



**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**  
Twentieth session

**Summary record of the 247th meeting**

Held at the Palais Wilson, Geneva, on Wednesday, 2 April 2014, at 3 p.m.

*Chairperson:* Mr. Carrión Mena

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*The meeting was called to order at 3.10 p.m.*

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

*Second periodic report of Mali (CMW/C/MLI/2; CMW/C/ML1/Q/2; HRI/CORE/1/Add.87)*

1. *At the invitation of the Chairperson, the delegation of Mali took places at the Committee table.*
2. **Mr. Konaté** (Mali) said that Mali was currently recovering from the most serious crisis it had had to face since the country's independence. The Malian authorities were determined to protect and promote human rights, particularly those of migrant workers, since those rights were of particular importance to Mali, where 4 million citizens were foreign nationals.
3. Mali was committed to developing a modern system for the management of migration flows, to setting up a database on migration and to guaranteeing all migrant workers on national territory the enjoyment of their rights. It was in that spirit that it had acceded to various international treaties on the promotion and protection of human rights and that it was cooperating with treaty bodies of the United Nations and with organizations involved in protecting human rights. Moreover, Mali benefited from the assistance of an independent expert on the human rights situation mandated by the Human Rights Council.
4. Malian labour legislation protected migrant workers against all forms of exploitation and abuse, particularly through the Constitution and the Labour Code, which established the principles of equal treatment and non-discrimination. The Malian Government considered that, in view of the global economic crisis, scarcity of resources and rising extremism, protection of the rights of migrant workers was critical.
5. Mr. Tall encouraged Mali to implement the Committee's recommendation inviting the State party to make the declarations provided for under articles 76 and 77 of the Convention, and wished to know what progress had been made with that matter. He requested more information on the current situation of the 298,485 Malian refugees in neighbouring countries and on the measures taken by the Government to mitigate the impact of the crisis on the rights of migrants, as well as to protect and ensure the safety of those persons.
6. Noting the statement by Mali, in its periodic report, that it did not have sufficient resources to meet the obligations which ratification of the International Labour Organization (ILO) Conventions Nos. 97 and 143 would entail, he reminded the delegation that, in accordance with general comment No. 3 of the Committee on Economic, Social and Cultural Rights, even where the available resources were demonstrably inadequate, the obligation remained for a State party to ensure the widest possible enjoyment of economic, social and cultural rights under the prevailing circumstances. He observed that, in Mali, it was not possible to distinguish between migrant workers in a regular and an irregular situation since the residence cards required by legislation did not exist in practice. He therefore asked how migrant workers in a regular situation were able to prove their status and what steps could be taken by those in an irregular situation to regularize their situation.
7. **Mr. El Jamri** pointed out that implementation of the Convention should form part of cooperation between countries in the subregion. He asked about the progress made through the cooperation agreements concluded between Mali and the European Union concerning migration, particularly with regard to the observance of the rights of Malian migrants residing abroad and in Mali itself. He also wished to know how Mali intended to promote the rights of migrants and the Convention in the countries in the subregion through

its partnerships with Morocco, Algeria, Senegal and Mauritania. Given the great number of Malian refugees abroad, he asked what efforts Mali was making to facilitate their return. In his view, it would be advisable for the Malian delegation and the Committee to consider the possibility of Mali developing a specific policy addressing frontier workers.

8. **Mr. Kariyawasam** asked whether migrants enjoyed access to education and health care on an equal basis with Malian citizens. He also wished to know whether the State party had taken measures to prevent trafficking, for example, by offering training to law enforcement officials and by setting up partnerships with other countries in the region, and whether sanctions were taken against persons who engaged in trafficking. He asked whether mechanisms were in place allowing remittances sent by Malians working abroad to be used to develop the country's economy, and specifically whether such funds were subject to taxation. He asked the delegation what the Government planned to do to facilitate the return of those persons wishing to return to Mali. Finally, he asked whether Mali was collaborating with international organizations or with donor countries to establish a database that would provide a basis for policies on migration and development.

9. **Mr. Haque** asked how, under such difficult circumstances, the Malian Government was able to protect the rights of migrants, refugees and displaced persons and to distinguish between security and rights concerns. He requested further information on how Malians viewed aliens in their country, the role of the diaspora in maintaining national territorial integrity and the way in which regional agreements could help Mali to defend the rights of migrant workers.

10. **Ms. Ladjel**, while welcoming the fact that the principle of equality between Malian and foreign workers was observed, questioned the effects of awareness-raising activities about the dangers of illegal migration on young prospective migrants. She also questioned the effectiveness of cooperation programmes, specifically those encouraging return migration among Malian migrants concluded with France and Spain.

11. **Mr. Pime** asked what follow-up had been given to the recommendations contained in the Committee's concluding observations on the initial report of Mali in 2006. He wished to know what the voter turnout had been for the 2013 presidential elections among Malians living abroad and whether they would be able to participate in legislative elections.

12. **Mr. Ceriani Cernadas** wished to know whether Malians abroad had access to consular assistance and whether consular staff received human rights training. He asked to what extent the rights of Malian migrants were observed in bilateral agreements, specifically with regard to repatriation. He asked whether migrant workers arrested for failure to comply with migration law were placed in detention. He wished to know whether labour migration agreements helped to reduce irregular migration on the one hand and to increase regular migration on the other hand, and whether it was envisaged to decriminalize failure to comply with migration law. In the light of the large number of deceased migrants, he asked whether inquiries were carried out to establish liability and whether measures had been taken to seek out and identify the bodies of those deceased.

13. **Mr. Taghizade** pointed out that the question of human rights observance was of greater importance during times of crisis and asked about measures to combat discrimination against migrant workers on the grounds of race, language or religion and other factors. He also wished to know whether the Convention's provisions had been incorporated into national legislation, whether mechanisms were in place that allowed Malian migrant workers to fully enjoy their rights and whether repatriated funds were subject to taxation.

14. **Ms. Castellanos Delgado** asked whether human trafficking was controlled by mafia groups.

15. **Mr. Tall** wished to know whether instances of exploitation of migrant workers had been recorded and whether concrete steps had been taken to uphold their rights. Did a foreign national facing expulsion by order of the minister responsible for internal security have access to remedies? Did such remedies have a suspensive effect? Did security forces, judges, prosecutors and other entities involved with migrants' rights receive training on the implementation of the Convention? He sought additional information on the resources and activities of the Office for Malians Living Abroad as well as on measures taken by consular authorities and diplomats to provide assistance, mainly legal, to the migrant population, for example, in the case of detention.

16. **The Chairperson** wished to know how the implementation of the Convention was guaranteed in practice at the institutional level and whether statistical data were more reliable and accurate than in the past. He asked whether social security agreements had been concluded with countries receiving Malian migrant workers and whether measures had been taken to combat human trafficking.

*The meeting was suspended at 4.40 p.m. and resumed at 5.15 p.m.*

17. **Mr. Konaté** (Mali) said that according to statistical data from recent censuses, one in three Malians was employed outside of the country, particularly in Western and Central African countries. Many Malians had taken up residence in Europe, above all in France, a country with which Mali had maintained close ties; however, many Malians had also taken up residence in Senegal and Mauritania. With Mali, those two countries formed a close-knit community – that of the inhabitants of the Senegal River Valley. Each of those countries displayed great tolerance towards the migrant workers from the other countries. It was sometimes difficult to distinguish between local workers and those from neighbouring countries. For that reason, granting migrant workers a special legal status was not considered very useful by the countries where they worked. Mali and Senegal had the same currency and the constitutions of both countries placed African unity above national sovereignty. Cross-border workers were a well established group and a neighbouring-country code between the countries applied to frontier workers. The “neighbouring country” concept had been promoted resulting in joint projects between neighbouring countries. That had allowed the institutionalization, on a subregional level, of ancestral practices such as those of livestock farmers, who, without taking borders into consideration, moved about with their herds according to the availability of pastures.

18. Malian legislation provided for foreign workers to be issued with residence cards. It was, however, not mandatory for them to possess such a card in order to be recruited, either by the Malian private sector or by foreign companies operating in Mali. The Malian labour authorities did not deal with the regulation of or monitoring of foreign workers. Many workers, for example in the telecommunications sector were expatriates.

19. Agreements on the free movement of persons, concluded under the Economic Community of West African States (ECOWAS), would soon be applied to subregional workers who would thus no longer be considered as foreign workers. Such agreements already existed between universities which allowed students from ECOWAS to study in any country belonging to the Community.

20. Migrants arrested were detained under the same conditions as Malians. Migrants and Malians had access to the same social services as long as they paid social security contributions. They also had access to the same educational establishments. However, educational establishments had been opened for the children of French, Lebanese or Turkish expatriate workers.

21. The Malian consular identification card had been reviewed after the presidential elections of September 2013 in order to take better account of areas where the Malian population was concentrated abroad. With the help of the Council of Malians Abroad and

workers' associations, the Office for Malians Living Abroad was applying a national policy to monitor and protect Malians living abroad. The latter were the focus of increasing attention and they had been able to participate in the most recent presidential elections. The high voter turnout could be explained by the importance of the issues at stake and the necessity for the country to find a way out of its crisis.

22. In the north of the country, a resettlement aid procedure for displaced Malians was being implemented with the help of the United Nations Children's Fund (UNICEF) and the United Nations, under which food aid and medical care were provided and children received assistance in returning to school. Moreover, following a recent mission in the countries with the largest number of Malian refugees, tripartite agreements had been concluded between Mali, the Human Rights Council and the countries concerned in order to enable those refugees to return to their region of origin in the coming months, as soon as the security situation would allow them to do so. Housing and investment aid programmes and training courses had been set up by the Government with the cooperation of associations to facilitate the return of migrant Malians. With regard to child trafficking, children intercepted when passing through Mali had been sent back to their country of origin. Furthermore, bilateral agreements had been signed by Mali, Côte d'Ivoire, Burkina Faso, Senegal and Guinea to prevent the problem.

23. **Mr. Keïta** (Mali) believed that the partnership between Mali and Spain on the seasonal employment of workers was in the interest of all parties and should be continued. The partnership had resulted in the creation of a training centre in Mali for future migrant workers and public officials concerned. Malian hospitality was not threatened by the crisis because it was a value that was very deeply rooted in Malian culture. The Office for Malians Living Abroad, responsible for identifying and repatriating Malians when necessary, had recently repatriated 700 Malians who had been in the Central African Republic. The existence of the Office attested to the desire of the authorities to address the question of Malians living abroad.

24. **Mr. Konaté** (Mali) said that Mali had endeavoured to improve the training of its public officials, specifically of its law enforcement personnel, in the field of human rights. Their work entailed coming into contact with Malians, migrant workers and refugees, many of whom had settled in Mali following the crisis in Côte d'Ivoire. The Government had no knowledge of any abuses perpetrated against foreigners. The Sahel Initiative and the formation of the G5 allowed countries of the Sahel to collectively confront development challenges and the weakness of member States' governance.

25. In his opinion, awareness-raising campaigns on the risks of illegal immigration had not had a significant impact, although they had helped in finding solutions to the problem. The governments of the subregion had specifically understood that they needed to prioritize access to employment for young people and to reach a formal agreement supporting the employment of young people who worked outside the country. To that end, they had signed cooperation agreements with several countries. Countries in the Senegal River Valley had been sending young people abroad for a long time to replace older workers, and the practice was considered a tradition rather than an underground movement. It was not always possible to ban such practices, but one could try to make them less dangerous. That was why the cooperation agreements would mitigate the problem but not put an end to it. Moreover, such cooperation should be used as a means for young people to acquire professional experience in more developed economies.

26. He acknowledged that the Malian labour authorities were short staffed and not in a position to regulate the entire labour market. Cooperation agreements in that area had been concluded with the International Labour Organization and significant progress had been made, which had enabled statistics to be compiled.

*The meeting rose at 6.05 p.m.*