



**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**

**Second report submitted by Burkina Faso under
article 73 of the Convention pursuant to the
simplified reporting procedure, due in 2018* ****

[Date received: 22 March 2022]

* The present document is being issued without formal editing.
** The annexes to the present document are available on the Committee's web page.



I. Introduction

1. Since ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families on 26 November 2003, Burkina Faso has been firmly committed to giving full effect to its provisions. Despite the difficult security and health situation of the last few years, it has taken measures to protect and promote the rights of all migrant workers in its territory and of its nationals living abroad.

2. The present report was prepared in accordance with article 73 of the Convention. It follows on from the initial report of Burkina Faso, which was presented on 9 and 10 September 2013, and it covers the period 2013–2021. The preparation of the report was an inclusive and participatory process that involved input from government ministries, public institutions, international organizations and civil society organizations working in the field of human rights, particularly those that deal with the issue of migration. The draft report was initially approved at a workshop that brought together all these stakeholders. It was then approved by the Interministerial Committee on Human Rights and International Humanitarian Law on 22 December 2021, before its final adoption at the regular meeting of the Council of Ministers on 18 March 2022.

3. This report was drafted in accordance with the Committee’s guidelines and the simplified reporting procedure. It sets out the measures that have been taken to give effect to the provisions of the Convention and to the recommendations made by the Committee following its consideration of the initial report of Burkina Faso in September 2013. It is divided into three sections, based on the Committee’s list of issues. The first section contains information of a general nature and relating to the implementation of the Convention. The second section concerns developments in the legislative and institutional framework. The third section deals with the statistical data, official estimates and other information available.

II. Replies to the points raised in the list of issues prior to submission of the report (CMW/C/BFA/QPR/2)

Reply to the issue raised in paragraph 1 (a)

4. The Government has begun the process of reviewing Order No. 84-49 of 4 August 1984, which establishes the conditions of entry to, stay in and exit from Burkina Faso for nationals and foreigners, to bring it into line with the Convention and international standards. A preliminary bill on the conditions of entry and stay for foreigners and the conditions of exit for nationals and draft implementing decrees were drawn up in 2020. These texts are in the process of being adopted. In the meantime, the regional and community standards relating to the free movement of people and goods within the Economic Community of West African States (ECOWAS) and the West African Economic and Monetary Union (WAEMU) apply.

Reply to the issue raised in paragraph 1 (b)

5. In order to create an environment that is conducive to the protection of the rights of migrant workers, Burkina Faso has become a party to several bilateral and multilateral agreements. These include:

- General Convention on the Recognition and Equivalence of Degrees, Diplomas, Certificates and Other Qualifications in ECOWAS Member States (ratified on 20 March 2013)
- International Labour Organization (ILO) Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187) (ratified on 20 July 2016)
- Protocol on the Statute of the African Court of Justice and Human Rights of 1 July 2008
- Revised Treaty Establishing the Inter-African Conference on Social Security (ratified on 28 February 2017)
- 1961 Convention on the Reduction of Statelessness (ratified on 18 July 2017)

- Revised Convention on the Recognition of Studies, Certificates, Diplomas, Degrees and Other Academic Qualifications in Higher Education in African States (ratified on 27 August 2018)
 - Social Security Convention concluded with Mali on 14 February 1994
 - Bilateral Social Security Convention concluded with Côte d'Ivoire on 21 April 1994
 - Agreement on Combating Trafficking in Children concluded with Mali on 25 June 2004
 - Agreement on the Joint Management of Migrants and Sustainable Development concluded with France on 10 January 2009
 - Agreement on Combating Cross-border Trafficking in Children concluded with Côte d'Ivoire on 17 October 2013
 - Protocol Establishing the Joint Committee for Monitoring the Flow of Traffic and the Free Movement of People and Goods between Burkina Faso and Côte d'Ivoire, concluded on 30 July 2013
 - Framework Agreement on Cooperation in the Field of Labour and Social Security concluded with Côte d'Ivoire on 25 April 2017
 - Agreement between Burkina Faso and France on the Paid Employment of Members of the Families of Staff of the Official Missions of Each State in the Other State, concluded on 26 October 2018
 - Memorandum of Understanding between Burkina Faso and Côte d'Ivoire on the Protection of Children in the Context of Cross-Border Mobility, concluded on 31 July 2019
 - Cooperation Agreement in the Field of Labour and Social Protection concluded with Togo on 8 October 2019
 - Tripartite Agreement between Burkina Faso, Togo and Benin on Cooperation to Protect Children Victims of Trafficking or in a Situation of Cross-Border Mobility, concluded on 23 December 2019
6. In addition, payment agreements have been concluded between the National Social Security Fund and the following institutions:
- National Social Insurance Institute of Mali, on 29 September 2000
 - National Social Security Fund of Togo, on 9 April 2001
 - National Social Security Fund of Benin, on 12 April 2001
 - Retirement Insurance Institution of Senegal, on 26 December 2001
 - National Social Security Fund of the Niger, on 19 March 2004
 - General Pension Fund for State Employees of Côte d'Ivoire, on 27 July 2007
 - National Social Insurance Fund of Côte d'Ivoire, on 23 October 2009
 - National Social Security Fund of Gabon, on 5 February 2019
7. Regarding the right of entry and stay, the ECOWAS Protocol relating to Free Movement of Persons, Residence and Establishment abolishes visa requirements and establishes the right of temporary stay. Under the Protocol, any citizen of an ECOWAS member State may enter and stay in another ECOWAS member State for a period not exceeding 90 days. However, stays exceeding 90 days are subject to permission from the competent authorities. The Protocol also enshrines the rights of residence and establishment of ECOWAS citizens.
8. The introduction of ECOWAS biometric identity cards in 2016 is a step forward that will facilitate travel within and outside the ECOWAS area. To support the roll-out, the Government has adopted Act No. 009-2017/AN of 10 April 2017 on the introduction of

ECOWAS identity cards in Burkina Faso. An implementation plan for 2017–2022 has also been adopted.

9. A national committee tasked with monitoring the free movement of persons and goods and the rights of residence and establishment within the ECOWAS area has been set up in accordance with Decree No. 2013-864/PRES/PM/MAECR/MEF/MATS/MIDT/MATD of 3 October 2013 on its establishment, composition, responsibilities and functioning. This decree demonstrates the commitment of Burkina Faso to ensuring the effective implementation of the ECOWAS Protocol relating to Free Movement of Persons, Residence and Establishment. In addition, the President of Burkina Faso has been appointed Champion of the Free Movement of Persons and Goods in the ECOWAS Area by his peers. In this capacity, he receives regular reports from the Task Force in order to be able to bring to the attention of his peers the obstacles to the implementation of the Protocol.

10. On 18 December 2017, Burkina Faso, the European Union and the International Organization for Migration (IOM) signed an agreement on the Joint Initiative for Migrant Protection and Reintegration in Burkina Faso. This agreement is intended to support the Government in its efforts towards the protection, return and sustainable reintegration of migrants in an irregular situation. It will also help to improve the socioeconomic reintegration of returnees and to strengthen national bodies for the decent and sustainable management of migratory flows.

Reply to the issue raised in paragraph 2

11. The 2016–2025 National Strategy on Migration was adopted on 8 February 2017. The overall aim of the Strategy is to promote coherent, effective, integrated and coordinated management of migration with a view to achieving sustainable human development. Strategic objective 2, which is to protect and ensure the rights of migrants, is pursued through the following measures:

- Ensure that all rural actors have equitable access to land and credit and that their investments are guaranteed
- Increase public awareness and understanding of migration law and the dangers of illegal migration
- Strengthen the mechanisms in place for the implementation of migration agreements and conventions, including as regards the right of asylum and the right to vote
- Strengthen the diplomatic and consular representation of Burkina Faso

12. The budget for the National Strategy on Migration action plan, which totals 10,291,226,254 CFA francs (CFAF), includes annual budgetary allocations from the State and support from technical and financial partners, local authorities, the private sector, non-governmental organizations (NGOs) and development associations. The action plan includes the creation of a monitoring and evaluation system at the central, decentralized and communal levels.

13. At the central level, the National Strategy on Migration Steering Committee, which includes representatives of technical ministries, civil society organizations and the private sector, is responsible for evaluating the progress made towards the strategic objectives within its jurisdiction and for guiding the action taken in this area.

14. At the decentralized level, the governors are responsible for coordinating, monitoring and evaluating the regional and communal implementation of the National Strategy on Migration action plan, through the regional and communal consultation frameworks, under which reporting is carried out by the regional directorates of economic affairs and planning.

15. At the communal level, the mayors monitor and evaluate the implementation of the National Strategy on Migration action plan. Their periodic reports are used by the regional directorates of economic affairs and planning and feed into the national report produced by the Directorate General of Economic Affairs and Planning.

16. The monitoring and evaluation process mainly consists of preparing annual follow-up reports, holding Steering Committee sessions, conducting midterm and final evaluations of

the implementation of the National Strategy on Migration action plan and carrying out the final review of the Strategy. The implementation of the 2016–2018 action plan has been evaluated. The second action plan, for the period 2019–2023, was adopted on 27 November 2020.

17. As part of the implementation of the policies, strategies and programmes in this area, awareness-raising sessions on the opportunities offered by regular migration and the dangers of irregular migration were organized in the Hauts-Bassins, Centre-Est, Sud-Ouest, Est and Cascades Regions, which are the main departure points for migrants. These sessions reached 850 people. In addition, leaflets on the subject were produced and disseminated.

18. The European Union and IOM Joint Initiative for Migrant Protection and Reintegration in Burkina Faso, which covered the period 2017–2021 and for which funding amounted to CFAF 5.5 billion, achieved the following outcomes:

- Assistance and protection for more than 1,000 third-country migrants in transit or stranded in Burkina Faso. Around 750 such migrants were also helped to return voluntarily to their countries of origin.
- Support for the reintegration of 2,200 returnees into their communities of origin and measures to build the capacities of the Government and local actors in order to ensure the sustainability of the reintegration process and to enable the national authorities to take ownership of it.
- Dissemination of information and awareness-raising on the dangers of and alternatives to irregular migration among 30,000 migrants and 200 communities in areas affected by migration and return.
- Collection, analysis and production of data on migratory flows at the national level.

19. A national strategy on the diaspora has been drawn up and is pending adoption.

20. Information on human resources is provided in paragraph 22 of the present report.

Reply to the issue raised in paragraph 3

21. The work carried out in the area of migration is coordinated by the Ministry in charge of economic affairs, in accordance with the National Strategy on Migration. The Ministry is responsible for, among other things, providing guidance in the area of migration based on changes in the national and international situation, monitoring and evaluating the implementation of the Strategy and ensuring that migration issues are taken into account in sector-specific policies. For coordination purposes, a steering committee has been set up to ensure that the action taken is in line with the general thrust of the Strategy and the related action plan.

22. Other ministries are involved in managing migration and implementing the Convention. These include:

- The Ministry for African Integration and Nationals of Burkina Faso Abroad, which was established in January 2018. In coordination with the competent ministries and agencies, it deals with all issues relating to the protection and advancement of nationals abroad, facilitates their reintegration into national life upon return and ensures their full participation in the development of Burkina Faso. The Ministry employs 126 members of staff. When it was established, the responsibilities of the Higher Council for Burkina Faso Nationals Living Abroad were transferred to the Directorate General for Nationals of Burkina Faso Abroad.
- The Ministry responsible for human rights, which is tasked with coordinating and leading initiatives for the promotion and protection of human rights. In this context, it works to bring national legislation into line with the international human rights instruments to which Burkina Faso is a party. It also disseminates information on international and regional human rights agreements, including the Convention. Its staff includes human rights advisers and human rights assistants with expertise in the protection of human rights in general and the protection of migrants and members of

their families in vulnerable situations in particular. As at 31 December 2020, the Ministry had 142 human rights assistants and 147 human rights advisers.

- The Migration Division of the Ministry of Security, which is responsible for, among other things, issuing visas for entering and staying in Burkina Faso, issuing travel documents and residence permits, checking the validity of travel and residence documents of foreign nationals residing or staying in Burkina Faso, and centralizing and filing documents relating to migration. In addition, the National Surveillance Division ensures compliance with the conditions of stay and residence for foreign nationals in Burkina Faso. This division is responsible for combating terrorism, subversive activities and internal and external plotting against the State and its institutions.
- The Ministry of Territorial Administration, Decentralization and Social Cohesion, through the permanent secretariat of the National Border Commission, whose responsibilities include developing and implementing the National Border Strategy, ensuring the application of community texts and national laws and regulations on border management and cross-border cooperation, promoting development activities in border areas, and coordinating and monitoring cross-border cooperation.
- The Ministry of Women's Affairs, National Solidarity, the Family and Humanitarian Action, which is involved in assisting repatriates and migrants, migrants in transit, child victims of trafficking and vulnerable people in general.
- The Directorate General of Labour of the Ministry of the Civil Service, Labour and Social Protection, which monitors labour migration and cooperation in the areas of labour and social protection. There is also the Directorate General of Social Protection, which deals exclusively with issues relating to social security for migrant workers. In addition to these central directorates, there are 13 regional directorates of labour and social protection that are responsible for monitoring the application of labour law in all the companies within their jurisdiction. As at 31 December 2017, there were 257 labour inspectors, 2 doctors (1 specialist and 1 general practitioner) and 2 occupational health nurses working for the Ministry.
- The National Employment Agency, which is part of the National Employment and Vocational Training Observatory of the Ministry of Youth and the Promotion of Youth Entrepreneurship. This agency is responsible for, inter alia, organizing and monitoring the collective recruitment of workers for employment abroad and running a mechanism for monitoring the situation of foreign workers employed in Burkina Faso. In addition to this agency, there are several funds that provide support, including to returnees, thus facilitating their socioeconomic integration.
- The Ministry of Higher Education, Scientific Research and Innovation, through the Mobility, Habitat and Environment Unit of the Higher Institute for Population Sciences. This unit aims to contribute to a fuller understanding of the interrelationship between migratory flows and spatial projections thereof in order to improve the management of resources by analysing the characteristics of migrant populations, the causes and consequences of migration and the role of migrants in local and regional development and by providing accurate information to support decision-making.

23. The ministries mentioned above are supported by partners such as IOM and civil society organizations, including Tous pour le combat de la solidarité et l'intégration (All for Solidarity and Integration) (TOCSIN), ALERT Migration-Afrique, Centre d'études et de recherches sur les migrations internationales et le développement (International Migration and Development Research Centre) (CERMID) and Association de recherche de solutions et d'informations pour les migrations dans le monde (Association for Seeking Solutions to and Information on Global Migration) (ARSIM).

Reply to the issue raised in paragraph 4

24. There are no data available for the period under review (2016–2021). The last general population and housing census was conducted in November 2019 and the final results are not yet available. However, the data from the 2018 regional survey on employment and the

informal sector give an insight into migration in Burkina Faso. According to the results of this survey, the international migrant stock was 380,901 in 2018.

25. The main characteristics of migrants are as follows: international mobility is more common among men (2.5 per cent) than among women (2.3 per cent), and young people aged 15 to 29 years account for 39.7 per cent of migrants, with this proportion rising to 54.5 per cent for the age group 15 to 34 years. The average age of migrants at departure is 35.2 years and the average number of years of education completed by migrants is 5.5. More than half of all migrants (52.1 per cent) have received no education, 42.6 per cent are literate and 27.5 per cent are single (see table 1 in annex 1, graph 1 in annex 2 and graph 2 in annex 3).

26. According to the survey, the main reason for international migration is the search for employment (87.2 per cent), followed by family reunification (6.6 per cent). Other reasons mentioned include studying or apprenticeships (3.3 per cent), work assignments (1.8 per cent) and other reasons (0.9 per cent) (graph 1). The survey shows that the primary destination for emigrants is Côte d'Ivoire (57.8 per cent).

27. The reasons for migration are related to sex. For example, 50.7 per cent of women give family reunification as the main reason for their migration, compared with only 3.3 per cent of men. Meanwhile, approximately 9 out of 10 men migrate in search of employment, compared with only one third of women.

28. The vast majority of destination countries are in West Africa (80 per cent). Mali (6.8 per cent) is the second most popular destination after Côte d'Ivoire. Gabon is the main destination country in Central Africa (6.8 per cent). In Europe, emigrants from Burkina Faso tend to head to Italy (4.2 per cent).

29. According to the 2015 national survey on employment and the informal sector, foreign nationals in Burkina Faso work mainly in the following sectors: services (37.6 per cent), trade (25.4 per cent), the primary sector (23.5 per cent) and the manufacturing sector (13.5 per cent).

Reply to the issue raised in paragraph 5

30. On 24 March 2016, the Government adopted Act No. 001-2016/AN establishing the National Human Rights Commission. This law introduced significant changes to the Commission, including by broadening its mandate as regards the promotion, protection and defence of human rights and the handling of complaints. Its enactment was followed by the issuance of Decree No. 2017-0209/PRES/PM/MJDHPC/MINEFID on the organization and functioning of the Commission, on 9 March 2017. Following the adoption of these two texts, the Commission has been operating independently since the new commissioners were sworn in before the Ouagadougou Court of Appeal on 25 March 2018.

31. In order to improve its working conditions, the Government provided the Commission with three vehicles and rented a building to serve as its headquarters.

32. The Commission's staff increased from 8 people in 2016 to 28 people in 2021. Its budget has also risen significantly in recent years. Between 2016 and 2021, its budget increased from CFAF 12 million to CFAF 592 million.

33. The Commission's administrative and financial autonomy is guaranteed by articles 2 and 48 of Act No. 001-2016/AN. The Commission has a budget that is allocated by the State and set out in the Finance Act. It prepares budget estimates, which are adopted in accordance with the budgetary procedure. In order to give effect to the provisions concerning the Commission's autonomy, a director of administrative and financial affairs was appointed in 2019 and the Commission was defined as a separate budget unit in the 2021 Finance Act. The Commission is therefore compliant with the Paris Principles. Steps are being taken to enable the institution to obtain category A status, which is one of the indicators defined in the sector-specific policy on justice and human rights.

34. As regards the complaint mechanism and the telephone services provided to the public, a handbook on handling complaints has been prepared and a toll-free number has been set up for that purpose. Since the Commission receives and deals with complaints of human rights violations, its staff underwent capacity-building on the complaints procedure and techniques

for gathering information and establishing facts in cases of human rights violations, from 5 to 9 November 2019, and on investigating and examining such cases, from 3 to 6 December 2019.

35. Under article 5 of Act No. 001-2016/AN, the Commission is responsible for protecting and defending human rights. To that end, it carries out regular visits, both announced and unannounced, to places of deprivation of liberty and makes recommendations to the competent authorities. It conducted visits to the prisons in Ouagadougou, Bobo-Dioulasso, Koudougou, Tenkodogo and Gaoua, the military prison and the Baporo agricultural detention facility in 2015 and 2016 and to holding cells in 15 police stations and 15 gendarmerie stations in 2016.

36. The Commission also organized training for its staff on professional visits to places of detention from 12 to 14 December 2019 ahead of the visits to the Ouahigouya short-stay prison and correctional facility from 12 to 18 January 2020 and the Ouagadougou high security prison from 10 to 15 February 2020, which were focused on the situation of persons in police custody and the conditions of detention faced by pretrial detainees. These visits were an opportunity to get a sense of the conditions of detention faced by persons deprived of their liberty, including migrant workers.

37. In addition to capacity-building, the Commission carried out the following data collection and awareness-raising activities:

- Mission to Kongoussi, Bam Province, to collect data on the situation of internally displaced persons, from 17 to 23 November 2019
- Mission to collect data on the impact of mining companies' activities on the rights of local communities and the environment, from 12 to 16 January 2020
- Panel discussions on the role, duties and protection of human rights defenders in the context of a security crisis, attended by 200 human rights defenders, from 23 to 24 January 2020

Reply to the issue raised in paragraph 6

38. Since 2014, various training sessions on the human rights conventions ratified by Burkina Faso have been organized for persons working in the justice system, including judges, senior police officers and lawyers. During these sessions, the trainees gained an understanding of the content of the Convention. Between 2014 and 2017, these sessions were attended by a total of 320 people. In addition, training for the border police on the rights of migrants was organized in Bobo-Dioulasso on 3 and 4 May 2016 and in Fada Ngourma on 11 and 12 May 2016. Thanks to these training sessions, 47 officers have been equipped with a better understanding of migration law.

39. Training on comprehensive support for migrants was provided to 25 members of the Hauts-Bassins Regional Council for Emergency Assistance and Rehabilitation from 15 to 18 October 2019. From 17 to 19 December 2019, training on the protection of migrants and their rights was provided to 32 diplomats, legal experts, social workers, members of the defence and security forces and members of civil society organizations.

40. A consultation and coordination meeting between the actors involved in implementing the Convention was held from 18 to 20 May 2016 in Ouagadougou. This meeting brought together 40 participants including judges, representatives of NGOs and civil society organizations, police officers, immigration officers, consular officers, labour inspectors and statisticians. It was intended to help participants to implement the Convention by familiarizing them with the relevant provisions.

41. Six representatives of public authorities, civil society organizations and the Burkina Faso Red Cross received training for trainers on the protection of vulnerable migrants in September 2017. This pool of trainers has, in turn, provided training on the same topic to national actors involved in the protection of migrants.

42. As part of an awareness-raising event called the African Migration Caravan, which was held from 2 to 7 July 2017, more than 200 copies of the Convention were produced and disseminated to various actors, including opinion formers (traditional leaders), law

enforcement officers, border police officers (officers working at the border with Togo or for the Togolese immigration service), local elected officials (the mayors of the five communes visited) and representatives of more than a dozen civil society organizations and media outlets (journalists and radio presenters). An advocacy campaign was conducted to persuade the Chair of the Committee on General, Institutional and Human Rights Affairs of the importance of ratifying the ILO Domestic Workers Convention, 2011 (No. 189) and recognizing the competence of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families to receive communications under articles 76 and 77 of the Convention.

43. In the context of the African Migration Caravan, five film screenings and three conferences were held, five radio programmes were broadcast, more than 600 posters were produced for women's and men's groups and three advertisements in Mooré, Bisa and French were broadcast by five radio stations for a period of three months.

Reply to the issue raised in paragraph 7

44. The Ministry responsible for nationals of Burkina Faso abroad carries out regular consular missions to countries that host workers from Burkina Faso. These missions are an opportunity to ensure that migrant workers from Burkina Faso are aware of their rights under international legal instruments such as the Convention.

45. International Migrants Day, which is observed every year, is an opportunity to raise awareness among consular officers of the rights of migrants and the problems that they face. For example, more than 120 leading figures, including members of the Government, representatives of international organizations, members of the diplomatic corps and representatives of civil society, were thoroughly briefed on the theme of migration on 18 December 2017.

46. Awareness-raising sessions for nationals of Burkina Faso abroad on their rights and on investment opportunities in Burkina Faso were organized in Côte d'Ivoire, Belgium and Switzerland in 2020 and 2021.

Reply to the issue raised in paragraph 8 (a)

47. In Burkina Faso, there are private employment agencies or offices and temporary work agencies. They are governed by chapter II of Act No. 028-2008, the Labour Code, Decree No. 2007-548/PRES/PM/MTSS of 7 September 2007 regulating the activities of private employment agencies or offices and temporary work agencies and Order No. 2007-020/MTSS/SG/DGT/DER of 21 November 2007 setting the terms of reference applicable to private employment agencies or offices and temporary employment agencies.

48. Article 22 of the Labour Code provides that employment agencies may only engage in collective recruitment of workers for employment abroad with the prior authorization of the Minister of Labour after consultation with the ministers responsible for employment, foreign affairs and local government.

49. The labour inspectorates have departments responsible for providing all workers, including migrant workers, with information about their rights and obligations and available protection mechanisms.

50. The inspectorates also provide technical guidance on legislation to social partners (management and labour), including migrant workers, upon request.

Replies to the issues raised in paragraph 8 (b) and (c)

51. The order setting the terms of reference applicable to private employment agencies and offices and temporary work agencies provides that temporary work agencies must enter into a written labour supply contract with user companies. The temporary work agency thus sets its pay rates on agreed terms with the user company employing the worker. Article 17 of the order provides that temporary employment agencies must conclude written employment contracts with workers hired out to user companies. Article 19 specifies that "temporary work agencies shall be deemed to be employers and shall be subject to the rights and obligations attached to this status".

52. However, article 11 of the decree regulating the activities of private employment agencies or offices and temporary work agencies provides that user companies are jointly responsible for compliance with wage and social security obligations.

Reply to the issue raised in paragraph 8 (d)

53. The order setting the terms of reference applicable to private employment agencies or offices and temporary work agencies lays down the procedures for the issuance and renewal of licences of employment agencies. Article 3 of the order states that any natural or legal persons wishing to obtain approval to open a private employment agency or office or a temporary work agency must:

- Be lawfully resident in Burkina Faso
- Be legally recognized, if a legal person
- Be of good character and be in possession of their civic rights
- Not have been sentenced to a term of imprisonment of 3 months, a suspended term of 6 months, or a fine exceeding CFAF 300,000 for a felony or misdemeanour
- Not have held a paid job in government or a public institution
- Not have been declared in a state of receivership, liquidation or personal bankruptcy
- Ensure that its main line of business is that of a private employment agency, private employment office or temporary work agency
- Provide proof of having furnished a bank guarantee of CFAF 300,000

54. Article 4 of the order states that these persons must submit a file containing the following documents:

- An application
- A birth certificate or replacement birth certificate issued by a court
- A judicial record certificate no more than three months old
- A residence certificate

55. The file must be submitted to the competent regional director of labour and social protection, who must forward it within one week, together with his reasoned opinion, to the Minister of Labour (order, art. 5).

56. Approval to open a private employment agency or office or a temporary work agency is deemed to have been granted if the competent regional director of labour and social security does not notify the applicant of the Minister of Labour's response within 15 days of having received the file.

57. The approval is valid for a renewable five-year period. Renewal is subject to the same formalities and procedures as described above.

Reply to the issue raised in paragraph 8 (e)

58. Failure to comply with any of the provisions of the terms of reference set out in the order will result, after formal notice is given by the competent labour inspector, in the suspension or withdrawal of the approval by the Minister of Labour.

59. Infringements of the legal and regulatory provisions governing the opening of private employment agencies or offices and temporary work agencies are punishable under the Criminal Code. Article 721-4 of the Code states that anyone who provides or facilitates the provision of a service requiring approval without such approval or in violation of a decision to suspend or withdraw the approval given for this purpose will be punished by 1 to 10 years' imprisonment and a fine of CFAF 10,000,000 to CFAF 50,000,000.

60. Between 2014 and 2020, the labour inspectorate recorded 28,158 complaints filed by workers, including complaints against employment agencies, and its investigations revealed violations in a number of cases. For example, in 2019, certain employment agencies were

fined pursuant to article 421 of the Labour Code for infringing the provisions relating to the issuance of payslips to workers and failing to affiliate themselves with the Office for Workers' Health or any other health organization approved by the Minister of Health.

Reply to the issue raised in paragraph 8 (f)

61. Measures taken by the Government to supervise the activities of employment agencies and to protect migrant workers from abuses include:

- Oversight by the labour inspectorate
- Communication and awareness-raising regarding the legislation and regulations on employment and temporary work
- Investigation of the moral standing of private employment agencies or offices and temporary work agencies during the approval process
- Establishment of the procedure under article 22 of the Labour Code whereby the prior authorization of the Minister of Labour is required for the mass recruitment of nationals of Burkina Faso for work abroad

Reply to the issue raised in paragraph 9 (a)

62. Article 320 of the Labour Code provides that all employers and workers must request the labour inspector, or his or her representative or deputy, to resolve amicably any disputes between the parties. Should the parties fail to reach an amicable settlement, legal proceedings may be instituted before the labour court (art. 327).

63. Accordingly, under the terms of article 338 of the Labour Code, the labour courts are competent to hear individual disputes that may arise between workers and trainees and their employers, and between masters and apprentices, during the performance of contracts. They are also competent to hear disputes involving the application of the social security scheme, individual disputes relating to the application of collective agreements and regulations that serve the same purpose, disputes between workers over employment contracts and direct action by workers against employers, as provided for in article 80 of the Code. As for the commercial courts, article 2 of the Act on the Establishment, Organization and Functioning of the Commercial Courts provides that they are competent to hear:

- Disputes relating to undertakings and transactions between merchants, between credit institutions, or between merchants and credit institutions, whose estimated monetary value exceeds CFAF 1,000,000
- Disputes relating to companies
- Disputes relating to the commercial acts and papers between all persons provided for under articles 3 and 4 of the Uniform Act on General Commercial Law of the Organization for the Harmonization of Business Law in Africa
- Collective proceedings for the settlement of liabilities
- Disputes between associates in a trading company or consortium

64. *Tribunaux de grande instance* (courts of major jurisdiction) have exclusive competence over matters determined by law, including:

- Personal status: marriage, divorce, separation, filiation, adoption, absence and disappearance, disputes relating to nationality
- The correction of civil status certificates
- Marital property
- Inheritance
- Civil claims with a monetary value of more than CFAF 300,000
- Real estate
- Intellectual property

- Actions brought by or against members of the legal profession for the settlement of costs

65. The labour inspectorate is the administrative body responsible for the amicable settlement of disputes between employees and employers.

66. The National Commission for Refugees is responsible for refugee status determination and the management and protection of recognized refugees and asylum-seekers in the country. Its powers, composition, organization and functioning were established by Decree No. 2011-118/PRES/PM/MAECR of 10 March 2011.

Reply to the issue raised in paragraph 9 (b)

67. Between 2014 and 2020, the labour inspectorate received 28,158 complaints from national and migrant workers, 5,126 of which were from women.

68. The Ministry of Labour is currently considering, in consultation with partners, the potential disaggregation of data obtained in labour inspectorates so that data on migrant workers are taken into account.

Reply to the issue raised in paragraph 9 (c)

69. Article 1 of Decree No. 2016-185/PRES/PM/MJDHPC/MINEFID of 11 April 2016 on the organization of legal assistance in Burkina Faso defines legal assistance as the support which the State grants to destitute persons and specific categories of persons so that they may assert their rights before the courts. Article 5 of the decree states that legal assistance is granted by the Legal Assistance Fund upon request to any natural person who is unable to exercise his or her legal rights as a claimant or a defendant owing to his or her destitution. It is applicable in social, civil, commercial, administrative and criminal matters.

70. Equally, subject to reciprocity, any natural person with foreign nationality who habitually and regularly resides in Burkina Faso may claim legal aid under the same conditions. The Legal Assistance Fund has not received any applications from nationals of Côte d'Ivoire – who are eligible to claim legal aid under the reciprocity clause – in the past five years.

Reply to the issue raised in paragraph 9 (d)

71. Victims of rights violations under the Convention are entitled to redress and to fair and adequate compensation, including the means for the fullest rehabilitation possible. Article 518-6 of the Code of Criminal Procedure provides that, notwithstanding any criminal proceedings, the State has an obligation to provide redress to victims. Article 61 of the Act on the Organization of the Judiciary specifies that the enforcement judge has exclusive jurisdiction to hear claims for redress for harm caused by the implementation or breach of enforcement measures or provisional measures.

Reply to the issue raised in paragraph 9 (e)

72. With regard to measures taken to provide migrant workers and members of their families with information, the publication of items of legislation in the Official Gazette is an essential tool. Ministerial departments, institutions and civil society organizations working in the area of migration organize awareness-raising sessions during which they inform the public and migrant workers about the various remedies available to them if their rights are infringed. In addition, the Community Days organized each year for foreign communities living in Burkina Faso provide an opportunity to raise migrant workers' awareness regarding their rights and facilitate their integration.

Reply to the issue raised in paragraph 10

73. Article 4 of the Constitution provides that: "All citizens and residents of Burkina Faso enjoy equal protection under the law. They are entitled to have their case heard by an independent and impartial tribunal. All accused persons are presumed innocent until proved guilty. The right to a defence, including the right to choose one's own lawyer, is guaranteed

before all courts.” Article 19 states that “the right to work is recognized as an equal right for all”.

74. Article 151 of the Constitution states that duly ratified or approved treaties and agreements have primacy over domestic laws. This article makes the Convention binding and gives it supra-legislative authority.

75. The Labour Code prohibits discrimination in recruitment (art. 286). It applies to all workers and employers in Burkina Faso (art. 4) and also prohibits discrimination in respect of employment and occupation. All employers and employees, whether of Burkina Faso or foreign nationality, may invoke the provisions of the Labour Code before the courts without any discrimination.

76. The labour inspectorate is responsible for ensuring that the labour laws are applied by the companies operating in Burkina Faso. It has three main tasks:

- Monitoring the effectiveness of labour laws within companies
- Assisting and advising workers and employers in respect of labour legislation
- Settling labour disputes amicably before they are referred to the labour courts

77. The labour inspectorate conducts regular checks of companies to ensure their strict compliance with labour legislation, including the principle of non-discrimination.

78. During the period 2014–2020, it conducted 10,152 checks in companies. These checks covered 182,923 workers and revealed 467,023 violations, of which 2,069 related to certificates of compliance of contracts with non-nationals. During the period, 1,925 fines were imposed on companies, 54 of which related to such certificates.

79. In law and in practice, no distinction is made between documented and non-documented migrant workers. The Labour Code affords the same protection for workers in regular and irregular situations. Indeed, article 1 establishes the principle that the Code applies to workers and employers exercising professional activities in Burkina Faso. Article 2 states that: “For the purposes of the present Code, a worker is any person who has undertaken to place his occupational activity, in exchange for remuneration, under the direction and authority of a natural or legal person, whether public or private, referred to as an employer. In defining a person as a worker, no account shall be taken of the legal status of the employer or of the employee.”

80. To facilitate the return and reintegration of Burkina Faso migrant workers and to promote their empowerment, the Government, in partnership with IOM, has built a reception and learning centre for migrants. Other measures being considered include:

- Setting up an investment fund aimed at Burkina Faso nationals abroad
- Facilitating migrant women’s access credit
- Adopting a strategy to promote and mobilize investment by members of the Burkina Faso diaspora

Reply to the issue raised in paragraph 11

81. To address the exploitation of migrants, the Government, supported by its partners, carried out a study on trafficking in persons. The findings revealed 67 cases of economic exploitation and 60 cases of sexual exploitation during 2016.

82. Between 2013 and 2017, the Government organized awareness-raising sessions for employers and employees on the working conditions of domestic workers with a view to preventing and punishing the exploitation of migrant workers. The sessions reached 206 children, including 132 girls, and 46 adults, of whom 25 were women. Participants were taught about the legal framework for suppressing all forms of exploitation and abuse of migrant domestic workers. Migrant domestic workers can report employers who violate their rights to the labour inspectorate. They can also lodge complaints against their employers with the courts.

83. To give full effect to the provisions of the ILO Forced Labour Convention, 1930 (No. 29) and the Abolition of Forced Labour Convention, 1957 (No. 105), Burkina Faso has established a legal framework that absolutely prohibits forced labour. Indeed, article 5 of the Labour Code states that forced or compulsory labour is absolutely prohibited. Under this article, the term “forced or compulsory labour” means all work or service that is exacted from any person under the threat of any penalty and for which the person has not offered himself or herself voluntarily. By law, no one may make use of any form of forced or compulsory labour:

- As a means of political coercion or education or as a punishment for expressing certain political views
- As a method of mobilizing and using labour for the purposes of economic development
- As a means of labour discipline
- As a means of social, racial, national or religious discrimination
- As a punishment for having participated in strikes

84. Section IV of the Labour Code addresses child labour. Article 149 states: “Children and adolescents may not be assigned to work that is likely to be harmful to their development and reproductive capacity. The nature of the work prohibited to children and adolescents and the categories of companies prohibited to persons under the age of 18 years are determined by decree of the Council of Ministers after consultation with the National Technical Advisory Committee on Occupational Safety and Health.”

85. Article 153 absolutely prohibits the worst forms of child labour, defined as:

- All forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict
- The use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances
- The use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in international treaties
- Work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children

86. Article 533-34 of the Criminal Code provides that “the sale of a child shall be punishable by 5 to 10 years’ imprisonment and a fine of CFAF 1,500,000 to CFAF 3,000,000”. The same penalty is applied for the offences of child prostitution and child pornography, under articles 533-36 and 533-38, respectively.

87. Article 533-43 specifies that, in the event of aggravating circumstances, the sentence for the offences of sale of a child, child prostitution and child pornography is 11 to 21 years’ imprisonment and a fine of CFAF 3,000,000 to CFAF 6,000,000.

88. Moreover, under article 195 of the Mining Code of Burkina Faso, anyone who holds a mining title or mining permit and who tolerates or feigns ignorance of the presence or employment of minor children or children enrolled in education or who is aware of such a situation but fails to notify the competent administrative authorities thereof or to take measures to put a stop to it is liable to a fine of between CFAF 5,000,000 and CFAF 25,000,000 or 2 to 5 years’ imprisonment, or both penalties.

Reply to the issue raised in paragraph 12

89. The Government has taken steps to strengthen the legal framework in order to better protect children, including the children of migrant workers, from the worst forms of labour and all forms of exploitation.

90. Burkina Faso is a party to virtually all legal instruments on child protection, including:

- The African Charter on the Rights and Welfare of the Child, ratified on 8 June 1992

- The Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption, ratified on 11 January 1996
- The ILO Minimum Age Convention, 1973 (No. 138), ratified on 11 February 1999
- The ILO Worst Forms of Child Labour Convention, 1999 (No. 182), ratified on 25 June 2001
- The Multilateral Cooperation Agreement to Combat Child Trafficking in West Africa, adopted in 2005
- The Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, ratified on 30 December 2005
- The Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, ratified on 6 July 2007
- The cooperation agreement between the Governments of Burkina Faso and Côte d'Ivoire on the protection of children in situations of cross-border mobility, signed on 31 July 2019

91. Several pieces of legislation have been adopted to strengthen the protection of children's rights, including:

- Act No. 015-2014/AN of 13 May 2014 on the Protection of Children in Conflict with the Law or at Risk
- Act No. 025-2018/AN of 31 May 2018, the Criminal Code
- Act No. 040-2019/AN of 29 May 2019, the Code of Criminal Procedure

92. Regulations adopted to give effect to the laws include:

- Decree No. 2007-789/PRES/PM/MASSN/MATD of 28 November 2007 on the organization of early childhood education
- Decree No. 2009-529/PRES/PM/MASSN/MATD/SECU of 17 July 2009 on the establishment, powers, functioning and composition of a National Watchdog and Monitoring Committee to combat trafficking in persons and related practices
- Decree No. 2010-618/PRES/PM/MASSN/MJ/MEF of 12 October 2010 on the establishment, powers, composition and functioning of a central authority responsible for adoption issues and for civil aspects of international child abduction
- Joint Order No. 2013-229/MASSN/MJ/MAECCR/MATS of 14 August 2013 on a procedural manual for the domestic and intercountry adoption of children
- Decree No. 2016-504/PRES/PM/MFPTPS/MS/MFSNF of 9 June 2016 establishing the list of dangerous occupations prohibited to children

93. To combat the worst forms of child labour, the labour inspectorate organizes awareness-raising sessions and conducts monitoring visits to businesses in the formal and informal sectors.

94. Also on the subject of awareness-raising, the Ministry of Labour and its partners produced a compendium of child labour legislation in 2011. In view of public interest, it was reissued in 2013, in 2015 and in May 2020. This practical tool brings together the legal instruments aimed at prohibiting child labour and its worst forms in a single document.

95. As a result of monitoring visits conducted between 2014 and 2018, the labour inspectorate was able to identify 249 children (54 girls and 195 boys) aged between 13 and 16 years and 262 children (41 girls and 221 boys) aged between 16 and 18 years who were involved in child labour.

96. In terms of specific actions on the ground, non-institutional (family and street) intervention teams have been set up in each of the country's 49 urban municipalities. These teams are tasked with the identification, care, reintegration and monitoring of children and young people in street situations and families at risk.

97. In 2016, the authorities conducted a census of children and young people in street situations. The census identified 9,313 such children: 1,749 girls and 7,564 boys.

98. In the light of the census findings, a project for the reintegration of children and young people in street situations (2017–2018) was developed and implemented in the provinces of Burkina Faso where the problem is most widespread. The project had three components: prevention; getting children off the street and reintegrating them into society; and capacity-building. Activities have been carried out with the participation of 1,300 children, Qur’anic teachers, social workers and families.

99. As of 31 December 2018:

- 3,000 patrols to assist children in street situations, 2,000 home visits and 1,000 background investigations associated with individual educational projects had been carried out.
- 300 children and young people in street situations had been reintegrated into their families and enrolled in primary school.
- 100 children and young people in street situations had been enrolled in secondary school and 100 placed in vocational training.

100. Other activities included placements in special education centres, crisis centres and transit centres; support for children and families to engage in income-generating activities; support for non-institutional intervention teams to deliver health care; and various other forms of support in crisis centres (medical care, provision of material items and meals).

101. During the 2017–2018 period, the following activities were carried out:

- Six training sessions were organized for 135 beneficiaries of support for engaging in income-generating activities and learning a trade: 95 young people and 40 households received training in micro-project management and entrepreneurship.
- Six training sessions on managing the behaviour of children and young people in street situations were organized for 127 master craftsmen.
- Two training sessions on caring for children and young people in street situations were organized for 17 foster families.
- Two training sessions on non-institutional intervention and family mediation were organized for 92 actors working with children and young people in street situations.

102. Furthermore, an initiative to relocate and reintegrate children and young people in street situations was launched in 2018. As a result, in 2019, the authorities were able to take 612 children and young people off the streets; 443 were placed in vocational training centres, 124 in special boarding schools and 45 with their families.

103. A further national project to combat the problem of children and young people in street situations was implemented during the period 2018–2020. Its objective was to halve the number of children and young people living in street situations in the country. With an overall budget of CFAF 523,942,040, the project reached 2,072 children and young people in 2019. Under this initiative, the authorities were able to take 612 children and young people off the streets; 443 were placed in vocational training centres, 124 in special boarding schools and 45 with their families.

104. The Government also adopted the National Programme to Combat Child Labour at Gold-Panning Sites and Artisanal Quarries. This programme, which covered the period 2015–2019, was a landmark in the fight against the worst forms of child labour. In 2015, within the framework of the implementation of the road map for prevention, the removal of children from gold-panning sites and artisanal quarries and the rehabilitation of such children (2015–2019), the Government took 40 children away from gold-panning sites in the Centre-Nord Region. Of these, 4 were enrolled in primary school and continue to receive regular schooling; 31 were placed in vocational education and have completed their studies, and one has obtained a driving licence. After two years of studies in subjects such as ironwork, sewing, car mechanics and motorcycle mechanics at the regional vocational centre in Kaya, 16

children were placed with master craftsmen for advanced training to increase their employability; one of them has set up a business.

105. At a meeting of experts from Burkina Faso, Benin and Togo held from 20 to 23 December 2019 in Ouagadougou, the Governments of the three countries concluded a tripartite cooperation agreement on the protection of child victims of trafficking and children in situations of cross-border mobility.

106. The objectives of this agreement are:

- To prevent and suppress trafficking in children through effective cooperation between the three States
- To protect, rehabilitate, reintegrate and provide a safe environment for children in situations of mobility and child victims of cross-border trafficking
- To promote cooperation between the competent authorities of each State in the investigation, arrest, prosecution and extradition of offenders
- To establish protective support systems for children in situations of mobility and child victims of cross-border trafficking

107. Article 4 of the agreement provides that “all children in situations of mobility and child victims of cross-border trafficking, whether nationals or foreigners, shall enjoy protection and respect for their dignity without any discrimination”. Article 5 states that “trafficking and all other forms of violence against children, for any purpose, are prohibited”.

108. The parties agreed that, in any measures taken for children in situations of mobility and child victims of cross-border trafficking, priority should be given to the children’s best interests and to their participation in any decisions concerning them.

109. The agreement focuses on prevention, the protection, return, reunification, rehabilitation and reintegration of children in situations of mobility and child victims of cross-border trafficking, and law enforcement and cooperation.

110. The States parties also agreed to put in place appropriate protection mechanisms for the children in question. For that purpose, a standing committee has been established for the follow-up and evaluation of actions taken by the parties within the framework of the agreement.

Response to the question in paragraph 13

111. When members of the defence and security forces are suspected of criminal misconduct in the performance of their duties, the judicial authorities are called upon to conduct investigations, which are usually undertaken by the public prosecutor. The agents concerned are suspended for the duration of the investigation.

112. The police monitoring service is the competent body in charge of investigations into national police and gendarmerie personnel. To this end, it ensures that the regulations and ethical codes are respected by the gendarmes and police officers in the performance of or in connection with their duties. In this case, investigations are conducted if suspicions of harassment, corruption and abuse of authority, including allegations of extortion and arbitrary detention, are raised involving members of the police force and gendarmerie.

113. In addition, in order to facilitate the reporting of failures in the proper functioning of the police and gendarmerie, the National Coordinating Committee for Police Monitoring, an operational administrative unit, had been set up to oversee the police and monitor the quality of service provided on the country’s main roads.

114. The Monitoring and Investigation Division and the General Inspectorate of the Ministry of Justice are in charge of overseeing the prison service.

Reply to the issue raised in paragraph 14

115. Criminal procedure in Burkina Faso is governed by a number of guiding principles set out in book I of the Code of Criminal Procedure. Article 100-1 specifies that criminal

proceedings must be fair, adversarial and maintain a balance between the parties. It guarantees litigants equality before the law.

116. All persons have the right to be tried within a reasonable time by an independent and impartial tribunal. They have the right to adequate facilities to prepare their defence and, in particular, to be assisted by a lawyer of their choice; if they do not have a lawyer, they must be informed of their right to have one. They have the right to have their conviction reviewed by a higher court.

117. All persons charged with a criminal offence are presumed innocent until proved guilty according to law. They have the right to be examined by a doctor of their choice, to contact and receive a family member or a close friend. Violations of their right to be presumed innocent are provided for, punished and redressed in accordance the law.

118. Accused persons have the right to be informed promptly and in detail in a language they understand of the nature and cause of the charge against them and of their guaranteed rights. No one may be compelled to testify against himself or herself or to confess guilt.

119. All persons charged with a criminal offence must have the right to the free assistance of an interpreter if they do not understand or speak the language used in all the proceedings.

120. Judicial authorities must ensure that victims are kept informed and that their rights are guaranteed throughout the criminal proceedings.

121. Lastly, the Code of Criminal Procedure governs the intervention of the lawyer in the investigation. According to article 251-12: "Lawyers assist their clients from the moment of their arrest during the preliminary investigation or the investigation of a crime or offence caught in flagrante delicto on the premises of the police, the gendarmerie or the government authorities and public services whose officials or agents are responsible for performing the functions of criminal investigation officers, or before the public prosecutor."

122. The above provisions are of general application and apply to migrant workers and members of their families.

123. Specifically, in the case of migrant workers taken in for questioning or charged in Burkina Faso, the Code of Criminal Procedure requires the judicial authorities to inform the embassy or consulate of their country of origin, unless the persons concerned object. They have the right to receive visits from the embassy or consulate of their country of origin at any time during the procedure. They also have the right to diplomatic protection by their States in accordance with international standards and customs in this regard.

124. In addition, in order to ensure better care for vulnerable migrants, particularly unaccompanied children, Burkina Faso, in collaboration with IOM, has set up a migrant referral mechanism. This mechanism places particular emphasis on identifying and caring for migrants regardless of their vulnerability. Upon their arrival and before they are interviewed, asylum-seekers who express a specific need or are considered to have a specific need (for example, medical, psychological or having suffered violence) are referred to a health and community-based service partner for better care.

125. For unaccompanied or separated children who are identified as being at risk and seeking asylum, the mechanism to determine the best interests of the child is immediately activated. This mechanism is composed of actors from the Government, international institutions and non-governmental organizations to provide the protection and care needed before the examination of the child's asylum case.

Reply to the issue raised in paragraph 15

126. In practice, Burkina Faso does not use detention in cases of immigration offences. As a result, there are no detention facilities for migrants. However, transit centres have been set up to provide assistance and protection for migrants in transit on the national territory.

127. As indicated in paragraphs 35 and 36, the National Human Rights Commission regularly visits all places of deprivation of liberty, including police cells and prisons housing migrants.

Reply to the issue raised in paragraph 16

128. Measures taken to combat terrorism have not affected migrant workers and other asylum-seekers in Burkina Faso. No measures to return or expel migrants or asylum-seekers have been taken by the authorities in Burkina Faso, in accordance with the principle of non-refoulement and the prohibition of arbitrary expulsions.

129. Article 9 (1) of the law on the status of refugees in Burkina Faso provides: “No criminal sanction shall be applied, as a result of his or her irregular entry or stay, to a refugee who arrives directly from a territory where his or her life or freedom was threatened within the meaning of article 3 of this law.”

130. On the strength of this provision, the oversight measures put in place as part of the anti-terrorist efforts at the international borders of Burkina Faso have not led to any particular incidents relating to the entry of asylum-seekers into the national territory. From 2018 to 2019, Burkina Faso received 204 people of various nationalities who all filed asylum applications.

131. Regarding the processing of protection claims in accordance with the principle of non-refoulement, article 9 (2) of the law on the status of refugees in Burkina Faso provides: “No measure to deport or escort to the border an asylum-seeker may be enforced before the National Commission for Refugees ... has ruled on his or her case, unless such measures are dictated by reasons of national security or public order or in execution of a decision rendered in accordance with the law. In any case, measures to deport or escort to the border asylum-seekers may not have the effect of forcing them to return to or remain in a country where their freedom would be threatened.” Any application for asylum and international protection is contingent on this provision so as to ensure that the principle of non-refoulement guaranteed to asylum-seekers is effectively implemented. Thus, an asylum-seeker cannot be subject to refoulement until the refugee-status determination procedures have been exhausted.

132. There are two levels of asylum review:

- At first instance, an eligibility committee examines new cases that have been brought; it meets every two months, renders its decisions and notifies the asylum-seeker within 60 days.
- At second instance, an appeals committee examines within 60 days appeals lodged by asylum-seekers whose applications were rejected at first instance. When the request for appeal is rejected, the applicant is notified and must either regularize his or her stay in Burkina Faso with the immigration authorities or leave the country within 60 days of the date of notification

Reply to the issue raised in paragraph 17

133. Since its previous report, no migrant workers have been expelled from Burkina Faso. The deportation of a person from Burkina Faso is ruled on by an independent and impartial court following a procedure in accordance with the Code of Criminal Procedure. According to article 8 of the Act on the Status of Refugees in Burkina Faso, no asylum-seekers may be turned back at the border or subject to any other measure that would force them to return to or remain in a territory where their life, physical integrity or freedom would be threatened for any of the reasons indicated in article 3 of the Act.

134. Thus, no measure to deport or escort to the border an asylum-seeker may be enforced before the National Commission for Refugees has ruled on their situation, unless such measures are dictated by reasons of national security, public order or in execution of a decision rendered in accordance with the law.

135. In Burkina Faso, expulsions can only be ordered by a court decision or by the Public Prosecutor for public order or public health reasons.

136. An expulsion measure is an individual and not a collective act. The country has never practised mass or collective expulsion of foreigners. In addition, in practice, it does not take expulsion measures against foreigners living in an irregular situation in the country. The residence permits granted to migrants are not conditional on engagement in a remunerated activity.

137. When migrant workers find themselves in an irregular situation, in particular when they do not or no longer have a residence permit, it is their responsibility to regularize their situation with the competent authorities. Article 16 of Organic Act No. 032–2018/AN of 26 July 2018 on the composition, organization, powers and operation of the Council of State and the procedure applicable before it specifies that the Council of State hears, at first and last instance, appeals for annulment on the grounds of abuse of power lodged against decrees and other regulatory acts whose scope extends beyond the jurisdiction of a single administrative court.

138. Consequently, decisions to expel migrants or members of their families may be appealed to the administrative courts. This appeal has a suspensive effect.

Reply to the issue raised in paragraph 18

139. Concerning the protection of nationals working abroad who find themselves in difficulty, in an irregular situation or subject to expulsion, measures are taken at the level of embassies and consulates to facilitate their return. This means negotiating their repatriation and issuing travel documents.

140. Workers from Burkina Faso abroad are informed of their rights, mainly through the country's diplomatic missions. Consular events are also organized by the Ministry of African Integration and Nationals of Burkina Faso Abroad during which awareness-raising activities are carried out to inform them of their rights. The embassies and consulates of Burkina Faso are required to provide consular assistance to nationals abroad.

141. The Code of Criminal Procedure requires the judicial authorities upon the arrest of foreigners to inform the embassy or consulate of their country of origin. They have the right to receive visits from the embassies or consulates of their country of origin at any time during the procedure. In addition, efforts are made during certain activities to raise awareness among foreign nationals of their rights, in particular the options available for them to apply to the diplomatic and consular missions of their countries in cases of violation of their rights. These activities include the annual commemoration of International Migrants Day, the forums and "caravans" for African integration, and conferences and training sessions organized by the Ministry of African Integration and Nationals of Burkina Faso Abroad.

Reply to the issue raised in paragraph 19

142. The Labour Code prohibits discrimination in employment. Article 391 states that the labour inspectorate is responsible for all matters relating to conditions for workers and professional relations. The labour inspectorate conducts inspections for the benefit of all workers regardless of their nationality. These inspections can be carried out following complaints from workers, including migrant workers. Apart from inspections, workers who are victims of abusive practices on the part of their employers can file a complaint with the labour inspectorate for the friendly settlement of disputes. If the problem is not resolved by the labour inspectorate, it can be referred to the labour court.

143. In addition, many associations and non-governmental organizations are strongly committed to the fight against child labour, particularly in domestic work and in mines.

144. In addition, to ensure the protection of migrant workers of Burkina Faso, the law provides that employment contracts that require national workers to settle outside the national territory must be concluded, approved and registered by the competent services of the Ministry of Labour before workers move.

Reply to the issue raised in paragraph 20

145. In order to ensure the protection of migrant workers, article 4 of the Labour Code establishes the principle of equal treatment of workers, migrants and citizens alike. Article 56 of the Labour Code specifies: "Employment contracts for non-national workers must be concluded before the worker moves to Burkina Faso and must be approved and registered by the competent services of the Ministry of Labour." All these measures contribute to ensuring equal protection for migrant workers, whether they are in a regular or irregular situation.

146. Equal remuneration for workers in Burkina Faso is recognized by law. Article 182 of the Labour Code provides that: “all workers who perform the same work, and who have the same qualifications and the same productivity shall receive equal pay, regardless of origin, sex, age or personal status”.

147. With regard to health at work and the conditions of access to health care for workers, including migrant workers in a regular or irregular situation, it should be recalled that the Labour Code guarantees safety and health to all workers. Articles 240 et seq. cover occupational health. Under article 240, “all companies, corporations and organizations established in Burkina Faso are required to provide health coverage in accordance with the conditions defined by the texts on the creation, organization and operation of occupational health”. The same applies to occupational health services that are required to provide first aid to workers in certain enterprises (arts. 255 and 257 (6)).

148. Concerning public health, no distinction is made between national and migrant workers with regard to access to health care in general and to emergency care in particular. Migrant workers, regardless of their situation, have access to emergency care under the same conditions as nationals in case of illness or accident at work. In fact, the health service does not ask for the nationality of the patient before administering care. Pregnant or breastfeeding migrant workers and children under 5 years of age of migrant workers therefore receive certain kinds of treatment free of charge in public health facilities, as do nationals. These include treatment for malaria, meningitis and tuberculosis, and emergency obstetric and neonatal care.

Reply to the issue raised in paragraph 21

149. Since the 2016/17 school year, there have been terrorist attacks in some parts of the country. These are the Boucle du Mouhoun, Est, Centre-Est, Centre-Nord, Nord and Sahel regions. This situation has led to the closure of schools and the displacement of populations.

150. As of 28 February 2022, 3,683 schools and institutions were closed, affecting 590,327 students (308,723 boys and 281,604 girls) and 17,309 teachers (11,720 men and 5,589 women). Efforts by the defence and security forces to make people feel safe and the resilience of education actors and local populations have made it possible to reopen 161 schools and institutions with 37,899 students (20,085 boys and 17,814 girls) and 987 teachers (703 men and 284 women).

151. In order to guarantee the right to education for children affected by the security situation, the Government established a technical secretariat for education in emergencies on 24 April 2019. It also adopted the 2019–2024 strategy for the enrolment of students in areas faced with serious security situations and a three-year action plan for the period 2019–2021. As part of the implementation of this strategy, students preparing for exams who could not take the June exams in 2019 have been invited to take part in intensive courses. Out of 2,233 expected students, 1,629 attended. A special session of school exams and competitive examinations was organized. Similarly, displaced students have been integrated or reintegrated into the education system, temporary learning spaces have been set up in the reception centres, proper hygiene arrangements have been made in the temporary learning spaces (toilets, hand-washing facilities, drinking water, etc.), and new teaching approaches have been introduced, such as radio-based education, in order to reach students outside of the school settings.

152. In addition, with the support of technical and financial partners, emergency education curricula have been developed to work with students in the event that studies were broken off, picking up from the point at which they were interrupted. A training module for teachers on psychosocial support for students affected by the security context has been developed.

153. The Government has decreed that schooling is to be free for displaced students. In addition, it has organized the delivery of civil status certificates to the students and to the host community.

Reply to the issue raised in paragraph 22

154. The Persons and Family Code covers birth registration for both nationals and foreigners. Article 55 of the Code provides that civil status records of persons residing in Burkina Faso and of nationals residing abroad are to be established, received, registered and verified in accordance with the provisions of the Code.

155. Article 56 also provides that all births, deaths, marriages and certificates of any kind must be entered in the civil registers, regardless of nationality.

156. Article 106 of the Code provides that all births occurring in Burkina Faso must be declared to the registrar at the place of birth. The declaration must be made within two months of the birth.

157. In accordance with article 123 of the Code, all births that have not been declared within two months are subject to a judgment establishing the date of birth at the departmental or district courts.

158. The above-mentioned provisions of the Code show that birth registration in Burkina Faso does not distinguish between nationalities and therefore takes due account of the children of migrant workers.

159. With regard to paragraph 29 of the concluding observations on the initial report, steps have already been taken to facilitate the presence of civil registry services in maternity wards, particularly in rural areas.

160. The third priority of the action plan for the National Civil Status Strategy relating to the registration of the population with civil status services emphasizes bringing such services closer to the population through the creation of secondary civil status centres. As a result, 967 secondary civil status centres have been operational since 2019.

161. Civil registration software known as ICIVIL has been launched to make the systematic registration of all births a reality in Burkina Faso. It is an innovative and integrated technological solution through which all births, in both public and private health facilities, can be declared using a smartphone. Fifty health facilities and nine main civil registration centres have been connected to the ICIVIL central server since 2019.

162. The help of community-based health workers (two per village), village development councils, municipal councillors, and customary and religious leaders is enlisted to register births outside of health facilities.

163. With regard to the right to nationality, the legislation of Burkina Faso recognizes the nationality of children born of parents from Burkina Faso in a foreign country. Indeed, according to article 140 of the Persons and Family Code: “A child born of a father or mother from Burkina Faso is a national. However, if only one of the parents is of Burkina Faso nationality, a child who was not born in Burkina Faso has the right to renounce his or her nationality in the six months before he or she comes of age.”

Reply to the issue raised in paragraph 23

164. Migrant workers have the right to transfer their earnings, savings and personal belongings to their country of origin, subject to compliance with the applicable legislation.

165. Financial transfers abroad are regulated by Act No. 17–94/ADP of 6 May 1994 on the organization of financial relations with foreign countries and its implementing regulations. Article 1 of this Act states: “Foreign exchange transactions, capital movements and settlements of any kind abroad, in Burkina Faso, between a resident and a non-resident may, except with the prior authorization of the Minister of Finance, only be carried out through the Central Bank, the Post and Telecommunications Administration or an approved intermediary bank. Consequently, any direct payment to a non-resident by cheque to an account opened on the books of banks established in Burkina Faso is prohibited.”

166. In Burkina Faso, migrant workers are exempt from customs duties and taxes on the import and export of certain categories of personal effects. In Burkina Faso, customs exemptions are governed by the Customs Code of the West African Economic and Monetary Union (WAEMU), the annex to Regulation No. 09/CM/UEMOA of 26 November 2002 on

the WAEMU Customs Code, Decree No. 404 FD of 2 November 1962 on the implementation of article 165 of the Customs Code and all amending legislation. Article 11 of this decree specifies that the objects and effects in use making up the personal possessions of foreigners authorized to settle or remain in Burkina Faso and nationals of Burkina Faso who return permanently to their homeland are admitted duty and tax free.

167. Migrant workers residing in Burkina Faso can obtain information on their rights under the Convention and relevant laws and regulations. This information can be obtained from the customs administration and from the migration control services. Migrant workers who are nationals of Burkina Faso can also obtain information on their rights and duties under the Convention and the laws and regulations of their countries of residence from the embassies and consulates of Burkina Faso abroad. In addition, the Ministry of African Integration and Nationals of Burkina Faso Abroad regularly organizes consular events in countries hosting workers from Burkina Faso. These events are opportunities to inform nationals of Burkina Faso working abroad and raise awareness of their rights under international legal instruments, including the Convention. Some civil society organizations are also working to raise awareness about the rights of migrant workers in general and the rights of nationals of Burkina Faso working abroad.

168. As part of the implementation of the 2019–2021 action plan for the National Migration Strategy, a meeting on the mechanisms for sending remittances from the diaspora was organized in 2021. Similarly, missions to raise awareness for nationals of Burkina Faso abroad about investment opportunities in the country were carried out in Côte d’Ivoire, Belgium and Switzerland.

169. On the tax front, Burkina Faso has concluded agreements to eliminate double taxation of migrant workers. These agreements include:

- The agreement signed on 14 November 1961 between Burkina Faso and Mali to facilitate transit procedures
- The double taxation treaty concluded on 30 November 1961 between the Governments of Côte d’Ivoire, Benin, the Niger and Burkina Faso with respect to taxes on securities and similar assets
- The tax treaty between Burkina Faso and the French Republic signed in Ouagadougou on 11 August 1965, as amended on 3 June 1971
- The agreement between Burkina Faso and the France signed on 10 January 2010 on the coordinated management of migration and inclusive development

170. In relation to existing partnerships with financial institutions, there are three fast money transfer operators. These include:

- Authorized intermediary banks 7/12: partnership contracts with subagents
- Authorized intermediary bank subagents (09–2011) 260 offices for 102 subagents of which 75 per cent of the offices are in Ouaga
- Specialized operators offering network platforms

171. In addition, as indicated in paragraph 6 of the present report, Burkina Faso has entered into payment agreements with the social security agencies of certain countries in the area of social security payments.

172. By way of example, migrant workers have benefited from the implementation of payment agreements with Côte d’Ivoire, Mali, Benin, Togo, Gabon and the Autonomous Pension Fund for Civil Servants, with social benefits amounting to CFA 4,112,472,358 (in 2013), CFA 4,408,567,514 (in 2014), CFA 4,365,432,001 (in 2015), CFA 4,579,850,508 (in 2016), CFA 4,844,808,798 (in 2017), CFA 4,615,482,482 (in 2018), CFA 3,589,491,102 (in 2019), CFA 4,921,835,153 (in 2020) and CFA 5,022,215,428 (in 2021) (see annex 4 on payment agreements).

173. In social matters, the Labour Code provides that, at the end of their stay, migrant workers and members of their families have the right to transfer their personal effects and

property in their possession from the State of employment to the State of origin and vice versa. Article 124 of the Labour Code provides:

The employer shall bear the travel expenses of the worker, the worker's spouse and any dependent children who normally live with the worker, as well as the cost of transporting their luggage, as follows:

- (1) From the place of usual residence to the place of employment;
- (2) From the place of employment to the place of usual residence in the following cases:
 - At the end of a fixed-term contract
 - Upon the termination of the contract, when the worker has acquired the right to leave under the conditions provided for in article 156 above
 - Upon the termination of the contract on account of the employer or due to the gross negligence of the employer
 - Upon breach of contract due to force majeure
 - Upon breach of contract during the trial period attributable to the employer
- (3) From the place of employment to the place of usual residence and vice versa, in the case of normal leave.

...

Reply to the issue raised in paragraph 24

174. At the end of the implementation of the action plan (2016–2018) for the National Migration Strategy, an evaluation was undertaken and the second action plan 2021–2023 was adopted. Training modules on migration and those for the pool of trainers have been developed. It is also worth mentioning the publication of a leaflet on the opportunities related to regular migration and the dangers of irregular migration, which was used to run awareness sessions in the main migrant departure points.

175. Regarding the activities of the Higher Council of Nationals of Burkina Faso Abroad, two consular and awareness-raising events were carried out respectively in N'Djamena in 2015 and in Riyadh in 2017 by the Council's permanent secretariat (which has now become the General Directorate of Nationals of Burkina Faso Abroad) as part of protection and assistance efforts for nationals living abroad.

176. These operations made it possible to issue administrative documents to nationals of Burkina Faso, allowing them to comply with the laws and regulations of the host countries and facilitating their social and professional integration.

177. Also, the Côte d'Ivoire-Burkina Faso joint committee carried out two missions to Côte d'Ivoire in 2016 to assess the situation on the ground of the nationals of Burkina Faso who used to occupy the Mont Peko National Park. These visits to the field allowed the two delegations to get a feel for the reality and living conditions of these populations. A pilot project is being developed for the voluntary return of over 100 persons.

178. In addition, returns of migrants from Burkina Faso and assistance to those in difficulty abroad were organized between 2013 and 2018 (more than 3,000 migrants returned voluntarily or involuntarily), in partnership with IOM and the Permanent Secretariat of the National Council for Emergency Relief and Rehabilitation. Approximately 200 migrants have received reintegration assistance.

Reply to the issue raised in paragraph 25

179. In order to guarantee migrant workers and members of their families the right to form associations and trade unions while being part of the governing bodies, two measures can be considered from a legislative and material point of view.

180. As part of the legal framework governing the creation of associations, the Government adopted Act No. 064-2015/CNT of 20 October 2015, the Freedom of Association Act. Under article 3 (1) and (2) of the Act:

- Association means any group of national or foreign natural persons or legal entities that on a regular, non-profit-making basis pursue common objectives, in particular in the cultural, sporting, social, spiritual, religious, scientific, professional or socioeconomic fields.
- A foreign association is any association whose headquarters are located outside Burkina Faso.

181. The Act also defines a trade union as any organization or group of organizations of workers or employers whose purpose is to promote and defend the moral, material and professional interests of its members.

182. Therefore, any natural or legal person, whether national or foreign, has the right to form an association.

183. Moreover, the person wishing to establish an association is not required to be a citizen of Burkina Faso living in the national territory. Paragraph 2 makes it clear that the foreign nature of the association is not related to the persons involved but rather to the place of establishment.

184. The above shows that the law sets out general and impersonal rules to take account of the situation of migrant workers and their families.

185. However, under article 24 of the Act, a foreign association, as defined above, is required to have a designated representative and deputy, at least one of whom must be a citizen of Burkina Faso and be resident in the country.

186. All workers may join a trade union to promote and protect their rights, in accordance with article 276 of the Labour Code, which provides: “Workers and employers are free to form trade unions of persons engaged in the same or similar occupations or in related occupations involved in the production of specific goods, notwithstanding the provisions of article 299.” Article 277 lays down the principle of trade union freedom as follows: “All workers or employers are free to join the trade union of their choice within their occupational group.” However, the law places stringent restrictions on participation in the leadership or administration of trade unions. Article 281 of the Code provides: “Members responsible for the leadership and administration of a trade union must be nationals of Burkina Faso or a State with which reciprocal agreements on trade union law have been concluded. All members must be in possession of their civil and civic rights. Non-national workers may take on trade union leadership duties after five years’ continuous residence in Burkina Faso.”

187. As the issue of practical measures to ensure that refugees may exercise the right of association in Burkina Faso has not been expressly raised, no specific or exceptional action has been taken in this regard. For the moment, associations of persons living abroad with appointed representatives present in the national territory are recognized. In most cases, these are associations working primarily in the cultural, sporting and socioeconomic areas.

188. However, the particular challenge they face or may face when registering their associations or trade unions with the competent authority is the submission of valid identity documents for the leaders of their organizations. These identity documents may be a national identity card or a passport. Refugees without either of these documents may use their refugee card when registering an association or trade union.

189. Following the establishment of the Ministry for African Integration and Nationals of Burkina Faso Abroad and in line with its organization chart providing for the establishment of a Department of Regional Organizations and Communities, 15 legally recognized associations were registered as at 31 December 2018. These organizations meet as representative committees of communities living in Burkina Faso.

Reply to the issue raised in paragraph 26

190. In addition to the conventions ratified by Burkina Faso, political rights and more particularly enjoyment of the right to vote are guaranteed by the Constitution and the Electoral Code.

191. Article 12 of the Constitution provides: “All citizens of Burkina Faso, without distinction of any kind, have the right to participate in the conduct of public and social affairs. They are thus entitled to vote and to be elected in accordance with the conditions prescribed by law.” Under this provision, the political rights of all citizens of Burkina Faso, including those in a situation of migration, are recognized.

192. The Electoral Code sets out the rules applicable to different electoral processes and the conditions to be a voter or stand for election. It does not contain any provision that is discriminatory towards migrant workers or their families abroad, either in respect of the conditions for standing for election or those for voting. For some 10 years now, article 265 has covered the vote of nationals of Burkina Faso living abroad, while stating that the provisions relating to the vote of such nationals would enter into force in 2015.

193. Amendments to the Electoral Code made in 2018 to secure the effective exercise by migrant workers abroad of their political rights have made it possible in practice for nationals of Burkina Faso to vote as from 1 January 2020. Article 48 (3) of the revised Electoral Code provides: “Nationals of Burkina Faso who are resident abroad and duly registered at the embassy or consulate general in their countries of residence are also registered to vote.” Now voters who show a valid national identity card or passport may register to vote and take part in elections, whether they are at home or abroad. This change allowed nationals of Burkina Faso abroad to participate in the general elections of 22 November 2020.

194. Discussions are under way regarding the right of nationals of Burkina Faso abroad to be elected to public office.

195. The possible impact of dual nationality on the right to vote and be elected to public office in the State party has not been determined. However, the following categories of persons may vote in national elections:

- Naturalized foreigners (they may only stand for election once at least 10 years has elapsed since the date of the naturalization decree)
- Foreigners who have become nationals of Burkina Faso by marriage (they may only stand for election once at least 10 years has elapsed)

196. For local elections, all foreigners who hold a valid identity document (passport or identity card), have at least 10 years’ actual residence, can show proof of practising a profession or holding a post that is legally recognized and are up to date with their tax obligations may vote, but may only become municipal councillors after holding nationality for at least five years.

197. Officials of the Independent National Electoral Commission carried out information missions from 1 to 15 December 2018 in 36 embassies and consulates of Burkina Faso abroad. The purpose of these missions was to inform Burkina Faso nationals living abroad about the details of how best to prepare their participation in the 2020 elections. The additional aim was to outline the basic process for establishing the first electoral register of the diaspora. In addition, officials from the Ministry for African Integration and Nationals of Burkina Faso Abroad carried out special consular missions in 2019 to prepare identity documents for Burkina Faso nationals resident abroad. As at 28 February 2020, such missions had resulted in the issuance of 5,343 ordinary passports and 21,610 national identity cards.

Reply to the issue raised in paragraph 27

198. No distinction is made in Burkina Faso legislation between migrant workers and nationals. Under article 38 of the Labour Code, employers are prohibited from practising any discrimination of any kind in relation to access to employment, conditions of work, vocational training, job retention or dismissal, including in relation to actual or perceived HIV status.

199. Social legislation does not include any provisions relating to unemployment benefits.
200. To protect workers against unfair dismissal, employers are required to provide before the competent court evidence that the grounds alleged to justify the termination were legitimate, in the event that the reason for the dismissal is challenged. Any unfair dismissal gives rise to reinstatement of the worker or, if reinstatement is challenged or refused, the payment of damages. All workers, including migrant workers, who consider that their employment contracts were unfairly terminated may bring a claim before the labour court for reparation for the injury. The statute of limitations for action to seek damages is five years after the termination of employment relations.

Reply to the issue raised in paragraph 28

201. No distinction is made in Burkina Faso legislation between frontier, seasonal and itinerant workers and workers who are nationals of Burkina Faso. They therefore enjoy equal treatment to that of nationals with respect to remuneration and conditions of work. The labour inspectorate is responsible for all matters relating to conditions for workers and labour relations. Labour inspectors take part in the coordination and monitoring of services and organizations involved in the application of social legislation. From 2014 to 2020, 10,152 companies in the national territory were monitored in order to study the working conditions of all workers without discrimination.

202. These inspections covered 182,923 workers, including 47,337 women. They resulted in the finding of 467,023 violations, including 2,069 relating to non-compliance with the formalities for certification of migrant workers' contracts. These violations resulted in observations, formal notices and fines on the employers responsible. Some 1,925 violations carried fines, including 54 relating to the breach of rules regarding certificates of compliance of contracts for migrant workers.

203. With a view to the continuous improvement of conditions of work, labour inspectors are also responsible for informing the competent authority of violations and abuses not specifically covered by existing legal provisions.

204. Burkina Faso carried out its fifth general population and housing census from 16 November to 15 December 2019. The data from this census will provide exhaustive information on migration, disaggregated by sex, age and employment status.

205. A migration observatory will also be put in place. This will allow for continuous monitoring of migration issues, including through more in-depth studies on migration and the consideration of additional variables such as the reason for and duration of travel, job and income.

206. A national household survey on employment and the informal sector was conducted in July 2018. In addition to sociodemographic variables such as sex, age, and place of residence, the survey involved the collection of information on migrant status, employment, social protection and problems encountered in the workplace.

207. In cooperation with IOM, the Government acquired a Migration Information and Data Analysis System in 2016. This system is intended to strengthen the operational and technical capacity of border management entities and actors, especially the border police, and to support cooperation between security forces and border communities.

Reply to the issue raised in paragraph 29

208. To combat irregular migration, several awareness-raising campaigns aimed at potential migrants were conducted by both State actors and civil society organizations.

209. These campaigns aimed at young persons have been regularly conducted through several communication channels (public lectures, radio broadcasts, showings of documentary films, etc.) to show how dangerous irregular migration is.

210. In addition, training programmes and entrepreneurial support programmes for young persons and women have been put in place to improve employment opportunities for these categories of citizens who are more likely to migrate.

211. From 2017 to 2019, the services of the Ministry for African Integration and Nationals of Burkina Faso Abroad registered more than 3,000 migrants (nationals and persons in transit). Of these migrants, 93 per cent were men and 7 per cent were women, with the number of women on the increase.

212. To ensure the safety of migrant workers who are nationals of the country, Burkina Faso has undertaken several actions including combating cross-border trafficking and irregular migration. Awareness-raising and training sessions for security officers were conducted in six regions of the country. With the financial support of the ECOWAS-Spain Fund on Migration and Development, the project has also made it possible to conduct patrols to deter trafficking and intercept victims.

213. Moreover, to reinforce security at its borders, Burkina Faso launched the Migration Information and Data Analysis System on 29 September 2017. The system has been put in place at the land borders of Burkina Faso, including at Yendéré (border with Côte d'Ivoire), Madouba (border with Mali), Dakola (border with Ghana) and Kantchari (border with the Niger).

Reply to the issue raised in paragraph 30

214. With a view to providing appropriate support for returning migrants, the national migration strategy provides for a reintegration mechanism for migrants who have been forcibly or have voluntarily returned. This mechanism is being operationalized by the Ministry for African Integration and Nationals of Burkina Faso Abroad, in cooperation with the permanent secretariat of the National Council for Emergency Assistance and Rehabilitation and their partners.

Reply to the issue raised in paragraph 31

215. See the replies in the present report to the issues raised in paragraphs 24, 29 and 30 of the list of issues.

Reply to the issue raised in paragraph 32 (a), (b), (c) and (d)

216. There is a National Child Protection Strategy 2019–2021 and a National Strategy to Combat the Worst Forms of Child Labour 2018–2023. Moreover, based on a study conducted in 2016, 45 national child protection and monitoring indicators were identified and approved.

217. Interception, awareness-raising, reintegration and follow-up activities are carried out each year. National reports on trafficking in persons are also produced annually.

218. As indicated in paragraph 5, in 2013 Burkina Faso signed agreements with a number of countries (Côte d'Ivoire, Togo and Benin) in the context of the cross-border mobility of persons and combating human trafficking.

219. Between 2013 and 2016, actions were undertaken to combat trafficking in persons in areas such as prevention, protection and victim rehabilitation and reintegration. Prevention actions using behaviour change communication techniques have made it possible to inform, improve knowledge and raise awareness of the trafficking phenomenon among the public so they can help reduce it. In 2016, the awareness-raising sessions reached 456,326 persons, of whom 33,871 were children and 422,455 were adults. These actions resulted in the recording of 240 reports or complaints of trafficking cases. In 2017, 543,522 persons were covered.

220. In addition, the joint efforts of different actors, including the defence and security forces, resulted in the interception of 1,099 alleged victims in 2015, 1,442, including 127 foreign nationals, in 2016 and 1,739, including 121 foreign nationals, in 2017.

221. Alleged and confirmed trafficking victims are accommodated in transit centres in 34 locations throughout the country with a view to returning them to their families.

222. Reintegration activities have been carried out, including school enrolment or re-enrolment, placement on an apprenticeship in the regional divisions of the National Employment Agency or with skilled tradespersons and the provision of income-generating activities. In 2017, 429 child victims of trafficking were placed on an apprenticeship, 187 were enrolled or re-enrolled in school and 98 received support to perform income-generating

activities. The country prepared its reports on trafficking in persons for 2012, 2013, 2015, 2016 and 2017.

223. Regarding improved access to justice, following the constitutional review of 5 November 2015, citizens of Burkina Faso can now file claims with the Constitutional Council. As part of the operationalization process for the legal aid fund, the Government established legal aid commissions under the auspice of the 26 courts of major jurisdiction. In the same year, radio programmes on the existence of the fund and the procedures for access to it were broadcast throughout the country.

224. Four new courts have been established to bring the justice system closer to the population. These are the Ouaga II, Pô and Koupéla courts of major jurisdiction and Fada Ngourma Court of Appeal. The establishment of these courts has helped reduce the average distance for access to a court of major jurisdiction, which will decrease from 59 km in 2016 to 52.2 km by 2027, according to the estimates of the justice and human rights sectoral policy.

Reply to the issue raised in paragraph 33

225. In 2016, action taken to suppress trafficking in children resulted in the identification of 80 individual traffickers and four trafficking networks. In addition, 43 persons were taken into police custody, of whom 11 were sent to remand and short-stay prisons. In 2017, 91 alleged traffickers and 15 trafficking networks were identified and 19 persons were remanded in custody. As part of implementation of the cooperation agreement with Côte d'Ivoire, 12 intercepted child victims of cross-border trafficking were brought back to Burkina Faso. Conversely, Burkina Faso intercepted five child victims of trafficking of Togolese nationality, who were returned to their country of origin.

Reply to the issue raised in paragraph 34

226. Under article 13 of the Refugees Act: "Any person recognized as a refugee in Burkina Faso shall receive a refugee identity card with the particulars, validity period and renewal arrangements set by a decree adopted by the Council of Ministers."

227. In accordance with this provision, the National Identification Office produces and issues refugee identity cards to all refugees on the recommendation of the permanent secretariat of the National Commission for Refugees. The cards are valid for two years and are renewable upon expiry at the request of their holders.

228. Refugees use these cards, which are fully accepted for administrative, civil and other purposes, if the services being requested require the use of an identity card. From 2017 to 2019, Burkina Faso produced and issued almost 6,885 identity cards for refugees.

Reply to the issue raised in paragraph 35

229. The State has established a legal and institutional framework to protect the rights of migrant workers and members of their families.

230. The laws and implementing regulations within this framework include:

- Ordinance No. 84-049/CNR/PRES of 4 August 1984 setting the entry, stay and exit conditions for Burkina Faso nationals and foreigners
- Act No. 015-2006/AN of 11 May 2006 on Social Security Provision for Employed Persons and Persons Treated as Such
- Act No. 028-2008/AN of 13 May 2008 on the Labour Code
- Act No. 042-2008/AN of 23 October 2008, the Refugees Act
- Act No. 025-2018/AN of 31 May 2018 on the Criminal Code
- Act No. 015-2019/AN of 2 May 2019 on the Organization of the Judiciary
- Act No. 040-2019/AN of 29 May 2019 on the Code of Criminal Procedure
- Decree No. 2016-185/PRES/PM/MJDHPC/MINEFID on the organization of legal aid in Burkina Faso

- Decree No. 2010-807/PRES/PM/MTSS of 31 December 2010 setting the conditions of work of domestic servants
- Decree No. 2011-119/PRES/PM/MAECR of 10 March 2011 on the procedures for implementation of the Refugees Act
- Decree No. 2011-118/PRES/PM/MAECR of 11 March 2011 on the role, composition, organization and functioning of the National Refugee Commission
- Decree No. 2016-504/PRES/PM/MFPTPS/MS/MFSNF of 9 June 2016 on the establishment of the list of dangerous occupations that are prohibited to children

231. The institutions and institutional reforms include:

- The Directorate General of Economic Affairs and Planning and the National Institute of Statistics and Demography of the Ministry of Economic Affairs, Finance and Development, whose objective is to elaborate development policies and translate them into plans and programmes, coordinate and follow up economic and social development policies and assess development projects and programmes; the National Institute of Statistics and Demography, whose objective is to develop analysis and decision-making tools and instruments and to disseminate statistical and economic information.
- The Directorates General for promotion and protection of human rights of the Ministry of Justice, Human Rights and the Promotion of Civic Values, whose main missions are to promote, protect and defend the human rights of all groups of persons living in Burkina Faso.
- The Ministry responsible for Burkina Faso nationals abroad, whose mission is to implement policy on protection of Burkina Faso nationals abroad and of their interests, facilitate their reintegration into national life and ensure their full participation in the development of Burkina Faso.
- The Directorate General of Labour of the Ministry of the Civil Service, Labour and Social Protection, which monitors and follows up labour migration. It is also responsible for cooperation regarding labour and social protection. It is supplemented by the Directorate General of Social Protection, which deals exclusively with issues relating to the social security of migrant workers. In addition to these central directorates, there are 13 regional directorates of labour and social protection that are responsible for monitoring the application of labour law in all the companies within their jurisdiction.
- The Directorate General of Civil Protection of the Ministry of Territorial Administration and Decentralization, whose responsibilities include the coordination of activities relating to migration management and the development of reception and settlement strategies for migrant populations.
- The National Human Rights Commission.
- The permanent secretariat of the National Commission for Refugees, which is responsible for coordination, advice and follow-up on issues relating to refugees.
- The permanent secretariat of the National Council for Emergency Assistance and Rehabilitation, which works on assistance actions for returnees and migrants, migrants in transit and, more generally, on aid and assistance for vulnerable persons, including migrants. It is also responsible for the protection of children and persons in difficulty.
- The permanent secretariat of the National Border Commission, which is responsible for coordination and steering of the management of borders and border areas in Burkina Faso. It also monitors compliance with the rules on the free movement of persons and goods at border checkpoints.

232. The policies, programmes and action plans covering migration include:

- National Economic and Social Development Plan

- Action plan for implementation of the recommendations of the universal periodic review and the treaty bodies for the period 2014–2017
- National Strategy on Migration 2016–2025
- Sectoral policy on labour, employment and social protection for the period 2018–2027
- Sectoral policy on justice and human rights for the period 2018–2027
- National Population Policy 2010–2030
- National Programme to Combat Child Labour at Gold-Panning Sites And Artisanal Quarries in Burkina Faso for the period 2015–2019
- Road map for the removal of children from gold-panning sites and artisanal quarries and for the rehabilitation of such children for the period 2015–2019
- National Strategy to Combat the Worst Forms of Child Labour for the period 2019–2023 and the related operational action plan (2019–2021)

233. Regarding the measures taken to ratify human rights and other relevant instruments, Burkina Faso is a party to almost all the human rights treaties. In the area of labour, Burkina Faso ratified the ILO Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187) on 13 October 2016.

234. Social partners have been informed and consulted about the ratification process for ILO Convention No. 189. The matter was subsequently referred to the Advisory Commission on International Labour Standards. The Commission recommended that a study be carried out before possible ratification. However, domestic workers already enjoy specific legal protection through Decree No. 2010-807/PRES/PM/MTSS of 31 December 2010 setting the conditions of work of domestic servants.

235. Regarding recent comprehensive studies on the situation of migrant workers and members of their families, a symposium on migration in Burkina Faso was held in Ouagadougou on 13 and 14 July 2006. This helped to identify migration issues and make relevant recommendations, which resulted in the development of the National Strategy on Migration. Moreover, a quantitative study on international migration was carried out in 2021 by the Higher Institute of Population Sciences.

Reply to the issue raised in paragraph 36 (a)

236. The fifth general population and housing survey in Burkina Faso was carried out from 16 November to 15 December 2019. In addition, a national identification file of Burkina Faso nationals living abroad was drawn up in the context of the 2020 presidential elections.

237. Burkina Faso has experienced international migration on a very large scale since long before the entry into force of the Convention in 2003. The emigration trends from 2013 to 2017 were for a progressive increase in the number of persons leaving the country. During this period, Burkina Faso recorded 43,606 departures in 2013, 44,429 in 2014, 49,572 in 2015, 58,671 in 2016 and 71,176 in 2017.

238. While being a country of high emigration, Burkina Faso is also a country that accommodates communities of foreign nationals. The 2006 census showed that there were 60,074 foreigners in a population of 14,017,262 inhabitants.

239. Regarding international labour migration, Burkina Faso does not yet have comprehensive and accurate data on all the foreigners actually working in its territory. However, general reports on the activities of the labour inspection services for the period 2014 to 2017 indicated the employment of 1,532 migrant workers, including 168 women, in the formal sector.

240. Burkina Faso nationals living abroad have often been compelled to move by the crisis situations and social disorder observed in some host countries. Moreover, the difficult security situation with terrorism observed in Burkina Faso, Mali and the Niger has resulted in many population movements on both sides of the border. For example, in March 2016, Burkina Faso received 2,194 of its own nationals following the intercommunal conflicts in Bouna, Côte d'Ivoire. In 2017, 3,000 persons were received, including 2,000 asylum-seekers,

following the Dogon-Fulani conflicts in Mali. Through the National Council for Emergency Assistance and Rehabilitation, the Government provided them with support, including food, health care, psychosocial support, nutritional support, re-issuance of documentation, schooling and resettlement assistance.

241. In 2019, in cooperation with IOM, the country developed a national referral mechanism for migrants in Burkina Faso, with the following objectives:

- Ensuring respect for the human rights of migrants through effective referral of migrants to enable partners to meet their specific needs
- Strengthening networking among qualified partners to provide high-quality assistance adapted to the needs of each identified migrant
- Providing advice and information to partners and to migrants themselves on the various stages and possibilities of assistance for migrants

242. Two tools were developed based on this reference standard. They are standard operating procedures for assisted voluntary return and reintegration and for assistance to migrants in transit. The tools contribute to developing a comprehensive system of cooperation between governmental and non-governmental partners to facilitate collaboration on direct assistance to migrants identified in Burkina Faso.

Reply to the issues raised in paragraph 36 (b), (c) (d), (e), (f) and (g)

243. Statistical data on detained persons are not disaggregated by nationality and occupation, which makes it difficult to provide accurate data on migrant workers deprived of their liberty. Equally, there are no known official statistics on the number of detained nationals of Burkina Faso abroad.

244. From 2017 to 2019, no migrant worker was expelled from Burkina Faso. There are no statistics on cases of unaccompanied migrant children or migrant children separated from their parents. Since the security situation has caused mass population movements, the protection cluster has recorded 2,615 unaccompanied and separated children with cases of children associated with unidentified armed groups.

245. Remittances sent through official channels by nationals of Burkina Faso working abroad amounted to 221.3 billion in 2017, 230.2 billion in 2018 and 241.7 billion in 2019.

246. Regarding the punishment of trafficking in persons, from 2017 to 2018, prosecutions were initiated against 150 persons, of whom 11 were charged, 79 were arraigned and 61 were convicted. For migrant smuggling, the judicial services recorded two cases involving six persons over the same period.

247. The right to a lawyer is a fundamental right enjoyed by all persons living in Burkina Faso. Moreover, disadvantaged persons have access to a lawyer through legal aid. Legal aid is granted to any natural person who is a national of Burkina Faso, resident in the country and unable to exercise his or her rights as either plaintiff or defendant owing to indigence. Equally, subject to reciprocity, any natural person with foreign nationality who habitually and regularly resides in Burkina Faso may claim legal aid under the same conditions.

248. In the social sphere, the Labour Code sets out the procedures for the assistance and representation in court of workers and employers, whether they are plaintiffs or defendants. Under article 347 of the Code:

The parties shall attend at the location, on the date and at the time determined by the presiding judge of the labour court.

They may be assisted or represented by one of the following persons:

1. A worker or employer belonging to the same sector of activity;
2. A lawyer duly registered in a bar association;
3. A representative of the trade unions to which they belong.

...

Except for lawyers, any representative of the parties must have received a written order from the represented person approved by the presiding judge of the labour court or labour division.

Reply to the issue raised in paragraph 37

249. In fulfilment of the action plan for the implementation of recommendations of the universal periodic review and the treaty bodies, a consultation meeting on whether to declare recognition of the Committee's competence to receive individual and inter-State communications was organized on 9 August 2018. Following this meeting, the participants unanimously recommended that the State recognize the Committee's competence. The process of implementing the conclusions of this meeting is ongoing.
