



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

Concluding observations on the initial report of the Congo*

1. The Committee considered the initial report of the Congo¹ at its 556th and 557th meetings,² held on 5 and 6 June 2024. At its 570th meeting, held on 14 June 2024, it adopted the present concluding observations.

A. Introduction

2. The Committee welcomes the submission of the initial report of the State party, due in 2018, which was prepared in response to the list of issues prior to reporting.³ The Committee also welcomes the additional information provided by the delegation led by Aimé Clovis Guillond, Permanent Representative of the Congo in Geneva, during the dialogue.

3. The Committee appreciates the dialogue held with the delegation, the information provided by the State party's representatives and the constructive approach to the meetings, which allowed for joint analysis and reflection. The Committee is also grateful to the State party for its replies and the additional information it submitted within 24 hours of the dialogue.

4. The Committee acknowledges that the Congo, as a country of origin of migrant workers, has made progress in protecting the rights of its nationals working abroad. However, it notes that, as a country of origin, transit and destination, the State party is facing a number of challenges in relation to the protection of the rights of migrant workers and members of their families.

B. Positive aspects

5. The Committee notes with appreciation the ratification of or accession to the following instruments:

- (a) The International Covenant on Civil and Political Rights;
- (b) The International Covenant on Economic, Social and Cultural Rights;
- (c) The International Convention on the Elimination of All Forms of Racial Discrimination;
- (d) The Convention on the Elimination of All Forms of Discrimination against Women;
- (e) The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

* Adopted by the Committee at its thirty-eighth session (3–14 June 2024).

¹ CMW/C/COG/1.

² See CMW/C/SR.556 and CMW/C/SR.557.

³ CMW/C/COG/QPR/1.



- (f) The Convention on the Rights of the Child;
- (g) The Convention on the Rights of Persons with Disabilities;
- (h) The International Convention for the Protection of All Persons from Enforced Disappearance;
- (i) The International Labour Organization (ILO) Migration for Employment Convention (Revised), 1949 (No. 97);
- (j) The ILO Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143);
- (k) The African Charter on Human and Peoples' Rights;
- (l) The Congolese Charter of National Unity and the Congolese Charter of Rights and Freedoms of 29 May 1991.

6. The Committee also welcomes the legislative reform amending and supplementing certain provisions of Act No. 23-96 of 6 June 1996 on the conditions of entry, stay and exit for foreigners, as well as the adoption of the following laws:

- (a) Act No. 12-2023 of 10 May 2023, amending and supplementing certain provisions of Act No. 37-2014 of 27 June 2014, establishing the universal health insurance scheme;
- (b) Act No. 41-2021 of 29 September 2021 on the right of asylum and the status of refugees;
- (c) Act No. 29-2017 of 7 August 2017, amending and supplementing certain provisions of Act No. 23-96 of 6 June 1996 on the conditions of entry, stay and exit for foreigners;
- (d) Act No. 37-2014 of 27 June 2014, establishing the universal health insurance scheme (amended and supplemented by Act No. 12-2023 of 10 May 2023);
- (e) Act No. 10-2012 of 4 July 2012, establishing the scheme for families and children facing difficulties;
- (f) Act No. 004/86 of 25 February 1986, establishing the Social Security Code;
- (g) Act No. 45-75 of 15 March 1975 establishing the Labour Code, supplemented and amended by Act No. 06-96 of 6 March 1996.

C. Principal subjects of concern and recommendations

1. General measures of implementation (arts. 73 and 84)

Protection of rights in time of crisis

7. The Committee recommends that the State party take all necessary measures to develop and implement a framework to guarantee the continued protection of the rights of migrant workers and members of their families in times of crisis (wars, natural disasters and pandemics), including by ensuring the safe and prompt repatriation of Congolese migrant workers and members of their families, if necessary, and to mitigate the negative effects of such events on the enjoyment by migrant workers and members of their families of their rights.

Articles 76 and 77

8. The Committee notes that the State party has not made the declarations provided for in articles 76 and 77 of the Convention recognizing the competence of the Committee to receive and consider communications from States parties and individuals.

9. The Committee encourages the State party, bearing in mind the challenges linked to the protection of migrant workers and members of their families, to consider making without delay the declarations provided for in articles 76 and 77 of the

Convention to recognize the competence of the Committee to receive and consider communications from States parties and individuals concerning violations of the rights established by the Convention.

Legislation and application

10. The Committee notes that the regulatory framework governing migration issues remains fragmented and incomplete, and that the State party has no legislation relating to persons in need of international protection, in particular migrant workers and members of their families.

11. **The Committee recommends that the State party ensure that its legislation and national policies are in conformity with the provisions of the Convention; that it take clear and effective measures – with deadlines, indicators and monitoring and evaluation benchmarks – to implement a previously defined migration policy; that it provide sufficient human, technical and financial resources for its implementation; and that it include, in its next periodic report, information, supported by statistics, on the results achieved and difficulties encountered. The Committee also recommends that the State party adopt a legislative framework on asylum without further delay.**

12. The Committee regrets that, according to the information provided in the State party's report, the provisions of the Convention have not yet been applied by public officials in the administration and that the Convention has never been invoked directly before the courts. The Committee also regrets that the information provided by the State party indicates that awareness-raising activities focus only on the rights and duties of refugees.

13. **The Committee recommends that the State party ensure, in law and in practice, that migrant workers and members of their families, including those in an irregular situation, have the same opportunities as its nationals to file complaints and obtain redress in the courts when their Convention rights are violated. The Committee also recommends that the State party take additional measures to inform migrant workers and members of their families, including those in an irregular situation, about the judicial and other remedies available to them in the event of a violation of their Convention rights. The Committee also recommends that the State party provide in its next periodic report information on the application of the Convention by national courts and other public bodies, and information on the measures taken to promote awareness, knowledge and the application of the Convention.**

Ratification of relevant instruments

14. The Committee notes with satisfaction that the Congo has ratified several ILO conventions and that the Migration for Employment Convention (Revised), 1949 (No. 97) and the Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143) will enter into force in October 2024. However, the State party has not yet ratified or acceded to the following instruments:

- (a) The Social Security (Minimum Standards) Convention, 1952 (No. 102);
- (b) The Minimum Wage Fixing Convention, 1970 (No. 131);
- (c) The Safety and Health in Construction Convention, 1988 (No. 167);
- (d) The Private Employment Agencies Convention, 1997 (No. 181);
- (e) The Domestic Workers Convention, 2011 (No. 189);
- (f) The Violence and Harassment Convention, 2019 (No. 190).

15. **The Committee invites the State party to consider ratifying or acceding to without delay the ILO conventions to which it is not yet a party, including the Social Security (Minimum Standards) Convention, 1952 (No. 102), the Minimum Wage Fixing Convention, 1970 (No. 131), the Safety and Health in Construction Convention, 1988 (No. 167), the Private Employment Agencies Convention, 1997 (No. 181) and the Domestic Workers Convention, 2011 (No. 189).**

Policy and strategy

16. The Committee takes note of the establishment of an immigration office responsible for processing the documents of foreign nationals but regrets the absence of a migration policy and strategy aimed, in particular, at implementing the Convention and enabling migrant workers to fully exercise their rights.

17. **The Committee recommends that the State party develop comprehensive policies and strategies for the promotion and protection of the rights of migrant workers and members of their families, in accordance with its obligations under the Convention. The Committee also recommends that the State party:**

(a) **Ensure that these policies and strategies focus on the implementation of the Convention and provide for a comprehensive migration policy based on human rights, including gender issues, the best interests of children and the rights of all migrant workers and members of their families, whether they are living in the Congo or are Congolese nationals living outside the State party;**

(b) **Take effective measures, with clear time frames, indicators and monitoring and evaluation benchmarks, to implement these strategies; provide sufficient human, technical and financial resources for their implementation; and include in its next periodic report relevant information, supported by statistics, on the results achieved and the difficulties encountered.**

Coordination

18. The Committee takes note of the information provided on the role played by the Ministry of Labour and Social Security in coordinating the implementation of the Convention. However, the Committee is concerned about the lack of information on the Ministry's efforts to implement the Convention and to promote the rights of migrant workers and members of their families, both in the State party and abroad.

19. **The Committee recommends that the State party establish an appropriate high-level interministerial body with a clear mandate and sufficient authority to coordinate all activities aimed at the effective implementation of the rights protected under the Convention, and provide this coordinating body with the human, technical and financial resources necessary for its effective and sustainable functioning.**

Data collection

20. The Committee is concerned about the lack of detailed information and statistics on many migration-related issues, in particular on the number and situation of foreign migrant workers present in the State party, on the number of migrant workers who are nationals of the State party and who work abroad and on their conditions of employment, and on the number and situation of returnees, migrants in transit, women and migrant children who are unaccompanied or who have been separated from their families. The Committee recalls that this type of information is essential for assessing the situation of migrant workers, evaluating the implementation of the Convention and determining the measures necessary for its implementation.

21. **The Committee recommends that the State party:**

(a) **Establish, in accordance with target 17.18 of the Sustainable Development Goals and objective No. 1 of the Global Compact for Safe, Orderly and Regular Migration, a system to collect data on the situation of migrant workers and members of their families in the State party, in particular those in an irregular situation, covering all aspects of the Convention; and provide publicly available statistics on foreign migrant workers, both in regular and irregular situations, migrant workers in transit, members of their families, nationals working abroad and their conditions of employment, returnees, children who migrate abroad, including unaccompanied children, and spouses and children of migrant workers who are left behind in the State party, to effectively promote human rights-based migration policies;**

- (b) Take account, during data collection exercises, of gender issues, the best interests of children and human rights; ensure that the rights to privacy and to the protection of personal information and data of migrant workers and members of their families are respected, including by putting in place firewalls; and ensure that personal information is deleted once the purpose of the data collection exercise has been achieved, so that personal data are not used for migration control or discrimination in public and private services;
- (c) Include in such a system the situation of all migrant workers and members of their families for whom the Congo is a country of origin, transit, destination or return, and compile data disaggregated, *inter alia*, by sex, age, nationality, reason for entry into and departure from the country, the type of work performed, particular categories of migrant workers, ethnic origin, migration status and disability;
- (d) Ensure the coordination, integration and dissemination of such data and design indicators to measure progress and the results of policies and programmes based on such data;
- (e) Submit, in its next periodic report, data based on studies or estimates where it is not possible to obtain precise information, such as information on migrant workers in an irregular situation.

Independent monitoring

22. The Committee notes with satisfaction the establishment in 2018 of the National Human Rights Commission by Act No. 30-2018 of 7 August 2018, in accordance with articles 214 and 215 of the Constitution of 25 October 2015. The Committee also notes the allocation of human and financial resources to the Commission and its being granted category B status by the Global Alliance of National Human Rights Institutions. The Committee regrets, however, that it has not received any information on individual complaints received by the Commission from migrant workers or members of their families or on the action taken in response to any such complaints.

23. **The Committee recommends that the State party take the measures necessary to ensure that the National Human Rights Commission is granted category A status and is able to promote and protect the Convention rights of migrant workers and members of their families, in particular by examining complaints filed by migrant workers and members of their families and by monitoring living conditions in places where they may be deprived of their liberty.**

Training and dissemination of information on the Convention

24. The Committee takes note of the information provided by the State party on the human rights training that has taken place, particularly on the fight against trafficking in persons, with the support of technical and financial partners. However, the Committee is concerned about the lack of training on the Convention and about the scant information on the dissemination of the Convention and the rights it enshrines to all interested parties, including national public bodies, civil society organizations, and migrant workers and members of their families.

25. **The Committee recommends that the State party take all measures necessary to put in place:**

- (a) **Education and training programmes on the rights of migrant workers and members of their families under the Convention, making these programmes available to all officials and persons working in the field of migration, in particular law enforcement and border officials, agents of the authorities, judges, prosecutors and the consular officials concerned, as well as national, regional and local officials, social workers, trade unions, labour inspectors and civil society organizations, including migrant organizations;**
- (b) **Further measures to ensure that migrant workers and members of their families have access to information and guidance on their rights under the Convention in all languages commonly used in the State party, without discrimination, in particular**

through pre-employment and pre-departure orientation programmes which include information on the conditions of their admission and employment and on their rights and obligations under the legislation and practice of the States of employment;

(c) Cooperation with the media and civil society organizations to disseminate information about and promote the Convention throughout the State party and in the destination countries of Congolese migrant workers.

2. General principles (arts. 7 and 83)

Non-discrimination

26. The Committee notes that the principle of non-discrimination is enshrined in the State party's legislation, but nevertheless regrets that it does not cover all the grounds for discrimination prohibited by articles 1 (1) and 7 of the Convention, including sex, language, national, ethnic or social origin, nationality, age, economic status, marital status, birth status, migration status or any other status. The Committee also notes with concern the lack of information on measures taken to guarantee the principle of non-discrimination in practice in the State party.

27. The Committee recommends that the State party:

(a) Strengthen its legislative and other measures to ensure that all migrant workers and members of their families within its territory or subject to its jurisdiction, regardless of their migration status, enjoy without discrimination the rights recognized by the Convention, in accordance with articles 1 (1) and 7 thereof, and adopt a comprehensive law to combat all forms of discrimination that is in conformity with the International Convention on the Elimination of All Forms of Racial Discrimination;

(b) Provide information in its next periodic report on the measures taken to improve and implement its legislative framework on non-discrimination as regards the rights of migrant workers and members of their families, irrespective of their migration status.

Right to an effective remedy

28. The Committee regrets that measures to implement Act No. 001-84 of 20 January 1984 on the reorganization of legal aid, in particular measures relating to the establishment of legal aid offices for each court, have not been taken, thus making it impossible for migrant workers and members of their families who are under investigation or are arrested, detained or subject to an expulsion order for having violated immigration legislation to gain access to the services of a lawyer and an interpreter.

29. The Committee recommends that the State party ensure, in law and in practice, that migrant workers and members of their families, including those in an irregular situation, have the same opportunities as its nationals to file complaints and obtain redress before the courts when their Convention rights have been violated. The Committee also recommends that the State party take additional measures to inform migrant workers and members of their families, including those in an irregular situation, about the judicial and other remedies available to them in the event of a violation of their Convention rights.

3. Human rights of all migrant workers and members of their families (arts. 8–35)

Labour exploitation and other forms of ill-treatment

30. The Committee notes with satisfaction the following measures to combat forced labour, trafficking in persons and exploitation:

(a) The ratification of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime;

- (b) The ratification of the Convention on Cooperation and Mutual Legal Assistance between the Member States of the Economic Community of Central African States;
- (c) The adoption of Act No. 22-2019 of 17 June 2019 on combating trafficking in persons;
- (d) The adoption of Act No. 4-2010 of 14 June 2010 on child protection;
- (e) The setting up of a working group on child protection to combat trafficking in children;
- (f) The drawing up of a draft decree to establish the types of work and categories of businesses where children are prohibited and the age up to which such prohibitions are applicable.

31. The Committee remains concerned, however, about the information received on the extent of child labour in the informal sector and about the fact that children often work in dangerous conditions and situations of vulnerability. The Committee also remains concerned about the lack of a specific policy to protect migrant workers from the risk of labour exploitation.

32. **In accordance with targets 8.7 and 16.2 of the Sustainable Development Goals, the Committee recommends that the State party:**

- (a) **Increase the number of unannounced, spontaneous labour inspections, in particular in the informal sector of the economy, and prosecute and punish persons or groups exploiting migrant workers, in particular children, or subjecting them to forced labour, abusive practices, particularly in the informal economy, or sexual exploitation;**
- (b) **Adopt and implement a national plan to reduce child labour and eliminate the worst forms of child labour, drawing on technical assistance from ILO and the United Nations Children's Fund; and provide the necessary assistance to migrant workers, especially children, who have been victims of labour exploitation and other forms of exploitation, ensure their protection and provide them with the necessary rehabilitation measures, including psychosocial rehabilitation;**
- (c) **Compile information on the extent of child labour, including that by migrant children in the State party and Congolese children abroad, to check the level of compliance with its legislative framework, its policies and its obligations under the ILO Forced Labour Convention, 1930 (No. 29), Abolition of Forced Labour Convention, 1957 (No. 105) and Worst Forms of Child Labour Convention, 1999 (No. 182).**

Consular assistance

33. The Committee welcomes the information received from the State party on the rights of migrant workers in its territory with regard to consular assistance. The Committee regrets the lack of information on the consular and diplomatic assistance and legal aid offered by the State party to Congolese migrant workers, including those in an irregular situation, in contexts other than during specific situations such as the coronavirus disease (COVID-19) pandemic in China or the armed conflict in Ukraine.

34. **The Committee recommends that the State party:**

- (a) **Ensure that all migrant workers and members of their families have access to consular support for the protection of the rights set out in the Convention;**
- (b) **Ensure that the staff of its embassies and consulates abroad have appropriate knowledge of the laws and procedures of the countries of employment of Congolese migrant workers and the Convention;**
- (c) **Provide detailed and disaggregated information on the number of nationals working abroad who have been arrested, detained or expelled;**
- (d) **Provide information on the legal aid provided by the State party to migrant workers and members of their families.**

Trade unions

35. The Committee takes note of the information provided by the State party to the effect that the Congolese Constitution guarantees migrant workers and members of their families the rights to form associations (art. 27) and to freedom of association (art. 32). However, it is concerned about the legal restrictions on these rights mentioned in the State party's report and the fact that the State party has not provided any information on their application in practice.

36. **The Committee recommends that the State party take all measures necessary, including legislative amendments, to guarantee all migrant workers, including those in an irregular situation, the right to take part in trade union activities and to freely join trade unions, in accordance with article 26 of the Convention and the ILO Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87).**

Social security

37. The Committee notes that, under Act No. 004/86, establishing the Social Security Code, migrant workers enjoy the right to social security under the same conditions as nationals. It regrets, however, the lack of information on the conditions that migrant workers in an irregular situation must meet by law in order to have access to social security on an equal footing with nationals, and the scant information on the existence of bilateral and multilateral social security agreements signed by the State and on their implementation.

38. **The Committee recommends that the State party ensure that all migrant workers and members of their families, regardless of their migration status, are able to subscribe to a social security and retirement pension scheme and that they are informed of their rights in this regard.**

Medical care

39. The Committee welcomes the information provided by the State party to the effect that the right to health is not subject to any restrictions and that both nationals and migrants are covered by the public health system. The Committee nevertheless regrets the lack of information on migrant workers' effective access to medical care.

40. **The Committee recommends that the State party ensure that all migrant workers and members of their families, including those in an irregular situation, have access to the health-care system, and recommends that it provide information in this regard in its next periodic report.**

Birth registration and nationality

41. The Committee takes note of the work carried out by the Government of the State party to facilitate the registration, free of charge, of all children born on its territory and of the national policy to reform and modernize the civil registry aimed at ensuring the registration of all births so that there are "zero children without a birth certificate". The Committee remains concerned, however, about reports that a large number of children have still not been registered and that unofficial payments are demanded for the late registration of births. The Committee is also concerned about the one-month deadline for registering the births of the children of migrant workers, particularly those in an irregular situation, and its possible impact on situations of statelessness.

42. **Bearing in mind joint general comments No. 3 and No. 4 (2017) of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families and No. 22 and No. 23 (2017) of the Committee on the Rights of the Child on the human rights of children in the context of international migration, target 16.9 of the Sustainable Development Goals and the recommendation made by the Committee on the Rights of the Child in its previous concluding observations,⁴ the Committee recommends that the State party ensure that all children of expatriate Congolese migrant workers and children born in the territory of the State party, in particular**

⁴ [CRC/C/COG/CO/5-6](#), para. 21.

children born to migrants in an irregular situation, are registered at birth, issued with personal identity documents and acquire a nationality. The Committee also recommends that the State party make migrants aware of the importance of registering the birth of their children.

Education

43. The Committee notes with satisfaction that the right to education is a constitutional right guaranteed to all children present in Congolese territory up to 16 years of age, and that article 27 of Act No. 4-2010 of 14 June 2010 on child protection states that: “All children living in the territory of the Republic of the Congo have the right, irrespective of their origin, nationality, sex, creed or level of wealth, to an education that allows for the full development of their intellectual, artistic, moral and physical capacities, in addition to their civic and professional training. They shall be entitled to receive a free primary and secondary education in a public school. It is compulsory for children to be enrolled in primary education from the age of 6 years.” The Committee nevertheless regrets the lack of information on the education of the children of migrant workers and the implementation of this right in practice.

44. **In line with joint general comments No. 3 and No. 4 (2017) of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families and No. 22 and No. 23 (2017) of the Committee on the Rights of the Child, and with target 4.1 of the Sustainable Development Goals, the Committee recommends that the State party:**

(a) **Ensure, in accordance with article 30 of the Convention, that all children of migrant workers, irrespective of their or their parents’ migration status and documentation, have access to preschool, primary and secondary education on an equal footing with nationals and are able to obtain certificates attesting to the completion of every class and level of education, and that all educational establishments fulfil this obligation;**

(b) **Ensure that all actors in the education sector receive training on the laws and procedures governing the right of all children and adolescents, including the children of migrants and children with disabilities, to be enrolled in an educational establishment, and run awareness-raising campaigns to combat prejudices and social stigma.**

4. Other rights of migrant workers and members of their families who are documented or in a regular situation (arts. 36–56)

Right to vote and to be elected in the State of origin

45. While noting the legislative reform process aimed at allowing Congolese migrants to effectively exercise the right to take part in the public affairs of their State of origin, to vote and to be elected in elections organized by that State, the Committee is concerned about the paucity of information on this subject and also notes the lack of information on the right of migrant workers residing in the Congo to vote and to take part in public affairs.

46. **The Committee recommends that the State party take steps to create the conditions for all migrant workers and members of their families living abroad, especially in countries where the Congo has no diplomatic representation, to exercise their right to vote and be elected. It also invites the State party to provide, in its next periodic report, information on the right of migrant workers residing in the Congo to vote and to take part in public affairs, both in their country of origin and in the State party.**

5. Promotion of sound, equitable, humane and lawful conditions in connection with the international migration of workers and members of their families (arts. 64–71)

Children and adolescents in the context of migration

47. The Committee notes the efforts made by the State party to ensure the well-being of the children of foreign migrant workers. However, it is concerned about the lack of

information on children left behind in the country of origin and entrusted to other families. It also regrets the lack of clarity regarding the measures taken to facilitate the resettlement and reintegration of returning Congolese migrant workers, including their reunion with children left behind in the country of origin.

48. **In accordance with joint general comments No. 3 and No. 4 (2017) of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families and No. 22 and No. 23 (2017) of the Committee on the Rights of the Child, the Committee recommends that the State party:**

(a) **Conduct nationwide research on the children of migrant workers in the Congo and on those left behind in the country of origin to construct the demographic profile of this population as a means of guiding its policies and programmes;**

(b) **Adopt a comprehensive strategy to promote and protect the rights of the children and families of Congolese workers, in particular through education, business creation, training and social assistance programmes, and continue to cooperate with civil society actors on the ground and in the country of origin to this end;**

(c) **Provide information in its next periodic report on the measures taken to facilitate the resettlement and reintegration of returning Congolese migrant workers, including their reunion with children left behind.**

Migrant women

49. The Committee notes the adoption of Act No. 19-2022 of 4 May 2022, the Mouebara Act, on combating violence against women. The Committee is nevertheless concerned about the lack of information on measures to ensure gender equality in migration policies and the protection of migrant women and girls from gender-based violence, including information on the implementation in practice for migrant women and girls of the provisions of the Mouebara Act.

50. **The Committee recommends that the State party:**

(a) **Ensure gender equality in migration policies, in particular by taking measures to eliminate discrimination against migrant women, including gender-based violence, and make certain that they can exercise their rights to health, education and employment;**

(b) **Increase the number of labour inspections to ensure that the working conditions of women migrant domestic workers, including those in an irregular situation, are monitored more closely, in accordance with the Committee's general comment No. 1 (2011), and that they have access to complaint mechanisms.**

Measures to address migrant workers in an irregular situation

51. The Committee takes note of the information provided on the legal framework governing the entry and stay of foreign nationals in the State party and the existence of a time limit for regularization. The Committee also takes note of the information provided by the State party during the dialogue on the legal conditions for the regularization of migrant workers and members of their families in an irregular situation in its territory and the number of migrants in an irregular situation. It is particularly concerned about the very short deadline for regularization set by national law.

52. **The Committee recommends, in line with the Recommended Principles and Guidelines on Human Rights at International Borders of the Office of the United Nations High Commissioner for Human Rights, that the State party:**

(a) **Design and implement a comprehensive policy to ensure that migrant workers and members of their families in an irregular situation have access to an accessible and affordable regularization procedure within a reasonable time frame;**

(b) **Strengthen rights-based migration law and policy on migration and border management taking into consideration the rights and needs of migrant workers**

and the benefits of organized mobility, and encourage regular, open and simplified labour migration;

(c) Remove economic and other barriers to long-term residence facing migrant workers and members of their families, including by introducing more flexible documentation requirements;

(d) Collect statistical data, broken down by nationality, sex, age and lawfulness of the migration, on the residence permits issued by the State party;

(e) Raise awareness among migrant workers who are in an irregular situation of such procedures;

(f) Provide information on this subject in its next periodic report.

Trafficking in persons and smuggling of migrants

53. The Committee notes the measures taken by the State party to combat trafficking in persons and the exploitation of foreign nationals, in particular the adoption of Act No. 22-2019 of 17 June 2019 on combating trafficking in persons. The Committee notes with concern that the State party is a country of origin, destination and transit for trafficking in persons. It also notes with concern:

(a) The scale of internal trafficking in persons, particularly for the purposes of sexual exploitation;

(b) The exploitation of women and girls, particularly those from Benin and the Democratic Republic of the Congo;

(c) The scant information available on the number of investigations conducted, prosecutions brought and convictions secured for trafficking in persons and sexual exploitation, as well as on any prevention and protection mechanisms, including rehabilitation programmes, that have been put in place for victims.

54. The Committee recommends that the State party:

(a) Develop services for the protection, rehabilitation and reintegration of victims of trafficking in persons and ensure that these services are adequately resourced and that victims have access to redress;

(b) Provide police officers, border guards, judges, lawyers and other relevant staff with appropriate training to enable them to identify potential victims of trafficking and to refer them immediately to assistance services, and ensure that victims of trafficking are never regarded as criminals;

(c) Ensure that trafficking in persons and the exploitation of prostitution are duly punished, and draw up and adopt a national action plan against trafficking, with measurable indicators and objectives;

(d) Collect data on the extent and root causes of trafficking in persons, disaggregated by age, gender and ethnic origin, and targeting trafficking flows to, from and through the territory of the State party.

6. Dissemination and follow-up

Dissemination

55. The Committee requests the State party to ensure the timely dissemination of the present concluding observations, in the official language of the State party, to the relevant State institutions at all levels, including to government ministries, the legislature, the judiciary and local authorities, as well as to non-governmental organizations and other members of civil society.

Technical assistance

56. The Committee recommends that the State party further avail itself of international and intergovernmental assistance for the implementation of the

recommendations contained in the present concluding observations, in line with the 2030 Agenda for Sustainable Development. It also recommends that the State party continue its cooperation with specialized agencies and with programmes of the United Nations. The Committee remains at the State party's disposal, particularly for follow-up to the present concluding observations and the preparation of its second periodic report.

Follow-up to concluding observations

57. The Committee requests the State party to provide, within two years (that is, by 1 July 2026), written information on the implementation of the recommendations contained in paragraphs 17 (policy and strategy), 25 (training and dissemination of information about the Convention), 42 (birth registration and nationality) and 52 (measures to address migrant workers in an irregular situation) above.

Next periodic report

58. The Committee requests the State party to submit its second periodic report by 2 July 2029. The Committee will adopt a list of issues prior to reporting under the simplified reporting procedure at one of its sessions preceding this date, unless the State party explicitly opts for the traditional reporting procedure concerning its second periodic report. The Committee draws the State party's attention to its harmonized treaty-specific guidelines.⁵

59. The Committee invites the State party to update its common core document, which dates to 1996, in accordance with the criteria set out in the harmonized guidelines on reporting under the international human rights treaties, in particular those on the common core document, as adopted at the fifth inter-committee meeting of the human rights treaty bodies held in June 2006. In the light of General Assembly resolution 68/268, the Committee urges the State party to observe the limit of 42,400 words for such documents.

⁵ [HRI/GEN/2/Rev.6](#), chap. I.