



**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

SUMMARY RECORD OF THE 31st MEETING

Held at the Palais Wilson, Geneva,
on Tuesday, 25 April 2006, at 10 a.m.

Chairperson: Mr. KARIYAWASAM

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The meeting was called to order at 10.05 a.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER
ARTICLE 73 OF THE CONVENTION (agenda item 6)

Initial report of Mali (CMW/C/MLI/1; CMW/C/MLI/Q/1 and Add.1)

1. At the invitation of the Chairperson, the members of the delegation of Mali took places at the Committee table.
2. The CHAIRPERSON welcomed the delegation of Mali, which was the first State party to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families to have submitted its initial report. It was particularly significant that the first report to be considered should come from an African country. The Government of Mali's commitment to the protection of the rights of its migrant workers was to be commended.
3. Mr. KASSÉ (Mali) said that, in view of the importance the Government of Mali attached to the situation of migrant workers in general and Malian migrant workers abroad in particular, his delegation would do its best to provide all the additional information needed by the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families.
4. Ms. DICKO (Mali), introducing the initial report of Mali (CMW/C/MLI/1), apologized for the absence of information on the geography and the political and legal framework of Mali. For information on the latter, she referred the Committee to the second periodic report of Mali submitted to the Committee on the Rights of the Child in 2005 (CRC/C/MLI/2).
5. Current trends in labour migration were a matter of concern for the Government of Mali, given that Mali was first and foremost a country of emigration. Legislative and other measures to regulate migration and the employment of migrants were part of a wide range of laws and regulations relating to employment, social security and immigration. The Government of Mali attached great importance to social rights in those areas, hence its ratification of the Convention on Migrant Workers. However, the actual implementation of the provisions of the Convention was a more difficult task.
6. The initial report (CMW/C/MLI/1) had been drafted in cooperation with the Ministry of the Civil Service, State Reform and Relations with Institutions; the Ministry of Foreign Affairs and International Cooperation; the Ministry of Malians Living Abroad and African Integration; the Ministry of Internal Security and Civil Defence; and the Ministry of Regional and Local Government. The Government of Mali had subsequently submitted written replies (CMW/C/MLI/Q/1/Add.1) to the list of issues (CMW/C/MLI/Q/1), but a number of questions remained unanswered. Referring to question No. 5 in the list of issues, she said that the delegation had met with the Malian NGO umbrella organization Comité de Coordination des Actions des ONGs (CCA/ONG) to publicize the Convention, so that in the near future Malian NGOs would be able to play an active role in its implementation.
7. In reply to question No. 15, she said that in the past it had been customary to entrust the task of transferring the earnings of Malian migrant workers to a Malian citizen who was resident

in the foreign country concerned and who was visiting Mali. However, recently, in view of the increasingly large sums of money involved, Malian banks had begun to open branches in countries of destination. Transfers could also be made through Western Union. Moreover, in February 2006, a subregional meeting had been held in Benin to discuss ways to facilitate the transfer of earnings between countries in the subregion.

8. With reference to question No. 23, she said that the self-employed were entitled to the same protection as other workers in Mali under the Labour Code and the Social Welfare Code and to the same assistance from the National Employment Agency. However, the self-employed in Mali tended to be craftsmen and tradesmen who, for personal reasons, preferred to work in the informal sector.

9. Mr. ALBA stressed that the current meeting was the start of a long-term dialogue with Mali, which would be expected to submit regular periodic reports. Likewise, the implementation of the provisions of the Convention would be a gradual process. At the present juncture, the Committee wished to know more about the real situation of migrant workers in Mali and thus required further information on specific legislation and regulations to implement the provisions of the Convention. For instance, what were the procedures for confiscating identity documents? Was there any specific legislation prohibiting mass expulsion?

10. Following up on the oral reply to question No. 15, he asked for further details on arrangements for transferring funds through Malian banks abroad and foreign banks in Mali. He would also like to know if there was a system to help foreign citizens in Mali to transfer funds abroad. In connection with question No. 17, which had not been dealt with in the written replies, he enquired what efforts had been made to inform Malian workers abroad or foreign workers in transit or resident in Mali of their rights under the Convention. Was there any legislation to protect the cultural traditions of migrants? Additional information should also be provided on measures taken to provide adequate support for Malian workers abroad. In particular, it would be useful to know whether Malian embassy staff were trained to deal with employment issues.

11. Mr. EL-BORAI requested additional information on the civic rights referred to in paragraph 31 of the initial report, particularly since that paragraph appeared to imply that there were exceptions to the rights enshrined in articles 40, 41 and 42 of the Convention. Did all migrant workers in fact enjoy the right to form associations and trade unions? It would be useful to have a full account of the requirements to be met by migrants wishing to enter and stay in Mali.

12. The reporting State should be more specific about the rights contained in article 10 of Act No. 04-058. It was unclear what administrative procedures were followed in cases of family reunification of migrant workers. Were the provisions of article 50 of the Convention covered by existing domestic legislation? If so, what administrative procedures were followed in the case of the death of a migrant worker?

13. Further information on the services available to migrant workers and their families should be provided to enable the Committee to ascertain whether the Government was implementing the provisions of article 65, paragraph 1, of the Convention. The reporting State should also indicate whether the National Advisory Commission on Human Rights took into consideration issues related to migration.

The meeting was suspended at 10.45 a.m. and resumed at 11.05 a.m.

14. Ms. DICKO (Mali), responding to some of the issues raised by Committee members, said that identity documents were confiscated only if a person provided false information during a routine inspection. Expulsion was subject to a court order, and was carried out if a residence permit was refused. Refoulement at national borders could be instigated by the security services. There had been no cases of mass expulsion from Mali.

15. Several agreements governed the right of migrant workers to transfer funds to their State of origin. The Central Bank of West African States carried out such transfers.

16. Given that the Convention had been ratified by Mali in June 2003, no measures had yet been taken to disseminate information on the rights it contained. The Government would, however, take steps to inform Malians abroad and migrant workers in Mali of their rights under the Convention.

17. Provision had been made for family reunification, in accordance with article 44 of the Convention, in Act No. 04-058, which set out all the relevant administrative procedures. The text of the Act would be made available to the Committee.

18. The mandate of the National Advisory Commission on Human Rights was to promote and protect all human rights and to prevent torture and other cruel, inhuman or degrading treatment or punishment. The rights of migrant workers therefore fell within the remit of that Commission.

19. Mr. KASSÉ (Mali) added that Malian embassies abroad were responsible for the protection of all Malian citizens living abroad. The staff of the Mali consulate in Paris, for example, included specialists on employment and social security.

20. Mr. DIALLO (Mali) said that in order to gain entry to Mali, a passport or other travel document was required. For citizens of member States of the Economic Community of West African States and other countries that had signed bilateral agreements with Mali, the additional requirement to obtain an entry visa was waived. A return transport ticket and proof of vaccinations were also necessary.

21. Mr. EL-BORAI asked under what circumstances the security services could institute refoulement procedures at national borders.

22. Mr. ALBA said that it remained unclear whether mass expulsions were governed by any domestic legislation.

23. Mr. KONE (Mali) said that while mass expulsion was provided for in legislation, any such expulsion would violate the constitutional requirement that Mali should promote African unity.

24. Mr. TAGHIZADE noted that, according to the written replies to the list of issues, there was a Malian diaspora of around “a third of the total population”. That seemed a very high proportion: did the reply refer to the total population of Mali or to the total number of Malian citizens in the world? Reference had also been made to dialogue between the Government, civil

society and NGOs; he sought clarification as to whether such dialogue had occurred before or after the preparation of the report. He also asked whether the report had been circulated in Mali. Lastly, with regard to the plans to inform migrants about their rights under the Convention (question No. 16 in the list of issues), he asked whether administrative procedures had been changed to that end or whether the task would be delegated to the country's embassies abroad.

25. Ms. DIEGUEZ said that she, too, had been struck by the high proportion of migrants from Mali. The much smaller proportion of migrants from her country, Guatemala, to the United States of America - 1.2 million out of a total population of 12 million - had had a marked social impact, given that remittances sent home represented the country's biggest source of income. She wondered whether development projects in Mali benefited from such remittances and whether there was any information available on the actual sums involved. She also requested further information about the functions and workings of the Ministry of Malians Living Abroad and African Integration, which could serve as a model for other countries with a high proportion of migrant workers.

26. Ms. CUBIAS MEDINA asked whether, in addition to the organizational arrangements made to prevent trafficking in human beings and to protect children, any criminal prosecutions had been launched against traffickers. She also asked what measures had been taken to rescue the children and young people who were victims of trafficking.

27. Mr. SEVIM asked, first, whether the Convention could be cited before the courts in Mali and, secondly, what measures the Government had taken to ensure that migrant workers received the treatment set out in article 25 of the Convention.

28. Mr. BRILLANTES said that any situation not covered by the Constitution or other legislation seemed to come under Act No. 04-058 of 25 November 2004, to which the delegation had referred constantly. The Act clearly showed the Government's commitment to implementing the Convention and he welcomed the offer to provide the Committee with a copy of it. It might well be possible for other countries to adopt similar legislation. The Committee had, however, been given no information on the availability of administrative remedies in Mali. It would be helpful to know which body dealt with complaints of violations of the rights of migrant workers and how such complaints could be made. The Committee had been informed about the procedure applying to Malians abroad; but the situation in Mali itself - in relation to family members as well as the migrant workers themselves - was less clear. He asked for clarification on the penalties incurred, by employers and others, for violations of migrant workers' rights. Lastly, he urged the delegation to indicate what kind of assistance or guidance Mali would like to receive from the Committee.

29. Mr. EL JAMRI asked, with reference to question No. 20 in the list of issues, in which countries Malians were able to vote, and requested further information on voting procedures for Malians abroad. He also wondered how many nationals of Mali had returned to the country under the voluntary repatriation programmes set up by the Governments of France and Switzerland, among others. With reference to question No. 25, he would welcome further information on the various services provided by embassies and consulates to Malians abroad and whether they were supplied in cooperation with such bodies as employers' organizations or NGOs.

30. He would be interested to hear whether the Government of Mali had reacted officially to the application of labour laws that adversely affected Malians or to events with a racist undertone, such as the violent protests that had occurred in the poorer suburbs of Paris in autumn 2005. He would also be interested to hear the delegation's views on the massive migration flows in sub-Saharan Africa, with particular reference to would-be migrants who lost their lives on the way to traditional ports of embarkation to Europe. As for the nationals of other countries who passed through Mali, whether voluntarily or involuntarily, he wondered whether any negotiations were in hand to reduce such flows. In that context, he asked whether there were any figures on the number of undocumented Malian nationals living abroad.

31. The issue of closer integration and better living conditions in such receiving countries as France was complicated by a process of ghettoization, which affected the schooling of Malian children as well as migrants' living conditions in general. A further complicating factor was religious or cultural practices such as polygamy. He made no moral judgement on that practice, but it was fair to ask what impact it had on the rights of those involved. Many Malians were polygamists, but only the first wife was generally entitled to State benefits and other rights in the receiving country. The legal situation of the other wives was, at best, tenuous. Lastly, he sought the delegation's comments concerning the link between migration and development. Mali was cited as an example of a country in which the nationals were closely involved in development, with a consequent reduction in migration flows. Had the Government adopted any other measures to reduce such flows?

32. Mr. ALBA said he would like to hear the delegation's views on undocumented migration. He also wished to know the level of transit migration in Mali and what attitude the Government adopted towards such migration.

33. Ms. DIEGUEZ asked what effect the mass deportations of Malians from France in 1986 had had on the national consciousness.

34. Mr. BRILLANTES asked whether overseas employment was encouraged by official programmes or whether the initiative to seek a job abroad was taken by private individuals.

35. The CHAIRPERSON said that he would adjourn the meeting early to enable the delegation to prepare its answers to the many questions put by the Committee.

The meeting rose at 11.55 a.m.