



**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**

**Consideration of reports submitted by States  
parties under article 73 of the Convention  
pursuant to the simplified reporting procedure**

**Second periodic reports of States parties due in 2009**

**Mali\***

[1 October 2013]

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\* The present document is being issued without formal editing.

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## Introduction

1. In accordance with article 73 of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, this is the second periodic report of Mali on the measures it has taken to implement the provisions of the Convention.

## I. General information

### Reply to paragraph 1 of the list of issues (CMW/C/MLI/Q/2) prior to submission of the second periodic report of Mali

2. Mali mainly seeks technical and financial support from the Office of the United Nations High Commissioner for Human Rights (OHCHR) and other parts of the United Nations system in order to compile statistics and produce the report on migrant workers and members of their families.

### Reply to paragraph 2 of the list of issues

*Number of migrant workers and members of their families living in or transiting through Malian territory*

3. According to the fourth General Population and Housing Census of Mali (2009), the presence of foreigners in Mali is very low; they constitute 0.76 per cent of the resident population out of a total population of 14,517,176. Persons who have not declared their nationality of origin, who for the most part are nationals of neighbouring countries, represent 0.34 per cent of the population. Burkina Faso citizens are the most numerous, followed by Ivorian and Guinean citizens.

4. The available statistics do not provide a clear indication of the number and characteristics of foreigners in an irregular situation in Mali.

Table 1

### Distribution of the foreign population in Mali by nationality and sex

| Country/Nationality              | Sex    |        | Total         |
|----------------------------------|--------|--------|---------------|
|                                  | Male   | Female |               |
| Benin                            | 397    | 256    | <b>653</b>    |
| Burkina Faso                     | 13 717 | 8 457  | <b>22 174</b> |
| Cabo Verde                       | 9      | 5      | <b>14</b>     |
| Cameroon                         | 313    | 247    | <b>560</b>    |
| Chad                             | 127    | 64     | <b>191</b>    |
| Congo                            | 645    | 689    | <b>1 334</b>  |
| Côte d'Ivoire                    | 8 701  | 99 714 | <b>18 672</b> |
| Democratic Republic of the Congo | 149    | 180    | <b>329</b>    |
| Gabon                            | 552    | 546    | <b>1 098</b>  |
| Gambia                           | 141    | 123    | <b>264</b>    |
| Ghana                            | 765    | 368    | <b>1 133</b>  |
| Guinea                           | 8 682  | 7 782  | <b>16 464</b> |

| <i>Country/Nationality</i> | <i>Sex</i>    |               | <i>Total</i>   |
|----------------------------|---------------|---------------|----------------|
|                            | <i>Male</i>   | <i>Female</i> |                |
| Guinea-Bissau              | 232           | 271           | <b>503</b>     |
| Liberia                    | 62            | 78            | <b>140</b>     |
| Libya                      | 81            | 53            | <b>134</b>     |
| Mauritania                 | 2 077         | 1 901         | <b>3 978</b>   |
| Niger                      | 2 440         | 1 100         | <b>3 540</b>   |
| Nigeria                    | 945           | 948           | <b>1 893</b>   |
| Senegal                    | 2 756         | 2 343         | <b>5 099</b>   |
| Sierra Leone               | 150           | 115           | <b>265</b>     |
| Sudan                      | 818           | 897           | <b>1 715</b>   |
| Togo                       | 1 139         | 837           | <b>1 976</b>   |
| Africa – other             | 8 616         | 10 250        | <b>18 866</b>  |
| Americas                   | 640           | 760           | <b>1 400</b>   |
| Asia                       | 2 684         | 3 333         | <b>6 017</b>   |
| Europe                     | 962           | 976           | <b>1 938</b>   |
| Oceania                    | 30            | 30            | <b>60</b>      |
| Not specified              | 25 911        | 23 895        | <b>49 806</b>  |
| <b>Total</b>               | <b>83 741</b> | <b>76 475</b> | <b>160 216</b> |

*Source:* General Population and Housing Census, 2009 (National Statistics Institute).

#### *Number of Malian migrant workers and members of their families living abroad*

5. With regard to the number of Malian migrant workers and members of their families living abroad, it is estimated that 4 million Malians live abroad, of which more than 3.5 million live in Africa. The Malian diaspora is thought to represent approximately one third of the country's total population. Malian migrants include skilled and unskilled workers, students and women. In the absence of a comprehensive census, it is very difficult to provide statistics on the structure, by sex and age, of the diaspora.

6. However, the Civil Status Census is an ongoing process. This census does not cover the majority of Malian migrants owing to its biometric nature and the fact that most Malian compatriots are in an irregular situation. As at 20 February 2013, 439,076 Malian migrants were registered with the country's diplomatic missions and consulates.

#### *Development of a database on migration*

7. The development of a database on migration was initiated in 2011 by the department in charge of migration, which brings together all stakeholders in the relevant departments and technical services. Some 50 migration indicators have been adopted.

8. The physical design of the database on migration has been completed. A number of data have already been collected and await processing before being entered in the database. Focal points have been established in each department. In order to ensure that the database becomes operational, with reliable and usable data, stakeholder training will be provided in the very near future.

**Reply to paragraph 3 of the list of issues**

9. The political will of the Malian Government to apply, without discrimination on the grounds of nationality, race, religion or sex, to immigrants lawfully within its territory, treatment no less favourable than that which it applies to its own nationals is clear. However, the current level of development in Mali and the very limited resources available to its authorities to collect and disseminate the information required on migration flows do not allow it at present to meet all the obligations that would arise from ratifying International Labour Organization (ILO) Convention No. 97 and ILO Convention No. 143.

**Reply to paragraph 4 of the list of issues**

10. The employment of foreign labour is regulated by Malian legislation, which lays down conditions that are intended, among other things, to protect the rights of migrant workers against exploitation and abuse.

11. In addition to the Malian Constitution, the Labour Code establishes the principle of equality of treatment and prohibits discrimination between nationals and foreigners.

**Reply to paragraph 5 of the list of issues**

12. The possibility of making the declarations provided for in articles 76 and 77 of the Convention is being considered.

**Reply to paragraph 6 of the list of issues**

13. The events of March 2012 have not had a specific impact on migrants in Mali, although they have adversely affected the economic and social conditions of foreign migrants and nationals in general. The total embargo imposed on Mali by the Economic Community of West African States (ECOWAS) and the suspension of cooperation with some institutions (World Bank, International Monetary Fund) and organizations (African Union, International Organisation of La Francophonie) have led to a slowdown in, and in some cases even an end to the funding for, project activities carried out by migrants.

14. Furthermore, the crisis in the north of the country has had a devastating impact on the occupied areas, resulting in new waves of migration to urban centres and to countries neighbouring Mali. A total of 298,485 displaced Malians from the north of the country have been registered in refugee camps in neighbouring countries, namely, the Niger (47,878), Burkina Faso (107,929), Mauritania (107,214), Algeria (35,400), Guinea (44) and Togo (20).

**II. Information relating to the articles of the Convention****A. General principles****Reply to paragraph 7 of the list of issues**

15. No distinction is made in Mali between nationals and migrant workers and members of their families, including those who are non-documented or in an irregular situation, with regard to violations of their rights.

(a) The judicial and administrative bodies generally competent to investigate complaints from workers, both nationals and migrants, are:

- In the judicial field: the employment tribunals, the labour division of the Court of Appeal and the Supreme Court;

- In the administrative field: the labour inspectorates attached to the regional labour offices and the national labour directorate;

(b) and (c) The violations most commonly claimed by victims, the relevant decisions and any compensation awarded to victims.

16. The statistics available on violations of the rights of migrant workers and members of their families come solely from the employment tribunal in Bamako and are as follows:

Table 2

**Violations of the rights of migrant workers and members of their families**

| <i>Year</i>  | <i>Number of complaints</i> | <i>Violations most commonly claimed by victims</i>                     | <i>Compensation awarded to victims</i>  |
|--------------|-----------------------------|--|---|
| 2010         | 8                           | • Rights linked to premature termination of contract                   | • Payment of accrued holiday, monies in lieu of notice, severance and redundancy pay, salary arrears, and other bonuses and allowances                          |
| 2011         | 10                          | • Regularization of administrative situation regarding social security |   |
| 2012         | 7                           |  |   |
| 2013         | 4                           | • Responsibility for transport costs                                   | • Award of damages<br>• Cost of return transport for the employee and members of his or her family<br>• Provision of a work certificate to those requesting one |
| <b>Total</b> | <b>29</b>                   |  |   |

*Source:* Bamako employment tribunal.

## **B. Part III of the Convention**

### **Articles 16 and 17**

#### **Reply to paragraph 8 of the list of issues**

17. Migrant workers and members of their families deprived of their liberty are of course always informed, in a language they understand, of the reasons for their arrest and any charges against them.

18. The Code of Criminal Procedure provides for interpreters for all persons held who do not speak the official language, French, and the internal regulations of the various detention centres give migrant workers and members of their families deprived of their liberty the opportunity, on request, to contact the consular or diplomatic authorities of their State of origin without delay.

19. Contact, in terms of information exchange, has been established pursuant to the bilateral agreements on justice between Mali and certain friendly countries. Malian diplomatic missions and consulates regularly provide the authorities of their country with a list of Malians incarcerated in prisons in host countries, the grounds for their arrest and the charges against them, and vice versa.

20. Consular and diplomatic authorities carry out consular visits to different remand and detention centres in host countries to enquire as to the condition of Malian prisoners.

During these visits, the personnel responsible generally manage to communicate with the individuals concerned.

**Reply to paragraph 9 of the list of issues**

21. No statistics are available on the application of sanctions for violations of the migration laws.
22. Mali has not amended its legislation in this regard.

**Reply to paragraph 10 of the list of issues**

23. Article 10 of the Constitution of 25 February 1992 provides that anyone subjected to a custodial penalty is entitled to be examined by a doctor of his or her choice.
24. No one may be detained for a period of over 48 hours without a reasoned decision by a judicial officer.
25. No one may be detained in a penal establishment without a warrant issued by a judicial officer.
26. In practice, there are no specific detention conditions for migrant workers who have violated Malian migration laws or regulations. Migrants who are in breach receive the same treatment as nationals; the detention procedure is the same for all.

**Article 21**

**Reply to paragraph 11 of the list of issues**

27. It should be noted that, although it is provided for in legislation, in practice no residence permit exists in Mali.
28. Nonetheless, under article 19 of Act No. 04-058 of 25 November 2004 on the conditions for the entry, stay and residence of foreigners in Mali, a visa or residence permit may be cancelled or withdrawn:
  - In case of failure to observe the conditions set out in the law, in particular if the foreigner neglects to inform the administrative authorities of a change of address or activity;
  - If the visa or residence permit has been obtained through false statements.

**Article 22**

**Reply to paragraph 12 of the list of issues**

29. Under article 24 of Act No. 04-058 AN-RM of 25 November 2004 on the conditions for the entry, stay and residence of foreigners in Mali, a foreigner can be expelled for any of the following reasons:
  - If he or she has been convicted of a serious offence or a minor offence committed with intent;
  - If it can be concluded from his or her behaviour and actions that he or she is not willing to adapt to the established order;
  - In case of serious, blatant interference in the internal affairs of Mali.
30. Under article 38 of Decree No. 05-322/P-RM of 19 July 2005, which sets out the procedures for implementing the law, orders for the expulsion of foreigners are issued by the minister responsible for internal security.

31. The orders specify the period within which the foreigner concerned is obliged to leave the national territory, if he or she has not already done so. This period is counted from the date on which the person is informed of the order. Notification of the expulsion order entails the cancellation of the foreigner's visa or withdrawal of his or her residence permit.

32. Expulsion orders can, if necessary, be revoked following the same procedures. Notification of such decision entails the issuance of a visa or return of the residence permit to the foreigner concerned.

33. However, article 40 of the same Decree stipulates that, in cases where a foreigner subject to an expulsion measure is unable to leave the national territory owing to a lack of financial resources, he or she may be required, on the decision of the Minister of the Interior, to reside in certain locations and to report periodically to the police or gendarmerie in the area where he or she resides.

34. Collective expulsions are indeed prohibited in Mali.

### **Article 23**

#### **Reply to paragraph 13 of the list of issues**

35. When a migrant worker is detained or expelled, the Minister of Justice informs his counterpart in foreign affairs, who in turn informs the consular or diplomatic authorities of the country of origin of the person concerned.

36. Mali has concluded cooperation agreements in the field of migration with several countries. In the implementation of these bilateral or multilateral agreements, emphasis is placed on the assistance provided to citizens by the Malian consular authorities.

37. The ministries responsible for foreign affairs and Malians abroad, in cooperation with diplomatic and consular missions, ensure the protection and defence of Malians abroad and of their assets. To this end, activities and measures are carried out involving the administrative, security and judicial authorities of host countries in the event of proceedings or disputes concerning employment rights or property, visa, family or legal issues.

38. The Ministry for Malians Living Abroad and African Integration also undertakes missions to countries with high numbers of Malians, with the aim of learning about the living conditions of Malian compatriots and coordinating with embassies and consulates, national councils of Malians abroad and the authorities of host countries. It takes measures, where required, to improve the handling of their situation. Exchanges of correspondence have taken place between the Malian authorities and the authorities of certain host countries, in particular France, Senegal, Côte d'Ivoire, Gabon, Equatorial Guinea, Angola, Libya, Mauritania, Morocco, Spain, Saudi Arabia, the United States of America and the Niger.

### **Articles 29 and 30**

#### **Reply to paragraph 14 of the list of issues**

39. The declaration of births to the Malian registry of births, deaths and marriages is compulsory. Children of migrant workers are registered at birth in the same way as children of nationals. Under article 27 of Act No. 62-18 AN-RM of 3 February 1962 on the Nationality Code, any person born to foreign parents in Mali who, on reaching the age of majority, has been ordinarily resident in Mali for at least five years may opt for Malian nationality.

40. In Mali, access to education for children of migrant workers is guaranteed and there is no discrimination in the matter, as stipulated by the Convention against Discrimination in



Education, adopted on 14 December 1960 by the eleventh session of the General Conference of the United Nations Educational, Scientific and Cultural Organization (UNESCO) and ratified by Mali (Order No. 06-018/P-RM of 18 September 2006). The educational system is fully open to both nationals and non-nationals. There is no segregation when children are admitted to school. Children enjoy the same opportunities with regard to primary education.

### **Article 33**

#### **Reply to paragraph 15 of the list of issues**

41. Every year since 2008 the Ministry for Malians Living Abroad and African Integration has organized nationwide an extensive, month-long information and sensitization campaign on the dangers of irregular migration.

42. This campaign is aimed at providing information on and sensitizing potential migrants and other population groups to the risks and dangers of irregular migration, so as to promote awareness among young people, parents and communities of the importance and advantages of informed and conscious migration, undertaken in strict observance of the laws and procedures established by transit and destination countries. Various topics relating to migration are addressed during conferences.

43. Likewise, the celebration of International Migrants Day on 18 December each year has always provided an excellent opportunity for the migration department to transmit information to, and raise awareness among, migrants.

44. African Integration Week, organized each year in Mali by the Ministry for Malians Living Abroad and African Integration in cooperation with the African communities living in Mali and migrant organizations, is another occasion when conferences followed by debates and discussions take place on the rights conferred on migrants and members of their families by the Convention.

45. The Migration Information and Management Centre (CIGEM) has a welcome, information, orientation and assistance service for migrants, which is regularly visited by migrants seeking information and orientation. From 1 January 2009 to 31 December 2012, 13,000 prospective migrants (nationals and foreigners) used the service.

46. There is no specific information and training programme on the Convention for relevant public officials in Mali, but the country receives assistance from certain countries with respect to information and training for those involved in the field of migration on a sectoral basis.

#### **Reply to paragraph 16 of the list of issues**

47. The Ministry for Malians Living Abroad and African Integration, established by Decree No. 04-141/P-RM of 2 May 2004, is responsible for:

- Promoting the interests of, and protecting, Malians living abroad;
- Carrying out activities with respect to the return of Malians from abroad and their reintegration;
- Developing and applying measures intended to ensure the full participation of Malians living abroad in national life and development activities;
- Implementing African integration policy in cooperation with other relevant ministries;
- Developing and implementing the national migration policy of Mali.

48. The Office for Malians Living Abroad, established by Order No. 00-046/P-RM of 25 September 2000, is one of the central services of the Ministry for Malians Living Abroad and African Integration and is mandated to develop aspects of the national policy concerning administration of, assistance to, protection and promotion of Malians abroad, and to coordinate and monitor diplomatic and consular missions that help to implement that policy.

49. The department's activities are mainly aimed, on the one hand, at responding to the needs of the Malian diaspora (for protection, security and socioeconomic and cultural integration), and, on the other, at promoting contributions by Malians abroad to the country's development process and their integration at the subregional, regional and international levels. In this regard, the Ministry for Malians Living Abroad and African Integration is responsible for making integration a tool for social and economic development and encouraging the diaspora to fully play their part in development by taking private initiatives.

50. Following a participatory process involving ministerial departments, technical bodies, civil society, technical and financial partners and others, a national migration policy framework paper was developed by the department. This document, which is currently being adopted, should provide a springboard for handling migration issues in Mali.

## **C. Part IV of the Convention**

### **Article 41**

#### **Reply to paragraph 17 of the list of issues**

51. In accordance with Act No. 06-044 of 4 September 2006 on electoral law in Mali, Malian citizens both in the country and abroad have the right to participate in elections organized by the State.

52. In the specific case of Malians abroad, article 36 provides that, in order to vote from their country of residence, Malian citizens living outside the national territory must be formally registered at the consulate or embassy of Mali and be included on the electoral roll of the constituency concerned. To this end, an electoral roll is maintained at each embassy or consulate and is revised annually, between 1 October and 31 December.

53. Under article 40, the electoral rolls are drawn up and revised in each municipality, embassy or consulate by a commission known as the administrative commission, which is under the authority of the State representative in the municipality, or the ambassador or consul.

54. Each administrative commission is composed of members appointed by the administration and the political parties.

55. In order to allow a greater number of Malian migrant workers living abroad to participate in the presidential elections, the electoral law provides for voting to take place at each embassy or consulate, with one polling station per 500 voters and at least one polling station, where possible, in the main towns of constituencies abroad, subject to the specific constraints and circumstances.

56. The number of polling stations, the number of voters per polling station and the location and coverage are determined by decision of the ambassador or consul.

57. It is not currently planned to extend the right to vote to legislative elections, given the complexity of their organization. In contrast to presidential elections, when the territory of Mali is treated as a single constituency, for legislative elections the constituencies are

formed by the *cercles* and by the communes of Bamako District. Therefore, the number of constituencies must correspond to the number of Malian communities in the *cercles* and in the communes of Bamako District.

#### **Article 44**

##### **Reply to paragraph 18 of the list of issues**

58. Act No. 04-058 of 25 November 2004 on the conditions for the entry, stay and residence of foreigners in Mali provides for the reunification of migrant workers with their families. Persons requesting family reunification must obtain a temporary residence permit from the authority responsible for immigration.

59. Article 13 of the Act provides that a temporary residence permit must be issued automatically to:

(1) A foreigner who has been married for at least three months to a Malian national, on production of the marriage certificate or a certified copy of the marriage certificate;

(2) A foreign child of a Malian national, if the child is under 18 years or is a dependant of his or her parents;

(3) The dependent parents or grandparents of the spouse of a Malian national;

(4) A foreigner who is the father or mother of a Malian child resident in Mali, on condition that he or she holds at least partial parental authority with regard to the child or actually provides for his or her needs;

(5) The spouse, minor children or children in their eighteenth year of a foreigner in possession of a residence permit who have been given leave to remain in Mali for the purpose of family reunification.

60. When temporary residence is authorized, a visa is issued, valid for up to one year with the possibility of renewal.

#### **Articles 46 and 47**

##### **Reply to paragraph 19 of the list of issues**

61. In accordance with article 4 of Act No. 2012-016 of 27 February 2012 on the Investment Code, foreign investors enjoy the same privileges as national investors.

62. Equipment intended for investments by Malians living abroad is exempt from taxation.

63. Likewise, foreigners who make investments or who hold posts in Malian companies have the right to transfer their capital and income.

64. In this regard, article 12 of Act No. 2012-016 of 27 February 2012 provides that foreign investors may freely transfer abroad without prior authorization all payments relating to current operations, including post-tax profits, dividends, income from employment, allowances and expatriate employee savings.

65. Under article 29 of the Investment Code, any dispute between foreign individuals or corporations and the Republic of Mali regarding the interpretation of the Code is subject, in the first instance, to amicable settlement between the parties.

66. Failing that, the dispute must be settled by the competent Malian courts in accordance with the laws and regulations in force, or through arbitration.

**Article 49****Reply to paragraph 20 of the list of issues**

67. The length of the residence permit has no relation to that of the work permit, which, in fact, is no longer in use following the issuance of circular No. 001/MTFPRE-DNT of 12 July 2010 of the National Director of Employment revoking the requirement for prior authorization from the National Employment Agency (ANPE) to employ foreign workers in Mali.

**Article 52****Reply to paragraph 21 of the list of issues**

68. No decree has been adopted by the Council of Ministers requiring foreigners to obtain a permit to perform certain types of unpaid work.

69. Regarding the permit to perform paid work, the National Director of Employment, Labour and Social Security, in implementation of the national employment policy, addressed circular No. 001 bis/DNETSS of 13 May 1988 regulating the employment of foreign workers to all employers in the public, semi-public and private sectors. The circular stipulates, among other things, that:

(1) Any employer wishing to recruit a foreign worker must assign a Malian to replace him or her on expiry of the contract;

(2) The National Director of Employment, Labour and Social Security will issue visas only for fixed-term contracts that do not exceed 24 months;

(3) Any foreigner whose employment contract expires must be replaced by a national within three months of the end of the contracted period;

(4) Hiring will be authorized by the National Office for Labour and Employment exclusively for posts for which no training is available in Mali;

(5) Any employment contract of a foreign worker forwarded for visa must be accompanied by the curriculum vitae and certificates of the worker concerned.

70. In the light of the social and economic developments observed in recent decades, the National Director of Employment, in circular No. 001/MTFPRE-DNT of 12 July 2010, revoked the provisions of circular No. 001 bis/DNETSS of 13 May 1988 on the use of foreign labour and the requirement for prior authorization from ANPE.

**D. Part VI of the Convention****Article 65****Reply to paragraph 23 of the list of issues**

71. The Migration Information and Management Centre (CIGEM) is not responsible for preparing a policy to address the concerns of migrant workers in Mali. Rather, its task is to help Mali to develop a migration policy addressing the concerns of potential migrants, returning migrants and expatriate Malians.

**Reply to paragraph 24 of the list of issues**

72. The assistance provided by the Ministry of Malians Living Abroad and African Integration to Malians abroad and the support offered by embassies and consulates for

resolving their grievances is necessarily the subject of cooperation agreements on migration concluded between our country and host countries.

73. Thus, cooperation agreements with certain host countries concerning the movement of persons are already in place: there is the Franco-Malian Committee on Migration, as well as repatriation assistance agreements with Switzerland and France, and a cooperation agreement with Spain on immigration.

*Franco-Malian Committee on Migration*

74. The Franco-Malian Committee on Migration was established pursuant to the agreement signed in Bamako on 29 May 1998 between the Government of Mali and the Government of France. It meets in Paris or Bamako, as stipulated by the agreement.

75. The Committee encompasses three bodies, namely:

- The Technical Committee on the Movement of Persons, based in Bamako;
- The Technical Committee on the Integration of Malians Living in France, based in Paris;
- The Technical Committee on Co-development, based in Bamako. In this regard, the existence of the Priority Solidarity Fund (PSF) for Co-development in Mali, launched in December 2002, should be noted. The Fund finances projects led by Malian migrants living in France and intended to benefit their country of origin. Between 2002 and 2009, the Fund financed several hundred reintegration, local development, expert mission and training projects implemented under the Transfer of Knowledge through Expatriate Nationals (TOKTEN) programme.

*Migrant reintegration project of the Ministry for Malians Living Abroad and African Integration*

76. As part of efforts to facilitate assistance to, protection and socioeconomic and professional reintegration of returning migrants, the department responsible for Malians abroad launched, through the Office, a three-year support project running from 2007 to 2009, targeted at associations and groups of Malians who have returned voluntarily to Mali or who have been forcibly returned.

77. The aim of the project was to support returning migrants in their activities. Thus, in 2007, mills and sewing machines were provided to migrants. In 2008, 27 associations of returning migrants benefited from the second phase of the project, while the third phase helped 35 associations.

78. Regarding the second phase, a large delivery of equipment was given to the associations concerned and NGOs, including 16 mills, 48 motor pumps, 50 motorized cultivators, 54 sewing machines and materials for dyeing.

79. Of the 50 associations mentioned, 4 in fact comprise only women. Each association, however, includes a women's section.

80. Gender is taken into account by the department in socioeconomic reintegration efforts and in the criteria for distributing equipment. The women's sections comprise, on average, 30 members. They are directed towards income-generating activities like market gardening, milling, dyeing and sewing.

81. Some women have opted for pastoral farming activities in the zone covered by the Niger Authority and in such areas as Kayes, Kita, Baguineda, Tombouctou and Manikoura.

**Article 67****Reply to paragraph 25 of the list of issues**

82. There are three flagship cooperation programmes between Mali and other countries.

*Co-development programme*

83. Co-development is a collaborative Franco-Malian programme intended to support the initiatives of the diaspora, promote the development of out-migration areas and ensure the integration of young people from immigrant backgrounds in France. Co-development allows Malian migrants to contribute to the development of their country of origin by funding individual or collective projects. The programme is also aimed at facilitating the return and reintegration of Malian migrants previously settled in France.

84. The initial phase of Co-development (2003–2005) ended in December 2005. With an overall budget of €2.6 million, of which €900,000 were contributed by emigrants from the Kayes region, this phase yielded the following results:

- 350 projects to facilitate the reintegration of emigrants returning to Mali;
- 22 local development projects;
- 10 projects to assist young people from immigrant backgrounds;
- 100 expert and training missions.

85. The second phase of Co-development (2006–2009), for which the funding agreement (MLI No. 2005-081) was signed on 15 March 2006, was financed through a contribution of €2.5 million from France. Unlike the previous phase, which had focused solely on the Kayes region, the second phase targeted all regions of Mali.

86. The following results were obtained:

- Allocation of 34 Co-development grants;
- 40 missions involving Malian academics based in France;
- 22 local development projects;
- 363 reintegration projects;
- 10 youth projects;
- 24 feasibility studies conducted by the PSF for Co-development in Mali, the French National Agency for the Reception of Foreign Nationals and Migration (ANAEM), migrants and partners.

87. Since 1 January 2008, the Co-development programme has been the responsibility not of the French Ministry of Foreign and European Affairs but of the Ministry of Immigration, Integration, National Identity and Development Solidarity. In view of the projected expenditure of the PSF for Co-development in Mali 2005/081, the programme obtained additional resources amounting to €500,000 from the Ministry of Immigration, Integration, National Identity and Development Solidarity to implement an intermediate bridging project over a period of 12 months, from 1 October 2008 to the end of September 2009.

*Initiation of labour migration with Spain*

88. The first contingent of 29 Malian seasonal workers went to Spain on 13 June 2009. They were accompanied to Las Palmas by an official of the Office for Malians living Abroad and a superintendent of the border police.

89. For Spain, this pilot experiment had a direct impact on the number of Malian clandestine migrants arriving in the country, which dropped significantly.

90. Of the 29 seasonal workers, 24 returned from Spain on 10 December 2009. The other five workers stayed as their contracts had been extended until 15 April 2010. Based on the testimonies of the migrants and of the Spanish Embassy in Mali, the initiative has been deemed a success. A mission travelled to Spain at the end of May 2010 to assess the initial phase and to explore the possibility of a new phase.

*Transfer of Knowledge through Expatriate Nationals programme*

91. The main aim of the TOKTEN programme is to allow Mali to exploit the skills of expatriate workers able to contribute to the economic and social development of the country.

92. More specifically, the programme contributes to efforts to overcome the shortage of qualified teaching staff; to improve the quality of higher education in universities, grandes écoles, research centres and institutes and to promote scientific and technical research; and to support the public authorities in the areas of health and agriculture, small and medium-sized enterprises and industries, and vocational and technical training.

93. The programme was launched in 1998. As at 31 December 2012, a total of 637 missions had been carried out, including 448 during the initial phase, 170 as part of the expanded TOKTEN programme and 17 during the transitional phase.

94. The directory of TOKTEN experts, the database that records all the skills identified within the Malian diaspora, currently contains the details of 466 potential candidates for TOKTEN missions.

95. As to the beneficiaries of the programme, the coordinators have identified 140 entities and institutions that could benefit from TOKTEN missions.

96. The TOKTEN programme was responsible for setting up 12 relay antennae abroad, 5 of which were in Europe, 1 in America, 1 in Canada, 4 in Africa and 1 in Asia.

97. Nine doctoral theses have been defended and 18 others are currently being prepared. Fourteen master's dissertations are also being defended and seven others are currently being prepared.

98. Forty-four new master's students have been supervised by TOKTEN consultants since 2011.

99. All these initiatives concerned the fields of mathematics, physics, chemistry, information technology and law and took place, either exclusively in Mali or in collaboration with the home universities of Malian expatriates pursuant to joint supervision agreements.

100. In view of the significant achievements of the TOKTEN programme, it is important to guarantee its longevity. By way of an example, in 2011 alone requests for missions increased considerably. The number of requests made in 2011 stood at 141 compared to 44 in 2009 and 87 in 2010. In 2012, 107 requests were registered, despite the particularly difficult circumstances that year. These requests for missions may be divided up as follows: 63 in the area of education; 7 in agriculture; 10 in health; and 27 in the field of small and medium-sized enterprises and industries. The overall budget for 2012 stood at 150 million CFA francs while the financial requirements amounted to 228 million CFA francs. As at 31 December 2012, the TOKTEN directory contained the details of 466 consultants compared to 453 at the same point in 2011. The database of consultants contained the details of 230 consultants on higher education, 57 on agriculture, 73 on health, and 106 on small and medium-sized enterprises and industries.

**Article 68****Reply to paragraph 26 of the list of issues**

*Data, disaggregated by sex, age and nationality, on the number of persons who have been trafficked to, through or from the State party*

Table 3

**Foreign child victims of trafficking intercepted in Mali and repatriated from 2006 to 2010**

| <i>Year</i>  | <i>Number/sex</i> |             | <i>Total</i> |
|--------------|-------------------|-------------|--------------|
|              | <i>Girls</i>      | <i>Boys</i> |              |
| 2006         | 9                 | 48          | <b>57</b>    |
| 2007         | 6                 | 63          | <b>69</b>    |
| 2008         | 1                 | 40          | <b>41</b>    |
| 2009         | 18                | 53          | <b>71</b>    |
| 2010         | 5                 | 6           | <b>11</b>    |
| <b>Total</b> | <b>39</b>         | <b>210</b>  | <b>249</b>   |

Table 4

**Malian children intercepted in another country and reintegrated in Mali (2010)**

|               | <i>Number/sex</i> |             | <i>Total</i> |
|---------------|-------------------|-------------|--------------|
|               | <i>Girls</i>      | <i>Boys</i> |              |
| Burkina Faso  | 12                | 0           | <b>12</b>    |
| Niger         | 1                 | 10          | <b>11</b>    |
| Gambia        | 1                 | 7           | <b>08</b>    |
| Côte d'Ivoire |                   | 1           | <b>1</b>     |
| Togo          | 1                 | 0           | <b>1</b>     |
| <b>Total</b>  | <b>15</b>         | <b>18</b>   | <b>33</b>    |

Table 5

**Foreign children intercepted in Mali and repatriated to their country of origin (2010)**

|              | <i>Number/sex</i> |             | <i>Total</i> |
|--------------|-------------------|-------------|--------------|
|              | <i>Girls</i>      | <i>Boys</i> |              |
| Burkina Faso | 3                 | 3           | <b>6</b>     |
| Gambia       | 1                 |             | <b>1</b>     |
| Guinea       |                   | 1           | <b>1</b>     |
| Cameroon     |                   | 1           | <b>1</b>     |
| Senegal      | 1                 |             | <b>1</b>     |
| Niger        |                   | 1           | <b>1</b>     |
| <b>Total</b> | <b>5</b>          | <b>6</b>    | <b>11</b>    |

*Source:* National Directorate for the Promotion of the Child and the Family.



*Progress made by the State party in implementing the plan of action against trafficking in persons of the Economic Community of West African States and bilateral agreements*

101. As part of the implementation of the plan of action against trafficking in persons of the Economic Community of West African States and the bilateral and multilateral agreements it has signed, Mali holds meetings to monitor application of its agreements with neighbouring countries, as called for by the standing monitoring committees established under those agreements, and cooperates actively in the repatriation of victims.

102. Thus, from 2009 to 2010, the following meetings were held:

- Third meeting to monitor application of the cooperation agreement on combating child trafficking concluded between Mali and Côte d'Ivoire, held from 27 to 29 October 2009 in Bamako;
- Third meeting to monitor application of the cooperation agreement on combating child trafficking concluded between Mali and Burkina Faso, held in March 2009 in Ouagadougou;
- Third meeting to monitor application of the cooperation agreement on combating child trafficking concluded between Mali and Guinea, held from 2 to 4 September 2010 in Bamako;
- Fourth meeting to monitor application of the multilateral cooperation agreement on combating child trafficking in West Africa, held in Abidjan in 2010.

103. Those meetings provided an opportunity to take stock of the implementation of the different agreements and to identify priority actions for the years to come.

**Reply to paragraph 27 of the list of issues**

104. Mali has not taken any specific measures to combat the trafficking and exploitation of women and child migrants.

105. However, the Government has taken a raft of measures to prevent and combat the trafficking and exploitation of women and children in general. These measures include:

- (1) Order No. 02-062/PRM of 5 June 2002 on the Child Protection Code;
- (2) Adoption of Act No. 01-081 of 24 April 2001 on the age of criminal responsibility and the establishment of juvenile courts;
- (3) Ratification of the ILO Minimum Age Convention, 1973 (No. 138) and the ILO Worst Forms of Child Labour Convention, 1999 (No. 182);
- (4) Adoption of Decree No. 09-0151/MTFPRE-SG of 4 February 2009 supplementing the list of dangerous jobs prohibited for children under the age of 18 years;
- (5) Adoption of Act No. 2012-023 of 12 July 2012 on combating trafficking in persons and related practices. This Act explicitly criminalizes the exploitation of the begging of others and the trafficking of migrants;
- (6) Establishment of the National Unit to Combat Child Labour;
- (7) Institution of monitoring mechanisms in the form of local vigilance committees. As community monitoring structures, the main activities of the local vigilance committees include:
  - Identifying potential victims of child trafficking;
  - Alerting the community to the movement of children and the presence of suspicious persons;

- Reporting cases of trafficking and referring the victims to the appropriate authorities;
- Raising awareness among the population about the harmful consequences of child trafficking for the children themselves and for the community as a whole;
- Collecting and disseminating data on child trafficking.

The existence of local vigilance committees has helped to:

- Facilitate the repatriation/interception of 730 children (most of whom were intercepted);
- Curb the phenomenon of child trafficking;
- Bring about the arrest in 2008 of four suspected child traffickers, with the committees' support;

(8) Establishment of the National Committee to Monitor Programmes to Combat Trafficking in Children in Mali under Decree No. 06-1940/MPFEF-SG of 8 September 2006.

The National Committee is a forum for collaboration, exchanges and guidance established by and subject to the authority of the Minister for the Advancement of Women, Children and the Family. The National Committee is responsible for:

- Implementing and monitoring programmes to combat child trafficking in Mali;
- Assessing the actions taken in implementation of programmes to combat child trafficking in Mali;
- Developing technical and financial partnership strategies to ensure its effective functioning;
- Monitoring application of the cooperation agreements on combating child trafficking signed by Mali;
- Capitalizing on experience gained in combating child trafficking and providing care to children.

It should be noted, however, that, since its establishment in 2006, the National Committee has not been operational and that this has resulted in a lack of coordination of efforts to combat child trafficking in Mali. To remedy this situation, it was deemed necessary to organize periodic meetings of the National Committee in order to contribute to the fight against child trafficking and its effective eradication by reinvigorating the National Committee and supporting its work.

To that end, three meetings with clearly defined programmes of work were held:

- At the first meeting, in September 2009, participants reviewed the state of the National Committee and decided on the measures to be taken;
- At the second meeting, in October 2009, rules of procedure were adopted, along with terms of reference for the working committees, and the committees in question were established;
- At the third meeting, in November 2009, the National Committee's annual programme of work for 2010 was adopted.

(9) Launching of the Tackling Child Labour through Education (TACKLE) project in Mali in June 2008. TACKLE is a major project of the ILO aimed at combating child labour through education in 11 countries from the African, Caribbean and Pacific group of States. The aims of the project are to:

- Help combat poverty by affording disadvantaged children and adolescents access to basic education and skills training;
- Build the capacity of the local and national authorities to formulate, implement and enforce policies to combat child labour in cooperation with employers, labour and civil society.

(10) Adoption by the Malian Government on 8 June 2011 of the National Plan of Action for the Elimination of Child Labour in Mali (PANETEM), which is aimed at eliminating the worst forms of child labour by 2015, as called for in the resolution adopted by the ILO member countries at the Eleventh African Regional Meeting, held in Addis Ababa in April 2007.

The Plan, which forms part of the efforts to implement the policy for the promotion and protection of children, is aimed at eliminating the worst forms of child labour, such as slavery and forced recruitment in armed conflict or for the purpose of prostitution or trafficking. Another aim is to abolish prohibited forms of labour, such as work that, given its nature or the conditions in which it is performed, could endanger the health, safety or morals of the child.

The Plan covers a period of 10 years, divided into two phases of 5 years:

- The initial phase (2011–2015) is focused on eliminating the worst forms of child labour and concerns 60 per cent of the children targeted;
- The second phase (2016–2020) is aimed at abolishing all prohibited forms of child labour and concerns 40 per cent of the children targeted;

The fourth strategic line of action provides for a series of interventions to prevent child trafficking and remove victims, including:

- Setting up income-generating activities for vulnerable households of parents of victims of child trafficking;
- Seeking out perpetrators of, and those complicit in, child trafficking;
- Instituting legal proceedings against perpetrators of, and those complicit in, child trafficking;
- Removing and reintegrating victims of child trafficking;
- Returning victims of child trafficking to their families.

Following the official adoption of the National Plan of Action, preparatory activities for its effective implementation were carried out, including the establishment of a national committee responsible for organizing a round table of donors with a view to mobilizing funding, as provided for in Decision No. 000177 of the Ministry of Labour. The committee, which is chaired by a representative of the Ministry, comprises representatives from central technical services, employers' and workers' organizations, children's organizations, civil society organizations and from the ILO International Programme on the Elimination of Child Labour (IPEC) in Mali.

Unfortunately, this momentum has been undercut by the sociopolitical and security crisis (the rebellion in the north of the country, the coup d'état and the institutional crisis) gripping the country. In an effort to restart the process, a plan to relaunch the implementation of the National Plan of Action (December 2012–June 2013), based on the information provided by the various actors and the outcome of the round table, was devised in November 2012.

106. The raft of measures taken by the Government has yielded the following results.

107. In the area of training and awareness-raising:
- 37,532 children (13,151 girls and 24,381 boys) have been made more aware of child trafficking and its consequences and of the importance of attending school;
  - 5,658 children have been educated about child trafficking for the purposes of exploitation in agriculture thanks to an information and awareness-raising campaign carried out in 2007;
  - 23,233 adults (12,697 women and 10,536 men) have benefitted from training and awareness-raising;
  - More than 3,000 domestic workers have received complementary training;
  - 850 national actors have been trained.
108. In the area of repatriation and reintegration:
- 250 children have been repatriated from Côte d'Ivoire and settled. They carry out income-generating activities such as soldering, car and motorcycle mechanics, small-scale trade, dyeing and sewing, etc;
  - 3,830 children (1,851 girls and 1,979 boys) have been reintegrated through formal and informal education, vocational training and income-generating activities;
  - 10,000 children have been removed from, or prevented from entering, the worst forms of child labour by funded NGOs.
109. In terms of arrests made:
- In 2008, thanks to the support of local vigilance committees, four suspected child traffickers were arrested, along with their accomplices. Following their arrest, they were brought before the judicial authorities;
  - A Senegalese Koranic teacher in possession of 19 children was arrested by the vice unit in October 2011;
  - A Burkina Faso national in possession of 11 children was arrested by the vice unit in November 2012.
110. Regarding the prosecution and punishment of child trafficking:
- In 2008, a trafficker was sentenced to 2 years in prison by the assize court;
  - The Malian courts heard two trafficking cases in 2010. One case involved corruption of a minor (judgement No. 682 of 2 November 2010 of the Court of First Instance of Commune III of the Bamako district) and the other the abduction of a minor (judgement No. 32 of 22 June 2010 of the Mopti Appeals Court).
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