Côte d'Ivoire, the country that hosted the largest number of migrants from Burkina Faso.

6. Replying to the question concerning the link between the national migration strategy and development, he said that migrations were beneficial for development. The migration issue was in fact featured in most of Burkina Faso's development planning, as well as in its other sectoral policies. It was worth noting that the influx of remittances contributed substantially to the development of the country.

7. **Mr. Ki** (Burkina Faso), in reply to the question concerning the social security cover of Burkina Faso nationals abroad said that Burkina Faso had signed a multilateral cooperation agreement with the member States of the Inter-African Conference on Social Security. The purpose of the agreement was to facilitate the transfer of pensions and indemnities paid in the event of accidents at work, maternity leave and work-related illnesses. Under the agreement, Burkina Faso retirees who had contributed in Côte d'Ivoire

were no longer required to return there in order to collect pension benefits. In Burkina Faso itself, social security affiliation was mandatory for all workers, including migrant workers, who also enjoyed retirement benefits.

8. Thanks to the numerous bilateral and multilateral agreements signed by Burkina Faso to combat child trafficking, 2,861 child victims of trafficking from Burkina Faso had been intercepted in 2011. Assistance had also been provided to the children's families. In reply to the question on domestic workers, he said that in cases of conflicts with employers, no distinction was made between foreigners and Burkina Faso citizens. All workers, regardless of their country of origin, could lodge complaints with the Labour Inspectorate or the tribunals.

9. **Mr. Loué** (Burkina Faso) said that the delegates of the High Council for Burkina Faso Nationals Living Abroad, elected in the various host countries, were invited to attend the general assemblies of the Council, which were held every three years to discuss new data concerning the Burkina Faso diaspora and the problems faced by those communities. With regard to Burkina Faso's diplomatic and consular network abroad, he explained that under the decree of 12 December 2008 defining the jurisdictions of diplomatic missions, the State party had 28 embassies altogether in the world. Three new embassies and three new consulates general had been opened since 2012. In West Africa, where there was a large concentration of Burkina Faso citizens, there were five embassies and five consulates general. He added that the extension of the diplomatic and consular network figured prominently in the sectoral policy of the Ministry of Foreign Affairs and that it was also one of the objectives of the 2014–2016 action plan on migration.

10. In reply to the question on the repatriation of deceased or sick persons from abroad, he said that in accordance with the Labour Code of Burkina Faso, employers were responsible for the repatriation of sick employees or of their remains in the event of death. If the death of a Burkina Faso migrant occurred abroad, the burden of repatriation costs generally rested with the deceased's family, often with help from the community.

11. Regarding the concerted management of migration flows with France, he said that the agreement that had been signed and had come into effect in June 2011 had not been well received by the people of Burkina Faso. The agreement had led to the funding of 37 Assisted Voluntary Return projects and more flexibility in the number of French visas issued.

12. **Mr. Consigui** (Burkina Faso) said that Burkina Faso had financed the repatriation of 1,559 of its citizens from Libya and had arranged for the repatriation of 2,484 more from Côte d'Ivoire.

13. **Mr. Bayala** (Burkina Faso) said that the diversity of languages spoken by the people of different ethnic backgrounds in Burkina Faso did not constitute a major problem for the protection of migrant rights. All important official documents were translated into all the commonly spoken languages in the country to enable the whole population to understand legal rules on the protection of migrant rights. The Government also ensured that illiterate persons were aware of migrant rights by holding talks in the national languages.

14. Regarding the education of the children of migrant workers, he said that the right to education was enshrined in the Constitution and that under a 2007 Framework Act, schooling was compulsory up to the age of 16 for all children regardless of nationality. No residence permit or birth certificate was required for enrolment and the fact that a child's father was in an irregular situation had no effect on primary education.

15. **Mr. Consigui** (Burkina Faso) further stressed the fact that primary education was free of charge for all.

16. **Mr. Sandwidi** (Burkina Faso) said that, due to the problems encountered in implementing the voting rights of Burkina Faso citizens living abroad, the effective implementation of that right had been postponed to 2015. Regarding real estate acquisitions by migrants, he said that some real estate agencies offered information to Burkina Faso citizens living abroad and assisted them with the acquisition of property.

17. Significant financial resources had been collected under a modernization policy aimed at remedying the shortcomings of the civil registration system. Regarding the issue of domestic workers, who were being accorded special attention by the Government of Burkina Faso, he said that a decree had been issued to protect their rights, in particular the right to a minimum wage and protection from violence.

18. **Mr. Gouba** (Burkina Faso) said that the Government of Burkina Faso was making efforts to implement the Convention, as well as other international instruments ratified by Burkina Faso, and to disseminate their content. To that effect, the Ministry of Human Rights had issued 1,000 copies of a compilation of all the international instruments on the protection of migrant workers. The Ministry had also organized talks and workshops on issues concerning migrant workers with the collaboration of civil society partners. International Migrants Day provided an occasion to organize awareness-raising activities on the rights of migrant workers. The “community days” held each year also provided an opportunity for foreign communities to convey their cultural values and better integrate with the local population.

19. **Ms. Ilboudo** (Burkina Faso) said that the High Council for Burkina Faso Nationals Living Abroad provided assistance, including legal aid, to Burkina Faso nationals experiencing difficulties in a third country.

20. **Mr. Tall** asked for details of the integration opportunities offered to foreign nationals that had been referred to in the State party’s report. He also asked for further information on the scope and functioning of the migrant workers’ service of the Ministry of Labour and Social Security and the Standing National Committee on Migration. He would also appreciate details of the steps taken to facilitate the return and reintegration of Burkina Faso citizens who had fled the country due to sociopolitical unrest.

21. He also wanted to know the fate of undocumented migrants arrested by the migration control division that had been set up in the Ministry of Security and was in charge of border controls. He asked what measures had been taken to inform migrants of their right of access to justice and to facilitate the exercise of that right by providing them with legal aid and interpretation services.

22. **Mr. Kariyawasam** wanted to know how Burkina Faso defined the terms regular and irregular with regard to workers. He also wanted to know whether the State party had taken any steps to give effect to the recommendations of other treaty bodies regarding discrimination against vulnerable groups, including migrant workers.

23. He asked how many complaints had been lodged by migrant workers for the violation of their rights and what the outcome of those complaints had been. Did the migrant workers who had lodged complaints have to provide the judicial authorities with any security? He also asked for further details on the implementation of the decree on legal aid.

24. He wished to know whether the free birth registration programme launched in 2009 was still active and whether it was applied throughout Burkina Faso. He enquired about the procedures used to facilitate the birth registration of migrant workers’ children. Lastly, he asked for information on the procedure for appealing administrative decisions relating to the expulsion of illegal migrants, who were immediately escorted to the border.

25. **Mr. Carrión Mena** asked how Burkina Faso intended to go about collecting reliable data disaggregated by sex, age and nationality, which were indispensable for the implementation of the Convention. He asked what measures had been taken to fight corruption, which was often associated with migration, and what progress had been made with disseminating the provisions of the Convention among migrant workers and with training personnel responsible for their implementation, including police, court and custom officials. Lastly, he would like to know the reasons why the right to vote for Burkina Faso citizens living abroad had been delayed until 2015.

26. **Ms. Ladjel** asked what steps had been taken to assist unaccompanied minors within the country and Burkina Faso minors living abroad.

27. **Mr. Brillantes** wanted to know what Burkina Faso had done to protect and help its migrant workers who lived in countries in a state of crisis.

28. **Mr. Ibarra Gonzalez** asked for details concerning the consular protection offered to Burkina Faso migrants living abroad. He also wanted to know the amount of the remittances sent back by Burkina Faso migrant workers to the country and whether that income could be used to finance investments in the country.

29. **Mr. Taghizade** wanted to know whether citizens of Burkina Faso who worked abroad were entitled to social security benefits when they returned to Burkina Faso.

30. **The Chairperson**, speaking as a member of the Committee, asked for details of income-generating activities based on remittances from Burkina Faso nationals living abroad. Were there any examples of cases where the courts had invoked the Convention when handing down their judgements? He also asked for information on the organization and conduct of the repatriation of Burkina Faso citizens from Libya and Côte d'Ivoire and wanted to know whether those operations had been supported by international organizations. He asked whether regional human rights mechanisms were used to protect the rights of migrants.

31. **Mr. Consigui** (Burkina Faso) said that the notion of regular and irregular workers did not appear in the national legislation of Burkina Faso; only work could be termed irregular, in other words outside the terms of the law. Regarding the resettlement of Burkina Faso migrant workers who returned to the country, mainly guidance was provided to those wishing to make investments.

32. All forms of discrimination were prohibited by law and access to justice was open to everyone in the event of violations of the law. A legal aid fund was available to assist the indigent and lawyers could be appointed by the court, regardless of the origin of the accused. Censuses provided the necessary population data which were disaggregated by age and by sex, and were supplemented by periodic surveys.

33. Birth registration was mandatory for all children born in Burkina Faso. The Ministry of Territorial Administration and the Ministry of Human Rights and Civic Promotion issued birth certificates jointly. To combat corruption, a Higher State Supervisory Authority and committees to combat corruption in all the ministries had been created, including the Ministry of the Economy and Finance. The dissemination of the Convention was one of the daily tasks of the Ministry of Human Rights and Civic Promotion. A department has been specifically tasked with the implementation and follow-up of international agreements. Social security contributions were voluntary for non-civil servants and the non-employed. Benefits paid depended on the amount of contributions. A system of national solidarity, which functioned under the aegis of the Ministry of Social Services and National Solidarity, was available for migrants repatriated to Burkina Faso.

34. **Ms. Iboudo** (Burkina Faso) said that the authorities had decided to increase the country's consular representation in places with large numbers of Burkina Faso nationals,

such as Abidjan or Paris. Diplomatic missions, with the help of the International Organization for Migration (IOM) in particular, assisted the voluntary return of Burkina Faso nationals.

35. **Mr. Gouba** (Burkina Faso) said that the country's free birth registration programme had been implemented from 2009 to 2012 to make the population aware of the importance of that formality through theatre discussion groups and mobile cinema. The operation had been very successful and had led to the issuing of over 2 million birth certificates for a total cost of more than CFAF 1 billion. It was to be extended as it helped to strengthen the operational capacities of civil status registries.

36. In 2012, some 45 migrant workers from 15 countries and community leaders participated in various brainstorming workshops on the dissemination of the Convention. A thousand or so copies of the Convention had been distributed among foreign communities and associations engaged in the promotion of the rights of migrant workers. The implementation of the Convention was the responsibility of a number of State officials, including the border police, customs officials and magistrates.

37. The voting rights of Burkina Faso citizens living abroad had been deferred to 2015 so that they could all exercise their right at the same time. The Independent National Electoral Commission was currently working with the consulates and embassies to prepare for the event.

38. Several regional mechanisms also defended human rights and the rights of migrant workers, such as the Community Court of Justice of the Economic Community of West African States (ECOWAS), the African Commission on Human and Peoples' Rights and the African Court of Human and People's Rights, all three of which were competent to hear individual complaints.

39. **Mr. Sandwidi** (Burkina Faso) said that all expulsion orders could be appealed before an administrative court. He added that the introduction of a security requirement for legal costs (*cautio judicatum solvi*) would not hinder access to justice.

40. **Mr. Ki** (Burkina Faso) said that discussions were currently being held with a view to setting up a service exclusively dedicated to migration issues and the support of Burkina Faso citizens living abroad. It was the duty of the service currently responsible to verify migrants' work contracts in order to ensure that labour legislation was being complied with and that the contracts included provisions regarding the repatriation of workers on contract termination. Such provisions should state that the employer must undertake to bear repatriation costs if necessary.

41. Isolated child victims of trafficking also received assistance from the social services, which returned the children to school or to their parents where possible. However, although Burkina Faso had ratified the Migration for Employment Convention (Revised) (No. 97) and the Migrant Workers (Supplementary Provisions) Convention (No. 143) of the International Labour Organization (ILO), the country had not yet submitted any reports to the ILO oversight bodies.

42. **Mr. Loué** (Burkina Faso) said that as far as he knew, there were no workers from Burkina Faso in the Middle East and that most of the students from Burkina Faso who had been there had been repatriated. The Ministry of Foreign Affairs had a modest budget of CFAF 15 million allocated for repatriation, which could be supplemented as necessary by the Ministry of the Economy and Finance. He acknowledged the help provided by IOM in bearing the repatriation costs for Burkina Faso citizens, such as the 2,000 or so who had been repatriated from Libya in 2011. Other ministries also contributed to repatriation, including the Ministry of Health.

43. **Mr. Bambara** (Burkina Faso) said that the average quantity of remittances between 1985 and 1999 had amounted to CFAF 48 billion, and CFAF 35 billion between 2000 and 2010.

44. **Mr. Bayala** (Burkina Faso) said that every district had an interpreter. If the interpreter could not speak the language used, outside help was called in. Burkina Faso has 24 courts of major jurisdiction, 2 courts of appeal, 3 High Courts, 3 labour tribunals and 24 administrative tribunals.

45. **Mr. Tall** thanked the delegation for the detailed information it had provided and welcomed the presence of many speakers from the capital. In the West African subregion, Burkina Faso was one of the countries that attached the greatest importance to human rights. For several years, considerable efforts had been made to implement the provisions of the Convention at the institutional and legislative levels.

46. The Committee encouraged Burkina Faso to devote more financial resources to the implementation of all human rights instruments and welcomed the fact that article 151 of the Constitution of Burkina Faso ranked international human rights instruments above internal legislation. The Committee however noted that the statistical information provided was still inadequate despite the efforts made in that regard and he invited the State party to remedy the situation, as such data could be used to inform human rights policies.

47. **Mr. Consigui** (Burkina Faso) took careful note of the comments of the Committee members and thanked them for their amiability, which was highly appreciated by all members of the delegation.

48. **The Chairperson** recalled that the Committee preferred a pedagogical approach for a better implementation of the Convention and that the Committee's new working methods meant that such implementation would be considered in future according to a list of issues and a schedule prepared in advance.

The meeting rose at 1.05 p.m.