



**International Convention on the
Protection of the Rights of
All Migrant Workers and
Members of Their Families**

Distr.: General
8 April 2014

Original: English

**Committee on the Protection of the Rights of All
Migrant Workers and Members of Their Families**
Twentieth session

Summary record (partial)* of the 248th meeting

Held at the Palais Wilson, Geneva, on Thursday, 3 April 2014, at 10 a.m.

Chairperson: Mr. Carrión Mena

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* No summary record was prepared for the rest of the meeting.

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The meeting was called to order at 10.15 a.m.

Consideration of reports submitted by States parties under article 73 of the Convention *(continued)*

Second periodic report of Mali (continued) (CMW/C/MLI/2; C/CMW/MLI/Q/2; HRI/CORE/1/Add.87; CMW/C/MLI/CO/1)

1. *At the invitation of the Chairperson, the delegation of Mali took places at the Committee table.*
2. **Mr. Keïta** (Mali) provided an overview of the follow-up to the Committee's concluding observations on his country's initial report in 2006 (CMW/C/MLI/CO/1).
3. Referring to paragraph 10, he said that Mali planned to make the declarations provided for in articles 76 and 77 of the Convention as soon as possible. The recommendation in paragraph 11 to accede to the International Labour Organization (ILO) Migration for Employment Convention (Revised), 1949 (No. 97) and the ILO Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143) had not been implemented as there were no resources to fulfil the obligations under those conventions, although technical assistance had been requested from ILO. With regard to paragraph 13, the Government was aware of the need to amend the law to reflect the provisions of the Convention. Any international convention ratified by his country could be invoked before the courts, even if its provisions had not yet been incorporated in national legislation. Technical assistance had been solicited from the United Nations, including the Office of the United Nations High Commissioner for Human Rights (OHCHR), in order to establish a more reliable database of migration flow data, as recommended in paragraph 14. Budget constraints had so far prevented the introduction of a training programme for public officials working in the field of migration, as recommended in paragraph 15, but some training was provided with financial support from various partners, including the International Organization for Migration (IOM), Switzerland, Spain and France.
4. Since 2008 and as recommended in paragraph 16, information on the dangers of migration, and on migrants' rights under the Convention, had been distributed to migrant workers, for example on International Migrants Day and during African Integration Week. Although no procedure had been introduced to involve NGOs and civil society in preparing periodic reports as set out in paragraph 17, NGOs, trade unions and employers had been invited to provide information for inclusion in the second periodic report.
5. In response to paragraph 18, he stated that, in the period from 2010 to 2013, a number of complaints from migrant workers had been heard by the employment tribunal in Bamako and several persons had had their rights restored as a result. Regarding paragraph 20, under a project to improve approaches to labour migration in North and West Africa, a migration oversight committee had been established in 2009 with representatives from a number of ministries, including the Ministry of Labour, the Ministry of Justice, the Ministry of Foreign Affairs and International Cooperation and the Ministry for the Advancement of Women, Children and the Family. With reference to paragraph 22, cooperation with the neighbouring States of Burkina Faso, Côte d'Ivoire and Senegal had been strengthened, with the gendarmeries and vice units of all four States working particularly closely together. As a result, a number of children who had been trafficked to Burkina Faso and Côte d'Ivoire had been returned to Mali. Measures to combat trafficking in women were being strengthened, as recommended in paragraph 23.
6. In accordance with paragraph 24, the Committee's consideration of the initial report had been taken into account when drafting the second periodic report. A committee had been established to oversee the drafting of reports to the human rights treaty bodies, which

also facilitated information sharing. Additional information in response to paragraphs 12, 19, 21 and 22 could be found in the second periodic report.

7. **Mr. Konate** (Mali) said that work was going on on three legal texts — the Labour Code, the Social Welfare Code and the Pensions Code — in consultation with social partners, to ensure protection for migrant workers and their families as provided in the Convention.

8. **Mr. El Jamri** wished to know why so few complaints of rights violations were brought by migrant workers; whether migrant workers could be detained for violations of migration law, and if so whether they were detained separately from persons who had committed common law offences, and whether men and women and adults and children were held separately; whether a migrant worker due to be expelled by decision of the Ministry of Internal Security and Civil Protection had recourse to an independent review of his or her case before the court with the assistance of a lawyer, and whether such a review had a suspensive effect; and whether migrant workers — be it Malian or foreign nationals — benefited from tax exemptions when importing or exporting personal effects and items required to perform income-generating activities.

9. **Mr. Ceriani Cernadas** asked for more information on the provision of consular assistance to Malians abroad, and specifically what measures were in place to assist Malians who had been deprived of their liberty or who were facing deportation, and whether consular officials were aware of the rights migrant workers enjoyed under the Convention.

10. He would appreciate information on whether prison sentences could be handed down for violations of migration law and whether there were plans to amend migration law, and asked about the current situation regarding freedom of movement in the Economic Community of West African States (ECOWAS).

11. He would like more details on the measures taken to support Malian migrants in transit through other countries. He wished to know whether the State party investigated situations where migrants disappeared or died at sea while in transit; whether the Government had links to associations of family members of disappeared migrants; whether the State party cooperated with the member States of the European Union and Morocco regarding disappeared or deceased migrants; how families were informed that their relatives had disappeared; what arrangements were made for repatriating the remains of migrants who died in transit; whether measures were taken to punish those responsible for the ill-treatment of migrants in transit; and whether any specific measures had been taken to address the alleged ill-treatment of migrant workers who attempted to cross the border between Spain and Morocco at Ceuta and Melilla.

12. **Mr. Pime** asked whether the State party was aware of the fact that Koranic school students, or *talibés*, were sometimes trafficked to neighbouring States, such as Senegal, and kept in inhumane conditions. He also wished to know whether Koranic teachers, or *marabouts*, who forced *talibés* to work were punished.

13. **Ms. Ladjel** asked whether the legislative framework introduced to address migration had had an impact on the management of migration flows and support for migrant workers, and whether the delegation considered that it had improved national migration law.

14. **Mr. Tall** said that, according to information provided to the Committee, Malians detained in Equatorial Guinea, Mauritania, Morocco and Saudi Arabia had attempted to obtain consular assistance to no avail, and he invited the delegation to comment on those reports. In general, what measures were taken to help Malians abroad, whether in detention or not?

15. **Ms. Castellanos Delgado** asked whether there were any legal provisions covering the repatriation of Malians who died abroad, or while travelling.

16. **Mr. Konate** (Mali) said that Mali was primarily a sending country, and the low number of complaints by migrant workers did not result from a lack of awareness of their rights but rather from the fact that few came to Mali at all. Moreover, most migrants came from neighbouring countries and did not find it hard to integrate because their cultural background was similar. Migrant workers were subject to the same labour laws as nationals and received equal treatment, notably in terms of wages. Nevertheless, complaints had been brought before the Ministry of Labour and, in most cases, the authorities had found in favour of the migrant. The Government was aware that the complaints mechanism should be institutionalized and brought into line with the Convention.

17. Migrants were very rarely detained or expelled for being in an irregular situation; therefore there were no migrant detention centres. However, individuals entering the country by air without a visa were put on the next available flight back to their place of origin. Tax exemptions applied mainly to migrant workers in the formal sector, who might be entitled to various benefits for the first six months of their stay. Freedom of movement prevailed throughout the Economic Community of West African States (ECOWAS) and was curtailed only after ample multilateral consultations and in extreme circumstances, such as epidemics.

18. Consular staff were adequately trained in migrant rights but, although they were keen to assist Malians detained abroad, they lacked the resources to provide the breadth of services the Committee expected. Current consular assistance consisted primarily in helping Malians observe local laws in their host country. However, the Government intended to begin assigning consular staff based on the concentration of Malians in a given area and to review the mandate of its foreign missions. Malian nationals who were expelled from their host country underwent a medical check-up on return to ascertain whether they had suffered ill-treatment.

19. The rights of Malians in transit were protected to the extent possible, but most clandestine migrants were not interested in consular assistance because its main focus was to encourage them to return home; it was more useful to educate the population prior to departure. Repatriation of remains was rare, mainly because it was not advocated by Islam. Families shouldered the cost, although there had been cases where relatives had requested, and been granted, government assistance.

20. The exploitation of *talibé* children was a complex and thorny issue owing to its religious implications, but the Government was working to raise public awareness of the immorality of the practice. Since public education was not yet universal, the Government was also taking steps to modernize Koranic schools. Some *marabouts* had been punished, but the cases had not been publicized for fear of retaliation by extremist groups.

21. **Mr. Tall** said that the integration of peoples in the region had outpaced the integration of countries, such that individuals travelled freely and were often unaware of having crossed a border. However laudable that situation might be, it also resulted in a lack of any sense of urgency with regard to addressing migrant rights. He urged the State party to focus additional attention and resources on protecting the rights of Malians abroad and on greater observance of migrant worker rights at the regional level. He commended the State party for managing to send a high-level delegation despite the prevailing circumstances.

22. **Mr. El Jamri** said that he would like to know the extent to which the State party was affected by religious migration, which was often used as a cover by migrants in an irregular situation wishing to travel to Morocco and Mauritania. He asked whether the Citizens' Assembly in Mali, which held annual discussions with the Government, addressed

the topic of migration. He called on the State party to coordinate with neighbouring countries on the movement of persons between Mali, Senegal and Mauritania, and to actively participate in the IOM initiative in that regard. Lastly, he drew the delegation's attention to the plight of Malian refugees, and urged the State party to cooperate with the international community in an effort to resolve the situation.

23. **Mr. Núñez-Melgar Maguiña** said that the State party should inform migrants planning to emigrate for work about conditions in countries of destination and any agreements that might have an impact on their entry into the labour market. Pursuant to the Vienna Convention on Consular Relations, it was incumbent on consulates to monitor the health and legal status of their nationals, particularly those deprived of their liberty, and to ensure observance of due process. Regular visits to detention facilities could and should be conducted irrespective of budgetary constraints.

24. **Mr. Ceriani Cernadas** asked whether migrants in the State party were guaranteed access to health-care services regardless of their migratory status. The delegation should indicate whether, at a national level, statistics had been gathered on the number of Malian migrants who had disappeared or died while in transit to northern Africa or Europe. Lastly, he wondered whether the right to freedom of movement within ECOWAS protected migrants from expulsion: the Committee had received reports of Malian nationals being expelled from ECOWAS member States such as Nigeria and Ghana.

The meeting was suspended at 11.50 a.m. and resumed at 12.05 p.m.

25. **Mr. Konate** (Mali) said that migrant workers in Mali had unrestricted access to health care and other basic social services, which were available free of charge to those unable to pay. Consular services always acted on reports of the disappearance or death of Malian migrants, but they often did not have the relevant information at their disposal. Diplomatic missions did everything in their power to assist Malian nationals and address matters within their terms of reference. Consulates served as channels of communication between detainees and their families, and their intervention often led to better treatment of persons deprived of their liberty. The Forum for Democratic Discussion allowed migrants in Mali to appeal to the authorities, which had an obligation to reply. Reporting to the Committee on Malians detained abroad was part and parcel of the role of civil society organizations, but it would help resolve issues if that information was passed on to the competent Malian authorities.

26. As to migration to Mali, he said that it was mainly informal. Migrants with vocational training in the informal sector tended to encounter fewer difficulties in integrating, either socially or professionally, than those working in the formal economy.

27. Expulsions within ECOWAS were rare, and only occurred if the person in question represented a danger. Such persons were either expelled, or else arrested and handed over to the authorities in the country from which they had fled. It could not be asserted that religious migration was under control, but measures had been taken to facilitate travel for pilgrims and clamp down on attempts — infrequent though they were — to take advantage of the migratory flows to reach Mauritania or Morocco.

28. Mali would participate fully in the IOM project on the movement of persons, and shared the objective of improving understanding of migration in order to better meet the needs of migrants. He agreed with Mr. Tall that Mali had to pay greater attention to the rights of Malians living abroad. Steps were being taken to institutionalize cooperation with neighbouring countries and developed countries, particularly in respect of labour issues. In that connection, a cooperation agreement had recently been signed with countries in the Middle East, with a view to exposing young people to different professional practices and tackling youth unemployment. Similar cooperation with Morocco and with Brazil, Russia, India, China and South Africa (BRICS) was strongly encouraged.

29. He thanked the Committee for its positive comments, and for the empathy that it had shown. The Committee offered Mali a platform in its attempts to accelerate the process of establishing a developed, fair and egalitarian society. The solidarity displayed by the Committee was much appreciated, as it was only through solidarity at the regional and international levels that Mali had been able to emerge from the crisis that had hit the country.

30. **The Chairperson** said that the Committee was very appreciative of the steps taken by the State party to implement the Convention using a human rights-based approach. The State party could consider the Committee an ally in its efforts to give full effect to the provisions of the Convention.

The discussion covered in the summary record ended at 12.30 p.m.