



**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 233rd meeting

Held at the Palais Wilson, Geneva, on Monday, 9 September 2013, at 3 p.m.

Chairperson: Mr. El Jamri

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The meeting was called to order at 3.40 p.m.

Consideration of reports submitted by States parties under article 73 of the Convention

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

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

2. **Mr. Consigui** (Burkina Faso), introducing his country's initial report (CMW/C/BFA/1), said that Burkina Faso had a long history of migration both inside and outside its borders. Migration had shaped the lives and activities of many of the country's people and the Government was wholly committed to promoting and protecting the rights of migrant workers in line with international standards. The report under consideration was a consensual document, to which both governmental and non-governmental organizations had contributed.

3. Burkina Faso was primarily a country of origin for migration, with a huge diaspora in neighbouring West African countries, including Côte d'Ivoire, Ghana, Mali and Sudan. It was also home to a small number of foreign nationals (less than 1 per cent of the population according to the 2006 census), mostly from Benin, Mali, Niger, Nigeria and Togo. The dearth of accurate, quantitative statistics about Burkina Faso nationals abroad and foreign nationals in Burkina Faso was a source of concern for the Government, and a challenge it was working to address, but was not a situation that prevented migrants from exercising their rights.

4. To ensure a fuller understanding of migration issues, the Government of Burkina Faso had formulated a national migration strategy for 2014–2025, which should be formally adopted by the Council of Ministers in the near future. The strategy was supported by a three-year rolling action plan covering the years 2014 to 2016. The aim was to provide public and private sector bodies and national and international partners with a policy framework for action and cooperation that would help to guarantee migrants' rights and allow them to access the benefits of national development, encourage social dialogue on migration and enhance the skills and capacity of the migration authorities.

5. Burkina Faso had a policy of economic liberalization and free movement of goods and services, which was underpinned by the West African Economic and Monetary Union (WAEMU), the multilateral instruments of the Economic Community of West African States (ECOWAS) and the International Labour Organization (ILO), to which Burkina Faso was a party, besides bilateral agreements on migration concluded with Côte d'Ivoire, France and Mali. Migration issues were also addressed in many core government policies and strategies, including the strategy for accelerated growth and sustainable development, the national policy for land security in rural areas and the national policy for habitat and urban development.

6. Although the Government was committed to full implementation of the Convention, effective compliance with the provisions of article 17 concerning the separation of pretrial detainees and convicted prisoners and with article 41 concerning the right to participate in public affairs was a challenge. The authorities were working to improve conditions in places of detention but insufficient resources were an obstacle to full and effective separation. Similarly, although all nationals living abroad had the right to vote in elections, practical difficulties impeded the exercise of that right. Legislative reforms had been approved to address those difficulties but would not take effect until 2015.

7. In sociopolitical crises, migrant workers were frequently among the most vulnerable segments of the population. The Burkina Faso diaspora was no exception and the recent

violence in Côte d'Ivoire and the conflict in Libya had triggered massive waves of forced repatriation. To ensure an adequate response to such situations, the High Council for Burkina Faso Nationals Living Abroad and the National Committee for Emergency Aid and Rehabilitation had established a support programme for forced returnees, which included help with travel costs and other subsidies. Regional monitoring committees had been established and food as well as material and financial resources had been distributed in border areas. The national migration strategy also included measures to assist migrants who chose to return voluntarily, such as help with opening bank accounts and investment advice.

8. The Government of Burkina Faso was conscious of migrant workers' vulnerability to trafficking and had entered into various multilateral and bilateral agreements with other West African States as part of its efforts to combat the phenomenon. An anti-trafficking law had been adopted in 2008 and a national monitoring committee, established in 2009 in application of that law, had succeeded in rescuing numerous victims. Additionally, between 2008 and 2011, a total of 3 billion CFA francs had been allocated specifically to the protection and rehabilitation of child victims of trafficking, violence and exploitation.

9. The Government also endeavoured to provide due care and support for Burkina Faso migrants while abroad. For example, it had taken prompt action to appease the tension and aid the victims following a clash between Malian and Burkina Faso migrants working at a mine in Senegal in early 2013 and would continue to work with its Malian counterparts and the local authorities in Senegal to prevent any reoccurrence. More generally, the High Council for Burkina Faso Nationals Living Abroad was working to raise awareness of the national migration strategy and the support available for migrant workers through diplomatic missions and consulates. Steps had also been taken to promote the inclusion of foreign nationals in Burkina Faso, including a specific effort to encourage them to exercise their right to vote in the 2012 municipal elections.

10. Aware that familiarity with the Convention was central to the effective enjoyment of migrant workers' rights, on International Migrants Day in 2012 the Government had organized a national seminar to raise awareness of the Convention's provisions and the role of the High Council for Burkina Faso Nationals Living Abroad, inter alia. Civil society made valuable contributions to the awareness-raising effort by organizing public conferences and running seminars for migration and police officers, judges and lawyers.

11. **Mr. Tall** (Country Rapporteur) asked why the State party had not made the declarations provided for in article 76 and article 77 of the Convention, especially in view of the fact that the national legal framework guaranteed equal protection before the law and protection against discrimination for all persons residing in Burkina Faso irrespective of their status. He was concerned about the lack of quantitative, disaggregated, up-to-date statistics on the number of foreigners living and working in Burkina Faso. Without such data it was impossible to gain a true understanding of the nature and pattern of migration flows, the needs of the immigrant population or their contribution to the country's development. While he welcomed the news that a national migration strategy and supporting three-year action plan had been formulated, the fact that neither had as yet been fully adopted was another source of concern. He urged the delegation to provide an update on their status, as well as more detail about their content, objectives and timeline and the institutional capacity and financial and human resources allocated to them.

12. More information about the newly created National Human Rights Commission, including its powers to investigate violations and to visit places of detention, was also needed, as well as an update about the agreement on migration management and cooperative development signed with France in 2009. What had the agreement achieved and in what ways had Burkina Faso migrants benefited? He also wished to know whether the State party envisaged amending national legislation that permitted immediate

deportation, the imposition of fines and in some cases imprisonment for migrants in an irregular situation, thus effectively criminalizing them.

13. Noting that the report tended to focus on legal and judicial concerns, he said that information about specific measures to allow migrant workers, including those in an irregular situation, to exercise the rights established in the Convention would also have been useful. Details of the concrete outcomes of the process of civil society consultation and discussion to which the core document made reference should also have been shared with the Committee. Practical examples of what was happening on the ground were vital to support the legislative details provided in the report if the Committee was to properly understand the current situation and the extent to which the State party was fulfilling its obligations under the Convention.

14. **Mr. Ibarra González** asked whether consulates in countries hosting significant numbers of Burkina Faso nationals had staff who were specially trained to handle migration issues, and whether migrants, particularly vulnerable persons, had access to legal services and support relating to key areas, such as migration and labour issues, the criminal code and family law. He asked what policy the State party had adopted concerning the repatriation of the remains of Burkina Faso nationals, whether budgetary resources had been earmarked for that purpose, and which government ministry was in charge of such matters. He also enquired whether support or funding was provided to migrants who needed to return home for various reasons, such as medical treatment or the termination of employment contracts, and whether support was also available to migrants returning home voluntarily, for example to help them find employment.

15. **Mr. Taghizade** requested information concerning the State party's strategy on migrants and what realistic, practical measures were planned in the short, medium and long term. He asked whether the State party had signed bilateral or regional agreements regarding the protection of migrant workers, and requested details of any such agreements. If none existed, he wished to know what steps were being taken in that regard.

16. **Mr. Sevim** expressed regret at the lack of statistical data on migration, and migration flows in particular, which made it difficult to ascertain whether migrants were able, in practice, to exercise the rights enshrined in the Convention. Given that the adoption of legislation on the voting rights of nationals abroad had been postponed, how did the State party guarantee nationals living and working abroad the right to vote, and what channels of communication had been established with host countries in that respect? He requested information concerning the right to social security benefits, and the transfer of such benefits, for nationals living abroad and for those returning home to Burkina Faso. He also enquired about the role of consulates in such matters. What was the situation in Burkina Faso with regard to trade union membership? He asked for concrete examples of how the right of assembly enshrined in article 40 of the Convention was implemented in practice.

17. **Mr. Kariyawasam**, after welcoming the State party's ratification of the Convention, observed that the fact that a number of the countries hosting Burkina Faso migrant workers were not parties to the Convention gave rise to certain constraints and difficulties. Given that the State had a responsibility towards nationals living abroad, who made a significant contribution to the national economy, he wished to know what special protection measures were being implemented, and what percentage of the budget was allocated to ensuring the welfare of migrant workers. He asked whether there were any institutions or specialized agencies working exclusively in the field of migration and migrants' rights. If such entities did not yet exist, he asked whether the State party planned to create them. He also enquired about the status of the High Council for Burkina Faso Nationals Living Abroad, and whether it was a governmental institution or a civil society organization. He requested

further details of its activities, including the consular missions described in the State party's report.

18. **Ms. Miller-Stennett** asked what measures were being taken to tackle illiteracy in certain parts of the country, especially where the children of regular or irregular migrant workers were concerned. Noting that Burkina Faso was both a host country and a country of origin for migrant workers, she enquired about the situation of migrating domestic workers in particular, and asked what measures were being taken to protect them and guarantee their welfare. For example, were they able to access services, send remittances home, obtain health care or, in the event of disputes arising with their employers, receive assistance and support? She wished to know what specific provisions existed for that group of workers, within the framework of the national migration strategy.

19. **Ms. Dicko** asked the State party to quantify the contribution made by Burkina Faso nationals working abroad to the national economy. Were specific measures implemented to help them purchase real estate? She asked whether the State party had established a coordination framework to manage migration policy, whether consultations were held on related issues and, if so, under the auspices of which ministry. She asked how nationals living abroad were able to transfer funds or assets.

20. **Mr. Nuñez-Melgar Maguiña** asked what percentage of migrant workers from Burkina Faso were involved in temporary or seasonal migration and what percentage lived abroad permanently. He also asked what agreements had been signed with foreign governments and private companies regarding seasonal migration. He enquired about the availability of government training and capacity-building programmes to support migrant workers before their departure. Concerning Burkina Faso nationals abroad, he wished to know how contact was maintained with them and how their rights, especially their civil rights, were promoted and protected.

21. **Ms. Ladjel** asked for further information about the national migration strategy and related action plan. She wished to know how the action plan fitted into the development process and how its impact on the standard of living would be assessed.

22. **Mr. Brillantes**, referring to the statement of the Advocates for Human Rights, asked whether there was any truth in its allegations that the government website on the human rights of migrant workers was not useful because it was out of date and that information did not actually reach the target audience because most spoke a dialect rather than French. He also asked whether the activities of private recruitment agencies were regulated. He wished to know whether the remittance system was regulated, how those flows were channelled into the mainstream economy and what percentage of GDP they constituted.

23. **Mr. Tall** requested additional information regarding bilateral and multilateral cooperation agreements on migration and, more specifically, about the results thus far of the agreement with Mali on child trafficking.

The meeting was suspended at 5 p.m. and resumed at 5.35 p.m.

24. **Mr. Consigui** (Burkina Faso) said that Burkina Faso had a long history of managing migratory flows and providing support to its citizens living abroad, including with regard to exercising their rights. For example, an agreement was in place with Côte d'Ivoire to protect the rights of migrants from Burkina Faso, including the right to transfer household goods and pensions. Discrimination was prohibited on all grounds and no distinction was made among service recipients on the basis of whether they lived in the country or abroad. Moreover, laws and regulations applied to all people living in Burkina Faso regardless of their nationality. Trade union rights were recognized in Burkina Faso and all workers could appeal to the courts if they deemed that their rights had been infringed. The National Corporation for Urban Land-Use Planning allocated plots to nationals and foreigners alike.

Finally, the composition and operations of the National Commission for Human Rights had been reviewed in 2013 to align them with the Paris Principles.

25. **Mr. Gouba** (Burkina Faso) said that the Act establishing the National Commission for Human Rights had been amended to give the Commission broad decision-making and financial independence. Although its funding came out of the government budget, it was free to forge additional partnerships. It consisted of representatives of civil society, the private sector and government entities, but the latter acted only as observers. Since the Commission had been active for less than one year, it was premature to assess its activities. Awareness-raising actions and field studies were nonetheless under way. A unit had been set up for the purpose of preparing periodic reports for the various treaty bodies. Draft reports were presented for national consultation, during which all interested parties could submit their views. Any deficiencies in the report were due to the absence of data. The protection of expatriates was ensured primarily by the High Council for Burkina Faso Nationals Living Abroad.

26. **Mr. Loue** (Burkina Faso) specified that the High Council was a government body. Its mandate included ensuring the integration of Burkina Faso nationals in their host communities, informing them of their rights and obligations, supporting measures to improve their living conditions and sponsoring cultural and sports activities. Consular missions were organized, in conjunction with relevant government departments, banks, real estate firms and the national social security fund, to provide expatriates with official identification documents, explain to what benefits they were entitled and present opportunities for investment in Burkina Faso. Consular offices focused on forging productive and respectful relationships between expatriates and their host communities.

27. **Mr. Ki** (Burkina Faso) said that freedom of association was guaranteed irrespective of nationality but that, owing to the proliferation of trade unions, it was difficult to collect statistics on their membership. Private sector recruitment was regulated; for example, under a Ministry of Labour decree, all legal entities intending to hire had to submit a request, in order to enable the Ministry to ensure that the work that was being offered was lawful.

28. **Mr. Sandwidi** (Burkina Faso), replying to a question by Mr. Tall, said that the ordinance allowing for immediate deportation of migrants in an irregular situation had been adopted in a specific context of conflict and would be reviewed. Providing false information — which could be grounds for the expulsion of migrants — was not covered by the ordinance, but was an offence under the Criminal Code.

The meeting rose at 6.05 p.m.