



# 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

### List of issues prior to the submission of the third periodic report of Mali\*

#### Section I

##### A. General information

1. Please provide information on new provisions of or changes to the domestic legal framework in relation to the Convention, including the following:

(a) Measures taken by the State party to bring its legislation into conformity with the Convention, including information on the progress made in the adoption and promulgation of the bills on trafficking in persons and people smuggling, and on the bills on the Criminal Code and the Code of Criminal Procedure adopted by the Council of Ministers on 11 October 2023;

(b) The nature and scope of bilateral and multilateral agreements concluded with other countries concerning the rights of migrant workers and members of their families under the Convention. Please specify how these agreements protect migrant workers' rights in transit and destination countries, especially with respect to detention, repatriation or expulsion, family reunification procedures and social security.

2. Please give an assessment of the implications of the State party's withdrawal from the Economic Community of West African States, announced on 3 February 2024, for the regional mobility and protection of the rights of migrant workers and members of their families, and explain how the State party intends to avoid an increase in irregular migration and the increased use of smugglers. Please describe the measures taken or envisaged to ensure the continued protection of the rights of migrant workers and members of their families who have already exercised their right to mobility within the framework of the Economic Community of West African States, notably under the Protocol relating to Free Movement of Persons, Residence and Establishment of 29 May 1979. Following the establishment of the Confederation of Sahel States on 6 July 2024, please provide information on how the Confederation will address the mobility and protection of migrant workers and members of their families.

3. Please provide information, with supporting data, on the implementation and the ongoing review of the National Migration Policy adopted in 2014, whose action plan was revised in 2020. Please provide information for the reporting period on the adoption, implementation and evaluation of other relevant policies and strategies relating to the rights of migrant workers and members of their families, and on the resources allocated for the implementation of these policies.

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\* Adopted by the Committee at its thirty-ninth session (2–13 December 2023).



4. Please provide information on measures taken by the State party to establish a coherent, robust and comprehensive system of data collection on labour migration and to make such data publicly available.

5. Please provide updated information on the governmental body responsible for coordination of implementation of the Convention and on the national coordinating bodies in the various relevant fields, in particular the Ministry for Malians Living Abroad and African Integration and the National Coordinating Committee on Combating Trafficking in Persons and Related Practices. Please provide information on the steps taken to improve coordination at all levels of government, including in border areas, and on the human, financial and technical resources allocated to the relevant bodies for promoting, protecting and fulfilling the rights of migrant workers and members of their families.

6. Please provide information on steps taken to:

(a) Make the declarations provided for in articles 76 and 77 of the Convention;<sup>1</sup>

(b) Ratify the International Labour Organization (ILO) Migration for Employment Convention (Revised), 1949 (No. 97), the ILO Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143), the ILO Domestic Workers Convention, 2011 (No. 189), the ILO Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187), the ILO Violence and Harassment Convention, 2019 (No. 190) and the ILO Labour Inspection (Agriculture) Convention, 1969 (No. 129);

(c) Give the National Human Rights Commission a broad mandate to promote and protect the rights of migrant workers and members of their families, including a complaints mechanism and the authority to visit detention centres and other places receiving migrants, and set aside the financial, human and technical resources it would need to implement this mandate effectively.

7. Please provide information on:

(a) Training programmes on the content of the Convention organized by the State party for government officials working in migration-related fields in Mali, including in border regions;

(b) Training for officials who provide legal and consular assistance to Malian nationals abroad, in particular with regard to discrimination, workplace abuse and exploitation, arrest, pretrial detention, immigration-related detention, imprisonment, expulsion and repatriation;

(c) Measures taken to make the Convention widely known, promote its implementation and familiarize the general public, migrant workers and members of their families and relevant professionals with its provisions;

(d) Measures taken to involve civil society organizations in the implementation of the Convention and the preparation of the State party's periodic reports and replies to the present list of issues.

8. Please provide information on the existence of private employment agencies in the State party that recruit migrant workers to work abroad and on the laws, rules and regulations pertaining to private recruitment, in particular on:

(a) Measures taken to provide information and training to migrant workers on their rights and obligations and to protect against abusive employment situations;

(b) The role and responsibilities of recruitment agencies and the State party in the event of claims and liabilities that may arise in connection with the performance of the employment contract, with regard to, among other things, wages, disability compensation, repatriation and death, including the repatriation of the bodies of deceased migrant workers;

(c) Whether employment agencies provide life, disability and workers' compensation insurance to migrant workers for work-related injuries and death;

<sup>1</sup> CMW/C/MLI/CO/2, para. 11.

- (d) The issuance and renewal of licences of employment agencies;
- (e) Complaints lodged against employment agencies, labour inspections conducted and penalties and sanctions imposed in cases of non-compliance with the law;
- (f) Measures taken by the State party to strengthen mechanisms to regulate and supervise private employment agencies, including with regard to the charging of fees, and to avoid situations where such agencies act as intermediaries for abusive foreign recruiters.

## **B. Information relating to the articles of the Convention**

### **1. General principles**

9. Please indicate whether the provisions of the Convention have been directly applied by officials in the administration. Please provide information on and examples of judicial cases and judgments in which the Convention has been invoked directly before the courts. Please also provide information on:

- (a) The judicial and administrative entities competent to examine and decide on complaints by migrant workers and members of their families, including those in an irregular situation;
- (b) The number and type of complaints examined by such entities in the past five years and their outcomes, disaggregated by sex, age, nationality, field of occupation and migration status;
- (c) Whether legal assistance was provided to migrant workers living in Mali and to Malian migrant workers living abroad;
- (d) Any redress, including compensation, provided to the victims of rights violations under the Convention;
- (e) Measures taken to inform migrant workers and members of their families about the remedies available to them for violations of their rights.<sup>2</sup>

10. Please provide information, with supporting data and specific examples, on how the coronavirus disease (COVID-19) pandemic has impacted the development, adjustment and implementation of national pandemic prevention and management plans to protect the rights of migrant workers and members of their families, so that the State party can:

- (a) Ensure access to health services, including COVID-19 vaccines, without discrimination and regardless of nationality or migration status;
- (b) Uphold the necessary sanitary measures to prevent the spread of the disease and maintain the desired level of health protection in workplaces;
- (c) Prevent infections in detention centres and provide healthcare services to those who have been infected;
- (d) Ensure that families of migrant workers who have died of the disease are informed of their deaths and receive their remains;
- (e) Protect the rights of migrant workers and members of their families in other respects and mitigate the pandemic's adverse effects, in view of the joint guidance note of the Committee and the Special Rapporteur on the human rights of migrants on the impacts of the COVID-19 pandemic on the human rights of migrants.<sup>3</sup>

### **2. Part II of the Convention**

#### **Article 7**

11. Please indicate whether national legislation ensures that all migrant workers and members of their families enjoy the rights recognized in the Convention, without distinction

<sup>2</sup> CMW/C/MLI/CO/2, para. 19.

<sup>3</sup> See <https://www.ohchr.org/sites/default/files/CMWSPMJointGuidanceNoteCOVID-19Migrants.pdf>.

of any kind, and whether such legislation covers all the grounds of discrimination prohibited by articles 1 (1) and 7 of the Convention, including sex, language, national, ethnic or social origin, nationality, age, economic status, property, marital status, and birth or other status. Please provide information on all effective practical measures taken by the State party to ensure that non-discrimination, the protection of labour rights and gender equality prevail in all matters relating to migration policy, in law and in practice. Please describe the measures taken to address the heightened vulnerability of migrant women to gender-based violence, including conflict-related sexual violence.

### 3. Part III of the Convention

#### Articles 8–15

12. Please provide information on any cases identified in the State party of exploitation of migrant workers and members of their families, in both regular and irregular situations, in particular those working in the agriculture, mining (including artisanal gold mining) and domestic work sectors. Please also provide information on any cases identified in the State party of domestic servitude, forced labour and sexual exploitation involving migrant workers, and on measures to prevent and combat these practices. Please provide information on the measures taken to bring national legislation into compliance with the ILO Forced Labour Convention, 1930 (No. 29) and the ILO Abolition of Forced Labour Convention, 1957 (No. 105).

13. In the light of reports received by the Committee of high rates of child labour, of children in street situations and of trafficking of children for the purpose of economic exploitation, including reports of migrant children being forced into begging or exploited in artisanal gold mines, please provide information on the measures taken by the State party to ensure that the rights of migrant children, including those who are separated, unaccompanied or in an irregular situation or transiting through the State party, are respected and that they are protected from all forms of exploitation. Please indicate what measures the State party has taken or is planning to protect children from the worst forms of child labour, including by implementing the ILO Worst Forms of Child Labour Convention, 1999 (No. 182) and strengthening the labour inspection system.

14. Please clarify the progress that has been made in relation to:

(a) The implementation of the National Plan of Action for the Elimination of Child Labour, indicating the outcome of the Plan and the number of child victims of labour exploitation, including those abroad, who have been provided with adequate assistance, protection and rehabilitation services;

(b) The creation of a mechanism for the identification and protection of unaccompanied migrant children;

(c) Cooperation with transit and destination countries to protect unaccompanied migrant children and ensure that those who are victims of crime are properly protected and receive specialized care tailored to their needs.

15. Please provide detailed information on the measures taken to investigate allegations of harassment, corruption and abuse of authority by law enforcement officials who, for example, detain migrant workers and members of their families arbitrarily. Please indicate the number of cases that have been reported, the number of criminal proceedings that have been instituted, the number of officials who have been brought to justice and the number of convictions that have been handed down.

#### Articles 16–22

16. In the light of the Committee's previous concluding observations,<sup>4</sup> please indicate whether the State party plans to decriminalize irregular migration and whether it provides for administrative penalties for migrants who violate immigration laws. Please describe what due process safeguards, in particular the right of access to a lawyer and an interpreter, are in place

<sup>4</sup> CMW/C/MLI/CO/2, para. 21 (b).

when migrant workers and members of their families are being investigated or face arrest, detention or expulsion for immigration offences. Please describe any special provisions concerning safeguards for children. Please describe the measures taken to ensure that, in law and in practice, effect is given to article 16 (7) of the Convention, pursuant to which migrant workers and members of their families who are detained must be allowed contact with the consular or diplomatic authorities of their State of origin.

17. Please provide information on border governance measures, in particular with respect to procedures applicable to migrant workers and asylum-seekers arriving at the international borders of the State party, including with respect to reception facilities, and on how the State party processes protection claims to ensure that it acts in accordance with the principle of non-refoulement and the prohibition of arbitrary and collective expulsion.

18. Please describe the measures taken by the State party to ensure that detention of migrant workers for violation of immigration laws is applied only in exceptional circumstances, as a last resort and for the shortest possible time and that in all cases they are held separately from other categories of prisoners. Please describe the measures taken to guarantee that children and members of their families are not detained for immigration control purposes, in line with joint general comment No. 4 of the Committee on the Protection of the Rights of All Migrant Workers and Members of their Families/No. 23 of the Committee on the Rights of the Child (2017).

### **Article 23**

19. Please describe the measures taken to ensure that consular services respond effectively to the protection and assistance needs of Malian migrant workers and members of their families abroad, including those in an irregular situation and, in particular, those who are victims of abuse, deprived of their liberty and/or subject to expulsion measures. Please indicate whether migrant workers and members of their families in the State party have effective access to the protection and assistance of the consular or diplomatic authorities of their State of origin, in particular in cases of arrest, detention or expulsion. Please also explain how migrant workers deprived of their liberty are informed of this right, in particular in cases of expulsion.

### **Articles 25–30**

20. Please provide information on:

(a) Existing legal and labour protection and enforcement mechanisms to ensure that migrant workers, including women, enjoy treatment not less favourable than that which applies to nationals in respect of remuneration and conditions of work; all measures taken to ensure that migrant workers are not deprived of any rights derived from this principle by reason of any irregularity in their stay or employment; and measures taken to promote the rights of Malian migrant workers abroad;

(b) Existing policies to enhance the portability of social security and other entitlements and benefits;

(c) Measures in place to ensure that all migrant workers and members of their families, including those in an irregular situation, have access to emergency healthcare on the basis of equality of treatment with nationals;

(d) Measures in place to ensure that the births of children of Malian migrant workers abroad are registered, regardless of their parents' migration status, and to ensure that these children are provided with personal identity documents. Please also provide information on measures taken to ensure the birth registration of all children of migrant workers in the State party.

### **Article 33**

21. Please describe the measures taken to ensure that migrant workers arriving in or preparing to come to the State party have access to clear information on immigration procedures, including complete information on the conditions applicable to their admission, stay and the remunerated activities in which they may engage, as well as on the applicable

laws and legislation in force. Please indicate whether the State party has organized specific information and training programmes on the Convention for migrant workers and members of their families, employers, trade unions or other appropriate bodies or institutions, in accordance with article 33 of the Convention.

#### 4. Part IV of the Convention

##### Article 36

22. In the light of the Committee's previous concluding observations,<sup>5</sup> please provide information on the measures taken to introduce residence permits in practice, as envisaged by Act No. 04-058 of 25 November 2004 on the entry, stay and residence of foreigners in Mali.

##### Article 37

23. Please provide information on targeted pre-departure and awareness-raising programmes for migrant workers and members of their families wishing to work abroad, including information on the conditions of their admission and employment and on their rights and obligations in the State of employment.

##### Articles 41 and 42

24. Please provide information on steps taken to:

(a) Ensure that Malian migrant workers residing abroad and members of their families are able to exercise their rights to vote, participate in public affairs and be elected to public office;

(b) Establish procedures or institutions with freely chosen representatives to take into account the special needs, aspirations and obligations of migrant workers and members of their families, both in States of origin and in States of employment.

##### Articles 44 and 50

25. Please describe the steps taken to:

(a) Protect the unity of migrant workers' families and facilitate the reunification of migrant workers with their spouses or persons with whom they have a relationship that, according to applicable law, produces effects equivalent to marriage, and with their minor dependent unmarried children, including in the context of expulsion procedures;

(b) Grant residence permits to family members in the case of death of a migrant worker or dissolution of marriage.

##### Articles 46–48

26. Please provide information on:

(a) Legislation relating to import and export duties and taxes in respect of personal and household effects, as well as necessary work-related equipment, of migrant workers;

(b) Measures taken to avoid double taxation of the earnings and savings of migrant workers and members of their families;

(c) Existing policies to facilitate remittances and the legal framework giving migrant workers the right to transfer their earnings and savings from the State of employment to the State of origin.

<sup>5</sup> Ibid., para. 23.

## 5. Part V of the Convention

### Articles 58–63

27. Please provide information on the measures taken to ensure that self-employed migrant workers, in accordance with applicable legislation or under bilateral or multilateral agreements, enjoy the rights provided for in part IV of the Convention, with the exception of those rights which are exclusively applicable to workers having a contract of employment.

## 6. Part VI of the Convention

### Article 64

28. Please provide information on measures taken, including consultations and cooperation with other States, to promote sound, equitable and humane conditions in connection with the international movement of migrant workers and members of their families, including through multilateral and bilateral agreements. Please include information on how such measures have been mainstreamed in overall migration policies and programmes, including the National Migration Policy, and how they address the social, economic, cultural and other needs of migrant workers and members of their families.

29. Please describe the measures taken to address the irregular migration of nationals of the State party, including through multilateral and bilateral agreements and policies and programmes aimed at enhancing legal migration channels and at addressing the root causes of irregular migration. Please include information on how such measures have been mainstreamed in overall migration policies and programmes, including the National Migration Policy, and whether they have led to a reduction in the number of migrants in an irregular situation. Please provide information on campaigns to combat disinformation about irregular migration and raise awareness among the population, including women and children, of the risks and dangers of irregular migration.

30. Please describe the measures taken to regulate and facilitate the cross-border mobility of seasonal herders, which has become increasingly important due to the destabilizing effects of climate change on their way of life. Please include information on the conclusion and implementation of bilateral and regional agreements in this area, in particular with regard to the creation of secure cross-border transhumance corridors to prevent herds from damaging crops and agricultural facilities. Please describe any measures taken by the State party to prevent violent conflicts between herders practising cross-border transhumance and farmers, including measures to ensure equitable access to water points and to facilitate herders' access to healthcare, education, information and social services.

### Article 67

31. Please provide information on cooperation programmes in place between the State party and relevant States of employment for the voluntary return of Malian migrant workers and members of their families when they decide to return home or are in an irregular situation the State of employment. Regarding migrant workers in a regular situation, please provide information on cooperation programmes between the State party and relevant States of employment on promoting satisfactory economic conditions for their resettlement and reintegration in the State party. Please also provide information on cooperation programmes for the voluntary return of foreign migrant workers and members of their families present in the State party, in particular the Migrant Protection, Return and Reintegration Programme for Sub-Saharan Africa of the International Organization for Migration.

32. Please provide information on measures taken to promote conditions for the reception and reintegration of migrant workers and members of their families upon their return to the State party, including in the framework of the assisted voluntary return and reintegration programmes of the International Organization for Migration. Please also provide information on the operationalization of the National Framework for Migrant Reintegration established in 2024.

### Article 68

33. Please provide information on the measures taken since the previous concluding observations,<sup>6</sup> including through international, regional and bilateral cooperation with countries of origin, transit and destination, to prevent and combat trafficking in persons and people smuggling, and on the relevant resources, including human and financial resources, allocated to this end. Please describe the actions undertaken to effectively implement Act No. 2012-023 on Combating Trafficking in Persons and Related Practices in order to prevent and combat trafficking in persons and people smuggling. Please include information on the ongoing revision of the legal framework, including the adoption of two recently drafted bills, one on trafficking in persons and the other on migrant smuggling. In particular, please provide information on:

- (a) The implementation of the National Action Plan to Combat Trafficking in Persons 2023–2027 and the evaluation of the previous plan. Please include specific information on the trafficking of women and children;
- (b) Measures taken to combat smuggling networks;
- (c) Efforts made to effectively and impartially investigate all acts of smuggling and trafficking in persons and to prosecute and punish perpetrators and accomplices, including when these are public officials, and the number of judgments issued, the number of convictions handed down, the type of sentences imposed and the reparations provided to victims and, if they are deceased, to their families;
- (d) The implementation of the national referral mechanism for victims of trafficking in persons in Mali, established in 2021, indicating whether the mechanism is known to stakeholders and beneficiaries, particularly women and children, and whether its offices are accessible throughout the territory of the State party;
- (e) Capacity-building programmes on human rights and smuggling and trafficking in persons and the measures taken to provide appropriate training to law enforcement officers, judges, prosecutors, labour inspectors, service providers, teachers, embassy and consulate staff, the media and other relevant professionals in the State party;
- (f) The annual budget dedicated to detecting and eliminating smuggling and trafficking in persons and to providing protection to victims;
- (g) Measures taken to improve the collection of data on victims, disaggregated by sex, age and origin, in order to prevent smuggling and trafficking in persons;
- (h) The possibility for victims of trafficking and people smuggling to obtain a temporary or permanent residence permit;
- (i) Measures taken to widely disseminate information on smuggling and trafficking in persons, the risks associated with irregular migration and desert crossings, and assistance to victims, including through prevention campaigns, and to combat the dissemination of misleading information relating to emigration and immigration;
- (j) Measures taken to strengthen international, regional and bilateral cooperation to prevent and combat smuggling and trafficking in persons;
- (k) Measures taken to search for and rescue migrants who have disappeared in the Sahara Desert, and to provide in national legislation for preventive measures, effective and thorough investigations, the use of forensic information, the exhumation and identification of remains, and international cooperation with regard to the disappearance of migrants.

### Article 69

34. Please provide information on any measures taken to ensure that migrant workers and members of their families in an irregular situation in the State party have the opportunity to regularize their situation in accordance with the provisions of article 69 of the Convention. Please describe actions taken by the State party, including through bilateral and multilateral

<sup>6</sup> Ibid., paras. 46 and 47.

agreements, to improve the protection and assistance afforded to its nationals abroad, including efforts to promote the regularization of their situation. Please provide concrete examples and the data collected in this regard.

### **Article 71**

35. Please report on actions taken to facilitate the identification and repatriation of the bodies of Malians who have died during their attempted migration. Please describe the measures taken to ensure that their families receive relevant information and appropriate support.

## **Section II**

36. The Committee invites the State party to provide information, not to exceed three pages, regarding the protection of migrant workers and members of their families with respect to the following:

- (a) Bills or laws and their respective implementing regulations;
- (b) Institutions and their mandates or institutional reforms;
- (c) Policies, programmes and action plans covering migration and their scope and financing;
- (d) Recent ratifications of human rights instruments and other relevant instruments;
- (e) Recent comprehensive studies on the situation of migrant workers and members of their families.

## **Section III**

### **Data, official estimates, statistics and other information**

37. Please provide, if available, disaggregated and updated statistical data and qualitative information for the last five years, unless indicated otherwise, on the following:

- (a) The volume and nature of migratory movements to, from and in transit through the State party, disaggregated by sex, age, nationality, field of activity and migration status. Please include information on returns and circular migration. In the absence of statistical data on irregular migration, please provide studies or estimates in this regard;
- (b) Migrant workers in detention in the State party and migrant workers who are nationals of the State party and are detained abroad in States of employment, and whether such detention is immigration-related. Please include information on the location, average length of detention, type of proceedings, reasons for detention and conditions of detention;
- (c) Migrant workers and members of their families who have been expelled from the State party;
- (d) The number of unaccompanied migrant children or migrant children separated from their parents in the State party;
- (e) Remittances received from nationals of the State party working abroad, disaggregated by host country;
- (f) Reported cases of trafficking in and smuggling of migrants, and investigations, prosecutions and sentences imposed on perpetrators, disaggregated by sex, age, nationality and purpose of trafficking;
- (g) Legal assistance services provided to migrant workers and members of their families in the State party and to nationals working abroad or in transit through third States.
- (h) The estimated number of Malian migrants who have disappeared or died, including while crossing international borders or in the Sahara. Please include information on the conditions under which these disappearances and deaths occurred.

38. Please provide any additional information on any important developments and measures in implementation of the Convention relating to protection of the rights of migrant workers and members of their families that are considered a priority.

39. Please submit a common core document in line with the harmonized guidelines on reporting.<sup>7</sup> In accordance with paragraph 16 of General Assembly resolution 68/268, the common core document should not exceed 42,400 words.

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<sup>7</sup> [HRI/GEN/2/Rev.6](#).