



**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

Fourth session
24-28 April 2006

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 9 OF THE CONVENTION**

**Concluding observations of the Committee on the Protection of the
Rights of All Migrant Workers and Members of Their Families**

MALI

1. The Committee on the Protection of the Rights of All Migrant Workers and Members of their Families considered the initial report of Mali (CMW/C/MLI/1) at its 31st and 32nd meetings (CMW/C/SR.31 and CMW/C/SR.32), held on 25 April 2006. At its 37th meeting, held on 28 April 2006, the Committee adopted the following concluding observations.

A. Introduction

2. The Committee welcomes the initial report submitted by the State party as well as the willingness to cooperate displayed by the State party during the constructive dialogue with the Committee. It notes, however, that the report does not contain sufficient information on several important questions of both a legal and practical nature. The Committee thanks the State party for its written replies to the list of issues, which were provided in a timely manner. It nevertheless regrets that several of the questions put to the delegation were met with only general, incomplete or vague answers.

3. With regard to the protection of migrant workers' rights, the Committee notes with concern that many countries in which Malian migrant workers are employed are not parties to the Convention, which hampers Malian migrant workers' enjoyment of their rights under the Convention.

B. Positive aspects

4. The Committee appreciates the fact that Mali was the first country to submit an initial report.

5. The Committee notes with satisfaction that there is a Ministry for Malians Living Abroad and African Integration and that the Ministry provides information to Malians on conditions for entry to and residence in several countries where there is a large Malian community. However, the Committee would have appreciated more detailed information about the Ministry's functions and activities.

6. The Committee welcomes the promulgation of Act No. 04-058 of 25 November 2004, on the entry, stay and residence of foreigners in the Republic of Mali, which replaces legislation and regulations dating from the colonial period.

7. The Committee notes with satisfaction that many expatriate Malians have the opportunity to participate in presidential elections thanks to mechanisms established in certain countries. The Committee suggests that this opportunity be extended to a larger number of Malian migrant workers living abroad.

8. The Committee notes with satisfaction that Mali is a party to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, and to the Protocol against the Smuggling of Migrants by Land, Air and Sea.

C. Factors and difficulties impeding implementation of the Convention

9. The Committee takes note of the difficulties the State party faces in controlling illegal and clandestine movements of migrant workers and members of their families and, in particular, in controlling the extensive borders it shares with seven neighbouring countries.

D. Principal subjects of concern, suggestions and recommendations

1. General measures of implementation (art. 73, para. 2, and art. 84)

Legislation and implementation

10. The Committee notes with regret that Mali has not made the declarations provided for in articles 76 and 77 of the Convention recognizing the competence of the Committee to receive communications from States parties and from individuals.

The Committee encourages the State party to consider making the declarations provided for in articles 76 and 77 of the Convention.

11. The Committee notes with regret that Mali has not yet acceded to the International Labour Organization (ILO) Migration for Employment Convention (Revised), 1949 (No. 97) or Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143).

The Committee invites the State party to consider acceding to ILO Conventions No. 97 and No. 143, which concern migrant workers, as soon as possible.

12. The Committee regrets that the State party has not provided sufficient information on the specific measures it has taken to implement the Convention.

The Committee requests the State party to include in its second periodic report updated information supported by statistics and actual examples of the concrete measures it has taken to implement the rights of migrant workers as set out in the Convention.

13. The Committee is pleased to note that, pursuant to article 116 of the State party's Constitution, international treaties, including the Convention, take precedence over national legislation. It is nevertheless concerned by the fact that, according to the State party, the Convention cannot be applied by the courts because it has not yet been incorporated into national legislation.

The Committee urges the State party to take the necessary legislative measures to ensure that the Convention can be applied in the Malian legal system, including by the Malian courts.

Data collection

14. The Committee takes note with concern of the lack of statistics on migration flows affecting Mali and on other migration-related issues. The Committee recalls that such information is indispensable to an understanding of the situation of migrant workers in the State party and to an assessment of the implementation of the Convention.

The Committee strongly encourages the State party to seek the necessary technical assistance in order to create a sound database, with data disaggregated by sex, that will enable it to comprehend the migration context and the situation of migrant workers in Mali, including those who are in an irregular situation, to monitor the implementation of each of the rights set out in the Convention, and to collect the data to be provided to the Committee relating to the effective exercise of each of those rights.

Training in and dissemination of the Convention

15. The Committee regrets that officials working in the area of migration appear to receive barely any training.

The Committee invites the State party to provide training to officials working in the area of migration.

16. The Committee regrets the lack of information on effective measures taken by the State party to inform individuals about their rights under the Convention.

The Committee encourages the State party to take the necessary steps to improve free access by migrant workers to information about their rights under the Convention.

Cooperation with non-governmental organizations

17. The Committee notes that, according to the State party, non-governmental organizations were informed of the preparation of the country's initial report. However, it is concerned at the manifest absence of any comments on the report from non-governmental organizations working in the area of migration.

The Committee encourages the State party to institute a participatory procedure that would allow non-governmental organizations and other members of civil society to be involved in the preparation of Mali's second periodic report.

2. General principles (arts. 7 and 83)

Non-discrimination

18. The Committee notes with interest that, according to the State party, Malian legislation makes no distinction between national workers and migrant workers. It regrets, however, the lack of information on actual practice and examples that would make it possible to assess the implementation of these provisions.

The Committee encourages the State party to ensure that the provisions of domestic law protecting the rights of migrant workers are applied and to provide information on actual practice and relevant examples in its second periodic report.

3. Human rights of migrant workers and members of their families (arts. 8-63)

19. The Committee takes note of the State party's claim that Malian legislation guarantees to all migrant workers and members of their families the human rights set out in parts III, IV and V of the Convention. However, it is concerned at the absence of any precise, detailed information regarding the implementation of these rights.

The Committee invites the State party to provide precise, detailed information regarding the realization of the rights and freedoms established in the Convention in its next periodic report.

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

20. The Committee is concerned at the manifest lack of coordination among the institutions and services dealing with the various aspects of migration.

The Committee encourages the State party to establish a coordination mechanism to improve the services provided to migrant workers and members of their families, while ensuring their uniformity and conformity with the regional and international treaties to which Mali is a party. In addition, the Committee encourages the State party to ensure that the Convention is taken into account in the formulation and implementation of all policies concerning the rights of migrant workers.

21. The Committee takes note of the cooperation programmes that exist between certain countries and Mali for the voluntary return of Malian migrant workers and members of their families, as well as the use of development assistance to help migrant workers.

The Committee requests the State party to provide more detailed information in its next report on the effective implementation of these programmes and on the results obtained.

22. The Committee takes note with satisfaction of the efforts made by the State party to combat trafficking in children. Nevertheless, it is concerned to note that, as the State party acknowledges, trafficking in children continues to be a very serious problem in Mali. The Committee is particularly concerned at the trafficking in Malian children to other countries in the region and at the fact that they are subjected to slavery and forced labour. It is also concerned about the situation of migrant girls who are allegedly exploited.

The Committee recommends that the State party should intensify its efforts to combat trafficking in children, in cooperation with international governmental and non-governmental organizations, and to implement the recommendations made in this regard by the Human Rights Committee and the Committee on the Rights of the Child.

23. The Committee regrets the lack of information on measures taken by the State party to combat trafficking in women.

The Committee encourages the State party to take effective measures to combat trafficking in women and to provide more detailed information on this subject in its next report.

7. Follow-up and dissemination

Follow-up

24. The Committee requests the State party to include in its second periodic report detailed information on measures taken to follow up on the recommendations made in these concluding observations. The Committee recommends that the State party should take all appropriate

measures to ensure that these recommendations are implemented, including by transmitting them for consideration and action to members of the Government and Parliament and, where appropriate, to local authorities.

Dissemination

25. The Committee likewise requests the State party to disseminate these concluding observations widely, including to public agencies and the judiciary, non-governmental organizations and other members of civil society, and to inform Malians migrating abroad and foreign migrant workers in transit or residing in Mali of the rights they and members of their families enjoy under the Convention.

8. Next periodic report

26. The Committee requests the State party to submit its second periodic report by 1 October 2009.
