



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

Distr.: General
4 May 2012
English
Original: French

**Committee on the Protection of the Rights of All
Migrant Workers and Members of Their Families**
Sixteenth session
16–27 April 2012

List of issues to be considered prior to submission of the second periodic report of Mali*

Specific information on the implementation of articles 1 to 71 of the Convention, including with regard to previous recommendations of the Committee

I. General information

1. Please indicate whether the State party is planning to seek assistance from the Office of the United Nations High Commissioner for Human Rights or other parts of the United Nations system in the implementation of the Convention or for the submission of periodic reports.
2. The Committee understands that the fourth general population census, carried out in 2009, contains data on the number of foreigners in the State party. Please provide up-to-date official data disaggregated by sex, age and nationality on the number of migrant workers and members of their families living in or transiting through Malian territory, including those in an irregular situation. Please also provide data disaggregated by sex and age on the number of Malian migrant workers and members of their families living abroad, including those in an irregular situation. Please indicate what steps have been taken to set up a database containing reliable statistics on migration flows affecting the State party and on other migration-related issues, as recommended by the Committee in its previous concluding observations (CMW/C/MLI/CO/1, para. 14).
3. Please indicate whether the State party has taken, or plans to take, any steps to accede to the Migration for Employment Convention (Revised), 1949 (No. 97) and the Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143) of the

* The present list of issues was adopted by the Committee at its sixteenth session in accordance with the new optional procedure established by the Committee at its fourteenth session, which consists in the preparation and adoption of lists of issues to be transmitted to States parties prior to the submission of their respective periodic reports. The replies of the State party to this list of issues will constitute its report under article 73 of the Convention.

International Labour Organization (ILO), as recommended by the Committee in its previous concluding observations (CMW/C/MLI/CO/1, para. 11).

4. Please provide information, with examples, on the implementation of the provisions of domestic law making no distinction between national workers and migrant workers and protecting the rights of migrant workers set out in parts III, IV and V of the Convention, as recommended by the Committee in its previous concluding observations (CMW/C/MLI/CO/1, paras. 18 and 19).

5. Please indicate whether the State party has taken, or plans to take, any steps to make the declarations provided for in articles 76 and 77 of the Convention recognizing the competence of the Committee to receive communications from States parties and from individuals, as recommended by the Committee in its previous concluding observations (CMW/C/MLI/CO/1, para. 10).

6. Please provide information on the impact of the events of March 2012 on the situation of migrants in the State party and indicate the measures envisaged to ensure that the State party meets its obligations under the Convention.

II. Information relating to the articles of the Convention

A. General principles

7. Please indicate the steps taken to ensure that the Convention can be applied by the Malian courts and whether the Convention has been incorporated into national legislation, as recommended by the Committee in its previous concluding observations (CMW/C/MLI/CO/1, para. 13). Please also provide information on: (a) the judicial or administrative bodies that are competent to investigate complaints from migrant workers and members of their families who claim that their rights have been violated, including when the persons concerned are undocumented or in an irregular situation; (b) the violations most commonly claimed by victims since 2006 and the relevant decisions; and (c) any compensation awarded to the victims of such violations.

B. Part III of the Convention

Articles 16 and 17

8. Please indicate whether migrant workers and members of their families deprived of their liberty are informed, in a language they understand, of the reasons for their arrest and any charges against them. Please also indicate whether the consular or diplomatic authorities of their State of origin are informed promptly, at the request of the person concerned, of their arrest and detention and of the grounds on which they have been arrested or detained, and whether the person concerned has the right to contact these authorities.

9. According to article 19 of Act No. 04-058 of 25 November 2004, a visa can be cancelled and a residence permit withdrawn if a foreigner does not inform the authorities of a change of address or employment. Under article 20, a foreigner staying or living in Mali without the required permit or after a permit has expired is liable to a penalty of 3 months' to 3 years' imprisonment and/or a fine of 200,000 to 500,000 CFA francs. Article 22 provides for a 3-year prison sentence and/or a fine of 500,000 to 1,000,000 CFA francs for foreigners who enter or return to Mali despite having been notified that they are banned from the country. Please provide information on the application of these articles and on the convictions and penalties handed down. Please indicate the number of migrants,

disaggregated by sex, age and nationality or origin, currently in administrative or judicial detention for violations of immigration laws, specifying the length and place of detention and providing information on the relevant decisions. Please indicate whether the State party is considering amending its legislation to provide for alternative measures that are more appropriate than imprisonment of migrant workers in an irregular situation.

10. Please provide information on detention conditions for migrants and members of their families who have violated immigration laws.

Article 21

11. Please specify in what cases a residence permit or visa can be withdrawn and describe the procedure for confiscating identity or other documents. Please also indicate whether a detailed receipt is given when documents are confiscated and whether appropriate remedies are available to the persons concerned.

Article 22

12. Please describe expulsion procedures and indicate whether collective expulsions are prohibited. Please indicate whether — and if necessary how — migrant workers can challenge expulsion orders and whether such remedies have suspensive effect.

Article 23

13. Please provide information on the steps taken to notify migrant workers and members of their families in or in transit through the State party about their right to have recourse to consular assistance in cases of detention or expulsion, and on how that right is guaranteed. Please indicate whether the State party has taken, or plans to take, any steps to ensure that its consular authorities assist Malian nationals working abroad and members of their families in cases of detention or expulsion, and to inform them about their rights in such cases.

Articles 29 and 30

14. Please describe how the State party guarantees the right of children of migrant workers, including those who are undocumented or in an irregular situation, to be registered at birth and to have a nationality. Please also specify whether children of migrant workers who are undocumented or in an irregular situation enjoy the right to education and how this right is realized in practice.

Article 33

15. Please inform the Committee about any steps taken to inform Malian migrants and migrant workers in or in transit through the State party, as well as members of their families, of their rights under the Convention and of their rights and obligations in the State of employment, as recommended by the Committee in its previous concluding observations (CMW/C/MLI/CO/1, para. 16). Please also indicate whether the State party has conducted any specific information and training programmes on the Convention for relevant public officials, such as police officers, embassy and consular staff, social workers, judges, prosecutors and government officials, as recommended by the Committee in its previous concluding observations (CMW/C/MLI/CO/1, para. 15).

16. The Committee notes that there is a Ministry for Malians Living Abroad and African Integration that informs Malian migrant workers about the entry and residence requirements in several countries with a large Malian community. Please provide more detailed information on the Ministry's mandate and activities, as recommended by the Committee in its previous concluding observations (CMW/C/MLI/CO/1, para. 5).

C. Part IV of the Convention

Article 41

17. Please indicate the measures taken to facilitate the exercise of the right to vote by Malian migrant workers and members of their families in elections held in the State party. In particular, please provide information on the organization of presidential elections in the State party and the measures envisaged or taken to enable more Malian migrant workers living abroad to participate in presidential elections, as recommended by the Committee in its previous concluding observations (CMW/C/MLI/CO/1, para. 7). Please also indicate whether the State party intends to extend the right to vote of Malian migrant workers living abroad to legislative elections (CMW/C/MLI/Q/1/Add.1, para. 20). Please indicate how often the electoral lists are updated, thereby allowing returning Malian migrant workers to register, and clarify whether Malian migrant workers can be registered on the electoral lists from abroad (CMW/C/MLI/Q/1/Add.1, para. 20).

Article 44

18. The Committee has been informed that family reunification is the main reason for migration to the State party. Please describe the administrative procedures for the reunification of migrant workers with their families in conformity with article 44 of the Convention.

Articles 46 and 47

19. Please indicate whether any exemptions from import and export duties and taxes in respect of personal and household effects, as well as the equipment necessary to engage in a remunerated activity, have been established for: (a) Malian migrant workers and members of their families upon their departure from the State party and their final return to it; and (b) foreign migrant workers upon initial admission to the State party. Please provide information on the measures taken to facilitate the right of migrant workers to transfer their earnings and savings to their State of origin. In particular, please indicate whether there is a mechanism for facilitating the exercise of this right and whether funds transferred by migrant workers living abroad are taxed.

Article 49

20. Given that residence and work permits are issued by two different bodies, please indicate whether the residence permit is automatically issued for a period that is equal to or longer than the duration of the work permit.

Article 52

21. According to article 17 of Act No. 04-058 of 25 November 2004, foreigners must obtain a permit to perform paid work and, according to article 18 of the same Act, decrees issued by the Council of Ministers may also require foreigners to obtain a permit to perform certain types of unpaid work. Please provide information on any decrees issued to restrict access to certain job categories and specify the types of activities involved. Please also indicate the conditions that must be met for obtaining a permit to engage in paid work, the types of work covered, and the number of permits granted, as well as the number of permit applications rejected since 2006 and the reasons for their rejection.

D. Part VI of the Convention

Article 64

22. Please provide information on how bilateral and multilateral agreements signed by the State party guarantee sound, equitable and humane conditions for migrant workers and address the social, economic, cultural and other needs of migrant workers and members of their families.

Article 65

23. The Committee has been informed that the purpose of the Migration Information and Management Centre (CIGEM) of the Ministry of Malians Living Abroad and African Integration is to assist the Government in developing a migration policy to address the concerns of potential migrants, returning migrants and expatriate Malians. Please indicate whether the Centre is also responsible for preparing a policy to address the concerns of migrant workers in Mali, and if so, please provide detailed information on the policy.

24. Please provide information on the assistance provided by the Ministry of Malians Living Abroad and African Integration to Malian migrants and on the assistance provided by Malian embassies and consulates to Malian migrants for resolving their grievances. Please indicate the number of persons who have received such assistance, the circumstances under which those services are provided and any problems or obstacles encountered by the State party in providing them.

Article 67

25. Please provide detailed information, as recommended in the Committee's concluding observations (CMW/C/MLI/CO/1, para. 21), on cooperation programmes that exist between certain countries and Mali for the voluntary return of Malian migrant workers and members of their families, as well as the use of development assistance to the benefit of migrant workers. In particular, please provide information on the results obtained.

Article 68

26. The Committee has been informed about the existence of human trafficking circuits operating between Mali and Côte d'Ivoire, the recruitment of Malian women for domestic work in Guinea and about trafficking, from Mali to other countries in the region, of Malian children, including for forced labour in Gabon. The Committee has also been informed about the presence in the State party of: (i) victims of trafficking in persons from Burkina Faso, Nigeria and Uganda; (ii) Nigerian women forced into prostitution; (iii) children from Burkina Faso and Guinea working in gold mines, some of whom are victims of trafficking, abuse and sexual exploitation; and (iv) children from Guinea, Burkina Faso and the Niger who are forced to beg and are otherwise exploited by religious teachers. Please provide data, disaggregated by sex, age and nationality, on the number of persons who have been trafficked to, through or from the State party since 2006. In the absence of precise figures, please provide estimates. Please also provide information on the progress made by the State party in the implementation of the plan of action against trafficking in persons of the Economic Community of West African States and the bilateral agreements signed by Mali with Côte d'Ivoire, Burkina Faso, Senegal and Guinea to combat cross-border trafficking in children.

27. Please indicate the measures taken since 2006 to combat the smuggling and trafficking of migrants, in particular the measures taken to implement the Committee's recommendations on combating trafficking in women and children (CMW/C/MLI/CO/1, paras. 22 and 23). Please also describe the efforts made to prosecute and punish traffickers

and provide detailed information on cases in which individuals have been convicted for offences related to trafficking in persons and smuggling of migrants. Please provide information on the implementation and the impact on migrant workers of Decree No. 06-1940/MPFEF-SG of 8 September 2006 on the establishment of the National Committee to Monitor Programmes to Combat Trafficking in Children in Mali and of Decree No. 09-0151/MTFPRE-SG of 4 February 2009 on the list of dangerous jobs prohibited for children under the age of 18 years.

III. Additional information

28. Please provide additional updated information, supported by statistics and specific examples, on the measures taken to implement the rights of migrant workers set out in the Convention and to give effect to the Committee's recommendations since its consideration of the State party's initial report in 2006, as recommended by the Committee in its concluding observations (CMW/C/MLI/CO/1, para. 12). Please also provide information on any other important developments in the State party relating to the provisions of Convention.
