



**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**

**Information received from Burkina Faso on
follow-up to the concluding observations on its
second periodic report***

[Date received: 3 July 2024]

* The present document is being issued without formal editing.



I. Introduction

1. The present report focuses on the state of implementation of the priority recommendations addressed to Burkina Faso by the Committee on Migrant Workers following the presentation of the State's second periodic report under the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families on 30 and 31 March 2022. These recommendations are those contained in paragraphs 11, 26, 32 and 40 of the Committee's concluding observations, adopted on 8 April 2022.
2. In accordance with the Committee's recommendations, the State of Burkina Faso shared the concluding observations on its second periodic report with stakeholders in the different regions of the country. They included representatives of ministerial departments, institutions, the Transitional Legislative Assembly, the judiciary, local authorities, administrative district authorities, civil society organizations and agencies of the United Nations system. This allowed for the wide dissemination of the priority recommendations and the gathering of proposals for their implementation.
3. To ensure the effective and efficient implementation of the recommendations, the Government developed and adopted a road map for the period 2022–2027. This reference document was developed according to a participative and inclusive approach involving representatives of ministerial departments, institutions and civil society organizations.
4. The present report was drawn up by the Committee on Follow-up to Universal Periodic Review and Treaty Body Recommendations, with the active and effective involvement of the competent ministerial departments, institutions including the National Human Rights Commission and civil society organizations. It was approved by the Council of Ministers.

II. Information received on follow-up to the concluding observations (CMW/C/BFA/CO/2)

State of implementation of the recommendations contained in paragraphs 11, 26, 32 and 40 of the concluding observations

5. The Government has taken steps to implement these priority recommendations. The state of their implementation is as follows.

A. Information on the follow-up given to the recommendation contained in paragraph 11 of the concluding observations

6. Act No. 001-2024/ALT on the conditions of entry, stay and exit for nationals of Burkina Faso and foreigners was adopted by the Transitional Legislative Assembly on 22 February 2024 and enacted by Decree No. 2024-196/PRES-TRANS of 12 March 2024. The Act repeals Order No. 84-049/CNR/PRES of 4 August 1984 on the conditions of entry, stay and exit for nationals of Burkina Faso and foreigners. It was drafted according to a participative and inclusive process involving representatives of ministerial departments, institutions and civil society organizations.
7. The purpose of the Act is to strengthen the legal and institutional framework governing the management of migratory flows in Burkina Faso. It incorporates international and community regulations, thereby facilitating their application, including regulations on the free movement of people and goods and the obligations of carriers in relation to the verification of travel documents under article 11 of the Protocol against the Smuggling of Migrants by Land, Sea and Air and article 11 of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children.
8. The Act strengthens and clarifies legislative provisions on the management of migratory flows, taking due account of relevant community and international norms and

standards and the most up-to-date developments in comparative law. It also contributes to efforts to effectively combat terrorism and other forms of organized crime. The Act serves as the legal basis of electronic platforms used for the issuance of travel and residence documents in Burkina Faso. Moreover, it strengthens the framework governing entry, residence and exit conditions in Burkina Faso.

9. To ensure the effective appropriation of the law, the Government continues to organize presentation and information-sharing sessions for residents and nationals of Burkina Faso living abroad.

B. Information on the follow-up given to the recommendation contained in paragraph 26 of the concluding observations

10. The National Coordinating Committee for Police Monitoring and the National Human Rights Commission have been collecting data as part of efforts to combat corruption, extortion and the arbitrary detention of migrant workers and members of their families.

11. The National Coordinating Committee for Police Monitoring combats extortion, harassment and other forms of malpractice by security forces on the highways. Under article 7 of Decree No. 2016-1282/PRES/PM/MATDSI/MINEFID/MTMUSR on the establishment, composition and powers of the National Coordinating Committee for Police Monitoring, the Committee enjoys broad prerogatives and powers to monitor the quality of police services on the highways. As part of its duties, the Committee receives complaints and reports from victims of extortion and harassment on the highways.

12. Migrants figure prominently among the victims of extortion and harassment on the highways in view of their internal and cross-border movements. By way of illustration, 926 complaints were recorded in 2022, 412 in 2023 and 34 as at 31 March 2024.

13. The downward trend between 2022 and 2023 is linked to awareness-raising and training initiatives organized by the National Coordinating Committee for Police Monitoring and financed by the State and its partners.

14. Under Act No. 001-2016/AN establishing a national human rights commission and its amendment of 30 March 2021, the National Human Rights Commission is tasked, among other things, with receiving complaints of human rights violations, carrying out investigative missions and monitoring the rights of vulnerable groups, including migrants. In 2023, the National Human Rights Commission received complaints from 64 people who had voluntarily repatriated following the migration crisis in Tunisia.

15. Between 2023 and March 2024, the National Human Rights Commission carried out investigative missions in relation to migrants' rights in the border zone of Niangoloko, in the Cascades region. On this occasion, it received 10 complaints of extortion or harassment on the highways.

16. There are several safe, gender-sensitive mechanisms designed to protect complainants from reprisals. As part of the efforts to combat extortion and harassment on the highways and to protect human rights, a toll-free helpline (1020) has been set up, allowing all road users, whether nationals or migrants, to request assistance from the National Coordinating Committee for Police Monitoring in the event of extortion, harassment or other forms of malpractice on the highways.

17. In addition, article 7 of the Organic Act No. 082-2015/CNT of 24 November 2015 on the powers, composition, organization and operation of the State Oversight and Anti-Corruption Authority gives the Authority special powers to prevent and combat corruption and related offences. Under article 11 of the Act, the Authority is responsible for internal administrative oversight, in the course of which it may receive and examine citizens' complaints about public services. Anyone, including migrant workers, may submit a complaint about acts of corruption to the Authority, either orally or in writing. A toll-free helpline (80 00 11 02) has been set up for this purpose.

18. On 14 March 2024, the Government adopted Decree No. 2024-0202/PRES-TRANS/PM/MFPTPS/MATDS/MEFP/MJDHRI on the conditions and procedures for

reporting corruption and related offences, malpractice in public administration and related rewards. This established an innovative procedure of rewards for whistle-blowers whose reports are proven to be true. Complaints of administrative malpractice are investigated by hierarchical superiors, and complaints of corruption are investigated by the competent institutions. These institutions are required to send a copy of the complaint to the Office of the President of Burkina Faso. Complainants are protected by law.

19. The National Human Rights Commission also has the power and capacity to receive, process and, where appropriate, investigate complaints involving violations of the rights of migrant workers. It has tools, including a toll-free helpline and an email address, to protect complainants against possible reprisals and ensure confidentiality in the handling of complaints.

20. The Ministry of Public Security has trained the criminal investigation police to better incorporate human rights considerations into their investigation procedures, especially when dealing with women and minors. These specific considerations benefit both nationals and migrant workers.

C. Information on the follow-up given to the recommendation contained in paragraph 32 of the concluding observations

21. The laws and regulations of Burkina Faso afford the same rights to all workers, including migrant workers. Despite this, challenges remain. These challenges include exploitation in the areas of agriculture, mining, domestic work and tourism.

22. Following checks on the regularity of the employment of migrant workers by the inspection services in companies based in Burkina Faso, it emerged that 440 migrant workers did not have an employment contract compliant with labour laws and regulations. This constitutes a violation of the Labour Code. These violations can be broken down by business sector.

23. There was 1 violation in sector B2 (mining and quarrying), while sector B9 (community, social and personal services, including domestic work) counted 139 violations. The employers responsible for these violations were handed formal warnings or fined.

24. According to a 2021 report on human trafficking in Burkina Faso, that year, 26 foreign nationals were identified as victims of trafficking, of whom 11 had been trafficked for the purposes of sexual exploitation and 15 had been trafficked for the purposes of labour exploitation.

25. In 2022, 92 cases of child abduction, 12 cases of child trafficking/sale of children, 18 cases of pimping and 51 cases of human trafficking and related practices were heard by the courts.

26. Various mechanisms have been established to combat the exploitation of migrant workers. They include:

(a) Labour inspections to ensure that migrant workers are employed according to the conditions laid down by the laws and regulations in force, notably by means of the visa requirement for migrant employment contracts (emigration and immigration). In 2022, in terms of immigration, 883 migrant worker contracts (94 women and 789 men), including 627 fixed-term contracts and 256 open-ended contracts, were reviewed by the country's 13 labour inspectorates. Broken down by sector of activity, these contracts were distributed as follows: 1 in sector B1 (agriculture, hunting, forestry and fishing), 401 in sector B2 (mining and quarrying) and 137 in sector B9 (community, social and personal services, including domestic work);

(b) The National Action Plan to Combat Human Trafficking 2023–2025, which aims to strengthen the country's anti-trafficking capacities through prevention, support for victims and prosecution of perpetrators;

(c) Emergency care (welcome, accommodation and psychosocial support services) for migrants. In this context, 200 migrants were placed in temporary accommodation, 2,750

received support in gaining access to food, 1,560 received personal counselling, 266 received legal aid and 3,659 were provided with hygiene products and clothing;

- (d) Sanitary assistance for 6,687 migrants travelling along migration routes;
- (e) Psychological support for 765 migrants;
- (f) Support for trafficked migrants to return to their countries of origin;
- (g) A national referral mechanism providing practical guide for migrant protection stakeholders;
- (h) Closer collaboration between the labour inspectorate and the border police at the airport (immigration police);
- (i) Training of 1,093 stakeholders, including migrants, on legislation relating to rural land tenure.

D. Information on the follow-up given to the recommendation contained in paragraph 40 (a) of the concluding observations

27. Labour inspection services are decentralized in the 13 regions of Burkina Faso. They have three primary missions:

- (a) Monitoring the application of labour legislation through inspections, issuing work visas and certificates and drafting reports for hierarchical superiors;
- (b) Settling individual and collective labour disputes;
- (c) Providing advice and information to social partners to strengthen their capacities and contribute to the maintenance of social peace.

28. These services are available to migrant workers under the same conditions as nationals.

29. Workplace inspections are carried out in both the formal and informal sectors, using tools provided to labour inspectors and supervisors and information received or collected on the company to be inspected. The process includes interviews with the staff of the company, regardless of their origin, to cross-check the information received from the employer with the reality of the working conditions. In 2022, the labour inspection services inspected 1,649 businesses in the formal sector and 358 businesses in the informal sector.

30. The labour inspection services of Burkina Faso work to protect all workers, including migrant workers. Labour inspectors are equipped to combat all forms of workplace exploitation through a variety of mechanisms.

31. Through preventive checks, labour inspectors ensure that migrant workers are employed according to the conditions laid down by the laws and regulations in force, notably by means of the visa requirement for migrant employment contracts (emigration and immigration). In 2022, in the context of immigration, 883 migrant worker contracts (94 women and 789 men), including 627 fixed-term contracts and 256 open-ended contracts, were reviewed by the country's 13 labour inspectorates. Broken down by sector of activity, these contracts were distributed as follows: 1 contract in sector B1 (agriculture, hunting, forestry and fishing), 401 in sector B2 (mining and quarrying) and 137 in sector B9 (community, social and personal services).

32. Over the same period, labour inspection services carried out checks to determine whether migrant workers were employed according to the regulations in force in companies based in Burkina Faso. These checks revealed that 440 migrant workers did not have employment contracts compliant with labour laws and regulations, in violation of the Labour Code. Broken down by sector of activity, these violations were distributed as follows: 1 violation in sector B2 (mining and quarrying) and 139 in sector B9 (community, social and personal services). The employers responsible for these violations were handed formal warnings or fined.

33. All workers, including migrant workers, can report defects in facilities or other breaches of labour law and regulations to the labour inspection services. Under article 394 of

the Labour Code, labour inspectors are required to maintain the confidentiality of sources of information on defects or infringements.

E. Information on the follow-up given to the recommendation contained in paragraph 40 (b) of the concluding observations

34. In-service training is provided to labour inspectors and supervisors to help them better protect migrant workers. For example, 25 inspectors received training on fair recruitment, the social protection of migrant workers and international labour standards for labour migration on 9 and 10 October 2023 in Koudougou.

35. From 17 to 21 April 2023, 25 labour inspectors participated in training on new forms of work organization in Burkina Faso organized by the African Regional Centre for Labour Administration. The aim of this course was to equip participants with capacities in occupational risk prevention, workplace supervision and job preservation in the light of recent developments in furlough schemes and teleworking. The Centre also offers an annual training scholarships for labour inspectors from member States on a range of topics related to the world of work, with the option to pay for additional spots on in the programme.

36. In the future, the labour inspection services aim to become more accessible to users and clients by setting up zone-specific inspectorates in the cities of Ouagadougou and Bobo-Dioulasso, increasing the frequency of workplace inspections in these cities in the light of their economic development.

37. In 2022, 3,711 complaints of the violation of the rights of workers, including migrant workers were received, including 24 in sector B1, 860 in sector B2 and 1,366 in sector B9.

F. Information on the follow-up given to the recommendation contained in paragraph 40 (c) of the concluding observations

38. The status of labour inspectors is being reconsidered in the context of the review of the Labour Code.

III. Challenges

39. Challenges in the effective implementation of the priority recommendations include:

(a) Low rate of appropriation of migrant worker protection mechanisms and procedures: Security personnel are not adequately trained or informed about migrants' rights and lack knowledge about relevant guidelines, legislation and policy. Furthermore, awareness-raising among people considering migration remains inadequate;

(b) Limited access to areas targeted by terrorist attacks: The work of organizations tasked with protecting migrant workers' rights is severely impeded by the inaccessibility of areas with major security challenges. Some of these areas are accessible only by air, significantly increasing the cost of operations in these regions;

(c) Lack of disaggregated data: Current data-collection frameworks do not include a specific category for migrant workers, which prevents the collection of detailed information on the exploitation of migrant workers in the agriculture, tourism, domestic work and mining sectors. Institutions responsible for protecting migrant workers' rights address human trafficking and exploitation in general terms, rather than focusing specifically on migrant workers' issues. This broad approach makes it difficult to compile sector-specific data on migrant workers. Existing data-collection templates and registers will be revised to include specific data on migrant workers in various domains including health, education, labour and justice;

(d) Insufficient consideration of the specific training needs of labour inspectors in the current training plan: The current training plan of the Ministry of Labour does not adequately address the specific continuous training needs of labour inspectors, which hinders the strengthening of their capacities. In addition, there is a lack of resources to finance advanced training for labour inspectors at international institutions, such as the International Training Centre in Turin and the African Regional Centre for Labour Administration. For example, in 2022, only 10 out of 247 labour inspectors participated in continuous training at the International Training Centre in Turin and the African Regional Centre for Labour Administration, and in 2024 this number decreased to just 4 inspectors.
