



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

Report on follow-up to the concluding observations of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families*

Addendum

Evaluation of the information on follow-up to the concluding observations on Burkina Faso

Concluding observations (34th session): [CMW/C/BFA/CO/2](#), 8 April 2022

Follow-up paragraphs: 11, 26, 32 and 40

Information received from State Party: [CMW/C/BFA/FCO/2](#), 3 July 2024

Information received from a stakeholder: Forum méditerranéen pour la promotion des
droits du citoyen

Committee's evaluation: 11 [B], 26 [B], 32 [B] and 40 [A] [B] [C]

Paragraph 11: legislation and application

The Committee recommends that, as a matter of urgency, the State Party focus its efforts on drafting a law on migration that is consistent with the Convention and other relevant international instruments.

State Party's reply

The reply of the State Party is provided in [CMW/C/BFA/FCO/2](#), section II.A.

Committee's evaluation

[B]

The Committee welcomes the efforts of the State Party, including adopting Act No. 001-2024/ALT on the conditions of entry, stay and exit of nationals of Burkina Faso and foreigners, developed with the involvement of representatives of ministerial departments, institutions and civil society organisations and adopted by the Transitional Legislative Assembly on 22 February 2024. The new law replaces Act No. 84-049/CNR/PRES of 4 August 1984 on the conditions of entry, stay and exit of nationals of Burkina Faso and foreigners. The Committee also takes note of the information provided on Act No. 001-2024/ALT, which grants nationals of a State member of the Espace communautaire,

* Adopted by the Committee at its forty-second session (28 May–12 June 2026).



of which Burkina Faso is a Party, entry into the country without a residence permit, as long as the national presents a consular document or a document from the *communauté*.

However, the Committee expresses its concern regarding the rationale underpinning Act No. 001-2024/ALT, which aims to reinforce the State Party's management of its borders primarily from a security perspective, rather than a human rights perspective, to enhance control over migration and, in particular, to combat terrorism, organized crime and various forms of trafficking, collectively referred to as transnational organized criminal activities. In addition, the Committee expresses its concerns that the provisions contained in Act No. 001-2024/ALT are not fully in compliance with the principle of non-refoulement, the right to international protection and the prohibition of collective expulsions of migrant workers and members of their families in an irregular situation. While the Committee notes the exemption provided for asylum-seekers and refugees, including the recognition of the principle of non-refoulement, it is concerned about the absence of the same recognition for all migrant workers and members of their families. Although the Convention does not confer an explicit right to enter the territory of a State Party, international human rights law and international refugee law limit State discretion over admission to territory, including the Convention. The practice of treaty bodies confirms that rejection, return or refusal of entry is prohibited where such measures expose individuals to a real risk of irreparable harm or render access to protection procedures ineffective. International law, including the Convention, requires States Parties to allow entry insofar as necessary to prevent refoulement and/or collective expulsions and to secure effective access to asylum and complementary protection procedures.¹ The Committee requests information in the next periodic report on the steps taken by the State Party to amend the Act so as to ensure that migrants and members of their families at the border, regardless of their status, are not subjected to rejection without an individual assessment of their protection needs or to arbitrary or collective expulsion, on whether standard operating procedures exist in this regard and on measures taken to ensure that appeals against expulsion orders have automatic suspensive effect.

In addition, the Committee is concerned about the provisions contained in chapter 4, section 2, of the Act, entitled “Des infractions et des sanctions”, which establishes criminal sanctions – both imprisonment and fines – for migrants that irregularly enter the territory of the country. The Committee has consistently held that States have an obligation not to criminalize migration.² It encourages the State Party to align Act No. 001-2024/ALT with the Convention, including by ensuring that its laws and regulations use terminology that is consistent with the Convention, such as the term “irregular” instead of “illegal”.

The Committee is also concerned that separated or unaccompanied children and children of migrant workers in an irregular situation might be particularly affected by Act No. 001-2024/ALT for a lack of specific safeguards for the protection of the rights of migrant children and any reference to the principle of the best interests of the child. A migrant child might therefore be subjected to the same consequences as their parents or guardians in an irregular situation, such as rejection, expulsion or placement in a waiting zone tantamount to deprivation of liberty. The Committee requests the State Party to provide information in its next periodic report, supported by quantitative and qualitative data, on the measures taken, including with regard to reviewing and revising Act No. 001-2024/ALT, to ensure that children are never detained for reasons of the irregular migration status of their parents or guardians and to prevent their expulsion until each individual situation has been appropriately evaluated, in order to, among other things, uphold the principle of non-refoulement and the prohibition of collective and arbitrary expulsions, in accordance with its general comment No. 5 (2021) on migrants' rights to liberty and freedom from arbitrary detention and their connection with other human rights and joint general comments No. 3 and No. 4 of the

¹ CMW/C/NER/CO/1, para. 51; CMW/C/GTM/CO/2, para. 13; CCPR/C/GC/36, para. 31; CMW/C/GC/3-CRC/C/GC/22, paras. 45–47; see also general comment No. 2 (2013) on the rights of migrant workers in an irregular situation and members of their families, paras. 13, 50 and 51; and joint general comment No. 4 of the Committee/No. 23 of the Committee on the Rights of the Child (2017) on the human rights of children in the context of international migration, paras. 9–13.

² General comment No. 5 (2021) on migrants' rights to liberty and freedom from arbitrary detention and their connection with other human rights, para. 4. And see also para. 21; and joint general comment No. 4 of the Committee/No. 23 of the Committee on the Rights of the Child (2017), para. 7.

Committee/No. 22 and No. 23 of the Committee on the Rights of the Child (2017) on the human rights of children in the context of international migration.

The Committee is further concerned that Act No. 001-2024/ALT excludes stateless persons from entering, staying in or leaving Burkina Faso, even if they possess travel documents issued by another country, due to the definition of “foreigner” in the Act. The Committee reminds the State Party that it is a Party to the Convention relating to the Status of Stateless Persons.

The Committee requests further information in the next periodic report on the regulations adopted to implement Act No. 001-2024/ALT. The Committee also encourages the State Party to develop a comprehensive legal framework on migration that covers all aspects of the Convention, rather than focusing solely on the entry, stay and exit of foreigners, and that guarantees migrant workers and members of their families, irrespective of their migration status, the rights enshrined in the Convention.

The State Party should be commended for the well-documented measures that it has taken regarding the employment of migrant workers, their access to healthcare and psychological support, the fight against trafficking in persons, including children, and access to housing and food, all of which constitute its treaty obligations under the Convention. In terms of difficulties and obstacles to the implementation of the Convention, the Committee takes account of the situation of insecurity, and the counter-terrorism measures taken as a result, in which the State Party finds itself. It nevertheless encourages the State Party to guarantee the rights of migrant workers, regardless of their migration status, if, after an individual assessment of their situation, no evidence is provided of their involvement in terrorist enterprises and activities related to transnational crime. The Committee also requests the State Party to provide information about the negative impact on and challenges for the protection of the rights of migrant workers and members of their families that are related to the fight against terrorism in its next periodic report.

The Committee considers that the State Party has taken steps towards the implementation of the recommendation, but additional information or action remains necessary. The Committee considers that the recommendation has been partially implemented.

Paragraph 26: corruption

The Committee recommends that the State Party collect information on these phenomena, including on the number and type of complaints received and the sanctions imposed, and that it provide this information in its next periodic report. It also recommends the creation of safe and gender-sensitive mechanisms to protect complainants from reprisals.

State Party’s reply

The reply of the State Party is provided in [CMW/C/BFA/FCO/2](#), section II.B.

Committee’s evaluation

[B]

The Committee notes with appreciation the efforts of the State Party to combat harassment, corruption, abuse of authority, extortion and arbitrary detention against migrant workers and members of their families. In particular, it welcomes the roles of the National Coordinating Committee for Police Monitoring (Coordination nationale de contrôle des forces de police) and the National Human Rights Commission in monitoring the quality of police services on highways and in receiving complaints of human rights violations. However, the Committee expresses concern that these efforts appear to be focused primarily on the situation arising on highways, whether involving Burkinabe nationals or migrant workers and members of their families, without sufficiently addressing violations occurring in the wider migration context and at borders and other locations.

In light of the measures taken, the State Party should be recognized for its efforts to combat corruption and extortion of travellers on the roads. In addition to the National Coordinating Committee for Police Monitoring and the National Human Rights Commission, the High Authority for State Oversight and Anti-Corruption (Autorité supérieure de contrôle d'État et de lutte contre la corruption) is responsible for these issues. Hotlines are available for victims, and rewards are offered to whistle-blowers. Importantly, the institutions responsible for investigating these malpractices are required to report them to the President of Burkina Faso. Roadside extortion goes beyond a single State Party. It affects the countries in the region and therefore requires concerted action from those concerned. The Committee encourages the State Party to find solutions to border controls within the framework of the Confederation of Sahel States and bilateral agreements within the sub-regional framework, as they must be carried out over the entire corridor. The Committee requests the State Party to consider other practical measures to put an end to this phenomenon, such as unannounced inspections or joint control posts.

While acknowledging the information provided regarding the number and nature of complaints received, the Committee requests the State Party to provide further data on the number of migrants, regardless of their migration status, who have reportedly been subjected by law enforcement officials to harassment, corruption, abuse of authority, extortion or arbitrary detention and on the number of migrant workers and members of their families detained under Act No. 001-2024/ALT, disaggregated by sex, age, nationality, field of activity and migratory status.

The Committee is concerned that, on 16 April 2026, the State Party prematurely terminated the tenure of the Chairperson, commissioners and other members of the Bureau of the National Human Rights Commission as one of the institutions responsible for combating corruption. The Committee urges the State Party to swiftly re-operationalize the Commission, in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), so that the Chairperson and commissioners of the Commission will be assigned in order to attain the objectives set forth for the Commission.

The Committee acknowledges the State Party's efforts to develop safe and gender-sensitive mechanisms to protect complainants from reprisals. These include toll-free helplines, oversight by the High Authority for State Oversight and Anti-Corruption and training for the criminal investigation police to integrate human rights considerations into investigative procedures, with a focus on women and children. The Committee requests that the State Party provide information on the adoption of a safe and gender-sensitive mechanism, including standard operating procedures, to protect complainants from reprisals, in addition to a toll-free helpline and an email address, as well as data on the number and position of State officials who have received training aimed at raising awareness about gender-based violence and reprisals.

The Committee considers that the State Party has taken steps towards the implementation of the recommendation, but additional information or action remains necessary. The Committee considers that the recommendation has been partially implemented.

Paragraph 32: labour exploitation and other forms of ill-treatment

The Committee recommends that the State Party collect information on the different types of exploitation of migrant workers and members of their families, regardless of their migration status, particularly in the agriculture, mining, domestic work and tourism sectors. It also invites the State Party to include this information in its next periodic report.

State Party's reply

The reply of the State Party is provided in [CMW/C/BFA/FCO/2](#), section II.C.

Committee's evaluation

[B]

The Committee welcomes the State Party's efforts to provide detailed information on the exploitation faced by migrant workers, including sexual exploitation and labour exploitation, trafficking in persons and the sale of children. It notes with appreciation the specificity of the data provided on particularly affected employment sectors and takes note of the measures taken to combat these phenomena, such as labour inspections carried out, the implementation of the national plan of action to combat human trafficking, 2023–2025, including the establishment of a national referral mechanism and support for the return of victims of trafficking in persons to their countries of origin, the provision of emergency care to migrants and of sanitary assistance provided to migrants in transit, improved coordination among law enforcement officials and training extended to stakeholders, including migrants.

While the Committee takes note of the State Party's assertion that its laws and regulations afford equal rights to all workers, including migrant workers, it remains concerned about persistent reports of exploitation, particularly in the sectors of agriculture, mining, domestic work and tourism. The Committee therefore requests the State Party to clarify how these legal protections are effectively applied to all migrant workers, including those in an irregular situation.

In parallel, the Committee remains concerned about irregular migrants in the informal sector, who are particularly vulnerable to human rights abuses, including labour exploitation. It notes with concern that the smuggling of migrants and trafficking in persons are often associated with irregular migration and expose migrants to heightened risks of sexual exploitation and labour exploitation, notably in gold mining sites and in so-called *chambre de passe*.

In addition, the Committee remains particularly concerned about child and forced labour that children, including migrant children, are subjected to in the State Party, and concerned in general about the high number of migrant workers whose human rights are being violated, especially in the mining and domestic work sectors. These sectors appear to be particularly vulnerable to exploitative practices and insufficient oversight. The Committee requests the State Party to provide further information in the next periodic report on the extent to which migrant workers in an irregular situation are subjected to abuse and exploitation, on the specific employment sectors in which migrant workers are engaged within the informal economy, especially in the mining, agricultural and domestic work sectors, including data on the number of individuals affected, disaggregated by sex, age, nationality, field of activity and migratory status, on the number of irregular migrants subjected to sexual exploitation, on migrant children exploited in child and forced labour, including in hazardous work, particularly in artisanal gold mining and agricultural work,³ and in particular on the measures taken to combat these phenomena with a view to their eradication.

In order to improve data collection, the Committee recommends that the State Party strengthen the capacity of bodies for the monitoring and oversight, including the labour inspectorate and mines inspectorate, to combat the use of cyanide and other toxic substances in gold mining and ensure consultations with the private sector. It encourages the State Party to take additional measures in the fight against this scourge.

The Committee considers that the State Party has taken steps towards the implementation of the recommendation, but additional information or action remains necessary. The Committee considers that the recommendation has been partially implemented.

Paragraph 40: remuneration and conditions of work

The Committee recommends that the State Party:

(a) **Ensure the strict application of the Labour Code through regular and unannounced inspections in sectors where migrant workers are employed, whether**

³ CCPR/C/BFA/CO/2, para. 38.

formal or informal, and that it ensure that migrant workers themselves are consulted during these inspections and that these consultations remain confidential;

(b) Strengthen the capacity of labour inspection services to effectively monitor the working conditions of migrant workers in formal and informal mines and in the agricultural and domestic work sectors, and to receive, investigate and address complaints of alleged violations in that regard;

(c) Grant labour inspectors the status and conditions of service necessary to ensure that they remain unaffected by changes of government and by any undue external influence, in accordance with the Labour Inspection Convention, 1947 (No. 81), of the International Labour Organization (ILO) ratified by the State Party on 21 May 1974.

State Party's reply

The reply of the State Party is provided in [CMW/C/BFA/FCO/2](#), section II.D.

Committee's evaluation

[A]: Paragraph 40 (a)

The Committee notes with appreciation the information received on the implementation of the Labour Code, 2008, by the State Party, including with respect to migrant workers, through labour inspections aimed at monitoring the application of labour legislation, settling individual and collective labour disputes and providing information to different stakeholders to maintain social peace. The Committee welcomes that such inspections have also been carried out in the informal sector. The Committee is concerned, however, about the number of migrant workers who are not employed with a contract compliant with labour laws and regulations. It requests the State Party to provide further information on what measures it has taken against employers after the discovery that 440 migrant workers did not have employment contracts compliant with labour laws and regulation⁴ and what additional measures are being considered to combat this phenomenon. The Committee recommends that the State Party continue strengthening the inspection workforce and mechanisms throughout its territory, increasing in particular unsolicited and unannounced inspections, and equip labour inspectors with the tools to protect the rights of migrant workers in an irregular situation in accordance with the Convention.

The Committee requests further information regarding the situation of migrant workers in an irregular situation and the number of migrant workers consulted during labour inspections in its next periodic report.

The Committee considers that the State Party has provided evidence of significant action taken towards the implementation of the recommendation made by the Committee and that the recommendation has been largely implemented.

[B]: Paragraph 40 (b)

The Committee welcomes the training conducted in April and October 2023 to equip labour inspectors with knowledge on occupational risk prevention, workplace supervision and job preservation, as well as on fair recruitment, the social protection of migrant workers and international labour standards. However, the Committee regrets the lack of information on whether those trainings specifically addressed the monitoring of the situation of migrant workers employed in the mining, agricultural and domestic work sectors, that the specific training needs of labour inspectors in the training plans of the Ministry of Labour have been insufficiently considered, which hinders the strengthening of their capacities, and the lack of resources to finance advanced training for labour inspectors at international institutions, such as the International Training Centre in Turin and the African Regional Centre for Labour Administration, leading to a constant decrease in the number of labour inspectors trained at the institutions. The Committee requests the State Party to provide relevant information, supported by qualitative and quantitative data, in its next periodic report.

⁴ [CMW/C/BFA/FCO/2](#), para. 32.

The Committee notes the efforts of the State Party to foster the accessibility of labour inspection services to users and clients by establishing new inspectorates in Ouagadougou and Bobo-Dioulasso and requests the State Party to provide information about the results obtained and challenges encountered in the creation and the activities of these new offices and the status of the complaints filed by 3,711 migrant workers in 2022⁵ and thereafter in its next periodic report, supported by quantitative and qualitative data.

The Committee notes the information provided by the State Party on the number of complaints received in 2022 concerning violations of the rights of workers, including migrant workers, however, regrets that it failed to provide disaggregated data in this regard and specifically information on the outcomes of these complaints. The Committee requests the State Party to provide relevant information in its next periodic report, supported by quantitative and qualitative data. The Committee encourages the State Party to take further measures to better protect the rights of migrant workers and requests an overview of private recruitment agencies and other intermediaries, as well as the controls carried out and the sanctions imposed for breaches of labour regulations, in its next periodic report.

The Committee considers that the State Party has taken steps towards the implementation of the recommendation, but additional information or action remains necessary. The Committee considers that the recommendation has been partially implemented.

[C]: Paragraph 40 (c)

The Committee welcomes the fact that the State Party adopted a labour bill on 6 May 2026, implementing its intention to reform its labour laws as declared in the State Party's follow-up report. It regrets, however, that the labour bill does not appear to include provisions to specifically align the status and conditions of service of labour inspectors to the ILO Labour Inspection Convention, 1947 (No. 81).

The Committee requests the State Party to implement the recommendation, reform its labour inspection system in accordance with all relevant ILO conventions, in particular ILO Labour Inspection Convention, 1947 (No. 81), and to provide updates in its next periodic report on granting labour inspectors the status and conditions of service necessary to ensure that they remain unaffected by changes of Government and by any undue external influence, including through the new Labour Code.

The Committee considers that the State Party has not implemented the recommendation.

⁵ [CMW/C/BFA/FCO/2](#), para. 37.