

**REPUBLIC OF MALI**  
**One People - One Purpose – One Faith**



*MALI PERIODIC REPORT TO THE AFRICAN COMMISSION ON HUMAN  
AND PEOPLES' RIGHTS RELATING TO THE IMPLEMENTATION OF THE  
AFRICAN CHARTER ON HUMAN AND PEOPLES' RIGHTS, 2001-2011*

*December, 2011*

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**Acronyms and Abbreviations**

**ABS:** Sectoral Budgetary Support

**ACI:** Property Transfer Agency

**ADARS:** Direct Support Fund for the Improvement of School Performance

**AECID:** Spanish Agency for International Development Cooperation

**AMO:** Compulsory Health Insurance

**ANICT:** National Local Authority Investment Agency

**ANPE:** National Employment Agency

**APEJ:** National Youth Employment Promotion Agency

**APEP:** Private Enterprise Promotion Agency

**APERP:** Employment Promotion Support and Poverty Reduction

**APPDH:** Human Rights Promotion and Protection Support

**ARV:** Access to Traditional Medicines

**AfDB:** African Development Bank

**IDB:** Islamic Development Bank

**ILO:** International Labour Office

**WB:** World Bank

**SIB:** Special Investment Budget

**BTP:** Construction and Public Works

**BUMDA:** Malian Copyright Office

**CADJ:** Centre for Access to Justice

**CAFE:** Women’s Apprenticeship Centre

**CAMM:** School of Multimedia Engineering and Technology

**CANAM:** National Health Insurance Office  
**CAP:** Youth Educational Centre  
**CAP:** Vocational Training Certificate  
**CASCA:** Public Service Control Structures Unit  
**CCDV:** Voluntary Counselling and Screening Centre  
**CED:** Development Education Centre  
**ECOWAS:** Economic Community of West African States  
**CEDAW:** Convention on the Elimination of All Forms of Discrimination against Women and Children  
**CEI:** Integration Education Centre  
**CEMOC:** Joint Staff Operational Committee  
**INEC:** Independent National Electoral Commission  
**CENTIF:** National Financial Information Processing Unit  
**CFP:** Vocational Training Centre  
**CGS:** School Management Committee  
**CIVPOL:** Civil-Military, Civil Police  
**CIMERAP:** International Committee to Support the Preparation of Initial and Periodic Reports for the Implementation of International Conventions ratified by Mali  
**CNAOM:** National Orthopaedic Training Centre  
**NHRC:** National Human Rights Commission  
**ICC:** International Criminal Court  
**ANC:** Antenatal Consultation  
**CRLD:** Sickle-Cell Anaemia Research Centre  
**CHC:** Community Health Centre  
**NSF:** National Strategic Framework  
**CSRéf:** Referral Health Centre  
**CSCRFP:** Strategic Growth and Poverty Reduction Framework  
**CSLP:** Strategic Anti-Poverty Framework  
**LA:** Local Authority  
**DDR:** Disarmament Demobilisation Reintegration  
**DEF:** Basic School Diploma  
**DGE:** General Electoral Organization  
**EDS:** Population and Health Survey  
**EDSM IV:** Population and Health Survey in Mali IV  
**EH:** Hospital Facility  
**EID:** Democratic Discussion Forum  
**EMP:** National Peace-Keeping School  
**NFE:** Non-Formal Education  
**ENVR:** National Regional Vaccination School  
**EPH:** Public Hospital Facility  
**EFA:** Education For All  
**ETP:** Technical Vocational Education  
**FAFPA:** Vocational Training and Apprenticeship Support Fund

**FAM:** Medical Assistance Fund  
**FAO:** United Nations Food and Agriculture Organization  
**FARE:** Self-Renewable Employment Fund  
**EDF:** European Development Fund  
**FEMAPH:** Malian Federation of Persons with Disabilities  
**IFAD:** International Fund for Agricultural Development  
**FMPOS:** Faculty of Medicine and Dentistry  
**FNEJ:** National Youth Employment Fund  
**FNL:** National Housing Fund  
**HANDISPORT:** Development of Sports for Persons with Disabilities  
**IDA:** International Development Association  
**INPS:** National Social Welfare Institute  
**INRSP:** National Public Health Research Institute  
**ISFP:** Integration of Vocational Training Graduates  
**APRM:** African Peer Review Mechanism  
**MAP:** African Photography House  
**MATCL:** Ministry of Territorial Administration and Local Government  
**MEFP:** Ministry of Employment and Vocational Training  
**MTA:** Improved Traditional Medicines  
**MTRC:** Malaria Training Centre  
**NEPAD:** New Partnership for Africa's Development  
**OEF:** Employment and Training Observatory  
**ILO:** International Labour Organization  
**MDGs:** Millennium Development Goals  
**WHO:** World Health Organization  
**NGO:** Non-Governmental Organization  
**UNO:** United Nations Organization  
**UNIDO:** United Nations Industrial Development Organization  
**OAU:** Organization of African Unity  
**PADESC:** Support Programme for Economic and Social Development of Culture  
**PAFHAM:** Mali Housing Financing Support Project  
**PAFIP:** Training and Youth Integration Support Programme  
**PAFPE:** Vocational Training and Employment Support Project  
**PAJE/nièta:** Young Businesses/nièta Support Project  
**WFP:** World Food Programme  
**PANA:** National Programme of Action for Adaptation to Climate Change in Mali  
**PAPESPRIM:** Support Programme for the Promotion of Employment in the Private Sector of Mali  
**PAPME:** Small and Medium Enterprise Support Project  
**PASAOP:** Support Programme for the Agricultural Sector and Farmer Organizations  
**PCFP:** Photography Training Centre  
**PDES:** Economic and Social Development Project  
**PDUD:** Urban Development and Decentralization Project

**PEMA:** Proclamation of the Gospel by the Media in Africa  
**PEJ:** Youth Employment Programme  
**PEJ II:** Youth Employment Programme II  
**PEJIMO:** Project for the Integration of the Youth in Professional Life through Labour-Intensive Investments  
**PEV:** Expanded Programme on Immunization  
**PISE:** Education Sector Investment Programme  
**PMA:** Minimum Package of Activities  
**SMEs-SMIs:** Small and Medium Enterprises/Industries  
**PNA/ERP:** National Employment Action Programme for Poverty Reduction  
**PNFP:** National Vocational Training Policy  
**PNPE:** National Environmental Protection Policy  
**UNDP:** United Nations Development Programme  
**PNVA:** National Agricultural Extension Programme  
**PRODEC:** Ten-Year Educational Development Programme  
**PRODEFPE:** Ten-Year Youth Vocational Training and Employment Development Programme  
**PRODEJ:** Ten-Year Justice Development Programme  
**PRODESS:** Health and Social Development Programme  
**TFP:** Technical and Financial Partner  
**PMTCT:** Prevention of Mother-to-Child Transmission  
**PLWHIVs:** Persons Living with the Human Immunodeficiency Virus  
**RAMED:** Medical Assistance Regime  
**GPHC:** General Population and Housing Census  
**SCAMA:** Creativity and Craft Industry Week of Mali  
**SCAMG:** Commercial and Craft Industry Week of Mali in Guinea  
**SEMA:** Mali Equipment Company  
**SITA:** International Tourism and Crafts Fair  
**SITOUR:** Bamako International Tourism Fair  
**SNIS:** National Health Information System  
**SP:** Sulphadoxine-Pyrimethamine  
**UDPM:** Democratic Union of the Malian People  
**UFAE:** Enterprise Training and Support Unit  
**UNESCO:** United Nations Educational Scientific and Cultural Organization  
**USAID:** United States Agency for International Development  
**USRDA:** Sudanese Union of the African Democratic Rally  
**HIV/AIDS:** Human Immunodeficiency Virus/Acquired Immune Deficiency Syndrome  
**UNV Sanghai:** United Nations Volunteers Programme

## **INTRODUCTION:**

1. This periodic report was prepared pursuant to Article 62 of the African Charter on Human



and Peoples' Rights adopted by the Eighth OAU Assembly of Heads of State and Government on 27 June, 1981 in Nairobi, Kenya, and came into force on 21 October, 1986.

2. In accordance with this Article, "each State Party shall undertake to submit every two years, from the date the present Charter comes into force, a report on the legislative or other measures taken, with a view to giving effect to the rights and freedoms recognized and guaranteed by the present Charter."

3. It should be stated that Mali ratified the African Charter on Human and Peoples' Rights per Order No. 81-36/P-RM of 29 October, 1981.

4. The preparation of this report reviews the status of the implementation of the Charter by taking into account directives on the subject, observations made during the presentation of the Initial Report (26<sup>th</sup> Ordinary Session of the African Commission on Human and Peoples' Rights held in Kigali from 1 to 15 November, 1999), as well as the developments observed over the last few years.

5. This report, which reduces the periodic reports which were due in 2001, 2003, 2005, 2007, 2009 and 2011 respectively into a single document, examines the human rights situation in Mali by relying particularly on the provisions set forth by the regulatory framework at the national, regional and international levels.

6. The Republic of Mali, mindful of the fact that the ratification of many international legal instruments in various areas enjoins it to submit initial and periodic reports to the organs tasked to supervise the implementation of its international commitments by State Parties, established the Inter-Ministerial Support Committee for the Preparation of Initial and Periodic Reports for the implementation of the International Conventions ratified by Mali, "CIMERAP" per Decree No. 09-049/P-RM of 12 February, 2009.

7. The said Committee is basically made up of representatives of the ministries. Furthermore, it may appoint any other person or structure whose contribution it deems useful for the accomplishment of its mission, particularly the National Human Rights Commission and the main civil society organizations working in the area of human rights.

8. In order to collect the necessary information for the preparation of this report, a wide consultation process was initiated at the national level for the main stakeholders directly or indirectly concerned with human rights issues.

9. A validation workshop which brought together all stakeholders involved in human rights issues (government bodies and civil society organizations) was organized and subsequently adopted by Cabinet.

## **PART ONE: GENERAL INFORMATION**

## **OVERVIEW**

10. Mali is a land-locked country situated in the heart of West Africa within the Sudano-Sahelian belt. It covers a surface area of 1,241,238 km,<sup>2</sup> with 65% of it in the desert or semi-desert region. It shares a 7,420 km-border with its neighbours: Algeria to the north, Niger to the east, Burkina Faso to the south-east, Cote d'Ivoire to the south, Guinea-Conakry to the south west, Senegal to the west and Mauritania to the north-west.

11. The country is divided into eight (8) Administrative Regions and a District (Bamako), forty-nine (49) Cercles and 703 rural and urban towns.

12. According to the results of the latest General Population and Housing Census (RGPH 2009), Mali's population was estimated at 14,517,176 inhabitants, 70% of whom live in the rural areas and are engaged in the primary sector. It is a very young population, with 59.5% of them being less than 19 years old. Women account for 50.4% of the population. The annual population growth rate stands at 3.6%.

13. According to the Statistical Yearbook of the Ministry of Education, the gross school-going rate in the first cycle of basic education (1<sup>st</sup> cycle or primary 1) increased from 79.5% in 2009-2010 to 81.5 % in 2010-2011, with girls accounting for 74% and boys representing 89.1%. The gross basic school admission rate decreased from 74.70% in 2009-2010 to 69.5% in 2010-2011. The rate for girls decreased from 69.10% to 64.3%. The completion rate decreased from 56.30% in 2009-2010, with girls accounting for 48.6%, to 57.1% in 2010-2011, with girls accounting for 50.4%.

14. Mali is an ethnic and cultural melting pot. Its population is made up of Muslims, Christians and animists. The Malian economy relies on agriculture, livestock, fishing, craft industry, trade, tourism, mining, industry as well as small and medium enterprises, etc.

15. According to the results of Growth and Poverty Reduction Strategic Framework (GPRSF), the GDP growth rate stood at 4.5% in 2009, as against 4.3% in 2007 and 5% in 2008. The majority of the Malian population live below the poverty line. Furthermore, Mali is very vulnerable to fluctuations in the world prices of commodities which are basically made up of three primary commodities (cotton, gold and livestock), its main exports.

16. As a country with a millennia-old civilization, Mali taps the roots of its current political and human rights practice from its own history and universal democratic values.

17. Indeed, in 1236, the "Kouroukan Fouga" Charter, the Founding Act of the Great Mali Empire, had all the attributes of a constitution and contained provisions relating to the

protection and promotion of human rights.

## **TITLE I: LEGAL FRAMEWORK**

### **A. Legal human rights instruments ratified by Mali**

18. The Republic of Mali is party to several international legal human rights instruments. Among others, these are as follows:

#### **1- At the International Level:**

- the International Convention on Civil and Political Rights and its first Optional Protocol;
- the International Convention on Economic, Social and Cultural Rights;
- the International Convention on the Elimination of All Forms of Racial Discrimination;
- the Convention on the Rights of the Child;
- the International Convention on the Elimination of All Forms of Discrimination against Women and its Optional Protocol;
- the Convention on the Protection of the Rights of All Migrant Workers and Members of their Families;
- the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol;
- the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict;
- the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography;
- the 1949 Geneva Conventions and their Additional Protocols I and II;
- the Convention on the Prevention and Punishment of the Crime of Genocide;
- the 1951 Convention on the Status of Refugees and its Protocol;
- the International Convention against Doping in Sport;
- the Rome Statute of the International Criminal Court;
- the core Conventions of the International Labour Organization, particularly Conventions No. 4, 6, 29, 87, 98, 100, 105, 111, 138 and 182 ;
- the core Conventions of UNESCO, and more particularly the Convention against Discrimination in Education;
- the Convention on the Rights of Persons with Disabilities and its Optional Protocol, and
- the International Convention for the Protection of All Persons from Enforced Disappearance.

#### **2- At the Regional Level:**

- the African Charter on Human and Peoples' Rights;
- the African Charter on the Rights and Well-Being of the Child;

- the Protocol to the African Charter on the Establishment of an African Court on Human and Peoples' Rights;
- the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women;
- the OAU Convention Governing Specific Aspects of the Refugee Problem in Africa;
- the African Youth Charter, and
- the human rights commitments made by Mali within the framework of ECOWAS and the Francophonie.

19. Under the provisions of Article 116 of the Constitution of 25 February, 1992: "Duly ratified or approved treaties or agreements shall, as soon as they are published, be more binding than the laws, subject to its application by the other party in respect of each treaty or agreement."

20. The commitment to the Universal Declaration of Human Rights and the African Charter on Human and Peoples' Rights in the preamble to this Constitution confers constitutional status on these two instruments of regional and international scope.

#### **B. Main legislative and regulatory enactments:**

21. The commitment of Mali to the universal values of human rights remains constant and is manifested at the regulatory level by the regular ratification of legal regional and international human rights promotion and protection instruments and the adoption of constitutional, legislative and regulatory provisions.

22. Thus, all the constitutions and other enactments of constitutional value which Mali has had since it attained independence in 1960 proclaimed the fundamental rights and freedoms of the human being.

23. Since 1991, the promotion and protection of human rights have been part of the pluralistic democratic process and the rule of law.

24. Indeed, the Constitution of 25 February, 1992 gives priority to human rights and freedoms. In this regard, in the preamble of this Constitution, Mali committed itself to the Universal Declaration of Human Rights and the African Charter on Human and Peoples' Rights, and commits itself to the defence of the specific rights of women and children and to ensure an improvement in the quality of life of all of its citizens. The whole of Title I of this Constitution deals with the rights and responsibilities of the human being.

25. It should be stated that the on-going reform of the 1992 Constitution which seeks to launch a wide range of political changes aims at providing the country with institutions which will work to achieve sustainable development. The objective is not to undermine the current institutions, but rather to adapt them to development needs and sub-regional integration.

26. Indeed, the planned reforms, which are the outcome of brainstorming activities on the

consolidation of democracy in our country, are making the most of the recommendations of the various meetings held on the electoral process and democratic governance in Mali.

27. In addition to the constitutional provisions, several legislative enactments have been adopted in the following areas:

▪ **Right to life, freedom, security and integrity of the person:**

- Law No. 01-079 of 20 August, 2001 on the Criminal Code which punishes violations on freedom, crimes and offences against persons, particularly homicide, assault and battery, violence, illegal arrests and the forcible confinement of individuals. Furthermore, the said law basically included crimes for which the International Criminal Court (ICC) has jurisdiction;
- Law No. 01-080 of 20 August, 2001 on the Criminal Procedure Code;
- Decree No. 99-254 of 15 September, 1999 on the Civil, Commercial and Social Procedure Code

▪ **Rights relating to the status of the person:**

- Law No. 62-18 /AN- RM of 03 February, 1962, amended by Law No. 95-70 of 25 August, 1995 on the Nationality Code;
- Law No. 2011-087 of 30 December, 2011 on the Code of Persons and the Family;
- Order No.73-036 of 31 July, 1973 on the Family Code ;

▪ **Prohibition of slavery, servitude and torture:**

- The Criminal Code and Labour Code prohibiting slavery and all similar practices;
- The Criminal Code punishing acts of torture and violence leading to mutilation, amputation or any other disability or illness, and
- Law No. 02-056 of 16 December, 2002 on the status of police officers prohibiting the officers from engaging in torture, ill treatment or inhuman, cruel, degrading or humiliating treatment within or outside the service.

▪ **Freedom of thought, conscience, religion, opinion and expression:**

- Law No. 00-046 of 7 July, 2000 on the regime relating to the press and press offences;
- Law No. 92-038 of 24 December, 1992 on the establishment of the High Communications Council;
- Law No. 93 - 001 of 6 January, 1993 on the Framework Law relating to the establishment of the National Committee on Equal Access to the State Media, and

- Law No. 61-86/AN-RM of 21 July, 1961 on the organization of the freedom of religion and worship.
- **Freedom of assembly, association, procession and demonstration:**
  - Law No. 04 - 038 of 5 August, 2004 on associations;
  - Law No. 00 - 047 of 13 July, 2000 on the status of opposition political parties, and
  - Law No. 05 - 047 of 18 August, 2005 on the Political Parties Charter.
- **Right to participate in government and the election of leaders:**
  - Law No. 06-044 of 04 September, 2006 on the Electoral Law which sets the conditions for the holding of elections, eligibility and ineligibility to stand for elections, rules governing their organization and the various remedies.
- **Right to work and rest, freedom of association and social security:**
  - Law No. 92-020 of 23 September, 1992 on the Labour Code which recognizes that every citizen has the right to work, rest and training and which absolutely prohibits forced or compulsory labour. It also recognizes that all workers have the right to join a trade union of their choice as well as the right to go on strike;
  - Law No. 02-053/AN-RM of 16 December, 2002 (amended) on the Civil Service Code;
  - Order No. 79-07 of 18 January, 1979 on the Civil Service Pension Scheme;
  - Law No. 99-041 of 12 August, 1999 on the Social Welfare Code of the Republic of Mali;
  - Law No. 95-071 of 21 August, 1995 on the Pension Scheme for Parliamentarians;
  - Order No. 33 CMLN of 30 September, 1971 on the Military Pension Scheme;
  - Order No. 041 CMLN of 06 December, 1971 on the Scheme on Disabilities related to Military Service, and
  - Order No. 02-062/P-RM of 05 June, 2002 on the Child Protection Code.
- **Right to education, health and a sound environment:**
  - Law No. 99-046 of 28 December, 1999 on the educational framework law;
  - Law No. 02-049 of 22 July, 2002 on the health framework law;
  - Law No. 02-044 of 24 June, 2002 relating to reproductive health;
  - Law No. 09-015 of 26 October, 2009 on the institution of the Compulsory Health

Insurance Scheme;

- Law No. 09-031 of 27 July, 2009 on the institution of the Compulsory Health Insurance Scheme (RAMED) ;
- Law No. 01-020 of 30 May, 2001 relating to pollution and nuisance, and
- Decree No. 01-395/ P-RM of 06 September, 2001 setting the modalities for the management of waste water and sludge.

## **TITLE II: INSTITUTIONAL FRAMEWORK**

28. Since it attained national and international sovereignty on 22 September, 1960, the country has witnessed three political regimes, with one transition after the events of 26 March, 1991:

- from 1960 to 1968: a socialist regime led by a one-party arrangement (US RDA);
- from 1968 to 1991: a military regime which installed a one-party constitutional arrangement in 1974, (UDPM), and
- from 1992 to 2001: a regime of rule of law and pluralistic democracy characterized by an integral multiparty arrangement introduced by the Constitution of 25 February, 1992.

29. In 1992, Mali entered a new phase of its history after the events of March, 1991. The country, like the other States of the sub-region, then opted for a democratic regime after the National Conference had been held.

30. This desire was crowned with the adoption of a constitution promulgated on 25 February, 1992, and which constitution stated in its preamble as follows: “The sovereign people of Mali (have)... undertaken to remain faithful to the ideals... of a State based on the rule of law and pluralistic democracy...”

31. It is in this regard that Article 25 of the Basic Law states that the Republic of Mali has the following eight (8) institutions: the President of the Republic, the Government, the National Assembly, the Supreme Court, the Constitutional Court, the High Court of Justice, the High Council of Local Government Authorities as well as the Economic, Social and Cultural Council.

32. Each of the eight Constitutional Institutions provided for by the said article plays a direct or indirect role in the promotion and protection of human rights.

### **A. Judicial Institutions:**

- Supreme Court as well as the other courts and tribunals:



33. According to Article 81 of the Constitution, judicial power, which is independent from the Executive and the Legislature, is exercised by the Supreme Court and the other courts and tribunals. In this regard, these courts ensure the respect of the rights and freedoms specified by the Constitution.

34. Since judicial authority is entrusted to judges, it is the primary responsibility of the latter to ensure the effective protection of these rights. This judicial protection is ensured throughout the country, particularly through the regular and administrative courts

35. The right to refer cases to these courts is formally recognized for all persons, with the only limitations being legal capacity, deadline for appeal or interest in instituting proceedings.

36. The organization and running of these courts and tribunals meet the main international justice delivery standards, namely equality before the law without any discrimination, independence and impartiality of justice delivery, presumption of innocence, the principle whereby offences and punishment are grounded in law, right of appeal in criminal cases, right to a defence as well as legal aid and assistance. The judicial reform system aims at improving the justice system with the institution of a new judicial organization in order to make it more effective.

- **Constitutional Court:**

37. The Constitutional Court is the main guarantor of fundamental human rights and public freedoms. It plays this role through its missions which aim at monitoring the constitutionality of laws, regular conduct of elections, regulation of the running of institutions and the activities of public authorities (Article 85 of the Constitution). Its decisions are not subject to any appeal. They are binding on the public authorities, all administrative and judicial authorities as well as all natural persons and legal entities (Article 94 of the Constitution).

## **B. Other Constitutional Institutions:**

- **Government:**

38. The Government plays an essential role in the promotion and protection of human rights through its various ministries in charge of foreign affairs and international cooperation, security, justice, promotion of women, children and the family, local government, health, education as well as social development and solidarity.

- **National Assembly:**

39. Through its legislative activities and functions relating to the control of the actions of the government, the National Assembly contributes to the promotion and protection of human rights. It is responsible for making the rights enshrined in the Constitution a reality and providing legislative follow-up to the regional and international commitments made by Mali. Through questions to the Government and commissions of enquiry, it can query the Government on any human rights violation situation and request it to adopt appropriate measures to put an end to the situation.

- Other institutions of the Republic:

40. The other institutions of the Republic are as follows: the High Court of Justice, the High Council of Local Government Authorities as well as the Economic, Social and Cultural Council.

### **C. Independent Structures:**

41. The human rights promotion and protection organs are the National Human Rights Commission, the Office of the Ombudsman, the High Communications Council, and the National Committee on Equal Access to the State Media as well as the Organizations and Associations for the protection of vulnerable groups.

- **National Human Rights Commission:**

42. The National Human Rights Commission (NHRC) is an independent administrative authority tasked with contributing to the promotion and respect of human rights through advice, proposals and evaluations in the area of human rights and fundamental freedoms.

43. Established by Law No. 09-042 of 19 November, 2009, the NHRC is for these purposes tasked with the following:

(i) Consider all situations in which human rights violations have been observed or brought to its attention and take any appropriate action with the relevant authorities on the matter;

(ii) Advise or make recommendations to the Government or any relevant authority on any human rights-related issue;

(iii) Draw the attention of the authorities to all decisions or actions likely to infringe upon human rights;

(iv) recommend to the Government all measures or actions likely to promote or protect human rights, particularly in the area of legislation and regulation as well as in administrative practices;

(v) Carry out sensitization, information, educational and communications activities aimed at ensuring the promotion and respect of human rights or participating in them;

(vi) Carry out information and sensitization activities to prevent torture and other cruel, inhuman or degrading treatment or punishment;

(vii) Contribute to the formulation of reports the Government presents to international organizations, pursuant to its treaty obligations in the area of human rights;

(viii) Visit detention facilities where necessary and inform the Government about the prison situation of detainees, and

(ix) Prepare an annual report for the attention of the Government on the human rights situation.

44. It cooperates, within the limits of its authority, with international human rights organizations and publishes the opinions and reports it adopts.

- **Office of the Ombudsman:**

45. The Office of the Ombudsman was instituted by Law No. 97-022 of 14 March, 1997 as an independent authority tasked with the settlement of disputes between the authorities and the people in the execution of its public service missions. It is appointed for a non-renewable 7-year mandate and cannot be dissolved before it has served out its mandate. It is also financially autonomous.

46. It is tasked with receiving complaints from any natural person or legal entity concerning the running of State departments, local authorities, public establishments and any organ with a public service mission in their relations with the people.

47. The Office of the Ombudsman presents to the President of the Republic and the National Assembly an annual report which is published.

- **High Communications Council:**

48. The High Communication Council was established by Law No. 92-038/AN-RM of 24 December, 1992. It advises on the conditions of production, programming and dissemination in the area of print and electronic communication and issues relating to the guarantees of the freedom of communication. It rules on the allocation or withdrawal of frequencies to private radio and television stations and ensures compliance with the specifications concerning them.

49. It must be consulted before the adoption of any legislative or regulatory measure relating to print and electronic communication. It takes account of the communication requirements of the rural communities and encourages cultural integration as well as the development and full dissemination of national languages.

- **National Committee on Equal Access to the State Media**

50. The National Committee on Equal Access to the State Media was established by Law No. 93-001/AN-RM of 06 January, 1993, pursuant to Article 7 of the Constitution which provides that “equal access by all to the State media shall be ensured by an independent organ whose status shall be determined by a framework law.”

51. According to Article 3 of this law, the Committee ensures the balance and pluralism of information and takes account of the various political, economic, socio-cultural sensitivities of the country as well as the management of air time and editorial space for candidates and political parties during election campaigns.

52. Today, practitioners are calling for the establishment of a sole regulatory organ which will play the role of the High Communications Council and the National Committee on Equal Access to the State Media.

- **Auditor General:**

53. The Auditor General is appointed by Law No. 03-030 of 25 August, 2003 which assigns him the following missions:

- Evaluate public policies through the monitoring of the performance and quality of public services and bodies as well as development programmes and projects in particular;
- Monitor the frequency and sincerity of income and expenditure operations carried out by the Institutions of the Republic, the departments of the State, local authorities, public establishments or any other financial organ receiving financial assistance from the State, and
- Make proposals to the public authorities on appropriate measures and actions for more balance between the costs and performance of public services, a more relevant use of public resources and the assurance of the regular running of public bodies and structures in general.

54. The Auditor General is appointed by the President of the Republic for a non-renewable term of seven (7) years on the basis of a competitive procedure. He enjoys administrative and financial autonomy. A decree issued by the President of the Republic determines the modalities of the selection procedure, professional competence and moral qualities required of an Auditor General.

- **Democratic Discussion Forum:**

55. The Democratic Discussion Forum (EID) was instituted by Decree No. 96-159/P-RM of 31 May, 1996, as amended by Decree No. 323/P-RM of 26 June, 2009. It is an annual platform which aims at informing the local and international public about the status of human rights in the Republic of Mali, contributing to the attainment of a national democratic culture and giving significant impetus to the policy of promoting and protecting the rights and freedoms of the citizenry.

56. The modalities for its organization and running are set forth by Order No. 09-3825/MJ-SG of 17 December, 2009. Under Article 5 of this Order, “Any person who deems it necessary may ask questions through the Democratic Discussion Forum.”

57. The EID sessions are held on 10 December, the day on which the Universal Declaration of Human Rights is celebrated. On this day, a reasonably representative sample of Malian civil society may publicly question the authorities on all issues of interest to the life of the Nation, particularly issues relating to human rights. These sessions are broadcast live on radio and national television.

- **African Peer Review Mechanism (APRM):**

58. The African Peer Review Mechanism was established as part of the New Partnership for Africa’s Development (NEPAD) which aims at promoting cooperation between African States in order to ensure the promotion and protection of human rights through an evaluation of the implementation of the obligations contracted by each of the States.

59. Mali was the 9<sup>th</sup> country to join the African Peer Review Mechanism after it was established on 28 May, 2003. Mali submitted itself to this exercise which actually commenced in June, 2007 and prepared a self-evaluation report as well as a national plan of action with the participation of all stakeholders of society for the following components:

(i) political and democratic governance, (ii) socio-economic governance, (iii) corporate governance and economic management, and (iv) socio-economic development.

60. The governance self-evaluation report in 4 thematic areas of the APRM as well as the plan of action for the deepening of governance were submitted to the Heads of State and Government during the African Union Summit held in June, 2009.

- **Children’s Parliament:**

61. The Children’s Parliament is a platform for the free expression of all children in Mali under the Ministry for the Promotion of Women, Children and the Family.

62. Established by Decree No. 96-172/PM-RM of 13 June, 1996, it is tasked with “ carrying out all activities relating to the information and sensitization of children, parents, the public authorities, civil society and all those who can contribute to the expression of true national and international solidarity for the improvement of the physical, mental, social and economic

well-being of children in Mali and the world.”

63. The members of the Children’s Parliament are aged between 10 and 18. They are appointed at the regional level upon a proposal by the NGOs, town council or schools, while the various categories are taken into account (pupils, working children, those with disabilities, children from rural communities, etc.).

64. They participate in the education of children, democratic governance and the attraction of the attention of duty bearers to their responsibilities.

- **Government Audit Structures Support Unit:**

65. The Government Audit Structures Support Unit (CASCA) was established under the authority of the President of the Republic by Decree No. 00-590/P-RM of 28 November, 2000, as amended by Decree No. 01-224/P-RM of 28 May, 2001. Its main missions are as follows:

- study and use the monitoring and inspection reports submitted to the President of the Republic, and
- follow up and evaluate the implementation of the recommendations contained in the said reports on behalf of the President of the Republic.

- **Economic and Financial Division:**

66. It was to ensure that the fight against corruption was better waged that Mali established a specialized court called the Economic Division made up of magistrates, police officers, investigators specializing in the handling of economic offences, etc. Indeed, these corruption-related offences are mainly of economic nature, and their punishment requires legal personnel to have knowledge of all aspects of their handling.

- **National Financial Intelligence Processing Unit (CENTIF) :**

67. The National Financial Intelligence Processing Unit (CENTIF) was established pursuant to the provisions of Article 16 of Uniform Act No. 06-066 of 29 December, 2006 on the fight against money laundering in the UEMOA Member States. Decree No. 07-291/P-RM of 10 August, 2007, which sets forth the organization and modalities of its running, states that CENTIF is a financially autonomous administrative institution and an autonomous decision-making authority in matters which fall within its jurisdiction.

68. It is particularly tasked with receiving, analysing and handling information capable of establishing the origin of transactions or the nature of operations subject to suspicious activity reports which are required for natural persons or legal entities. It advises on the implementation of the policy of the State concerning the fight against money laundering. In this regard, it makes proposals for all necessary reforms aimed at strengthening the

effectiveness of the fight against money laundering.

#### **D. Associations and Civil Society Organizations:**

59. The involvement of the country in a pluralistic democratic process for the establishment of a State governed by the rule of law has made civil society dynamic. This has led to the mushrooming of associations and organizations operating both in the area of sensitization and the development of human rights.

60. Generally, these associations and organizations are independent of the political authorities, while most of them are operating actively. Several of them are dealing with the issue of women's or children's rights by particularly getting involved in the implementation of international conventions on these rights. They are contributing in their own way to the promotion and protection of human rights especially through:

- Dissemination of rights and freedoms among the general public and target populations (women, children, persons with disabilities, etc.);
- Recommendations to the Government likely to ensure better protection and promotion of these rights and freedoms, and
- Condemnation of their violation by the authorities and assistance to victims of these violations.

They are contributing to the promotion and protection of human rights particularly through:

- prevention (sensitization activities, participation in the decision-making process and observation of trials and elections);
- condemnation (petitions, communiqués and public demonstrations);
- dissemination of rights and freedoms among the general public and target populations (women, children, persons with disabilities, etc.), and
- recommendations to the Government likely to ensure better protection and promotion of these rights and freedoms.





## **PART TWO: MEASURES TAKEN TO GUARANTEE THE RIGHTS PROTECTED BY THE CHARTER**

### **TITLE I: CIVIL AND POLITICAL RIGHTS**

74. Priorities in the area of human rights have been strongly emphasized in the General Policy Statement of the Government. With regard to the strengthening of the rule of law and public freedoms, it should be stressed that Mali's situation is relatively good in this regard and that the country has endorsed most of the relevant conventions. Political rights as well as the freedom of expression, press, association, conscience and religion are provided for by the Constitution and adequately respected generally.

Mali has conducted a study on the status of harmonization of the national legislation with the international and regional human rights instruments it has ratified.

#### **Human and Peoples' Rights, Responsibilities and Freedoms (Article 1)**

75. The Constitution of 25 February, 1992 is the first national legal basis for human rights. This basic law has considerably expanded and strengthened Mali's human rights framework.

76. The preamble of the Constitution states that the sovereign people of Mali solemnly undertake to defend the republican form and secularity of the State, declare their determination to defend the rights of women and children, the cultural and linguistic diversity of the national community and to ensure the improvement in the quality of life, protection of the environment and cultural heritage and endorse Universal Declaration of Human Rights of 10 December, 1948 and the African Charter on Human and Peoples' Rights of 27 June, 1981.

77. Furthermore, the Constitution proclaims all the fundamental human rights and the main civil, political, economic, social and cultural rights as well as solidarity rights, as contained in international and regional human rights instruments.

78. The basic law of Mali guarantees fundamental rights and individual human freedoms. Indeed, Title I of the same dedicates Articles 19 to 24 to rights and freedoms and provides for mechanisms meant to ensure that they are respected.

79. Finally, the Constitution reaffirms the commitment of the sovereign people of Mali to the promotion of peace and establishes the right to a healthy environment. It provides that the protection and defence of the environment as well as the promotion of the quality of life constitute a right for all and the State.

### **Non-Discrimination (Article 2)**

80. The Constitution prohibits all forms of discrimination based on sex. Article 2 provides that: "All Malians shall be born and remain free and equal in respect of their rights and duties. Any discrimination based on social origin, colour, language, race, sex, religion and political opinion shall be prohibited."

81. This constitutional provision is confirmed by Article 58 of the Criminal Code as follows: "Any statement or act likely to establish or give rise to racial or ethnic discrimination, any statement or act which aims at causing or sustaining the propagation of regionalism, any spreading of news with a tendency to affect the unity of the nation or reputation of the State, and any act which runs contrary to the freedom of conscience and the freedom of worship, and which is likely to cause citizens to rise up against one another shall be punishable by a term of imprisonment of one to five years or by a period of banishment of five to ten years."

82. Mali unconditionally ratified the United Nations Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). Thus, Mali fully endorses the definition of discrimination based on sex within the meaning of the said Convention.

83. The rejection of racial segregation and Apartheid is a constant factor of politics in Mali, which country, mindful of ensuring the respect of human and peoples' rights, has never

maintained relations with a State where the system of government is founded on racial discrimination.

84. In accordance with the provisions of the Charter, Article 179 of the Malian Criminal Code condemns racist behaviour during cultural or sporting events.

### **Equality before the law and protection by the law (Article 3)**

85. In its preamble, the Constitution endorses the Universal Declaration of Human Rights of 10 December, 1948 and the African Charter on Human and Peoples' Rights of 27 June, 1981.

86. The Declaration of Independence of the United States of America of 4 July, 1776 and the French Declaration of the Rights of Man and the Citizen have made this right their priority.

87. The basic law of Mali has not departed from this rule. Article 2 provides that all Malians are born and remain free and equal in respect of their rights and duties.

88. Indeed, equality before the law is one of the essential attributes of a constitutional State. All persons residing in the country, be they Malians or foreigners are, except where otherwise provided legally, equal before the law and entitled to equal protection by the law without any distinction whatsoever.

89. They are also assured the right to go to court. No one can be deprived of the right to go to court if it is not done in accordance with the legal rules and procedures such as those relating to the manner in which statements of the Head of State, Government and representatives of foreign powers are received (Article 604 to 608 of the Criminal Procedure Code), on the one hand, and to legal proceedings against members of the Government, magistrates, parliamentarians and certain civil servants (Article 613 to 625 of the same Code and Article 75 of the Criminal Code), on the other hand. The few adjustments in the form of attachments of privilege in favour of these categories of officials can only be justified by the sensitive nature of the offices they hold.

90. Law No. 01-082 of 24 August, 2001 on legal aid also guarantees that the destitute have access to legal aid in all cases. Legal fees, which only applied in cases involving minors and judgments of the Courts of Assizes, were extended to all cases at the preliminary investigation stage.

91. Any person who thinks he has been wronged by a measure taken on behalf of the State or one of its agencies may contest it before the regular or administrative courts.

92. Finally, the State enjoys no immunity in cases of human rights violation.

93. For the specific situation of women and children, readers should please refer to the paragraphs dedicated to them in this report.

#### **Right to Life and Physical and Moral Integrity (Article 4)**

94. The Constitution of 25 February, 1992 and the Criminal Procedure Code establish personal safety and security through several provisions.

95. Under Article 1 of Title One of the Constitution on rights and responsibilities: “the human being shall be sacred and inviolable. Any individual shall be entitled to life, freedom, safety and integrity of his person. ”

96. Thus, Articles 2, 3, 4, 5, 9, 10 and 12 provide guarantees against arbitrary arrests, acts of torture and other cruel, inhuman or degrading treatment.

97. The death penalty is recognized by the law (Art. 4 of the Criminal Code), but its execution will be suspended until delivery for pregnant women and after the weaning of children for breastfeeding women (Art. 11 of the Criminal Procedure Code).

98. Since 1980, no execution has taken place in Mali. Under the Third Republic, death sentences were commuted to life imprisonment or determinate sentences by the Head of State, in accordance with right of pardon he derives from Article 45 of the Constitution which establishes a sort of de facto moratorium on the death penalty.

99. It should be emphasized that at a cabinet meeting of 17 October, 2007, the Government adopted a draft bill on the abolition of the death penalty which was submitted to the National Assembly. However, this draft bill has still not been passed by the Assembly because most of the parliamentarians are opposed to it.

#### **Prohibition of Torture and Cruel, Inhuman or Degrading Punishment and Treatment (Article 5)**

100. Article 3, Paragraph 1 of the Constitution states: “*No one shall either be subjected to torture or inhuman, cruel, degrading or humiliating punishment or treatment.*” Furthermore, “*any person subjected to a measure which deprives him of his freedom shall be entitled to an examination by a doctor of his choice.*” (Art. 10, Paragraph 1 of the Constitution).

101. The above constitutional provisions derive from the Universal Declaration of Human Rights of 10 December, 1948, the African Charter on Human and Peoples’ Rights of 27 June, 1981 and the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment as well as its Optional Protocol ratified by Mali in 1995 and 2005 respectively.

102. Moreover, they are included in the Criminal Code which defines torture as “*any act through which pain or sharp, physical or mental suffering is intentionally inflicted on a person with the particular aim of extracting information or confessions from him or a third party, punishing him for an act which he or a third party has committed or is suspected to have committed, intimidating him or bringing pressure to bear on him or intimidating or bringing pressure to bear on a third party, or for any other reason based on any form of discrimination whatsoever, where such pain or suffering is inflicted by an official of the Civil Service or any other person acting in an official capacity or at his instigation or with his express or tacit consent. This term shall not extend to pain or suffering only resulting from legitimate sanctions, inherent to these sanctions or caused by same*” (Article 209).

103. The Code imposes punishment with a term of imprisonment of one to five years, a term of solitary confinement of five to ten years (where the violence led to mutilation, amputation, etc.), or the death penalty in the event where death occurs (Art. 209).

104. As a result of this, any arrested or detained person should be treated in a manner that preserves his dignity and guarantees his physical or moral integrity.

#### **Right to the Security of the Person and Prohibition of Arbitrary Arrest and Detention (Article 6)**

105. The Constitution of 25 February, 1992 and the Criminal Procedure Code establish personal safety and security through various provisions. Under Article 1 of Title One of the Constitution on human rights, “the human being shall be sacred and inviolable. Any individual shall be entitled to life, freedom, security and integrity of his person.” Articles 2, 3, 4, 5, 9, 10 and 12 provide guarantees against arbitrary arrest and detention, acts of torture and other cruel, inhuman or degrading treatment.

106. The presumption of innocence and the right to a defence, including the right to be assisted by counsel of the accused person’s choice from the preliminary investigation, are guaranteed (Art. 9 of the Constitution). Furthermore, the new Criminal Procedure Code which establishes pre-trial custody in place of remand provides that in the case of offences, the duration of the committal order is six months with one renewal by a ruling justified by the examining magistrate. In the case of crimes, the duration of the said order is one year with a maximum of two renewals.

107. For minor or criminal offences, the examining magistrate may commit the accused into pre-trial custody following a justified ruling, or place him on probation, in which case, the ruling does not require justification and is not subject to appeal (Article 122 to 147 of the Criminal Procedure Code).

108. For all cases and at any stage of the procedure, release on probation or otherwise may be ordered by the judge either upon a request by the accused or his counsel, or upon a request by

the Public Prosecutor's Department, or upon a motion of the judge himself (Article 148 to 158).

109. It should be added that the law on the penal regime obliges prison personnel to treat persons who have been deprived of their freedom humanely and to respect their fundamental rights. That is why the Ministry of Justice has embarked upon a vast programme to reform the penal system which has given the prisons a human face and led to reintegration and rehabilitation. These are the main thrusts of the new penal policy.

110. As part of the implementation of the said policy, a more capable specialized corps of prison wardens has been established to implement the objective of humanizing the prisons. Remand prisoners and convicts are separated in the Malian prison system. The same goes for adults and minors because a specialized detention, rehabilitation and reintegration centre has been built for the latter.

111. Article 4 of Law No. 01-003 of 27 February, 2001 on the prison regime and correctional education made two adjustments in order to give detention a better human face. Henceforth, prison facilities have been classified into six groups:

- prisons: for remand cases, persons sentenced to short terms and imprisonment for debts;
- reformatories: for persons sentenced to long terms or who put up an aggressive behaviour;
- agricultural reformatories: provided for prisoners who accept rural activities;
- observation and rehabilitation centres: for minors in quest of educational assistance or who have been the subject of legal proceedings;
- vocational training centres: built for convicts who accept to undergo vocational training, and
- specialised centres: for minors and women in order to give them specific training for their rehabilitation and social reintegration.

112. As at 31 December, 2010, the prison population for the entire country was presented as follows:

- 4,772 men as against 177 women; minors numbered 57 and were made up of 35 girls and 22 boys;

- convicts : 2,250 men, 57 women, 2 minors made up of 1 girl and 1 boy, i.e. a total of 2,315;
- remand prisoners: 2,522 men, 120 women, 69 minors made up of 35 boys and 34 girls.

<b>Situation by Region : No.</b>	<b>Regions</b>	<b>Convicts</b>	<b>Remand Prisoners</b>
1 <sup>st</sup>	Kayes	212	335
2 <sup>nd</sup>	Koulikoro	492	322
3 <sup>rd</sup>	Sikasso	406	209
4 <sup>th</sup>	Segou	327	233
5 <sup>th</sup>	Mopti	150	161
6 <sup>th</sup>	Timbuktu	45	53
7 <sup>th</sup>	Gao	85	102
8 <sup>th</sup>	Kidal	02	15
District	Bamako	576	1,092
<b>TOTAL</b>		<b>2,295</b>	<b>2,522</b>

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113. Article 71 of the Criminal Code punishes prisons officers who are guilty of arbitrary detention (six months to two years imprisonment and a fine of 20,000 to 240,000 Francs) and all those who, without an order from the public authorities, and except in cases where the law orders that accused persons should be taken into custody, arrest, detain and hold any person whatsoever in confinement (Art. 237).

114. The Criminal Procedure Code provides that the work of the Criminal Investigation Department, which is tasked with ascertaining breaches of the criminal law, collecting evidence thereon and looking for perpetrators, is performed by officers, civil servants and

agents authorized to that effect under the direction of the Attorney General, the supervision of the Director of Public Prosecution and the control of the Court of Criminal Appeal (Art. 31).

115. For the requirements of the investigation, Article 76 of the Code permits the criminal investigation officer to hold any person for 48 hours, with the exception of minors. This period of police custody may be extended by 24 hours upon a written authorization from the Attorney General. Whatever the case may be, any person who is a suspect, is undergoing trial or has charges preferred against him is presumed innocent as long as his guilt has not been established; he is entitled to know the charges preferred against him and to be assisted by counsel.

116. It should be stated that the Minister of Justice and Attorney General has expressly instructed state prosecutors and justices of the peace with extended powers “to systematically and rigorously monitor the services of the Police, Gendarmerie and the prisons in order to put an immediate end to all forms of human rights violation”.

117. It should finally be noted that the provisions of the Criminal Procedure Code on the rights of the defence (Art. 103 to 108, 110, 112, 128, 135 and 136) should be observed, failing which both the act itself and the subsequent procedure will be rendered null and void.

118. The above-mentioned measures constitute significant strides in the area of judicial procedures in Mali. However, it should be acknowledged that, in reality, their application poses serious problems due to the inadequacy of material and human resources.

#### **The right to a fair trial (Article 7)**

**119. The right to justice is one of the foremost human rights. It enables the citizen to be heard by the judge and to deduce his right. It equally prevents the individual from substituting his justice for that of laws. Consequently, access to justice is fundamental in the rule of law.**

**120. That is why the Ten-Year Justice Development Programme (PRODEJ) provides coverage of Mali's territory in all jurisdictions and their equipment with logistics as well as their provision with competent and efficient human resources.**

**121. According to the Constitution and international standards, justice is rendered in Mali based on the principles prescribed by international and regional legal instruments on human rights.**

**122. The right to an effective remedy and the right to a fair trial are complementary. In the absence of one, the individual cannot assert his fundamental rights and obtain redress for their violation.**

**123. There is a body of texts that establish the material framework for the exercise of this right, including the Criminal Procedure Code which regulates criminal**



proceedings; the Civil, Commercial and Social Procedure Code which defines the rules for conducting civil trials; the law on criminal minority which lists the courts for children.

124. The right to a fair trial includes several elements, particularly the right to respect the presumption of innocence, the right to refer one's dispute to an independent and impartial court and the right to have one's legal proceedings conducted fairly.

125. The right to respect the presumption of innocence is affirmed by the Constitution, which provides in Article 9 that "... every defendant is presumed innocent until proven guilty by the competent court. The right to defence, including the right to be assisted by a counsel of one's choice, is guaranteed from preliminary investigation."

126. Several measures have equally been adopted to limit the abuse of pre-trial detention.

127. Within the framework of strengthening the rule of law and enhancing the effectiveness of the judiciary, the PRODEJ Action Plan strengthened the principles of presumption of innocence and that of respecting human rights defence, which constituted major innovations in the New Criminal Procedure Code (Law No. 01-080 of 20 August 2001).

128. It appears that the judicial system is not sufficiently efficient and requires support in terms of capacity building and training. To reverse the trend, the Government has taken some steps with a view to enhancing the credibility of justice, the devolution of the judicial administration to ensure greater access to justice delivery services and establishing Centres for Access to Law and Justice (CADJ), as well as creating a legal assistance programme to ensure fair trials and improving access to justice for women and children. Government has initiated and implemented the Ten-Year Justice Development Programme (PRODEJ), which aims at facilitating access to justice for citizens, developing alternative methods of conflict resolution, ensuring that court rulings are more credible including the protection of public and individual freedoms. A policy was developed and launched in January 2009 with the view to improving services for litigants, which policy was accompanied by a 2009-2011 action plan.

129. The results of the PRODEJ show significant achievements including, inter alia, the adoption of the Charter of the values of justice and the signing of the justice renewal pact, the development and launch on 21 January 2008 of the men/women equality policy, the second reading of the Civil, Commercial and Social Procedure Code to improve the business environment and practice, the second reading of the judicial map which seeks to modernize the judicial system and bring justice closer to litigants; the results also show increased investments in infrastructure, equipment and logistics as well as a substantial rise in the budget for the judiciary.

#### **Freedom of thought, conscience and religion (Article 8)**

130. Under Article 4 of the Constitution: "Everyone has the right to freedom of thought, conscience, religion, worship, opinion, expression and creation in accordance with the law".

131. Law No. 61-86/AN-RM of 21 July 1961 on the organization of religious freedom and practice of religion provides in Article 1 that the secular Republic of Mali "shall provide freedom of conscience and freedom of religious opinion to all citizens. It shall guarantee everyone the freedom of worship, subject only to limitations imposed by the maintenance of public order."

132. This law prohibits the exercise of any worship with practices either contrary to morality or the respect and integrity of the human person, or stemming from an ideology that is based on racism or hatred. Article 3 of the Law emphasises the secular nature of the Republic of Mali.

133. Besides, the Criminal Code, in Article 58, punishes acts that constitute a violation of the freedom of thought, conscience and religion: "Any activity that runs counter to freedom of conscience and freedom of worship likely to pit citizens against other citizens shall be punishable by imprisonment of one (1) to five (5) years and, optionally, five (5) to ten (10) years of banishment."

134. The Republic of Mali is a secular State and grants every citizen the freedom to choose between unbelief and adherence to the religion of his choice. It also recognizes the freedom to change religion.

135. It should however be noted that Mali is one of the few countries on the continent that has not experienced sectarianism or tribalism; the various communities that make up the Nation live in perfect harmony and freely practice the religions in which they believe through various prayers, rituals and behaviours.

#### The right to information and freedom of expression (Article 9)

136. The Constitution in Article 4 provides for the principle of freedom of opinion and freedom of expression which is the foundation of any democracy. The national legislative framework poses no particular obstacle to the exercise of these freedoms, evidenced by the multiplicity and dynamism of the stakeholders in the cultural and artistic expression sector.

137. Furthermore, freedom of expression is reflected in Mali through the practice of multiparty politics (113 political parties are officially registered) and in the strengthening of the status of the opposition.

138. The exercise of freedom of expression in Mali is evidenced on the field by the institution in 1996, of a democratic expression and a human rights forum called "Democratic Expression Forum "(EID). This forum is the best expression of the effective exercise of this freedom. On 10 December each year, the date set aside for the commemoration of the Universal Declaration of Human Rights, the Government organizes a national forum on human rights wherein citizens can question ministers before a panel composed of national and foreign dignitaries, on cases of human rights violations they suffered during the year.

139. The event is broadcast live on radio and television. The ministers concerned provide on-the-spot answers to the various queries at the end of which the panel of citizens makes recommendations to the Government.

**140. The purpose of organizing the EID is to inform national and international communities about the human rights situation in Mali, to contribute actively and educationally to the achievement of a democratic culture of promoting and protecting the rights and freedoms of citizens. Thus, the institutionalisation of such a forum reflects the political will of the country's authorities and their commitment the promotion of the culture of human rights and democracy in the Republic of Mali.**

**141. Press freedom: Conscious of the importance of a free and independent press in a democracy, the Government adopted policies and measures that strengthened the freedom of the press and fostered the advent and operation of several print and electronic media. Among these measures, mention can be made of Law No. 00-046 of 7 July 2000 on press regime and press offences.**

**142. Indeed, this law no longer considers offending the Head of State as grounds for pre-trial detention. On the contrary, it promotes monetary penalties at the expense of custodial sentences for offences committed through the press; the law also provides State support to the press.**

**143. All these measures have encouraged the creation of print and electronic media. Currently in Mali, there are more than thirty independent print media organs and 300 legally-authorized radio stations.**

**144. Moreover, the creation of the High Council of Communication and the National Committee on Equal Access to State Media also led to better regulation of the media space, balance and pluralism of information and a fair share of air time and editorial space allotted to candidates and political parties during election campaigns.**

**145. Despite the considerable progress made in the liberalisation and regulation of the media landscape, it should be noted that Law No. 00-046 of 7 July 2000 on Press Regime still contains the press offence. However, the trend is in favour of the decriminalisation of the offence.**

**Freedom of movement, association, demonstration and assembly (Articles 10, 11 and 12)**

**146. It is enshrined in Article 5 of the Constitution which stipulates that: "The State shall recognize and guarantee, under conditions laid down by law, the freedom to come and go, free choice of residence, freedom of association, assembly, procession and demonstration".**

**147. Freedom of movement: the Constitution guarantees the free movement of persons and goods, the free choice of residence and the right to asylum. To implement these freedoms, various laws and regulations have been enacted, and in this regard, some ECOWAS legal instruments have been ratified. Mention can be made especially of:**

**- Law No. 04-58 of 25 November 2004 on the conditions of entry, stay and establishment of foreigners in the Republic of Mali and its Implementing Decree;**

**- Protocol A/P1/5/79 on Free Movement of Persons, right of residence and establishment adopted in Dakar on 29 May 1979 between the ECOWAS Member States (Law 80-**

**3/AN-RM of 6 May 1980 on the ratification of the said Protocol);**

**- Protocol A/P3/5/82 on the Code of Community Citizenship, adopted in Cotonou, on 29 May 1982 (Ordinance 83-19/PG-RM of 19 May 1983 on the ratification of the said Protocol);**

**- Additional Protocol A/SP1/7/86 on the implementation of the 2<sup>nd</sup> stage (Right of Residence) of the Protocol on Free Movement of Persons, Right of Establishment, signed in Abuja on 1 July 1986 (Law No. 88-25 / AN-RM of 23 March 1988 on the ratification of the Protocol);**

**- Additional Protocol A/SP2/5/90 on the implementation of the 3<sup>rd</sup> stage (Right of Establishment) of the Protocol on Free Movement of Persons, Right of Residence and Establishment signed in Banjul on 29 May 1990.**

**148. Freedom of association. - Freedom of association is a reality in Mali. Association is defined as a group formed between persons who decide to pool their knowledge or activities for a purpose other than sharing of profits.**

**149. Associations are regulated in Mali by Law No. 04-038 of 5 August 2004. It is on the basis of this text, which enshrines freedom of association, that many associations were formed, especially in support of democratisation.**

**150. Also, in the respect of freedom of association which is recognized and guaranteed by the Constitution, it should be noted that associations are declared to the State representative in the District of Bamako or in the “Cercle”, in whose jurisdiction is located the head office.**

**151. However, political and humanitarian associations as well as foreign associations are required to make their declaration to the Ministry in charge of Territorial Administration.**

**152. A receipt is issued subject to two essential conditions only: the lawfulness of the purpose and the non-ethnic or non-regionalist character of the association. The receipt of declaration of association is issued in the name of the association itself, to avoid disputes about the paternity of the association.**

**153. Currently, approximately 12,000 registered associations have been declared to the Ministry in charge of Territorial Administration and Local Government (MATCL).**

**154. The adoption of this law has contributed to the development of associations and the strengthening of civil society and the democratic framework in our country.**

**155. Freedom of assembly and demonstration. - The rights to freedom of assembly, procession and demonstration are equally effective in Mali. They are primarily governed by Ordinance No. 36/PCG of 28 March 1959 and, secondly, by the Charter of political parties. The above-mentioned Ordinance lays down in Article 6 (1) and (2), the principle of prior declaration to the administrative authority (Mayor, Prefect and Sub-Prefect) by the organisers of the demonstration on a public highway (procession, march, gathering of people). This declaration signed by three organisers of the demonstration**

must be made at least 24 hours and at most 8 days, prior to the date of the gathering.

156. The limits imposed on freedom of demonstration seek mainly to ensure the preservation of public order. Indeed, the mayor, representatives of the State (prefect, sub-prefect, Governor) and, in the last resort, the Minister in charge of Territorial Administration and Local Government may ban demonstrations when they are likely to disturb public order. The organizers are immediately notified of the prohibition decision. Also, the administrative authority has the power to stop any procession, march or gathering on a public highway and in public places, if the maintenance of public order so requires. It may, after warning, intervene to disperse and ban any demonstration which degenerates. The summations are however not required "if violence or assault are exercised against the security forces or if the latter cannot properly defend the land they occupy or the positions they are bound to defend."

The right to participate in public affairs (Article 13)

157. Mali has ratified various international human rights conventions including the International Covenant on Civil and Political Rights.

158. The Constitution of Mali does not discriminate between men and women with regard to their participation in political and public life.

159. Political pluralism and the full exercise of civil liberties are two key indicators of the rule of law and democratic dispensation. In this respect, in terms of civil and political rights, we can say that the regulatory and institutional framework in Mali offers all the guarantees for the exercise of individual and collective freedoms, evidenced in the existence of a large number of political parties (over one hundred), non-governmental associations and organizations fighting for human rights.

160. Mali, an independent, sovereign, indivisible, democratic, secular and social Republic, has as principle, government of the people, by the people and for the people. Thus, Article 26 of the Constitution states that "national sovereignty shall belong to the whole people, who exercise it through their representatives or by referendum. No faction or any individual may arrogate the exercise thereof."

161. Article 27 determines the universal, equal and secret character of ballot, while Article 28 insists on the role of political parties which contribute to the exercise of suffrage while respecting national sovereignty, democracy, territorial integrity, national unity and the secular nature of the State.

162. Mali has an electoral law (Law No. 02-007 of 12 February 2002), adopted in the spirit of consensus by the entire political class, including the majority and the opposition. The requirements for voting are mainly nationality, age (18 years), the enjoyment of civil and political rights and residence. To become a member of the National Assembly, a communal council or "Cercle" or the Regional Assembly, the same conditions apply. As for the candidate for the presidency of the Republic, he must, in addition to the condition of residence, be of Malian origin, be 35 years of age; he must also enjoy his civil and political rights. No condition of race, colour, sex or religion is required to qualify for an elective position or public office.

**163. The electoral law also prescribes a number of rules that are examined below.**

**164. Equality between political parties in electoral competitions. - Candidates, political parties and groups of political parties can use the State media (radio, TV, print) for their campaign. The National Committee on Equal Access to State Media ensures among other things, the management of air time and editorial space allotted to candidates, political parties and groups of political parties contesting.**

**165. The transparency of electoral procedures. - The electoral law contains a number of provisions whose implementation contributes to the transparency of election procedures. These include:**

- The Independent National Electoral Commission (CENI), an independent structure tasked with the supervision of elections and referendums through its regional and local offices;**
- General Delegation for Elections which is responsible for managing the electoral register and public assistance to political parties;**
- The Inter-ministerial Committee responsible for preparing and organising the elections;**
- The competent courts when there are electoral disputes.**

#### **The right to property (Article 14)**

**166. The Malian Constitution of 25 February 1992 recognizes and guarantees the right to property, which remains a major concern and a major economic and social challenge for both the State and the people.**

**167. This guarantee is enshrined in Article 13 of the Constitution which provides that "the right to own property shall be guaranteed. No one may be expropriated except for public interest and shall be subject to prior and fair compensation."**

**168. This constitutional provision is repeated in Article 225 of the Land Code.**

**169. For the realisation of this right, the Government of Mali set up a department in charge of State Property and Land Affairs and adopted a number of land-related laws and regulations.**

**170. The Land Code as amended by Ordinance No. 99-027/P-RM of 22 March 2000, itself amended and ratified by Law No. 02-008/ANRM of 12 February 2002, recognizes customary land rights, takes into account decentralization, establishes land registry and lays down conditions and procedures for the registration, acquisition and expropriation of buildings.**

**171. Compensation is still paid for damages incurred in case of expropriation for public interest. One's property can be seized only on the basis of a court decision taken by a competent judicial authority.**

**172. Several other texts have been prepared to improve land management: texts on the management of forest resources, wildlife and fisheries, Pastoral Charter, the Mining Code and the Agricultural Orientation Law.**

**173. Among the actions taken by the Government, mention can be made of:**

**- The setting up of Mali's Equipment Company (SEMA) in 1961; under the first Republic the National Housing Fund (FNL) was established in 1967 within the SEMA, an institution to which all employers had to pay 1% of the wage bill paid to employees. This measure was intended to generate resources to subsidize the SEMA programmes in order to make them accessible to target populations.**

**- The Ministry in charge of Housing designed the National Strategy for Housing in Mali, which was adopted by the Government in October 1995 and which recommended the establishment of a housing bank and the transformation of the National Housing Fund into Malian Housing Office. These Housing funding structures were set up in 1996.**

**174. As part of the implementation of the National Strategy for Housing, the following texts were prepared:**

**- Law No. 99-040/AN of 10 August 1999 governing property development;**

**- Decree No. 00-274/P-RM of 23 June 2000 laying down the modalities for allocating benefits to real-estate developers;**

**- Decree No. 00-275/P-RM of 23 June 2000 on the creation, responsibilities and operating modalities of the National Commission on Eligibility for Housing Programmes regarding the benefits provided for by the law governing estate development.**

**175. During this period, the following are worth noting:**

**-the creation of Mortgage Guarantee Fund - a tool for the management of risks relating to estate financing which enabled banks, financial institutions and credit initiatives to offer real-estate loans. This institution was set up within the framework of the Mali Housing Financing Support Project (PAFHAM);**

**-the creation of numerous real-estate companies that have carried a large number of housing programmes;**

**- the creation of the Property Transfer Agency (ACI), initially created for the sale of Baco-Djikoroni plots within the framework of the second urban project in Mali. Currently, this institution has become real-estate developers dealing in auction of plots especially in Bamako;**

**- Urban Development and Decentralization Project (PDUP) jointly financed by Mali and multilateral partners (World Bank) and bilateral partners whose main objective is to sustainably improve the provision of urban infrastructure by municipalities, in partnership with the Government, the private sector and communities.**

176. In the area of housing and land issues, in order to improve access to decent housing, Government built 6,792 social housing units nationwide, between 2002 and 2009.

177. Despite efforts by the State to facilitate access to property and housing, difficulties exist and are attributed, inter alia to:

- Ignorance and disrespect of laws, regulations and procedures by the stakeholders of the sector;
- Poor keeping of land register thereby rendering the consultation of land records difficult;
- Inadequate land management tools.

178. The most notable consequences of this situation include:

- land insecurity that has reached alarming proportions (duplication of titles, indiscriminate occupation of lands coupled with low investment incentive in the absence of secure and guaranteed rights over land);
- the existence of numerous disputes, land disputes and underlying tensions resulting from conflicts over rights, land boundaries, sometimes accompanied by a worsening of the social environment.

179. To address this situation, the Government, through the Ministry of Housing, Land and Urban Development, held from 30 June 2008 to 11 December 2009, general forums on land, which brought together 4,618 representatives of all stakeholders involved in land issues, with the aim of preparing and implementing an appropriate land policy arrived at by consensus..

180. The forums therefore reflected a political will to prioritize and strengthen the democratic debate on this very sensitive issue. These meetings led to the identification of four strategic areas: the adaptation of land laws and regulations to the country's socio-economic context; the harmonization of the national land management with sectoral development policies; the establishment of appropriate tools for the said management and lastly, the capacity building of services and other institutions in charge of land.

181. The national housing strategy also estimated the housing needs to be 440,000 housing units by 2015. That is why the highest authorities in Mali decided to continue and even intensify the construction of social housing units. Hence, more than 20 000 housing units were developed during the period 2007 to 2012 all over the country in line with the Economic and Social Development Project (PDES), 5 400 units were developed by the State and the rest by real-estate developers within the framework of Public-Private Partnership (PPP).

## **PART II: ECONOMIC, SOCIAL AND CULTURAL RIGHTS**

**The right to work under fair and favourable conditions (Article 15)**

182. Article 19 of the Constitution stipulates: "*The right to work and to rest shall be recognized. It shall be equal for all. Work is a duty of every citizen, but no one may be forced to do a particular work except within the framework of rendering an exceptional*



*service of general interest, equal for all under conditions determined by law "*.

**183.** The legal and regulatory framework consists mainly of Law No. 92-020 of 23 September 1992 on the Labour Code in the Republic of Mali and Law No. 02-053 of 16 December 2002 on the General Regulations Governing State Employees.

**184.** As for the institutional framework, it comprises the Ministry of Labour and Public Service, the National Directorate of Labour, Labour Inspectorates, and the labour courts.

**185.** According to Article L.4 of Law No. 92-020 of 23 September 1992 on the Labour Code in Mali, the right to work and training is recognized as the right of every citizen. Workers have a right to express themselves on the content, conditions and organization of work.

**186.** In principle, the duration of the work may not exceed 40 hours per week. However, on farms, working hours are fixed at 2,352 hours per year and a decree of the Minister of Labour shall set the weekly duration seasonally.

**187.** The weekly rest period is obligatory. It is twenty-four hours consecutively. It comes up in principle on Sunday (Article L.42 of the Labour Code). It can in no way be replaced by a compensatory allowance.

**188.** A worker is entitled to a leave after twelve months of service. The assessment of the worker's leave entitlements is done on a reference period from the date of recruitment or return from the previous leave, to the last day before his departure for the new leave.

**189.** It should be recalled that Mali ratified two fundamental ILO Conventions on the subject. These are Convention No. 29 of 1930 on Forced Labour (ratified on 22 September 1960) and Convention 105 of 1957 on the Abolition of Forced Labour (ratified on 28 May 1962).

**190.** The issue of employment is the main concern of country's authorities. The Strategic Framework for Poverty Alleviation and the Growth and Poverty Reduction Strategic Framework prioritize the promotion of employment. That is why the various policies and measures were adopted by the Government so that there is work for persons available and in search of work.

**191.** Actions to strengthen public employment services led to the creation of 39,022 government jobs from 2007 to 2010, in the administrative structures.

**192.** Despite the results achieved, unemployment, especially among the youth, remains Government's concern and remains very high in Bamako, in spite of the decline noted (27.3% in 2007 as against 24.9% in 2010). The other secondary towns experienced the same trend (from 16.1% to 14%). In rural areas, there is some stagnation (5.9% to 4.7%). The services of the Ministry of Employment and Vocational Training showed the creation of 23,828 jobs in 2010, inclusive of all categories and durations.

**193.** Regarding the institutional framework, a ministry dedicated to Employment and Vocational Training was established in 2002 instead of a Ministry Delegate, where the

employment aspect was operating within the Ministry of Labour and Public Service.

194. This reflects the will of the highest authorities of the country to make this sector play its full role in the country's economic and social development. Indeed, the objective assigned to the department, through the CSCRP is to find answers to securing jobs, reducing unemployment, adapting training to the needs of the market.

195. Hence, vocational training and development of human resources are priorities mentioned time and again in relation to youth employment in growth sectors such as agro-pastoral businesses, also in connection with the development of the private sector particularly SMEs-SMIs.

196. This is how through Decree No. 09-164/P-RM of 17 April 2009 laying down specific responsibilities of members of the Government, the Ministry of Employment and Vocational Training (MEFP) is in charge of preparing and implementing the national policy in the areas of employment and vocational training.

197. A national policy document for vocational training was adopted by the Government in June 2009, and the process of formulating a new national employment policy is currently underway.

198. This policy has identified five priority areas: local employment, promotion of high intensity labour jobs, vocational and technical training, business development and employment in the informal sector.

199. To ensure better implementation of various programmes, implementing agencies namely ANPE FAFPA and FARE have been restructured and strengthened. Faced with serious youth unemployment, a new agency was created to deal exclusively with the problem of youth employment. This is the National Youth Employment Promotion Agency (APEJ) and its regulatory programme dubbed Youth Employment Programme (PEJ).

200. In addition, employment and vocational training programmes have been designed and are currently being implemented. These include, among others, PNA/ERP, PEJ II, PAGESPRIM, PRODEFPE, the PAFIP, PISE (Training of young school dropouts, CED finalists and the newly literate).

201. A vast vocational training and employment reform through projects and programmes was undertaken with the support of PTF. Thus, we also note the PCFP and PAFPE. It is within the context of this reform that structures such as FAFPA, OEF, the UFAE were also created to help improve the provision of vocational training and ensure its financing.

202. ILO programmes to assist in the implementation of employment and vocational training policies are equally going on. Currently, seven ILO technical cooperation projects are underway in Mali (PEJIMO, ISFP, APERP, Migrant, HIV/AIDS, TACKLE and AECID).

203. Other bilateral or multilateral partners are increasingly interested in issues of employment and vocational training for instance the World Bank, UNDP, WFP, FAO, IFAD, UNIDO, UNESCO, France, the United States, the Grand Duchy of Luxembourg, Switzerland, Denmark, Sweden, Spain, etc.

204. To develop the private sector, the Government initiated projects and programmes for the creation and development of private enterprises (the projects EDF/SMEs-SMIs, UNDP/ILO, PAPME-Canada, APEP, PAJE/NIETA with the USAID).

205. Guidelines were defined in the PNEP: human resource development, articulation between education, vocational training, technical education and other mechanisms for developing skills, matching training with the needs in the labour market (Training-Employment Balance), the development of learning, quality and equity, decentralization and devolution, partnership, management and financing.

206. The strengthening of the intervention capacity of APEJ (National Youth Employment Promotion Agency) through the provision of resources from the National Youth Employment Fund (FNEJ), by earmarking Youth Employment Tax (2% of the fixed contribution of employers), enabled the funding, with own resources, of the 2<sup>nd</sup> phase of the Youth Employment Project (PEJ II) to the tune of 24.8 billion CFA francs for the period 2011-2015, excluding the contribution of beneficiaries, of the private sector and the financial system).

207. The Support Programme for the socio-economic reintegration of the Youth of the Regions of northern Mali concerned 10,000 young people including 4,000 in the Kidal region and 3,000 in the Timbuktu and Gao regions. Its total cost is about 22 billion CFA francs for implementation in two phases of five (5) years each. The programme started its activities by, financing on 30 November 2010, 276 projects for 731 young people, including 250 for the region of Timbuktu, 206 for Gao and 275 for Kidal for an overall cost of 666,364,255 CFA francs.

208. The Ministry of Employment and Vocational Training, through the National Directorate of Vocational Training, has training structures such as vocational training centres and FAFPA offering skills training to youth of DEF level, in the construction and carpentry sectors, etc.

209. Furthermore, as selected actions, note should be taken of:

- the strengthening of mechanisms of on-the-job training, professional agricultural training for greater professionalization of rural actors, apprenticeship training (dual, alternating, traditional, skills training types);
- the establishment of a strategy for the training of trainers, apprentice masters and local trainers;
- the promotion of private investment in vocational training;
- improving information on training needs and courses, etc;
- the access by women, girls, vulnerable groups;
- the institutionalization of employment and vocational training grant;
- the institutionalization of SITA, etc.

210. It should be noted that a youth policy development framework of the Ministry of Youth and Sports is being finalized, which gives a pride of place to employment.

### **The right to health and well-being (Article 16)**

211. The Universal Declaration of Human Rights (Article 12), the African Charter on Human and Peoples' Rights (Article 16) provide that every human being has the right to enjoy the

best physical, mental and social health.

212. The accession by the Republic of Mali to the World Health Organization after its attainment of national and international sovereignty in 1960 stems from this reality. The same applies to the adoption of the Alma Ata Declaration in 1978, on the strategy of revitalizing primary health care and the objective of health for all by the Year 2000, as well as the adoption the Bamako Initiative in 1987 and its implementation in 1989, as a health care revitalization/revival strategy.

213. The same applies to international objectives for reducing maternal and infant mortality, controlling the HIV epidemic currently widespread in Mali, malaria, tuberculosis and other major endemic diseases, within the framework of achieving the Millennium Development Goals as well as attaining universal access to treatment by 2015.

212. The Constitution of the Republic of Mali provides in Article 17 that "Health shall be an inalienable right of the citizen"

213. For the purposes of implementing Article 16 of the Charter, the Government of Mali initiated and implemented various projects and programmes to ensure coverage of the population's health needs.

214. The following can be mentioned, among others: the adoption of the Primary Health Care Strategy, the Bamako Initiative, the Declaration of the Health and Population Sector Policy, the 2002 Framework Law on Health, and various other laws and their implementing decrees on health targeting especially women, new-borns and children, the youth, health cluster to multiple indicator survey relating to hospitals, the fight against HIV and AIDS.

215. The health sector policy adopted in 1990, translated into Framework Law No. 020-49 on health on 22 July 2002, advocates in Article 2 the basic principles of equity, justice, solidarity and participation of the population and civil society. It takes into account the international commitments to which the Republic of Mali has subscribed.

216. In order to address the problems in the health sector, the Government undertook the realization of "the Compact" whose overall objective is to define a unique and harmonized framework to increase and improve the effectiveness of aid in the health sector with a view to achieving the Millennium Development Goals (MDGs). Mali is one of the first Sub-Saharan African countries to establish a national performance contract for the achievement of MDGs 4 and 5 linking the Government with 13 bilateral and multilateral partners.

217. The participatory implementation of the aforementioned policies, plans and strategies has contributed to improving the population's health status, notwithstanding the shortcomings noted at certain levels.

218. Indeed, regarding the extension of health coverage, the minimum package of activities (MPA: preventive, curative and promotional care) was offered in 2010, in 1050 CSCOMs, representing 59% and 90% of the population living within 5km and 15 km respectively of a health facility. This level refers patients to referral health centres (CS Ref.) in the health districts, but often directly to the public hospital establishments (EPH), depending on their proximity or following the choice of the patient or his parents contrary to the normal circuit established.

219. In terms of reference and organization of counter-reference system, in 2010, 100% (59/59) of the referral health centres had a revised conceptual framework or a framework that was under review, at least one surgical unit, trained personnel and appropriate equipment (including rolling stock, computers and RACs).

220. The quality of care is improving year by year at this level of care for patients through multidisciplinary management teams with adequate means of diagnostics and a system of organizing, monitoring and evaluating programmed or non-programmed operations. This reference level refers also to the 14 Hospital Facilities (EHs) including 11 public hospitals (EPHs), commonly referred to as 2<sup>nd</sup> or 3<sup>rd</sup> baseline hospitals, more efficient for the treatment of complicated cases or medical specialties, surgery, gynaecology-obstetrics or for conducting complementary para-clinical diagnostic examinations, etc.

221. The reform of the hospital system led to the practice of hospital medicine that guarantees the quality of care, better reception and guidance of patients and the reduction of medical evacuations outside the country (reduction of expenses on families and the State, which continues to provide financial and logistical contribution in this area).

222. The organization and implementation of the legislative and regulatory framework favourable to the development of private medical and pharmaceutical practices led to the provision of a dense network of health practitioners especially in large cities. This led to a positive response to a request for long-awaited individual private care. In 2010, Mali had more than 1412 public, private and community health institutions, 1462 drug deposit or sale facilities, including 497 private facilities and 92 laboratories with only 9 of them being private.

223. These various health institutions contributed in 2010 to the curative care of 0.36 contacts per inhabitant per year. The 11 EPHs helped in the care of 722,396 patients of which only 6.2% of cases were referred, and the hospitalisation of 134,439 patients for an overall occupancy rate of 41% which ranged from 8 to 66% and for an average stay of 4 days, including extreme cases which ranged from 3 to 16 days.

224. **In the area of prevention**, serious childhood infectious diseases for which children pay the highest price dropped significantly due to immunization of children within the framework of the Expanded Programme on Immunization (EPI), which incorporates routine vaccination, vaccination revival days, searching days or synchronized sub-regional campaigns using the door-to-door approach within the framework of eradicating poliomyelitis and even other diseases where it was feasible. Hence, we note that the vaccination coverage in Penta 3 (5 vaccines) was 104% in 2010 (exceeding the target of at least 90% per year). As a reminder, Mali benefited from the certification of Poliomyelitis after several consecutive years without polio, following the standards set by the WHO (pre-eradication phase).

225. As part of the fight against the disease, several strategies and interventions are underway to forcefully fight back HIV/AIDS, the prevalence rate of which stood at 1.3% according to the EDSM-IV in 2006 as against 1.7% in 2001.

226. Within the purview of this fight, in 2010, Mali had 265 voluntary counselling and screening centres (CCDVs). These centres enabled the screening of 129 039 persons, 3192 of whom were HIV-positive, representing 2.47% as against 25.38% in 2006. Also, in 2010, 35

563 persons living with HIV (PLHIV) were introduced to ARVs (target exceeded by more than 100%) 69.67% of whom were regularly monitored at the level of 74 treatment sites including 68 which equally provide paediatric care.

227. It should also be noted that in 2010, 307 Prevention of Mother- to-Child Transmission (PMTCT) sites existed across the country (target exceeded by more than 100%). They helped screen 67.33% of 110,736 pregnant women during antenatal care (ANC), representing a rate of 89% as against 65% for cases of assisted deliveries. The populations' compliance with voluntary HIV screening in relevant structures established, is gaining momentum as the years go by.

228. The National Strategic Framework for the fight against HIV and AIDS (CSN) for the period 2006-2010 has been completed. A national review is underway to assess the former CSN and to prepare a new strategic framework for 2012-2016 with the support of all stakeholders including the State, the private sector, civil society, and the technical and financial partners.

229. The antiretroviral drugs against HIV/AIDS are provided free of charge since 2004, thanks to the President of the Republic. This free treatment is being extended to all the eligible cases diagnosed. As a reminder, according to UNAIDS data on treatment in Africa, Mali (3<sup>rd</sup> country in Africa to institute free treatment) is ranked first country in this domain.

230. Moreover, other vigorous actions were carried out to fight this scourge including, among others, malaria with the support of the Malaria Training Centre (MTRC) of the Faculty of Medicine and Dentistry (FMPOS), as an international centre for research on the issue, which effectively contributed to significantly reducing fatality caused by the disease; tuberculosis, leprosy, the so-called neglected diseases, blindness, guinea worm, non-communicable diseases including hypertension, diabetes, sickle cell disease are currently receiving the specialist attention of a Regional Centre (CRLD ) in the fight against those conditions; cancers, epidemics including those relating to meningitis which is less lethal are being addressed with continued mass vaccination campaigns according to established standards and the introduction in 2010 of a new vaccine that protects for 10 years .

231. The implementation of the national blood transfusion policy ensures safety in hospitals and referral health centres, through the efforts of 36876 voluntary blood donors aged 18 to 60 years (2.22% of donations were detected HIV positive in 2010 and destroyed). This institutional mechanism incorporates appropriate conditions for effective control and prevention of emerging diseases and the re-emergence of HIV/AIDS.

232. Several other diseases such as leprosy, tuberculosis, onchocerciasis, etc. are also being treated free of charge for a long time. These initiatives have greatly contributed to the control of the advance of these diseases in general especially in poor rural areas, with the exception of tuberculosis where the detection rate was only 29% in 2009 and 20% in 2010 (temporary halt of funding from the Global Fund), despite the on-going significant efforts.

233. It should equally be noted that the free caesarean section interventions decreed since 2005 and the free anti-malaria treatment of children from 0-5 years and pregnant women, as well as the prevention of malaria in pregnant women through the use of Sulphadoxine-Pyrimethamine (SP) adopted since 2007, are major innovations that enable the poorest to have access to health care throughout the national territory.

234. The institutionalization by the Government of the Compulsory Health Insurance (AMO) and the Medical Assistance Fund (FAM), which is implemented by regulations, the National Health Insurance Fund (CANAM) and related tools guarantee care for workers, soldiers, members of parliament, retirees and the destitute and for their beneficiaries; such health care is provided in the public and private hospitals which are subsidized for this purpose.

There is need to note the creation of 23 new mutual funds, bringing the total number to 121 mutual funds approved by the end of 2008. Thus, the population coverage by health mutual funds increased from 1.7% (215 156 beneficiaries out of a population of 12,712,655 inhabitants) to 1.9% (244 028 beneficiaries out of a population of 13,056,837 6 inhabitants) representing an increase of 0.2 percentage points corresponding to 28,873 new memberships. In 2009, the mutual health insurance coverage was 2.1% (3% target) and the coverage rate of population was 2.8% (target of 3.5%).

235. The fight against the disease (including epidemics) is facilitated through the strengthening of research in the area of health through specialized structures created for this purpose. In the same vein, the strengthening of the National Health Information System (SNIS) through staff training in epidemiology and public health was undertaken. The availability of qualified and monitored human resources, as well as the provision of computer hardware contributes to effective and efficient management of cases following a mechanism for monitoring and periodic evaluation implemented at various levels of the health system with the involvement of all stakeholders (State, local authorities, communities, civil society, and technical and financial partners).

236. This system under review (prompted by the growth of the institutional environment) is crucial in taking appropriate decisions. Indeed, and as an example, through the organization of health services and the rational management of health statistics, epidemics and endemic diseases are steadily declining. The indices of morbidity and mortality are being improved as the years go by.

237. The policy of essential drugs and the support mechanism put in place have led to the availability, in the remotest parts of the country and in the health centres, of essential international drugs at an affordable price and in good dispensing conditions.

238. This policy includes the Pharmacopoeia and Traditional Medicine. In this context, the production of Improved Traditional Medicines (MTAs) at the National Public Health Research Institute (INSRP) helps to increasing the health coverage of the population with essential drugs. This is done with the help of associations of traditional healers and some technical and financial donors interested in the issue.

239. In 2010, the 10 essential drugs were available at 98% in health facilities. The average number of prescribed drugs was three (3) and the average cost of a prescription for the same period was one thousand six hundred and sixteen (1616) CFA francs in CSREFs, as against one thousand three hundred and sixty five (1365) CFA francs in CSCOMs.

240. As accompanying measures, vigorous actions were taken and are on-going to rehabilitate, construct and equip health facilities according to established standards. Similarly, within the framework of capacity building, the supply of logistics, office equipment (especially computers) and cold chain is still going on to meet the planned needs with the support of all stakeholders.

241. With the improvement of the curricula of training schools and actions of human resources development undertaken, the professional ratios of healthcare per inhabitant have improved considerably in the last 10 years. Thus, in 2010, the ratio for doctors was one (1) for 9792 inhabitants, one (1) midwife for 21,924 inhabitants, one (1) nursing assistant for 3448 inhabitants. The WHO standard is one (1) for 10 000 doctors as against one (1) for 5000 inhabitants respectively for midwives or nurses.

242. The health budget in the state budget has also increased over the past decade; from less than 5% in 1989 to 11.71% in 2010 (recurrent expenses ratio). This rate is below the 15 % set by Heads of State in Abuja, Nigeria. Within the framework of attaining the MDGs in the health sector, the table below shows the results obtained in relation to certain targeted impact indicators.

**Summary table of Mali's results with regard to the objectives of the various PRODESS from 1998 to 2010/MDGs**

Indicator	Goals			EDSM.III, IV results and MICS 2010 surveys			
	Prodess	Prodess II	Prodess +	1996	2001	2006	2010
	1998-2002	2005-2009	2009-2011				
<b>MDG1</b>							
Underweight rates. Among children aged <5years/100			27.0%	40.0%	33.2%	26.7%	18.9%
Immunization coverage rate of children 12-23m (Measles)			90%	50.8%	48.7	68.4%	73.0%
Immunization coverage rate of children 12-23m (DTP3)			Above or equal to 90%	37.5%	39.6	61.9%	72.1%
<b>MDG4</b>							
Infant mortality rate/100		93.0	56.0	122.5	113.4	95.8	
Child mortality rate /100	166.3	211.0	150.0	237.5	229.1	190.5	
<b>MDG5</b>							
Maternal mortality rate/100000	404	574	344	577	582	464	
Prenatal care rate			86.0%	46.9	56.8	70.4	
Assisted delivery rate			65.0%	40.0%	40.6%	49.0%	56.0%
Contraceptive prevalence rate			10.0	4.5	5.7	6.9	8.0%



(women in union)							
<b>MDG6</b>							
HIV/AIDS prevalence rate /100	2.0%	1.3%	1.0%		1.7%	1.3%	

Source: PRODESS External Evaluation Report (May 2011)

### **HEALTH PROBLEMS /CONSTRAINTS**

243. Despite the achievements and on-going measures to meet the population's health needs, to respond to the citizens' rights and equity in access to health care, the health situation still remains disturbing. The following areas to be improved upon attest to this:

- Maternal mortality (464 per 100 000 as against a target of 146 in 2015, set in 2000 by the Heads of State for the MDGs), infant mortality (96 per 1000) and child mortality (113 per 1000) still remains very high and practices harmful to the health of women and young girls still persist (85% of girls were circumcised according to the results of the EDSM-V in 2006 as against 98% in 2001);
- The average mortality rate in CSREF is 3.91% as against 9.50% in the hospitals, representing an overall rate of 6.68% in all these health facilities. These rates are still relatively high despite the progress made;
- Concerning family planning, only about 8% (MICS 2010 survey) of women, as against a target of 20% set by the MDGs by 2015 (10% by 2011/PRODESS II Extended) use modern contraceptive methods. The unmet needs in this area according to the results of the DHS IV stand at 31%;
- Fertility remains high (6.6 children per woman) and early, over 30% (34% in 2001) of adolescent girls aged 15 to 19 were mothers in 2006 (EDSM-2006);
- In 2006, according to the results of the EDSM-IV, approximately half of all births took place elsewhere (especially at home) by unqualified personnel. According to data from National Health Information System (SNIS), the rate stood at 65% in 2010.
- In spite of the efforts made in the allocation of financial resources (about 61% at the decentralized level in 2009), the regional disparities in the availability and use of health services remain a concern for the highest authorities of Mali. Although the objective set in 2010 (0.35) is exceeded, relatively large regional disparities still persist. The number of contacts per inhabitant per year rose from 0.26 in the Mopti region to 0.61 in the Kidal region, the least dense.
- Nutritional security implies much more than mere access to adequate food. It requires access to adequate micronutrients, safe drinking water, hygiene and sanitation, good quality health services, improved practices at the level of households and communities in terms of food and child care, food hygiene, food preparation and

environmental health. Various factors influence the nutritional security, and by extension the nutritional status of individuals, communities and populations.

- 244. According to the EDS IV of 2006, acute malnutrition rate (weight/height) and chronic malnutrition rate (size/age) were 15.2% and 38% respectively, while the prevalence of underweight was 26.7%. In 2006, 81% of children below 5 years and 67% of women were anaemic or suffered from iron deficiency, making it one of the highest rates in the world. The direct causes of malnutrition in Mali are linked to inadequate food intake, diseases and inappropriate care practices.
- 245. The timid response by the population to voluntary HIV screening, despite the strides in this domain, as well as the abandonment of ARV treatment (11%) for a significant initiated portion of patients are concerns to be addressed with the help of other departments including education to induce the change of behaviour of users of health services.
- 246. Sluggish procedures causing delays in mobilizing the planned financial resources significantly contribute to the non or low achievement of certain expected results (for instance: the delay in conducting the EDSM.V, in preparing the Ten-Year Health and Social Development Plan and for the empowerment of Women, children and families, as well as their five-year programmes, etc.)

- **PROSPECTS**

247. Faced with the shortcomings and challenges to be met, measures were taken that enabled among others, the conduct of an external and independent assessment of Ten-Year Health and Social Development Plan in May 2011. Thereafter, it was the start of the process to design a new Ten-Year Plan (2012-2021) and its five-year programmes. This would lead to the consolidation of the achievements and the development of new innovative strategies to boost the level of certain key indicators, so as to accelerate the current measures for universal access to health services and care, which will significantly ensure the reduction of inequalities.

- 248. To achieve this, synergies will be developed with other sectoral departments whose actions will contribute to significantly enhance the level of the selected target indicators. Here, there will be reinforcement of on-going measures related to A.M.O, and the promotion of mutual health among others.
- 249. Furthermore, the development and implementation of the new National Strategic Framework for the fight against HIV and AIDS, 2012-2016/17 is an opportunity to address the shortcomings and strengthen cross-sectoral synergies to achieve the expected results.

## **The right to education and the right for individuals to take part in cultural activities (Article 17)**

### **A. The right to education**

250. The Constitution of Mali provides the right to education in Article 18. The adoption in 1999 of a Framework Law on Education, provided for the incorporation into national legislation of international legal instruments relating to the right to education.

251. In order to make this right effective, the Government adopted a series of policies and measures that led to the achievement of tangible results. “La Lettre de Politique Educative du Mali” (The Letter of Education Policy of Mali) published in April 2006, lays emphasis on basic education, especially primary education, giving priority to the education of girls and training of women, to initial and further training of teachers, the development of early childhood, education of children to special education needs and non-formal education. By opting for a democratic school in a decentralized context, Mali has made a very clear choice as to the importance of the role and place of communities and local authorities, to make a profound change with a view to rebuilding its educational system. The educational policy is implemented through the Ten-Year Educational Development Programme (PRODEC), whose five-year plan is the Education Sector Investment Programme (PISE).

252. The analysis of some access indicators shows that progress has been made in the education sector in Mali.

#### **FORMAL EDUCATION:**

253. The progress made in the education system in terms of access to education is reflected, between 2002 and 2010, in an increase in student enrolment in the first cycle of basic education. Indeed, enrolment rose from 1.29 million to 2.114 million including 969,466 girls, representing an average increase of 6% per year. Enrolment in public schools stood at 65.47% and that of community schools at 8.67% in 2009-2010. The enrolment in the first cycle would be 2,392,208 students in 2012.

254 The rapid development of student enrolment in the 1<sup>st</sup> cycle of basic education led to increased pressure on the second cycle where enrolment rose from 237,298 in 2002 to 582,613 in 2012.

255. Thus, with the start of 2011/2012 academic year, new needs in terms of classrooms in the second cycle were estimated at 5041 for an average ratio of 50 students per class. The number of existing classrooms stood at 5872.

256. To support this increase:

- 1 281 classrooms were constructed and equipped with funds from various sources (ABS, Netherlands, IDA, IDB and AfDB) to the tune of 10.675 billion CFA francs;
- Twenty (20) new second cycle schools were opened in councils that do not have them and wherein the enrolment in Form One was over 65 students;
- 166 canteens already funded were created in the vulnerable areas of the country.

257. The rapid growth of enrolment equally induced pressure on secondary education, hence the need for regulation at this level, through a controlled guidance/regulation of intake.

258. In 2011, out of 62,666 regular students, including those of madrasas admitted in “DEF”, 59,833 were provided with guidance as against only 3 133. Those not guided represented 5% of the number enrolled, but the department strove to give them instructions and guidance despite all odds, to meet the expectations of parents.

259 On this basis, approximately 37,600 students, representing 60%, pursued public education as against 25,066 students guided towards private education.

260. In technical and vocational education, enrolment increased between 2010 and 2011, from 81,442 to 92,663 students. It was estimated at 105,899 students in 2011-2012. There was reduction in gaps, in terms of students guided, between the Technical Economy series (70%) and the Civil Engineering Technique and Technology Industry series (30).

261. In accordance with the recommendations of the Forum on Education, the curriculum, which is the set of self-management skills and know-how required for a learner to enable him to pursue higher studies or to integrate working life, was generalized. The option chosen was to first introduce it in 2,463 primary schools (inclusive of all statuses).

262. In its quest for universal education in 2012, an essential condition to achieve the Millennium Development Goals (MDGs) with regard to Education for All (EFA) by 2015, Mali resolutely embarked on the Sankore programme.

263. Sankore is a digital education programme that seeks to enhance access to quality primary education. The underlying idea is that the digital revolution can help to meet the challenge of quality basic education for all, as the costs of equipping drops and free resources can be created and shared everywhere for free. The idea is to share the digital revolution to all African countries.

264. In 2011, the education sector was funded to the tune of 259.52 billion CFA francs, 207.58 billion of which came from the State and 51.94 billion CFA francs from external financing.

265. The recurrent budget (without BSI) and investment (BSI + ABS) of the Ministry of Education, Literacy and National Languages in 2011 was 204.23 billion CFA francs.

266. The Education sector ratio compared to recurrent expenditures rose from 33.24% in 2010 to 35.74% in 2011 in the amended Finance Law. The ratio in relation to the overall budget (including external funding from BSI) rose from 18.05% in 2010 to 20.05% in 2011. Note should be taken of the strong decentralization and devolution of the credits of the department which are broken down as follows:

- Credits earmarked for the central structures: 31.011 billion CFA francs, or 18.68%;
- Credits earmarked for devolved and decentralized structures: 134,997,000,000 CFA francs, or 81.32% as follows:
  1. Credits earmarked for the decentralized structures: 53.327 billion CFA francs, or 39.50%.
  2. Credits earmarked for external structures: 81.67 billion CFA francs, or 60.50%.

267 Funds of Sector Budget Support amounting to 10.410 billion CFA francs earmarked for BSI external financing are broken down as follows:

- 6.764 billion CFA francs for the central level, representing 64.98%;
- 3.645 billion CFA francs, representing 35.02% for external services.

268. Under Special Investment Budget (BSI) and other investments, commitments stood at 27.820 billion CFA francs. They include among others, infrastructure construction and equipment.

### **The difficulties and constraints:**

269. The main difficulties and constraints encountered were:

- The results of this study showed that students had only 112 days of learning in 2009-2010, out of the 172 planned by the department, representing 71%;
- difficulties in the execution of financial resources transferred to local authorities (public expenditures implementation procedures);
- the slow disbursement of funds for the sector budget support at the external level;
- delay in reporting on the execution of credits transferred to local councils in 2010;
- Slow handling of: (i) salary arrears of teachers in terms of advancement and upgrading; (ii) arrears of school fees and half scholarships; (iii) student-teachers scholarship arrears; (iv) construction, rehabilitation and equipping of classrooms; (V) further training of teachers.

### **Prospects :**

270. In 2012, the following actions will be taken:

- Acquisition of equipment for the various departments ;

In a bid to establish “close supervision” likely to improve teachers’ performance, twenty-nine (29) Teachers’ Resource Centres were created (two old ones were abolished), thus bringing the total number of TRC’s to between 70 and 97.

For the 2011-2012 academic year, the following activities were carried out with the view to strengthening the implementation of the educational decentralisation/devolution policy:

- The review of the agreement between the Ministry of Education and ANICT to ensure effective monitoring of the development of school infrastructure by the communities ;
- The management of the career plans of public servants of local authorities ( CT) (ranking, training, promotion, mobility, etc.) ;
- The adoption of a regulatory text on the Education Committees of the local authorities ;

- The generalisation of the functional School Management Committees (CGS) model ;
- The review of the Executive decision on the functioning of the CGS ;
- The adoption of a decree regulating the Direct Support Fund for the Improvement of School Performance (ADARS) ;
- The continuation of the gradual transformation of community schools into municipal schools, by taking into account the possibility of providing them with civil servant teachers;
- The adoption of a regional model for school buildings ;
- The organisation of study tours within the framework of research-action on educational decentralisation ;
- The widespread use of functional consultation frameworks between the Local Authorities, the TRCs and the CGSs;
- The implementation and monitoring of recommendations of the national symposium on the operationalisation of labour relations between the devolved State departments and the Local Authorities ;
- The provision of quality teaching personnel to a number of schools ;
- Providing a large number of buildings and equipment for classrooms;
- Establishment of a National Education Fund.

**Total Number of Students in the basic education cycle (Source 2010-2011  
Statistical Yearbook)**

	Urban municipalities				Rural municipalities				Total			
	Total	Boys	Girls	% B	Total	Boys	Girls	% G	Total	B	G	%G
Public	343547	174514	169033	49.2	951302	520785	430517	45.3	1294849	695299	599550	46.3
Private	185304	96199	89105	48.1	62634	33128	29506	47.1	247938	129327	118611	47.8
Commun	34311	17831	16480	48.0	284554	163063	121491	42.7	318865	180894	137971	43.3

ity												
Mad rasas	87923	43810	44113	50. 2	188527	11001 3	78514	41. 6	276450	153823	12262 7	44.4
Tota l Nati onal	65108 5	33235 4	31873 1	49. 0	148701 7	82698 9	66002 8	44. 4	213810 2	115934 3	97875 9	45.8

**Total Number of Students 2nd cycle (Source; 2010-2011 Statistical Yearbook)**

	Urban municipalities				Rural municipalities				Total			
	Total	B	G	%G	Total	B	G	%G	total	B	G	%G
Publ ic	17215 6	90220	81936	47.6	29242 7	17937 0	11305 7	38. 7	464583	26959 0	19499 3	42.0
Priv ate	53923	27706	26217	48.6	15617	8387	7230	46. 3	69540	36093	33447	48.1
Com mun ity	2768	1449	1319	47.7	911	487	424	46. 5	3679	1936	1743	47.4
Mad rasas	19346	11817	7529	38.9	12999	9877	3122	24. 0	32345	21694	10651	32.9
Tota l natio nal	24819 3	13119 2	11700 1	47.1	32195 4	19812 1	12383 3	38. 5	570147	32931 3	24083 4	42.2

**The different rates (Source: 2010-2011 Statistical Yearbook of the Ministry of Education)**

RATES	Cycles	Boys	Girls	Boys + Girls
<b>Net School Enrolment Rate.</b>	1 <sup>st</sup> cycle	68.0	56.4	62.1
	2 <sup>nd</sup> cycle	38.8	27.8	33.2

<b>Gross School Enrolment Rate.</b>	1 <sup>st</sup> cycle	89.1	74.0	81.5
	2 <sup>nd</sup> cycle	63.9	46.0	54.8
<b>Gross Admission Rates</b>	1 <sup>st</sup> cycle	80.1	69.2	74.6
	2 <sup>nd</sup> cycle	53.5	39.2	46.3
<b>Completion Rates</b>	1 <sup>st</sup> cycle	65.7	51.0	58.3
	2 <sup>nd</sup> cycle	43.0	29.1	36.0

## **2- NON FORMAL EDUCATION:**

271. On the reform from 1962 to Dakar 2000 through Tehran in 1965, literacy has passed through many stages in its development in Mali:

- From **1962 to 1967**: the emphasis has been laid on literacy in the French language;
- From **1967 to 1972**: functional literacy is taught in national languages for the benefit of rural adults and workers in industrial units;
- From **1972 to 1980**: at the end of the PEMA, Mali opted for an implicit integration policy of the literacy component into the sectoral development programmes, mainly in the rural communities;
- From **1980 to 1990**: This period was marked by programme diversification and coverage of other sectors such as health;
- From **1990 to date**: This stage was characterised by the massive participation of civil society organisations (NGOs and National and International Associations) in literacy. This participation took the form of a reduction in interventions in all areas and the inclusion of new target groups. New structures came up and they include Development Education Centres (CED), Women's Apprenticeship Centres (CAFE), and Vocational Training Centres (CFP), designed for neo-literates in the peri-urban communities. New programmes saw the light of the day: the National Agricultural Extension Programme (PNVA), the Support Programme for the Agricultural Sector and Farmers' Organisations (PASAOP), which generally engaged in and implemented literacy activities.

272. Furthermore, Integration Education Centres (CEI) were established in Bénéna (CAP of Tominian). The aim of this Centre was to facilitate integration of burkinabè and Malian nationals through education.



### **The Overall Situation of Functional Literacy Centres in 2009-2010.**

Programmes and Projects	Total No. of centres	Number of Learners			Total Number of Neo-Literates			Number of Facilitators		
		Men	Women	Total	Men	Women	Total	Men	Women	Total
Vibrant programmes	902	10963	14699	25662	6439	6935	13374	656	349	1005
ADB IV	502	5814	9987	15801	3713	7414	10767	391	129	520
NGO Centres	655	5718	14557	20275	2158	7328	9486	515	383	898
OTHERS	608	4557	11206	15763	2388	5915	8303	329	370	699
<b>TOTAL</b>	<b>2685</b>	<b>27052</b>	<b>50449</b>	<b>77501</b>	<b>14698</b>	<b>27592</b>	<b>42290</b>	<b>1891</b>	<b>1231</b>	<b>3122</b>

273. The management of non-formal education is mainly characterised by:

- Inadequate coordination and consultation in actions against the background of numerous stakeholders ;
- The lack of a regulatory framework governing the provision of educational services under an appropriate information management system ;
- The lack of communication on NFE which has a negative effect at the levels ;
- The lack of ownership by the local authorities and the other NFE partners ;
- The weak capacity of local authorities to implement NFE activities ;
- The lack of legal status for the literacy facilitators and educators and legal basis for accreditation of knowledge and competencies acquired;
- The low level of functionality of the literacy committees and the school management committees.

274. Concerning the current financing of Non-Formal Education, it is marked by:

- Low level of the national education budget in financing non-formal education : in 2005, out of the national education budget, 60% were allocated to basic education with only 1% for non-formal education ;
- The lack of understanding by the department of Education of information on some investment funds allocated for NFE apart from its budget ;
- The lack of resources on the part of some local authorities to take care of non-formal education due to difficulties in collecting taxes and levies and also finding partners.

275. It is a fact that Mali has embarked on Education for All (EFA) which, among others, aims at improving the level of literacy of adults by at least 50%, in particular of women by 2015, while the figure was 29.6% in 2002. It is therefore imperative to establish a reference framework to enable all the problems in the sub-sector to be addressed, thus the development of the document, the successful implementation of which is related, among others to some factors which are its trump card:

- the effective implementation of texts relating to educational decentralisation ;
- the existence of a linguistic development policy taking mostly into account the status of national languages, the accreditation of acquisitions of national languages (certification, , degrees, approvals...);
- the agreement of the population with the said policy.

276. As part of the implementation of the NFE, the following steps must be taken:

- mobilisation of resources, particularly, allocation of 3% of the education budget to non-formal education;
- capacity building;
- infrastructural development and equipment;
- partnership development;
- programme development and innovation;
- development of research action;
- development and strengthening of the literate environment;
- establishment and operationalisation of a monitoring-evaluation mechanism.

277. The challenges to be addressed in the education sector consist of improving enrolment in the area of access, quality, retention and completion by laying much emphasis on the issue of girls and the management of human and financial resources at the decentralised level.

## **B. The right to take part in cultural activities**

278. The State of Mali, through the Ministry of Culture which was established in 2000, ensures:

- the promotion and development of a culture rooted in the values of the Malian society and

universal civilisation ;

- the development of national creation in the area of artistic and cultural works and artistic practices ;
- the protection, preservation and promotion of cultural heritage and national arts;
- the development and implementation of measures contributing to the influence of Mali's culture and promoting exchanges with other cultures.

279. The government promulgated Law No. 10-061 of 30 December 2010 on the amendment of Law No. 85-40/AN-RM of 26 July, 1985 on protection and promotion of the national cultural heritage. This Law clarifies the following issues:

- Article 1: “the protection and safeguard of the cultural heritage are carried out by the State, the local authorities and communities”;

- Article 2 : “Under the terms of this Law, cultural heritage means all the tangible and intangible cultural assets which, in the area of religion or under normal circumstances are of historical, artistic, scientific and technical and intellectual importance for the State, the local authorities, the communities, groups and individuals. The tangible cultural materials consist of moveable and immovable property”;

- Article 5: “the protection of cultural heritage is the totality of measures seeking to defend cultural assets from destruction, transformation, clandestine searches, illegal use and export and from alienation. It is done by registration, inventory and classification as part of the national heritage”.

280. The significant achievements focus particularly on:

- “the changes made in the legal arsenal, in particular concerning heritage, copyright and cinema ;

- the creation of the Ministry of Culture in 2000 ;

- the establishment of new public agencies such as the cultural missions attached to world heritage sites, la Pyramide du Souvenir, la Tour de l’Afrique, the Malian Copyright Office (BUMDA), the Conservatoire des Arts et Métiers Multimédia (CAMM) or the African Photography House (MAP) ;

- the transformation of several public agencies (National Museum, Cultural Centre, the Bamako International Conference Centre, BUMDA), into public establishments with corporate status and financial autonomy ;

- the relaunch of the Cultural and Artistic Biennial in 2003 and the establishment of new activities such as the “Balafon Triangle” International Festival<sup>1</sup>.

281. The Ministry of Crafts and Tourism contributes also to the safeguard, protection and

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<sup>1</sup> Taken from page 5 of the Cultural Policy Framework Document, version 3 (15 October, 2011)

promotion of national cultural heritage, on the one hand, through the tourism sector, the Malian Board for Tourism and Hotel Management and in the crafts sector, on the other hand, through the National Centre for the Promotion of Crafts and the Permanent Assembly of Chamber of Commerce of Mali. The 2009-2012 National Development Policy for the Craft Sector and its Action Plans and the 2010-2012 Tourism Development Strategy and its Action Plans are policy documents on crafts and tourism adopted by the Government in March and June 2010.

282. Several partners support the protection and promotion of cultural heritage, particularly the European Union and many of its Member States, the United States, Canada, China and the World Bank.

283. The upcoming adoption of the Cultural Policy Framework Document and the conduct of activities relating to the Action Plans under the craft and tourism policy documents herald a glowing future.

### **TITLE III: SPECIFIC RIGHTS**

#### **The rights of women, children, older persons and persons with disabilities (Article 18)**

284. In its preamble, the Constitution of 25 February 1992 which establishes the Republican and secular form of Government, proclaims the defence of the rights of women and children .

285. According to the Constitution “The sovereign people of Mali, strong from their traditions of heroic struggle, pledge to remain faithful to the ideals of the victims of repression and the fallen martyrs of the battlefield for the rise of a rule of law and pluralist democracy (...) proclaim their determination to defend the right of women and children”.

286. In accordance with its Constitution, Mali adopted a host of laws that protect human rights in general and more specifically the rights of women and children.

287. The establishment of a department in the Ministry specifically responsible for women and children’s affairs translates the need to prioritise the protection of the most vulnerable segment of the population in terms of rights violations.

288. Through this department, a strong-willed policy has been implemented to promote and give an impetus to problems faced by women and children in the enjoyment of their rights.

289. But many other departments such as the Ministry of Social Development, Solidarity and Older Persons, Health, Local Administration and Local Authorities, Education, Internal Security and Civil Protection, Justice , Agriculture, etc., provide cross-cutting support for the promotion and protection of the rights of women and children.

## **The rights of women**

290. In order to promote equality between men and women, the Malian authorities have made a lot of efforts to improve the legal status of women and eliminate discriminatory provisions against them, particularly by entering into many international and regional commitments and the adoption of various forms of national legislation.

291. By way of eliminating discriminatory provisions which hinder the effectiveness of the rights of women, several texts have been reviewed: the Criminal Code, the Nationality Code, the Commercial Code (authorisation from the husband is no longer necessary for a woman to trade), the General Tax Code (equality in the payment of taxes on salaries and emoluments), etc. Other texts such as the Labour Code would also be reviewed.

292. The strengthening of the legal protection of women within the family context is one of the objectives of the Code of Persons and the Family. This text aims at taking care of all aspects relating to marriage and guardianship, to nationality, matrimonial regimes, successions, donations, parenthood and civil status, including aspects relating to protection of the child and the family. It is intended to fill the numerous judicial vacuums found and to eliminate discriminatory provisions against women.

293. With regard to economic and social protection of women, many achievements have been recorded here and there through many projects and programmes initiated by the government or supported by the partners.

294. Since 2010, the Government has also established ten (10) centres for women and children with two (2) of them in Bamako and eight (8) in the regional capitals. It has also created twenty-three (23) women's self-help centres in the circles. The women and children's centres and the self-help centres have practically the same purpose, i.e. promoting women's empowerment and development of children.

295. Concerning the participation of women in public and political life, actions have been taken to integrate the gender dimension in State institutions, in the area of their representation in decision-making bodies.

296. Mali has adopted action plans to fight against violence perpetrated against women and girls. Encouraging results have been recorded through the implementation of action plans. But the need to adopt a specific text on domestic violence is necessary to effectively address this phenomenon.

297. Concerning female circumcision which is violence perpetrated against women, in spite of the fact that the Constitution guarantees physical integrity of the individual and the Criminal Code makes related offences punishable, the practice still exists because the

phenomenon is deeply- rooted in the society.

298. For now, the Government of Mali, rather than adopting a law prohibiting the practice of female circumcision, is prioritising sensitisation and education of the population. For this reason, it has established Ordinance No. 02-053/P-RM of 4 June 2002, the National Programme on the Fight against the Practice of Female Circumcision, the purpose of which is to ensure coordination, monitoring, evaluation of the policy and strategies in the fight against female circumcision.

Moreover, a national policy and its action plans to fight against female circumcision are in the process of being implemented.

299. It is an undeniable fact that many efforts have been made by the authorities to address the shortcomings in the area of legal protection of women. In spite of these efforts, some practices relating to tradition and the implementation of customary law such as the levirate and sororate and many other practices that are inimical to the dignity and health of women still persist.

300. Furthermore, it is expected that the 1992 Constitution, which is being reviewed, will help to better address some gender-related concerns, particularly on the issue of women's participation in public and political life. Indeed, Article 2, proposed paragraph 2, provides that *"However, access by women to electoral mandates and elective functions can be promoted by specific measures set out by law and regulatory texts"*

The issues of "parity" and "quota" in the system of representation of women in public and political life should be solved by implementing this constitutional provision.

301. All these stipulations concerning the promotion and protection of the rights of women in Mali are of course answers to the implementation of the African Charter and also, and more specifically, of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (the Maputo Protocol).

302. Indeed, it must be recalled that this Protocol is complementary to the African Charter for the promotion of the fundamental rights of women in Africa and ensures the protection of these rights. It was ratified by Mali by Decree No. 04-479/P-RM of 26 October 2004.

303. This Protocol was adopted on 11 July 2003, at the second African Union Summit held in Maputo, Mozambique, and it enjoins African Governments to eliminate all forms of discrimination against women in Africa and to implement a policy of equality between men and women.

304. In the face of the finding of limitations in the implementation of the provisions of the Africa Charter, the CEDAW and the Maputo Protocol, etc., the Government of Mali adopted a national gender policy of Mali and its 2011-2013 action plan on 24 November 2010.

305. This policy which is founded on equality between men and women has as vision *“a democratic society which guarantees the development of all women and men through the full exercise of their fundamental equal rights, active and participatory citizenship and equitable access to resources in order to make Mali a strong emerging growth country that is proud of its values of justice, peace, solidarity and social cohesion”*

### **The Rights of Children**

306. The promotion and protection of the rights of the child has been and remains one of the major concerns of the Malian Government; this fact is demonstrated by the various actions taken in this regard. Among these actions, one may cite the adoption of several legislative and regulatory texts at the national level including its subscription to a multiplicity of international texts.

307. Concerning ratified international conventions, one may cite, among others, the United Nations Convention of the Rights of the Child and its two Optional Protocols, the African Charter on the Rights and Welfare of the Child, the Hague Convention on the Protection of Children and Cooperation in International Adoption. The various bilateral and multilateral conventions on the fight against child trafficking are also included.

308. At the national level, specific provisions targeted at children can be found in the Criminal Code, the Labour Code, the code for the protection of children and various legislative and regulatory texts.

309. The Criminal Code of Mali broadly protects the child from sexual exploitation (Article 229) and from begging (Article 183). The texts protect girls from incitement to debauchery (Art.229), to pimping (Art. 228), paedophilia (Art. 228), indecent assault (Art. 225), rape (Art. 226 and 227) and abduction (Art.241). Heavy prison sentences are provided for against the perpetrators and the penalties involved are increased when the victim is a minor. Article 244 was specifically incorporated into the 2000 Criminal Code to define, criminalise and punish child trafficking.

310. Concerning the Child Protection Code, it repeats the numerous provisions protecting child rights contained in the marriage and guardianship codes, parenthood, nationality and particularly, the Act concerning criminal responsibility of minors and institution of courts for minors. It also lists the rights and duties of minors.

311. The Child Protection Code in particular deals with the general principles and the fundamental responsibilities of the child, the principle of equal rights for all children, and protection of children in danger and a child who contravenes the law.

312. Within the context of the fight against child labour, trafficking and child trafficking, Mali has adopted a national programme to fight against child labour, including its action plans for the elimination of child labour and also signed cooperation agreements with some neighbouring countries in order to effectively deal with child trafficking and cross-border trafficking of children.

313. Actions have also been taken to fight against begging among children but these actions fall below expectations.

314. Mali has also instituted a travel document serving as authorisation to travel for children below 18 years. The Government has established community surveillance agencies in the departure zones of children in order to support actions by the government in fighting against trafficking and child trafficking.

315. The Ministry of Justice which is the department responsible for human rights issues, through its courts and judicial service staff, carries out this protection mandate regarding the rights recognised under the Charter and by Malian legislation.

316. Regarding the organisation of the judiciary, juvenile courts have been established to rule on breaches committed by minors, which action provides greater guarantees for their rights.

317. Furthermore, there is a specialised detention centre for minors at Bollé, which hosts juvenile detainees and more specifically minor children. The establishment of this centre helps to avoid a situation where minors are detained in the same place and under the same conditions as adults.

318. A similar structure for women detainees also exists at Bollé and its objectives are to ensure better protection for the rights of women. But at this juncture, it must be indicated that underage girls are detained under the same conditions as adult women.

319. But the implementation of the law on criminal responsibility of minors and the establishment of courts for minors and texts creating and organising detention centres is below expectation, mainly as a result of inadequate independent mechanisms for monitoring and control, the lack of information on the part of the population and professionals and the dearth of courts for children and the non-existence of specialised detention centres in the regions.

320. A law was adopted in 2011 by the National Assembly on judicial reorganisation in Mali. This law is intended to address the issue of inadequate number of juvenile courts by increasing the number from one (1) i.e. the one in Bamako) to 53 throughout the country.



321. In order ensure that children's participation in public life is effective, a children's parliament has been instituted in Mali by Decree No. 96-172/PM-RM of 13 June 1996. The children's Parliament is a platform for expression which enables them to participate in public life. Furthermore, branches of such parliaments are operational at the regional and local levels.

322. The Children's Parliament is both a space for dialogue between members and other citizens of the country, a space for the expression of children, a space for dialogue and advocacy in the areas of protection, survival, development and participation by children.

323. Today, the Ministry of Women, Children and Family Affairs has, in collaboration with all the partners involved in the promotion of children's rights, embarked on the formulation of a national policy on the promotion and protection of the child including an action plan for 2013-2017.

324. The major challenges to be addressed in the implementation of this policy are: a better knowledge of the extent of the situation of vulnerable children, building the capacity of institutions operating in the area of child care through allocation of adequate human, material and financial resources and the development of a protective environment for the child.

### **Th rights of older persons and persons with disabilities**

325. With regard to the situation of vulnerable groups, in particular senior citizens and people with disabilities, it must be noted that Mali has subscribed to international legal instruments protecting these categories of people. Indeed, the State has participated in all stages, right from the formulation to the adoption of the United Nations Convention on the Rights of Persons with Disabilities.

326. Efforts have been made for an improved protection of this group. Measures have in particular been taken by the Government for older persons through the establishment of care facilities, the construction of "the Older People's Home", the creation of a Ministry of a Ministry for Social Development, Solidarity and Older Persons.

327. Concerning access to employment by persons with disabilities, the Government is in process of recruiting several young graduates with disabilities into the public service. Training sessions on the search for employment were initiated by the National Employment Agency (ANPE), in order to facilitate their socio-professional integration.

328. The Ministry of Social Development, Solidarity and Older Persons has taken several actions, including:

- the strengthening of culture and solidarity through the celebration since 1995 of the Month of Solidarity in the fight against exclusion, with a whole week dedicated to persons with disabilities;

- the provision of a headquarters to FEMAPH, with an annual grant of one hundred and twenty-one million (121.000.000) CFA francs in 2010, and two hundred and five million (205.000.000) CFA francs for 2011;
- the integration of managers with disabilities in the management team of the department ;
- the creation of the Savings and Credit Fund for Persons with Disabilities (Disability Fund) in 1998 which in 2010 benefitted from a special grant of thirty million (30,000,000) CFA francs.
- the support for the establishment of young graduates with disabilities recruited by the public service ;
- the participation of FEMAPH as an implementing stakeholder and as an actor in the activities of PRODESS ;
- the support for the National Orthopaedic Equipment Centre (CNAOM) ;
- the supply of about ten tricycles per year to promote the movement of persons with disabilities ;
- the development of disability sports (Handisport).

#### **TITLE IV: RIGHTS OF PEOPLES**

329. The rights of peoples generally refer to the rights of a community (be it ethnic or national) to determine the manner in which it is governed, how its economy and culture must be developed<sup>2</sup>. They are called group rights or solidarity rights and they include all rights such as the right to equality, to self-determination, to the free disposal of ones resources and wealth, economic, social and cultural development, to national and international peace and security and to a safe and satisfactory environment.

##### **The right of peoples to equality (Article 19)**

330. In its preamble, the Constitution of Mali reaffirms its attachment to the achievement of African unity, to the promotion of peace, regional and international cooperation, to the peaceful resolution of conflicts between States while respecting justice, equality, freedom and the sovereignty of peoples.

**This formulation of the preamble which is the integral part of the Constitution reflects the will of the Malian people to live in peace with other peoples and to treat them with equality. As a proof of this, Mali has subscribed to different international and regional legal instruments which affirm and establish the right of peoples to equality.**

##### **The right of peoples to self-determination (Article 20)**

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<sup>2</sup> The African Commission on Human and Peoples rights, The guidelines, page 2

331. The right of peoples to self-determination is established by the Constitution of Mali in force. Indeed, by subscribing to the African Charter on Human and Peoples Rights of 27 June 1981, Mali expresses its will to make this right a reality for the people.

332. In this spirit, Mali is pursuing a diplomacy founded on the promotion of peace, regional and international cooperation, peaceful resolution of conflicts between States in the respect of justice, freedom and sovereignty of peoples.

#### **The right of peoples to freely dispose of their resources and wealth (Article 21)**

333. The right of peoples to freely dispose of their resources and wealth is based on the principles of independence and the sovereignty of States. The State of Mali has recognised this independence and sovereignty of States in its Constitution of 25 February 1992 in Article 25, which provides that : “Mali is an independent, sovereign, indivisible, democratic, secular and social Republic”.

334. To give concrete expression to this will, Mali has adopted a Mining Code, Estate and Land Code for the management of all the resources, particularly in respect of mining, wildlife and fishery resources.

335. Furthermore, since 1995, it has resolutely committed itself to the ambitious policy of decentralisation which enables the local authorities unfettered administration, in particular of local resources and wealth for the benefit of their communities.

#### **The right of peoples to economic, social and cultural development (Article 22)**

336. The right of peoples to economic, social and cultural development is recognised in Mali. It is exercised through public policies and development programmes and projects.

337. Since 2002, Mali committed itself to the formulation and implementation of the strategic framework for growth and poverty reduction, the specific objectives of which are: (i) to accelerate growth and (ii) improve the well-being of the population.

338. This framework which is a single development reference in Mali deals with civil, political, economic, social, cultural and solidarity rights of the people of Mali. It perceives development in a comprehensive and holistic approach which has enabled the poverty index to move from 56% in 2006 to 43.6% in 2010.

339. This right reflects in the development of infrastructure, the strengthening of technical supervision, support for the private sector and/or the creation of events, the enhancement and protection of heritage. In other words, they include:

- the creation, renovation and modernisation of some spaces and cultural infrastructure, for instance : the Medina Fort at Kayes, the Carrefour des Jeunes, the Craft Villages, the House of Artisans, the Museums ... ) ;

- the establishment of permanent training structures for artistes in the area of design, assembly, production and management of events (e.g.: the National Conservatory of Multimedia Arts and Crafts in Bamako, Sabou Gnouma Centre at Kita, Domo Centre at Ségou... ) ;

- support and/or organisation of cultural events (Toukagouna, Artistic and Cultural Biennial, Cultural Re-entry, Africa Show, Top Etoiles, Case Sangha, various festivals... ) ;

- enhancement and safeguard of the heritage (PADESC, VNU Sangha...).

340. Also, the main development indicators have improved as shown in the table below:

N°	INDICATORS	2006 <sup>3</sup>	2010 <sup>4</sup>
1	Current GDP at market prices (in billions of CFAF)	3176,7	8 996,4 (2009)
2	Real GDP growth rate (in %)	5,3	5,8
3	Life expectancy at birth (in years)		49 (2009)
4	Incidence of monetary poverty (in %)	56	43,6
5	HIV/AIDS prevalence among adults (in %)	1,3	
6	Household with access to drinking water (in %)	63,60	75,5
7	In urban communities (in %)	63,40	79,3

<sup>3</sup> MIEC, 2007 Implementation Report of the GPRSP, June 2008

<sup>4</sup> Source : Government of Mali/WB/UNICEF

8	In rural communities (in %)	63n70	73,90
9	Proportion of malnutrition among children under the age of 5 (in %)	38	18.9
10	Rate of infant mortality (per every 1.000 live births)	96	95.8
11	Rate of child mortality (per every 1.000 live births)		101 (2009)
12	Rate of infant and child mortality (per every 1.000 live births)	191	178.9 (2008)
13	Rate of maternal mortality (per every 100.000 live births)	464	460 (2009)
14	Gross enrolment rate (GER) in primary schools (in %)	74,4	83,4
15	Girls (in %)	65,6	74,9
16	Boys (in %)	89,1	92,2

341. The 2012 – 2017 Growth and Poverty Reduction Strategic Framework envisages a Mali that is emergent and has a better quality of life for all.

### **The right of peoples to peace and international security (Article 23)**

342. In spite of the various challenges currently confronting the State, the aspiration to live in a secure environment is a constant concern of the Malian people. That is the reason why Mali is resolutely committed to the fight against terrorism and banditry in all its forms.

343. It is within this context that Algeria, Mali, Mauritania and Niger have together established a Joint Military Staff Operational Committee (CEMOC) within the framework of the fight against terrorism and transnational organised crime.

344. This Committee, established in April 2010 is based in Tamanrasset (Algeria), within the framework of strengthening military and security cooperation relations among the member countries.

345. Mali enjoys very good relations with all neighbouring countries. Thus, military cooperation relations link Mali with almost all these countries, particularly Algeria, Niger, Burkina Faso, Republic of Guinea and Mauritania.

346. In essence, these agreements are designed to strengthen military relations among countries without posing any threat to any third country. They allow, as the case may be, to grant facilities for the transit of military hardware, training of interns in any one of the countries or even the organisation of joint patrols in the territories of the countries concerned.

347. Mali is making a sizeable contribution to the promotion and consolidation of peace in Africa, through the Alioune Blondin BEYE Peace-keeping School. This national school with a regional character (ENVR), is ranked by ECOWAS among the schools of excellence in the area of peace-keeping in Africa. In addition to observers, this school trains contingents before their deployment to the various operational zones. African countries invite the EMP to send its instructors to train their forces on the ground.

The modules taught include among others: training for Peace-keeping, Disarmament, Demobilisation and Reintegration (DDR), logistical internships, civilian cum military actions, civilian policing (CIVPOL)

### **The right of peoples to a safe environment (Article 24)**

348. The protection of the environment is a priority for the Government of Mali and it is the basis for sustainable socio-economic development. The priority is affirmed in Article 15 of the Constitution of 25 February 1992 which provides that “Every person has the right to a safe environment. The protection, defence of the environment and the promotion of the quality of life are the duty of all and of the State”.

349. The commitment of Mali to the protection of the environment has been shown through the copious legislation in this regard. Numerous texts focus on the preservation of natural resources, protection of the environment and the living environment in general. One can cite the following, among others:

- Law No. 01-020 of 30 May 2001 on pollution and nuisances;
- Law No. 02-013 instituting phytosanitary control in the Republic of Mali;
- Law No. 02-014 instituting certification and control of pesticides in the Republic of Mali;
- Decree No. 01-396 establishing modalities for the management of sound pollutions;
- Decree No. 01-397 establishing modalities for the management of atmospheric pollutants;
- Decree No. 01-394 establishing modalities for the management of solid waste;
- Decree No. 01-395 establishing modalities for the management of waste water;
- Decree No. 03-594/P-RM on environmental and social impact study.

350. Mali has participated actively in the development of international legal instruments and ratified a large number of instruments. The State also developed a National Environmental Protection Policy (PNPE) in 1998 and the National Environmental Action Plan (PNAE) in order to address environmental challenges, sustain natural resources and improve the living environment of the local population.

351. In 2002, Mali established a Ministry of Environment and Sanitation, also marking clearly its commitment to the protection of the environment.

The mandate of this Ministry is to preserve forestry, fishery and wildlife resources and improve the living environment of the population both in the rural and urban areas.

352. The process of developing the PANA started in 2005 and ended in 2007. The PANA comprises 19 priority adaptation project sheets to counter the negative effects of climate change.

353. Concerning sanitation and the fight against pollution and nuisances, Mali developed a national sanitation policy in 2007. Sanitation facilities (gutters and drains, sewage systems, improved latrines) have been completed to improve access by the population to adequate sanitation. The low level of completion of sewage systems and improved latrines results from inadequate available financial resources.

354. The government by Decree No. 2011-107/ P-RM of 11 March 2011 has established a National Climate Change Committee. It has further by Law No. 10-027 of 12 July 2010, established the Sustainable Environment and Development Agency as a national public entity with an administrative character. The mandate of the agency is to:

- Ensure the coordination of the implementation of the National Environmental Protection Policy (PNPE) and to;
- Ensure the incorporation of the environmental dimension in all sectoral policies.

## **TITLE V: DUTIES AS SET OUT IN THE CHARTER**

### **Duty of promoting and guaranteeing human rights (Article 25)**

355. In order to promote human rights, the Government of Mali has established a National Education Programme for the Culture of Peace, Democracy and Human Rights. This programme has helped to develop the necessary teaching tools for the teaching of human rights and fundamental freedoms in the area of education.

356. As part of acquiring knowledge of human rights by the population, the government put in place the Human Rights Promotion and Protection Support Project (APPDH) and the Joint United Nations Programme for the Promotion and Protection of Human Rights and Gender. The programmes have highly contributed to the dissemination of human rights among the people and the different stakeholders in the domain.

357. Mali is continuing with its duty of promoting the respect of rights and freedoms contained in the Charter by implementing the Ten-year Justice Development Programme (PRODEJ), through the 2010-2014 Operational Plan, with particular emphasis on the Component IV : improving access to justice and promoting human rights and gender.

358. It must also be recalled that in promoting human rights and freedoms, the National Commission on Human Rights and Civil Society play an eminently important role.

## **Independence of the judiciary and establishment of national institutions for the promotion and protection of human rights (Article 26)**

359. The Constitution of Mali recognises the power of the judiciary and establishes its independence in Article 81. The judicial power is the custodian of freedoms. It ensures the respect of rights and freedoms and it is responsible for enforcing the Republican laws.

360. Apart from this independent judicial power, there is a national human rights promotion and protection institution: The National Human Rights Commission.

361. This institution, which was established by Law No. 09-042 of 19 November 2009, is an advisory organ. Its operational costs are borne by the Government.

## **Duty of respecting others and to consider them without discrimination (Article 28)**

362. Article 2 of the Constitution of Mali of 25 February 1992 provides that “*all Malians are born and are free and equal in terms of rights and duties. Any discrimination based on social origin, colour, language, race, sex, religion and public opinion is prohibited*”.

363. The same Constitution stipulates a number of duties that fall on the citizen: the duty for all to protect and defend the environment and the quality of life, the duty for all citizens to provide support in the event of a natural disaster, work, defence of the fatherland, the duty to honour all civic obligations and particularly to pay one’s taxes, the duty of respecting the Constitution (Articles 15 to 24).

364. The individual must respect others without discrimination in order to promote reciprocal tolerance. Furthermore, he has responsibilities of moral and material assistance towards his family and his parents. He must be patriotic and must not compromise the security of the State, he must preserve and strengthen national independence and territorial integrity of the fatherland and generally contribute to the promotion of positive African cultural values and the promotion and the attainment of African unity.

## **Other duties (Article 29)**

### **Paragraph 1: Duty of preserving the harmonious development of the family**

365. The individual has duties both towards the family, the society, the State and the other authorities legally recognised and towards the international community.

366. Thus, Article 31 of the African Charter on the Rights and Welfare of the Child provides that: “*Every child has responsibilities towards his family, the society, the State and any other community legally recognised and to the international community. The child, based on his*



*age and his abilities and subject to the restrictions contained in this Charter has the duty to:*

- work towards family cohesion, respect his parents, his superiors and older persons by all circumstances and assist them where necessary;*
- serve the national community by placing his physical and intellectual abilities at its disposal;*
- preserve and strengthen the solidarity of the society and the nation;*
- preserve and strengthen African cultural values in his relationships with other members of the society in the spirit of tolerance, dialogue and consultation, to contribute to moral well-being of the society;*
- preserve and strengthen national independence and the integrity of his country;*
- contribute to the best of his abilities and in all circumstances and at all levels to promote and attain African unity”.*

367. This provision is repeated in Article 21 of the Child Protection Code of 5 June 2002.

368. The traditional African education that parents generally provide their children naturally imposes on the latter a number of duties both to their own parents and to the family and the entire community.

369. The observation of a good conduct of the child towards his parents and all other members of the family, the respect due to elderly persons and his superiors are generally rules which are taught by parents and the African society to children. The Malian legislation on the child is also replete with this code of conduct.

370. In the face of the constant disintegration of families and family relations, of the lack of parental authority vis-à-vis their children, the lack of time that parents have for the education of their children, all such things that breach the moral values of our society, and which as a consequence, dangerously affect the sense of responsibility and duty of citizens, the Government of Mali, through the Ministry of Women, Children and Family Affairs has established by Decree No. 06-282/P-RM of 11 July 2006, the National Council on Family Affairs

The mandate of the Council is to make proposals concerning the general policy of the family, propose all measures relating to the improvement of conditions and the status of the family and to provide advisory opinion relating to family affairs which are then submitted to the Minister responsible for family affairs.

## **Paragraph 2: Duty of placing his physical and intellectual capacities at the service of the State**

371. Article 19 of the Constitution provides that:

*“The right to employment is recognised and shall be equal for all. Every citizen has a duty to work but one may only be restricted to specific employment in the case of fulfilment of a service of exceptional public interest, equal for all according to the conditions defined by law”*

372. In addition to the Constitution, one may cite:

- the Labour Code ;
- the general Statute on Civil Servants ;
- the Child Protection Code.

## **Paragraph 3: Duty not to compromise the security of the State.**

373. Law No. 01-079 of 20 August on the Criminal Code of Mali provides for and sanctions in Chapter II, Section II, crimes that breach the homeland security of the State or the integrity of its territory. The sanctions provided for to that effect ranges between life imprisonment and the death penalty.

## **Paragraph 4: Duty to preserve national social solidarity**

374. The social protection in the country is characterised by its inadequacy in terms of coverage rates and services provided. Indeed, only about 10% of the population really enjoy the formal mechanisms offered by social protection and the services that concern only these areas through the establishment of the Compulsory Health Insurance (AMO), covering the civil servants and employees who fall under the Labour Code;

- cover 5% of the population (the poor), through the establishment of the Medical Assistance Fund (FAM).

376. Towards this end, Mali has enacted two fundamental texts in the area of social security. They are:

- Law No. 09-015 of 26 June 2009 on the institution of the Compulsory Health Insurance Scheme. The Compulsory Health Insurance aims to cover the health risk of civil servants of the State and local administrations, the military, parliamentarians, employees governed by the Labour Code, either active or retired, and for their rightful claimants. The people affiliated to the INPS Voluntary Insurance Scheme can also join the scheme. It gives one the right for direct care for a part of the expenses in the area of preventive and curative

care and the medical rehabilitation required by the state of health or by the maternity of the beneficiaries.

- Law No. 09-030 of 27 July 2009 on the establishment of the Medical Assistance Regime (RAMED). It provides for the coverage of healthcare expenses of people who are indigent and are unable to pay for health expenses in public hospitals, referral health centres, community health centres, public health facilities for medical tests and State health services or health facilities that have signed agreements with the Ministry of Health.

#### **Paragraph 5: Duty of contributing to the defence of one's country.**

377. This duty is established by Article 22 of the Constitution of the Republic of Mali: "*defence of the homeland* is the duty of every citizen".

378. This defence is an obligation which nobody can absolve himself from by any form of excuse. Naturally, this duty is more pronounced for the military under Law No. 02-055 of 16 December 2002 on the General Statute of the Military which states in Article 1 that: "*The Army of the Republic is at the service of the Nation. Its mandate is to prepare and ensure the defence of the Republic form of government, the democratic gains and the supreme interest of the Nation and homeland where necessary by using the power of arms*".

#### **Paragraph 6: Duty of working and honouring its contributions to the State**

379. Article 23 of the Constitution provides that every citizen must work towards the common good. He must fulfil all his civic responsibilities, in particular by making monetary contributions.

#### **Paragraph 7: Duty of preserving African cultural values**

380. The African cultural values are preserved through the revitalisation of these values by the different events organised both at the national level as well as the regional and international levels.

381. The different festivals are characterised by the participation of similar communities from neighbouring countries (eg: Soninké Festival ...). The same applies to the various exhibitions and thematic meetings such as:

- the International Tourism Fair of Bamako (SITOUR) ;
- the Week of Creativity and Crafts of Mali (SCAMA) ;
- The Textile Fair;
- The Furnishing and Decoration Fair;
- The Commercial and Crafts Week of Mali in Guinea (SCAMG);

- the Festivals of Crafts and Tourism of Mali in Europe (France- 10<sup>th</sup> Edition, Spain...), in the United States.

### **Paragraph 8: Duty of contributing to the promotion and achievement of African Unity**

382. Mali has made a resolute choice of integration. Born within the context of integration, Mali has committed itself irreversibly to the development strategy as evidenced by the different Constitutions from independence to date.

383. Indeed, Article 117 of the Constitution provides that: “The Republic of Mali may enter into an agreement of association or community consisting of a partial surrender or total sovereignty with any African State in order to achieve African unity”

384. Furthermore, the recent establishment in the government architecture of a department devoted to African integration is the tangible expression of the commitment of Mali on the path to African integration.

385. The same thing is applicable to the establishment by Decree No. 00-195/P-RM of 19 April 2000 of the National Commission for African Integration. The key mandates of the Commission, among others, are to advise the Government on issues relating to the development of the national policy on African integration and to propose all measures likely to accelerate the African integration process.

386. Finally, the organisation of the “National Week of African Integration” is the translation of this unbreakable and immutable commitment of Mali to proceed towards African integration.

387. Indeed, the Ministry of African Integration has been organising since 1994 of the “National Week of African Integration” which is held from 18 to 25 May of every year through the following activities:

- the Caravan of Integration ;
- the night of African folk tales and legends;
- the conference-debates and the tasting of African food specialities ;
- the night of integration (with two concerts, one at the Independence Square and the other at the Palace of Culture) ;
- sporting activities.

Sporting activities organised on 25 May of every year, comprising two football matches. The first is a gala match between the members of Government and representatives of the diplomatic corps accredited to the Republic of Mali and the second one between a selection of the African community in Mali and the communal team of the Bamako District.

### **CONCLUSION**

388. Mali has ratified the major international human rights instruments as well as the international humanitarian law instruments and has domesticated some of these provisions into its national legislation.

389. In addition, to give effect to these international and national texts and ensure compliance with its international human rights obligations, Mali has adopted and implemented different policies, programmes and measures for the promotion and protection of human rights.

390. Mali is actively participating in the work of the Human Rights Council and the African Commission on Human and Peoples' Rights within which our compatriot Maitre Soyata MAIGA is a Commissioner. During its sessions, the government regularly presents progress report on the human rights situation in the country.

391. Against this background, it must be recalled that in May 2008, during its mandate at the Human Rights Council, the human rights situation in Mali came under the spotlight for assessment within the framework of the universal periodic review mechanism.

392. At the regional level, governance in Mali, including that of human rights has also been reviewed within the framework of the African Union's Peer Review Mechanism.

393. The conclusions of these two reviews show that considerable progress has been made in achieving some rights but there are still challenges to be addressed in other areas.

#### **Progress achieved :**

##### **- In the area of popularisation of rights:**

394. The Malian human rights approach is a comprehensive and integrated approach that lays emphasis on the normative aspect and prioritises promotion actions with the view to enhancing the emergence and deep-rootedness of a culture of democracy and human rights within the society.

395. It is within this framework that on 10 December of every year, a national human rights platform is organised dubbed "The Democratic Discussion Forum" (E.I.D.) where the citizens directly call the members of government on possible cases of human rights violations to which they fell victim in the course of the year.

396. Furthermore, the adoption of a National Citizenship Education Programme falls into this same education dynamics of popularising the value of democracy and human rights in the society.

397. Similarly, with the support of its partners in the United Nations system, the Government has put in place a joint support programme for the "Promotion of Human Rights and Gender

in Mali” with a mandate to promote knowledge of human rights and ensure their implementation for the period 2008 – 2012. Thus, this programme aims at consolidating and strengthening the achievements of the Human Rights Promotion and Protection Support Programme that Mali has implemented with the support of the UNDP.

- In the area of harmonisation with the ratified conventions:

398. In spite of Article 116 of the Constitution according to which, the agreements duly ratified take precedence over laws, Mali has incorporated some instruments into its legislation by adopting in particular, the child protection code and the law on criminal responsibility of minors and the establishment of juvenile courts for minors.

399. However, it must be pointed out that Article 116 is not always interpreted by all the stakeholders in the same way. Indeed, some think that it means a ratified convention can be directly applied by the judges. Others, on the contrary, interpret it to mean that, in case of conflict between the ratified convention and a law, it is the former that is applied.

400. In any case, in Mali, the reality is that, in spite of the existence of provisions of Article 116, judges are not quick to directly enforce the ratified agreements.

401. In this regard, it is proper to recall the recommendation made by the APRM in paragraph 142 of the evaluation report of Mali, requesting the government to “review Article 116 in order to establish a constitutional obligation of incorporating the provisions of international legal instruments to which Mali is a signatory into the domestic legal system”.

**- In terms of civil and political rights:**

402. Political pluralism and the full exercise of public freedoms are two essential indicators of the rule of law and democracy. In this regard, in the area of civil and political rights, one can affirm that the normative and institutional framework of Mali provides all the guarantees for the exercise of individual and collective freedoms; this can be proved by the very large number of political parties (more than about one hundred), of non-governmental organisations and human rights defence associations.

403. Furthermore, aware of the important role of justice, the foundation for any democratic plan, the government has adopted a Ten-year Justice Development Plan (PRODEJ) with the support of the technical and financial partners in order to strengthen the material and human capacity as well as those relating to human rights protection in the administration of justice. The intended objective is to strengthen the independence of the judiciary and promote a better distribution of justice in the country.

404. Concerning the adoption of the Code of Persons and the Family and the abolition of the death penalty, national opinion is divided. Indeed, though the former is before the National

Assembly for the second reading, the consideration of the draft law on the abolition of the death penalty is still being expected.

405. Without any prejudice to what will be the outcome of the consideration by the National Assembly regarding these two texts, it must be pointed out that their adoption by Mali is a recommendation that has consistently been renewed by international human rights bodies.

**- Concerning the specific rights of women, children and other vulnerable persons:**

406. Concerning the situation of women and children, it must be noted that the persistence of some practices deemed to be harmful is due to, at least, a lack of political will rather than the pressure of traditions. To address the situation, the government has decided to prioritise education and awareness raising rather than to adopt a law the implementation of which could prove to be ineffective where the population is not brought on board

407. Thus, within the framework of the fight against female circumcision, domestic violence and child labour, the Government has adopted a National Programme against Violence perpetrated against women and girls and a national programme against child labour. The implementation of these programmes is on-going and it is yielding encouraging results.

408. In any case, the promotion of women, children and other vulnerable persons is one of the main components of the national policy for the promotion and protection of human rights in Mali.

That is the reason why a Ministry was specifically created for women, children and family affairs and a Ministry for social development, solidarity and older persons.

409. The objective is to ensure that the gender dimension is properly taken into account in the development and improved protection of vulnerable persons.

410. Moreover, the process of integration of the gender dimension within State institutions has culminated in the adoption of incentive schemes to encourage the presentation of female candidates in the various elections. This should eventually promote the participation of women in public and political life.

**- Concerning economic and political life:**

411. On economic, social and cultural rights, the government has since 2002 adopted a Strategic Framework to Combat Poverty (CSLP) as a reference framework for all development policies in order to ensure improved consistency in development policies and programmes. The second generation of this framework dubbed Strategic Growth and Poverty Reduction Framework (CSCR), which covers the period 2007-2011, is being implemented.

412. The CSLP takes into account the guidelines of the Millennium Development Goals (MDGs) adopted by the UNO.

413. Furthermore, in implementing the right to education, the government has adopted a series of policies and measures which have helped in achieving concrete results.

414. It is within this context that the Ten-year Education Development Programme (PRODEC) was adopted and it is in response to measures recommended by the International Covenant on Economic, Social and Cultural Rights in the area of Education. This programme which has received the support of multilateral and bilateral technical and financial partners has brought about a better design and planning of education as well as significant reforms and educational and teaching innovations.

415. Thus, the implementation of the educational Sector Investment Programme (PISE), which is the operational plan for PRODEC, has helped to achieve significant progress in terms of an increase in the gross enrolment rates in basic education, improvement in the quality of teaching and learning and the management of the education sector.

Thus, the enrolment rate at the first cycle of basic education grew from 67% in 2002 to 77.6% in 2007, to reach 82% in 2010.

416. Finally, it must be pointed out that the Economic and Social Development Project (PDES) of the President of the Republic, Mr Amadou Toumani TOURE, gives a pride of place to human rights. The implementation of the PDES will eventually strengthen the achievement of human rights in Mali.

417. There is the need to mention in particular the adoption of the food security policy, social accommodation programme and promotion of youth employment by the government, and more recently the Compulsory Health Insurance and the Medical Assistance Fund.

However, in spite of these significant developments, a lot of challenges and constraints still persist.

## **2- Challenges and Constraints :**

418. Mali still faces difficulties and constraints relating directly to the geographical situation and the persistence of some traditional practices related to the socio-economic context.

419. These difficulties and constraints are:

- the failure to popularise the texts and human rights protection mechanisms (non-publication of texts of ratified instruments in the Gazette).

This has created a situation where the international instruments and mechanisms are not known by the judges and judicial assistants and much less by the ordinary citizens;



- the lack of harmonisation of the national legislation with the international legal instruments on human rights ;
- the red-tape regarding the judicial procedures and the low rate of access by the citizens to justice delivery;
- the conflict between modern law and customary law in certain areas ;
- the lack of operational capacity on the part of State and non-State actors in the promotion and protection of human rights, in particular the weakness of the National Human Rights Commission (CNDH) ;
- the persistence of some practices related to tradition, such as female circumcision , the levirate, sororate and child labour ;
- the issue of the abolition of the death penalty ;
- poverty and the high rate of illiteracy ;
- the recurrent threat to peace and security, particularly in the North of the country ;
- the low rate of participation in elections ;
- the non-existence of a direct implementation by Malian judges of international human rights legal instruments and the non justiciability of economic, social and cultural rights of Mali is also a challenge to be addressed.

420. It must also be mentioned that during the review of Mali as part of the Universal Review Mechanism, in the face of some shortcomings identified, the Human Rights Council, among others, made the following recommendations:

- the adoption of the draft text on the Code of Persons and the Family ;
- the abolition of the death penalty in Mali ;
- the adoption of a specific legislation on female circumcision and domestic violence;
- the fight against child labour and child trafficking ;
- the guarantee of the independence of the judiciary and the adoption of measures to reduce overcrowding in the prisons.

421. Finally, it should be stated that from independence to date, in particular since the advent of the rule of law and democracy in 1991 till today, Mali has made significant progress in promoting and protecting human rights.

422. These achievements are worth mentioning today and quite rightly so, as an example of democracy and respect of human rights in Africa; thus the country enjoys a good reputation on the international scene.

423. However, this good image should be constantly maintained and consolidated by the Government and stakeholders of civil society to ensure that our country continues to be esteemed by the international community.

424. In terms of prospects in the area of human rights the government proposes to do all it can to consolidate the gains and take steps to address the challenges.

425. Also, the areas where shortcomings have always been identified by the international mechanisms, in particular in terms of promoting and protecting the rights of women and children should be a matter of special attention by the Government.