



**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

Third session

Geneva, 12-16 December 2005

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES  
UNDER ARTICLE 73 OF THE CONVENTION**

**List of issues for the initial report of MALI (CMW/C/MLI/1) submitted  
under the International Convention on the Protection of the Rights of  
All Migrant Workers and Members of Their Families, adopted by the  
Committee on Migrant Workers on 16 December 2005**

**The State party is requested to submit in written form the information requested below before 24 February 2006.**

## **I INFORMATION OF A GENERAL NATURE**

1. Please provide statistical data and information on the characteristics and nature of migration flows (immigrants, transit migrants and emigrants). If no exact data are available, please provide estimated figures. Please also inform the Committee about any action that has been taken to generate information providing statistics.
2. Please also inform the Committee about how the migratory flows in the region affect Mali.
3. Please provide more details to the Committee on the legislative, administrative and other measures adopted to implement the provisions of the Convention and mentioned in paragraphs 2 and 10 of the State party's report.
4. Please inform the Committee about any measures taken to promote and disseminate awareness of the Convention.
5. Please indicate the role of non-governmental organizations in the implementation of the Convention as well as in the process of preparation of the State party's report, if any (see Committee's provisional guidelines regarding the form and content of initial reports, paragraph 3 (d)).

## **II INFORMATION IN RELATION TO EACH OF THE ARTICLES OF THE CONVENTION**

### **A. General principles**

6. Please specify which judicial, administrative, legislative or other authorities are competent to receive complaints of alleged violations of migrant workers' rights.

### **B. Part III of the Convention**

7. Please provide information on the procedure and conditions under which Mali nationals can obtain a passport or other necessary travel documents.
8. Please inform the Committee about whether migrant workers, including irregular migrant workers, may freely join trade unions or associations established in accordance with the law.
9. Please provide more information on the provisions in national legislation which guarantee the rights enshrined in article 16 of the Convention. In particular, please specify whether accused or arrested migrant workers or members of their families in Mali have effective recourse to consular and diplomatic authorities of their State of origin. Please also explain how, once in detention, they can in practice access the court to obtain a decision on the lawfulness of their detention.

10. Please inform the Committee whether migrant workers and members of their families who are detained for violation of provisions relating to migration are held separately from convicted persons or persons detained pending trial.
11. Please explain the procedure that allows for the confiscation of identity documents and other documents. Please also explain the expulsion procedures and whether collective expulsion is prohibited.
12. Please inform the Committee about the arrangements taken to guarantee that urgent medical care is provided both for regular and irregular migrants as well as for members of their families.
13. Please describe the measures taken to ensure the right of each child of a migrant worker to a name, registration of birth and a nationality.
14. Please describe whether and how the basic right of access to education is ensured for a child of a migrant worker irregularly staying in Mali, or whose parents are in an irregular situation. In this respect, please clarify the statement in paragraph 27 of the State party's report that access to education and respect for cultural identity are recognized by articles 17 and 18 of the Constitution and are guaranteed to every foreigner "who meets the requirements for entry into the country as set out in article 8 et seq. of Act No. 04-058".
15. Please clarify whether there are any mechanisms facilitating the right to transfer migrant workers' earnings and savings.
16. Please inform the Committee about any measures taken to disseminate information both to Malians migrating abroad and to foreign migrant workers in transit or residing in Mali concerning (a) their rights and those of members of their families arising out of the Convention; (b) the conditions of their admission, their rights and the obligations under the law and practice of the State concerned.
17. Please report on the assistance provided by the State party's authorities, in particular the Ministère des maliens de l'extérieur et de l'intégration africaine, to Malians migrating abroad and on the measures taken to address their grievances while working abroad.

### **C. Part IV of the Convention**

18. Please clarify whether foreign migrant workers have the right to leave Mali and temporarily go back to their country of origin without any effect upon their authorization to stay or to work.
19. Please clarify whether migrant workers and members of their families have the right to form trade unions, associations or institutions.
20. Please provide information on the steps taken by the State party, if any, to facilitate the right to vote and to be elected in elections in the country for (a) Malian migrant workers abroad; (b) Malian migrant workers returning to the country.

21. Please describe administrative procedures for family reunification of migrant workers with their families in conformity with article 44 of the Convention.
22. Please explain whether residence permits and work permits require a separate authorization and whether the latter are issued for at least the same period of time as the former.

**D. Part V of the Convention**

23. With reference to paragraph 40 of the State party's report, please indicate the legal instrument under which the rights of self-employed workers are guaranteed.

**E. Part VI of the Convention**

24. Please provide more detailed information on the bilateral agreements mentioned in paragraphs 5 and 10 of the State party's report.
25. Please describe in detail the activities of the State party's services dealing with international migration and any cooperation existing between these services and other actors dealing with international migration, such as employers, migrant workers associations and non-governmental organizations.
26. Please describe the recruitment process of Malian workers for employment in another State.
27. Please inform the Committee whether any return programme exists other than that already in place for Malian migrant workers in France, mentioned in paragraph 43 of the report. Please provide details about the implementation of the existing return programme(s).
28. The State party (paragraph 44 of the report) refers to "punishment of any migrant worker who does not meet the requirements for entry, residence and employment" according to Act No. 04-058. What kind of sanctions are imposed? Are any sanctions also imposed on employers of irregular migrants?
29. Please explain the State party's strategy for tackling the illegal or clandestine movements and employment of migrant workers in an irregular situation, including measures taken in conformity with article 68 (a), (b) and (c) of the Convention. Please also provide additional information on the extent of the phenomena of smuggling and trafficking in the State party's territory.
30. Please inform the Committee about whether there has been any cooperation with other States in relation to the orderly return of Malians, in particular following the incidents which occurred in October 2005 at the border between Spain and Morocco. Please also provide information on whether measures have been taken to facilitate their reintegration.