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**NATIONAL REPORT SUBMITTED IN ACCORDANCE WITH PARAGRAPH 15 (A)
OF THE ANNEX TO HUMAN RIGHTS COUNCIL RESOLUTION 5/1***

Mali

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Introduction: Methodology and consultation process

1. This report was prepared in application of General Assembly resolution 60/251 of 15 March 2006 and in accordance with the General Guidelines for the preparation of information under the Universal Periodic Review (UPR) (Human Rights Council decision 6/102 of 27 September 2007). It describes the human rights situation in Mali on the basis of the provisions of the normative framework for human rights at the national, international and regional levels (Human Rights Council resolution 5/1 adopted on 18 June 2007, paragraphs 1, 2 and 3).
2. In order to gather the information necessary for the preparation of this report, broad consultations were undertaken at the national level with the main actors in the field of human rights. The process began with the establishment of an inter-ministerial Universal Periodic Review committee, made up of representatives of the relevant ministerial departments as well as the National Human Rights Commission and the principal civil society organizations working in the field of human rights. Within the Universal Periodic Review committee, a small technical group was established to draft the State party report, made up of five persons representing the Ministry of Foreign Affairs and International Cooperation, the Ministry of Justice, the Ministry for the Advancement of Women, Children and the Family, the Malian Human Rights Association (AMDH) and the Coalition of African NGOs working with Children (CANGOC).
3. Each member of the Universal Periodic Review committee submitted contributions for the preparation of this State party report, on the basis of which the technical drafting group prepared a first draft. This draft report was submitted for comments and amendments to the plenary of the Universal Periodic Review committee, which adopted it on 11 March 2008, and for consideration by the Government on 19 March 2008.

I. OVERVIEW AND NORMATIVE AND INSTITUTIONAL HUMAN RIGHTS FRAMEWORK

A. Overview

4. Mali is a landlocked country located in the heart of West Africa in the Sudano-Sahelian zone. It covers an area of 1,241,238 km², 65 per cent of which is desert or semi-desert. It shares 7,200 km of borders with its neighbours: Algeria to the north, Burkina Faso and Niger to the east, Côte d'Ivoire and Guinea to the south, and Mauritania and Senegal to the west.
5. The country is divided into eight administrative regions and one district (Bamako), as well as 49 *cercles*, made up of 703 rural and urban *communes*. Mali's population, estimated at more than 13 million, of which more than 51 per cent are women, is characterized by its extreme youth. The gross school enrolment rate between 2006 and 2007 was 77.6 per cent. The natural demographic growth rate between 2002 and 2006 was 2.2 per cent. The vast majority of the population lives in rural areas and works in the primary sector.
6. Mali is an ethnic and cultural melting pot. The population is made up of Muslims, Christians and animists.
7. The Malian economy is based on agriculture, stockbreeding, fishing, crafts, trade, mining, industry and small and medium-sized enterprises. The gross domestic product (GDP) per capita was CFAF 188,940 in 2007 (equivalent to approximately US\$ 437) and the average annual growth rate of GDP between 2002 and 2006 was 5.2 per cent. The majority of the Malian population lives below the poverty line. Moreover, Mali is very vulnerable to fluctuations in the world market price for cotton, its primary export.

8. Mali is a country with a millennia-old civilization, and its current political and human rights practices derive from its own history and universal democratic values.

9. In fact, in 1236, under the great Empire of Mali, a governance charter entitled the Charter of Kouroukan Fouga was adopted, which had all the attributes of a constitution and contained provisions relating to human rights, notably the right to life and the right to property.

10. Since gaining its independence on 22 September 1960, the country has lived through three political regimes, with a transition following the events of 26 March 1991:

- From 1960 to 1968: a socialist regime led by a de facto single party, (U.S. RDA)
- From 1968-1991: a military regime that introduced a single constitutional party in 1974 (UDPM)
- From 1992 to the present day: a pluralist democracy and rule-of-law regime characterized by a full multiparty system established by the Constitution of 25 February 1992

B. Normative human rights framework

11. All of the constitutions and constitutional texts promulgated in Mali since its accession to independence in 1960 have proclaimed fundamental rights and freedoms of the human person. Since 1991, the promotion and protection of human rights have been incorporated in a pluralist democratic framework based on the rule of law and decentralization.

12. The current Constitution of 25 February 1992 places particular emphasis on human rights and freedoms. Thus, in the preamble to the Constitution, Mali subscribes to the Universal Declaration of Human Rights and the African Charter on Human and Peoples' Rights and undertakes to defend the specific rights of women and children and to ensure an improvement in the quality of life of all its citizens.

13. The commitment to the Declaration and the Charter in the preamble to the Constitution confers constitutional status on those two instruments of international and regional scope.

1. National level

14. Title 1 of the Constitution of 25 February 1992 is entirely concerned with the rights and duties of the human person. The rights and freedoms recognized therein include:

- The right to life, liberty, security of person and physical integrity (art. 1)
- Equal rights and duties for all, particularly equality before the law and public authorities, as well as prohibition of any discrimination on the grounds of social origin, colour, language, race, sex, religion or political opinion (art. 2)
- Prohibition of torture, ill-treatment or cruel, inhuman, humiliating or degrading treatment (art. 3)
- The right to freedom of thought, conscience, religion, worship, opinion, expression and creation (art. 4)

- Freedom of movement, freedom of choice of residence, and freedom of association, assembly, procession and demonstration (art. 5)
- Inviolability of residence, property, private and family life, and confidentiality of correspondence and communication (art. 6)
- Freedom of the press, equality of access to the State media, and freedom of artistic and cultural creativity (arts. 7 and 8)
- Presumption of innocence, rights of defence, and non-retroactivity of laws (art. 9)
- The right to own property and freedom of enterprise (arts. 13 and 14)
- The rights to education, instruction, training, employment, housing, leisure, health, social protection and a healthy environment (arts. 15, 17, 18 and 19)
- Freedom of trade unions and the right to strike (arts. 20 and 21)

15. In order to implement these fundamental human rights and freedoms, the various Malian constitutions granted the legislator the authority to establish the conditions for their enjoyment and the procedures for exercising them. In this context, the following main laws were adopted:

(a) Right to life, freedom, security and integrity of person

- Act No. 01-079 of 20 August 2001 on the Criminal Code criminalizes attacks on liberty, crimes and offences against the person, specifically homicide, assault, acts of violence, illegal arrests and false imprisonment. In addition, the Act covers most of the crimes that fall within the purview of the International Criminal Court.
- Act No. 01-080 of 20 August 2001 on the Code of Criminal Procedure.
- Decree No. 99-254 of 15 September 1999 on the Code of Civil, Commercial and Social Procedure

(b) Personal status laws

- Act No. 62-18/AN-RM of 3 February 1962, amended by Act No. 95-70 of 25 August 1995, on the Nationality Code
- Act No. 62-17/AN-RM of 3 February 1962 on the Marriage and Guardianship Code
- Order No. 73-036 of 31 July 1973 on the Kinship Code

(c) Prohibition of slavery, servitude and torture

- The Criminal Code and the Labour Code prohibit slavery and all similar practices
- The Criminal Code provides penalties for acts of torture and violence resulting in mutilation, amputation or any other disability or illness
- The law on the status of police officers prohibits officers, while on or off duty, from committing acts of torture and cruel, inhuman, degrading or humiliating treatment

(d) Freedom of thought, conscience, religion, opinion and expression

- Act No. 00-046 of 7 July 2000 on regulations governing the press and press offences
- Act No. 92-038 of 24 December 1992 establishing the Higher Council on Communication
- Act No. 93-001 of 6 January 1993 concerning the Organization Act on the establishment of the National Committee for Equal Access to State Media
- Act No. 61-86/AN-RM of 21 July 1961 organizing religious freedom and worship

(e) Freedom of assembly, association, procession and demonstration

- Act No. 04-038 of 5 August 2004 on associations
- Act No. 00-047 of 13 July 2000 on the status of opposition political parties
- Act No. 05-047 of 18 August 2005 relating to a charter of political parties

(f) Right to take part in the administration of public affairs and to participate in the election of leaders

- Act No. 06-044 of 4 September 2006 on an electoral law establishing the conditions for election, eligibility and ineligibility to stand for election, rules governing the organization of elections and the different appeal mechanisms.

(g) Right to work, rest and social security and freedom of trade unions

- Act No. 92-020 of 23 September 1992 on the Labour Code, which recognizes the right of all citizens to work, rest and training, and includes an absolute prohibition on forced or compulsory labour. It also recognizes the right of all workers to join a trade union of their choice and the right to strike.
- Order No. 79-07 of 18 January 1979 on the pension plan for civil servants
- Act No. 99-041 of 12 August 1999 on a social security code for the Republic of Mali
- Act No. 95-071 of 21 August 1995 on the retirement scheme for members of parliament
- Order No. 33 CMLN of 30 September 1971 on the military pension regime
- Order No. 041 CMLN of 6 December 1971 on the military invalidity regime

(h) Right to education and health

- Act No. 99-046 of 28 December 1999, on an Outline Education Act
- Act No. 02-049 of 22 July 2002, on an Outline Health Act
- Act No. 02-044 of 24 June 2002 on reproductive health

16. In addition, Mali has adopted general policies for the promotion and protection of women and children, for the development of education, health and justice, and to combat poverty.

17. The tradition of constitutionally proclaiming rights and freedoms in Mali has always been underpinned by ratification of the principal international and regional human rights instruments.

18. Under the provisions of article 116 of the Constitution of 25 February 1992, these instruments, like other ratified treaties, take precedence over national legislation once they are published. Mali has ratified the following legal instruments.

2. International level

19. Principal instruments:

- International Covenant on Civil and Political Rights and the first Optional Protocol thereto
- International Covenant on Economic, Social and Cultural Rights
- International Convention on the Elimination of All Forms of Racial Discrimination
- Convention on the Elimination of All Forms of Discrimination against Women and Optional Protocol thereto
- Convention on the Rights of the Child
- International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

20. Relevant legal instruments:

- Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict
- Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography
- Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
- Geneva Conventions of 1949 and their Additional Protocols I and II
- Convention on the Prevention and Punishment of the Crime of Genocide
- 1951 Convention relating to the Status of Refugees and Protocol thereto
- Rome Statute of the International Criminal Court
- The principal conventions of the International Labour Organization, in particular Nos. 4, 6, 29, 87, 98, 100, 105, 111, 138, and 182

- The principal conventions of the United Nations Educational, Scientific and Cultural Organization (UNESCO), in particular the Convention against Discrimination in Education

3. Regional level

21. Legal instruments:

- African Charter on Human and Peoples' Rights
- African Charter on the Rights and Welfare of the African Child
- Protocol to the African Charter on Human and Peoples' Rights on the Establishment of an African Court on Human and Peoples' Rights
- Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa
- African Union Convention governing the specific aspects of refugee problems in Africa

22. Human rights commitments undertaken in the framework of the Economic Community of West African States (ECOWAS) and the Francophonie.

23. The African Peer Review System, established under the New Partnership for Africa's Development (NEPAD), whose objective is to promote cooperation between African States in order to guarantee the promotion and protection of human rights by evaluating the implementation of the obligations undertaken by each of the States.

C. Institutional human rights framework

24. Each of the eight constitutional institutions provided for in article 25 of the Constitution plays, to varying degrees, a direct or indirect role in the promotion and protection of human rights. These institutions are the President of the Republic, the Government, the National Assembly, the Supreme Court, the Constitutional Court, the High Council of the Communities, the High Court of Justice, and the Economic, Social and Cultural Council.

25. Of these institutions, those that have a direct role in the promotion and protection of human rights are the Government, the National Assembly, the Supreme Court and the Constitutional Court.

1. Judicial institutions

(a) The Supreme Court and other courts and tribunals

26. According to article 81 of the Constitution, judicial power is exercised by the Supreme Court and the other courts and tribunals, independently of the executive and legislative powers. Accordingly, these courts ensure respect for the rights and freedoms defined in the Constitution.

27. Since judicial power is vested in judges, they have primary responsibility for ensuring the effective protection of these rights. Such protection is provided throughout the national territory, through the judicial and administrative authorities. The right to bring cases before these authorities is formally recognized for all persons, without any limitations other than those relating to legal personality, the time limit for entering an appeal and capacity to bring an action.

28. The organization and functioning of the courts and tribunals satisfy the great standards of international justice, that is, equality before the law without any discrimination, independence and impartiality of the judiciary, the presumption of innocence, legality of offences and penalties, the double hearing principle, and the right to a defence, assistance and legal aid.

(b) The Constitutional Court

29. The Constitutional Court is the principal guarantor of fundamental human rights and public freedoms. It discharges this role by monitoring the constitutionality of legislation and the legality of elections, and regulating the activities of institutions and public authorities (article 85 of the Constitution).

30. Its decisions are not open to appeal. They are binding on public authorities, on all administrative and judicial authorities and all natural and legal persons (article 94 of the Constitution).

2. Other constitutional institutions

31. The Government plays an essential role in the promotion and protection of human rights through its various ministries, in particular the ministries for foreign affairs and international cooperation, security, justice and the advancement of women, children and the family, territorial and local community administration, health, education, agriculture and social development and solidarity.

32. The National Assembly contributes to the promotion and protection of human rights through its legislative activities and monitoring of government action. It is responsible for making the rights enshrined in the Constitution a reality and providing legislative follow-up to the international and regional commitments undertaken by Mali. Through Government question time and the commissions of inquiry, it can question the Government on any situation involving human rights violations and call on it to adopt appropriate measures to put an end to such situations.

3. Other institutions and mechanisms

33. Alongside these constitutional institutions, there are also independent administrative authorities and mechanisms that act more directly in the promotion and protection of human rights. These are the National Ombudsman, the National Human Rights Commission, the Higher Council on Communication, the National Committee for Equal Access to State Media, the National Independent Electoral Commission, and the Forum for Democratic Discussion.

4. Civil society organizations

34. Several civil society organizations are active in the field of human rights. They contribute to the promotion and protection of human rights, in particular through:

- Prevention (awareness-raising activities, participation in the decision-making process, mediation, and observation of trials and elections)
- Denouncing abuses (petitions, communications, public demonstrations)

- Disseminating information on rights and freedoms to the general public and target groups (women, children, persons with disabilities, etc.)
- Recommendations to the Government aimed at greater protection and promotion of rights and freedoms

D. National jurisprudence

35. The Constitutional Court has taken a number of decisions in cases relating to human rights, in particular:

- Decision No. 96-003 of 25 October 1996, which censured a provision of the electoral law because it violated the principle of equality of voters and candidates
- Decision No. 96-004 of 11 November 1996, which provided that civil servants in the Constitutional Court should enjoy equality of treatment with their colleagues in the civil service
- Decision No. 97-007 of 17 January 1997 concerning the denial of the right to vote to a Malian citizen with full civic and political rights because he had been living abroad for more than a year
- Decision No. 97-046 of 25 April 1997 declaring invalid, throughout the country, the results of the first round of legislative elections held on 13 April 1997, because of the poor organization of those elections and the numerous irregularities recorded

II. PROMOTION AND PROTECTION OF HUMAN RIGHTS IN PRACTICE

36. Mali has ratified the main international juridical instruments relating to human rights and international humanitarian law. According to article 116 of the Constitution, subject to their implementation by the other party, treaties or agreements which have been lawfully ratified or approved take precedence once published, over domestic laws.

37. In addition to the guarantee of applicability enshrined in the Constitution, Mali has over time incorporated the provisions of certain international instruments into its domestic legislation. With a view to meeting its international human rights obligations, Mali has adopted and implemented various policies, programmes and measures relating to the promotion and protection of human rights.

38. A review of the implementation of international obligations shows that considerable progress has been made with regard to the exercise of certain rights, but also shows that challenges remain with regard to other rights.

A. Civil and political rights

1. Freedom of opinion and freedom of expression

39. Article 4 of the Constitution enshrines the principles of freedom of opinion and freedom of expression as the basis for any democracy. The national legislative framework poses no particular obstacle to the enjoyment of those freedoms, as is shown by the number and dynamism of stakeholders in the cultural and artistic sectors.

40. Furthermore, freedom of expression is reflected in Mali's multiparty system (113 officially recognized political parties), and in the strengthening of the status of the opposition.

41. One example of the practical exercise of the right to freedom of expression in Mali was the establishment in 1994 of a forum on democracy and human rights known as the "Forum for Democratic Discussion". Every year on 10 December, the anniversary date of the Universal Declaration of Human Rights, the Government organizes a national human rights forum at which citizens can question ministers, before a panel made up of national and foreign public figures, on any violations of their rights alleged to have occurred in the course of the year.

42. The forum is broadcast live on radio and television. Ministers provide answers to the questions raised during the meeting, following which the honorary panel makes recommendations to the Government.

43. The Forum for Democratic Discussion is intended to increase awareness at the national and international level of the human rights situation in Mali and provide active pedagogical assistance for the achievement of a democratic culture of promotion and protection of the rights and freedoms of citizens. The establishment of such a permanent forum testifies to the authorities' political will and commitment to promote a culture of human rights and democracy in the Republic of Mali.

2. Freedom of the press

44. Being aware of the importance of a free and independent press in a democracy, the Government has adopted policies and measures to reinforce freedom of the press and encourage the establishment and support the operations of a number of written and broadcast media outlets. These measures include Act No. 00-046 of 7 July 2000 on the press and offences against the legislation on the press.

45. Pursuant to that Act, insulting the Head of State is no longer considered to be an offence justifying preventive detention; the Act likewise tends to impose fines rather than arrest and detention for offences committed in the press.

46. The Act also provides for the allocation of financial assistance to the press from the State budget. These measures have facilitated the creation of both written and audio-visual media outlets. Currently there are more than 30 independent written press outlets in Mali. The Government has made available 406 radio frequencies and 300 radio stations are already broadcasting.

47. The establishment of the Higher Council on Communication and the Committee for Equal Access to State Media has also facilitated better regulation of the media sector, balance and pluralism of information sources and the fair sharing of broadcast time and press coverage for candidates and political parties during election campaigns.

48. Considerable progress has been made in the area of liberalization and regulation of the media sector. This explains the trend towards decriminalization of offences against the legislation on the press as set out in Act No. 00-046 of 7 July 2000.

3. Freedom of assembly and association

49. The provisions of the Constitution and other legislation on freedom of assembly and association have facilitated the achievement of these rights. A number of officially registered associations, many of which are active in the human rights field, operate freely throughout the country.

4. Right to an effective remedy before the courts and right to a fair trial

50. In accordance with the Constitution and international norms, the judicial system in Mali is based on the principles set out in international and regional human rights instruments.

51. In collaboration with bilateral partners, for example Canada and France, and multilateral partners including the World Bank, the United Nations Development Programme (UNDP) and the United Nations Children's Fund (UNICEF), the Government has instituted a justice reform programme entitled the Ten-Year Justice Development Programme (PRODEJ), implementation of which has strengthened the judiciary and its ability to protect human rights.

52. Access to justice nevertheless remains limited as a result of various factors, including remoteness of courts, the slowness and complexity of judicial procedures, and the difficulty of ensuring the observance of codes of practice by certain stakeholders.

5. Right to life and protection of the human person

53. The Constitution and Criminal Code contain guarantees against assault and battery, arbitrary detention, acts of torture and other cruel, inhuman or degrading treatment. While capital punishment is still part of Mali's legal arsenal, it should be noted that the death penalty has not been enforced since 1979 and a moratorium has been in effect since 1984.

54. On 17 October 2007, the Government's Council of Ministers approved a bill on the abolition of the death penalty, which was submitted to the National Assembly.

6. Right to vote

55. In order to ensure the transparency and efficiency of the various electoral processes, a National Independent Electoral Commission (CENI) was established in 1997 to organize and monitor elections, and an Elections Department (DGE) was established in 2000 to prepare and manage voters' lists and design and print voter cards. These measures have made a significant contribution to improving the electoral system in Mali. As a result, presidential, legislative and local elections have been held regularly since 1992 in full compliance with the principles of democracy and transparency.

56. The electoral system has made a significant contribution to guaranteeing the right to vote and the regular holding of transparent elections, but there have nevertheless been some isolated cases of fraud, albeit not serious enough to impair the validity of the elections, and voter turnout is low. More must therefore be done to improve the electoral system and adapt it to the situation in the country.

57. Accordingly, in February 2008 the President of the Republic appointed a well-known figure, assisted by a multidisciplinary team, to study ways of consolidating democracy in Mali and report back to him.

B. Economic, social and cultural rights

58. With a view to better coordination of its development policies and programme, in May 2002 the Government adopted a Poverty Reduction Strategy Framework (PRSF) as a frame of reference for all development policies. The second generation of that framework, the Growth and Poverty Reduction Strategy Framework (GPRSF) covering the period 2007-2011, is currently being implemented.

59. Both the PRSF and the GPRSF take into account the lines of action and Millennium Development Goals adopted by the United Nations.

60. In order to be relevant, sector-by-sector analysis of economic, social and cultural rights must take into account fundamental human needs. Although progress has undeniably been made, most social development indicators have highlighted a number of weaknesses and inadequacies, particularly in the areas of education and health.

1. Right to education

61. Article 18 of the Constitution of Mali recognizes the right to education. The Outline Education Act, which provided for the incorporation of international juridical instruments relating to the right to education in domestic legislation, was adopted in 1999.

62. With a view to realizing this right the Government adopted a series of policies and measures which have led to tangible results.

63. It was in the context of these efforts that the Ten-year Education Development Programme (PRODEC) was adopted for the period 1998-2008.

64. PRODEC constitutes a response to the education-related recommendations contained in the International Covenant on Economic, Social and Cultural Rights. The programme is supported by multilateral and bilateral technical and financial partners and is aimed at improving the design and planning of education and promoting major educational and pedagogical reforms and innovations.

65. PRODEC is being implemented through the Education Sector Investment Programme (PISE), the overall objective of which is to launch a comprehensive strategy to ensure fair and universal access to quality education and promote efficient management of the sector.

66. Implementation of PISE has led to significant progress in terms of an increase in overall basic education enrolment rates, improved quality of teaching and training and better management of the education sector.

67. The support provided by technical and financial partners for the building and installation of educational infrastructure has contributed greatly to the increase in enrolment rates and the improvement in the quality of teaching.

68. From 2002 to 2007, enrolment rates at the basic education level increased from 67 per cent to 77.6 per cent for the first cycle and from 30 per cent to 44.3 per cent for the second cycle.

69. Despite progress made over the past 10 years with regard to realization of the right to education, many problems and challenges still need to be addressed: a further increase in enrolment rates; development of education infrastructure, which is not keeping pace with the very high population growth rate; the very high student-to-teacher ratio; inequality and difference in opportunity between girls and boys; and lastly, uneven geographic distribution of schools. These factors adversely affect the quality of teaching and contribute to an overall decline in student performance and the quality of human resources.

2. Right to food and right to health

70. In order to ensure food security, the Government has established a special department known as the Office of the Commissioner for Food Security. The policies and measures devised and implemented by that body have had a positive impact on the level of food supplies, particularly in communities deemed vulnerable.

71. In the area of health, in 1999 the Government, in collaboration with technical and financial partners, adopted the Health and Social Development Programme (PRODESS).

72. Implementation of that programme has made health services in the various health districts more geographically and financially accessible, increased the availability of qualified human resources and of medications and vaccines, and improved the quality of care in hospitals and health centres. The percentage of the population having access to a basic health-care centre within a radius of 15 km increased from 68 per cent in 2002 to 75 per cent in 2005.

73. The Government has also adopted measures to provide, free of charge, caesarean sections, tuberculosis treatment, antiretroviral drugs and malaria treatment for pregnant women and children under 5.

74. Although such measures have had a positive impact on the health of the population, more remains to be done given the scale of health sector needs.

3. Right to work and to social protection

75. Employment is a problem area of major concern to the authorities. The Poverty Reduction Strategy Framework and the Growth and Poverty Reduction Strategy Framework both make job creation a priority.

76. National employment policy has five main pillars: job creation at the local level, promotion of labour-intensive activities, vocational and technical training, business development and employment in the informal sector.

77. The Youth Employment Promotion Agency was established to address the high level of unemployment among young people and is currently implementing a Youth Employment Programme (PEJ).

78. Some progress has been made, but unemployment, particularly among young people, remains a concern for the Government. Depending on area, the unemployment rate varies between 9 and 11 per cent.

79. In the area of social protection, Mali adopted a Declaration on National Social Protection Policy in 2002 and a National Plan of Action to Extend Social Protection in 2004, as well as category-specific measures or facilities to ensure provision for social risks.

80. The Plan of Action is aimed at extending social security coverage to those not currently eligible and to the poor. In spite of the Government's stated political will to expand social protection, progress has been limited because of the low incomes of those eligible for social benefits and the low level of social security and welfare payments.

4. Right to housing

81. In order to improve access to housing, the Government has launched a programme to build social housing for low-income groups. Between 2002 and 2006, 4,060 social housing units were built. The results achieved are still unsatisfactory given the scale of the needs in this area. Other housing programmes are being implemented, with the aim of building more than 10,000 housing units between 2007 and 2012.

C. Advancement and protection of women and children

82. Despite an ongoing political commitment to the advancement and protection of women and children, the emergence of a dynamic women's civil society sector and the adoption of anti-discrimination measures, efforts are still needed to overcome obstacles such as the weight of tradition and the high illiteracy rate among women.

83. A Ministry for the Advancement of Women, Children and the Family was established specifically to promote equality between men and women, effectively combat gender-based discrimination and provide greater protection to women and children. At the same time, gender and development counsellors and focal points were established in ministerial departments with a view to ensuring the mainstreaming of the gender perspective in sectoral development programmes and projects.

84. Following consideration of the periodic report of Mali submitted to the Committee on the Elimination of Discrimination against Women in January 2006, the Committee made a number of recommendations to the Government, in particular with regard to the inclusion of a definition of discrimination against women in line with article 2 of the Convention on the Elimination of All Forms of Discrimination against Women, the adoption of the draft Personal and Family Code, measures to ensure women's access to health services, education, safe drinking water and credit, and the adoption of legislation prohibiting female genital mutilation.

85. Appropriate measures are being implemented pursuant to those recommendations.

86. Despite these efforts, the effects and legacy of certain traditional practices, the application of customary law in matters of succession, and certain provisions of the Marriage and Guardianship Code, in force since 1962, perpetuate discriminatory practices against women. For example, levirate and sororate marriages are still practised in traditional society, despite education and awareness-raising campaigns undertaken by the Government, civil society organizations and NGOs.

87. In order to harmonize the Marriage and Guardianship Code with the relevant provisions of the Constitution and international legal instruments, the Government, in collaboration with civil society organizations, has drawn up a preliminary draft Personal and Family Code, which is being considered by a commission representing different strands of opinion, with a view to obtaining comments and suggestions. Following this process, the preliminary draft, which provides for the elimination of all discriminatory provisions relating to women and children, will be submitted to the Council of Ministers for approval.

88. The main objective of the reform is to ensure respect for the specific rights of women and children. It will ultimately require a review of all discriminatory statutes and the drafting of new provisions to remedy any gaps in the law.

89. Regarding women's participation in political life, although equal representation in public and political life has not yet been instituted, the Institutional Development Programme under way in Mali provides for the introduction of a gender-based approach in State institutions. That approach is exemplified by Act No. 06-044 of 4 September 2006 on the Electoral Act, and Act No. 05-047 of 18 August 2005 concerning the Charter for Political Parties, which includes measures to encourage political parties to put forward women candidates in the various elections. As a result, the number of women candidates and elected representatives should increase.

90. In spite of the criminalization of all forms of violence in the Criminal Code, acts of domestic violence against women and children still occur in Mali. The Government has therefore adopted a National Plan to Combat Violence against Women and Girls with a view to eliminating domestic violence. The implementation of the Plan, which covers the period 2006 to 2011, has led to encouraging results which must be consolidated by the adoption of a specific law on domestic violence.

91. In the area of the rights of the child, a child's most basic right is the right to have his or her birth registered. The rate of birth registrations nevertheless remains too low, in particular in rural areas.

92. The increase in the availability of government services to the population as a result of decentralization, the registration of births free of charge and citizenship education campaigns have, however, led to an improvement in the situation.

93. Mali is a party to several legal instruments containing provisions relating to protection of children's and women's health. The Constitution of 25 February 1992 guarantees the physical integrity of the person and the Criminal Code punishes offences against the person by virtue of its provisions relating to assault and battery. Despite these legal provisions, female genital mutilation continues to be practised because it is deeply rooted in Malian cultural practice. While the Government recognizes the need to adopt a law prohibiting female genital mutilation, it has given priority to public education and awareness-raising campaigns rather than the adoption of repressive measures whose application in the field cannot be guaranteed without the support of all segments of society.

94. It was in this context that Government Order No. 02-053/P-RM of 4 June 2002 established the National Programme to Combat the Practice of Excision. The programme, based on an approach which combines education and concrete actions, has already succeeded in reducing excision rates from 94 per cent to 85 per cent between 1996 and 2006.

95. Mali is also a party to the various international and regional instruments relating to protection of the child, in particular in the areas concerned with action to combat child labour and child trafficking. At the same time, efforts have been undertaken to harmonize domestic legislation with the international legal instruments ratified by Mali. To that end, the Act on the criminal responsibility of minors and the establishment of juvenile courts was reviewed and Order No. 02-062 of 5 June 2002, the Child Protection Code, was adopted.

96. Following its consideration of the periodic report of Mali in January 2007, the Committee on the Rights of the Child made recommendations concerning procedures for the registration of children, the prohibition of female genital mutilation, the elimination of sexual exploitation of children, and the establishment of a juvenile justice system.

97. Arrangements are in hand to develop a plan of action for the implementation of all those recommendations.

98. The following measures have been adopted with a view to giving effect to the international legal instruments and national legislation:

- Establishment in Bamako of a juvenile court and two specialized detention, re-education and rehabilitation centres for male minors and for girls and women in conflict with the law. The court in Bamako district is currently the only one of its kind. Given the need to provide better protection to children, it is urgently necessary to extend these measures to other regions.
- Provision of separate quarters for minors in prisons throughout the country.

99. In the framework of efforts to combat child labour and child trafficking, Mali has introduced a national programme and signed bilateral and regional cooperation agreements to combat cross-border child trafficking more effectively. A special travel document is required for children under the age of 18 to leave the country.

100. In addition, community-based child protection mechanisms have been put in place in known child-trafficking areas in order to reinforce the Government's actions.

101. Despite these measures, protecting children remains an enormous challenge. Malian attitudes towards child labour have traditionally been favourable, as work is viewed as a form of education or apprenticeship for children, which makes it difficult to fight against this scourge. Education and sensitization of the population are therefore important.

102. Child begging is a growing source of concern in Mali. The practice of begging by madrasa pupils and the children of indigent parents has become a form of child labour and exploitation, although it is against the law.

103. The implementation of the Mali-UNICEF cooperation programme for women and children has made a significant contribution to the achievement of the objectives established by the Government.

D. Raising public awareness of human rights

104. A variety of actors are involved in promoting and protecting human rights through training, dissemination of human rights instruments and campaigns to raise awareness of human rights aimed at the general public and at the information, communication and media sectors.

105. The main function of the National Human Rights Commission is to contribute to the promotion and protection of human rights and to prevent torture and other cruel, inhuman or degrading treatment or punishment. To that end, it conducts information, education and communication campaigns aimed at raising awareness among public officials and the general population. Similar campaigns are undertaken with a view to preventing torture.

106. To build national capacity in the area of human rights, Mali has launched, in collaboration with the United Nations Development Programme (UNDP), a project for the promotion and protection of human rights (APPDH project).

107. This project furthers the promotion and protection of human rights by enhancing the capacity of government entities and non-governmental organizations to improve the human rights situation and strengthen the rule of law in Mali. The project's strategies include awareness-raising and training.

108. The introduction of education on citizenship, democracy, human rights and peace in educational curricula is one of the approaches being used by the Government to raise public awareness and understanding of human rights and international humanitarian law.

III. COOPERATION WITH HUMAN RIGHTS MECHANISMS

A. National level

109. The National Human Rights Commission and the other civil society organizations working in the area of human rights, in particular human rights advocacy organizations, carry out their activities with complete freedom. They are also involved in formulating laws and preparing the reports that the Government submits to treaty bodies.

B. Regional level

110. Mali participates regularly in sessions of the African Commission on Human and Peoples' Rights and has submitted reports on the implementation of the African Charter on Human and Peoples' Rights. Mali has also ratified the Protocol on the Establishment of an African Court on Human and Peoples' Rights and has submitted a declaration accepting the competence of the Court to receive cases instituted by individuals and NGOs.

111. In the framework of its efforts to promote human rights, Mali received a delegation from the African Commission on Human and Peoples' Rights in 2004 and the Commission's Special Rapporteur on Refugees, Asylum-seekers and Internally Displaced Persons in Africa in 2007. The latter conducted an inquiry into the situation of Mauritanian refugees in Mali.

C. International level

112. Mali has submitted initial and periodic reports on its implementation of the following international legal instruments: International Covenant on Civil and Political Rights, International Convention on the Elimination of All Forms of Racial Discrimination, Convention on the Elimination of All Forms of Discrimination against Women, Convention on the Rights of the Child, International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and various International Labour Organization (ILO) conventions.

113. However, the Government is not up to date in the submission of all reports due, and it has submitted no reports to some treaty bodies. This situation is attributable to technical difficulties encountered by the national authorities responsible for compiling initial and periodic reports. The Government intends shortly to create a permanent inter-ministerial committee to support the preparation of reports to treaty bodies.

114. As regards cooperation with special procedures, the Government has to date received no requests for visits in connection with special procedures mandates.

IV. PROGRESS, GOOD PRACTICES, DIFFICULTIES AND CONSTRAINTS

Progress and good practices

115. Experience with democracy and the rule of law in Mali since 1992 has yielded progress and good practices with regard to the promotion and protection of human rights.

1. Progress

116. Consistent political will for the consolidation of democracy and the promotion and protection of human rights:

- Regulatory and institutional framework favourable to the protection and promotion of human rights
- Regular free and transparent democratic elections
- Establishment of a full multiparty system and strengthening of the status of opposition political parties
- Very liberal laws concerning the formation of political parties and associations
- Diversity of media and freedom of press and expression
- Strengthening of the judiciary and its capacity for intervention in human rights protection matters, and adoption of a code of ethics for judges
- Establishment in 1984 of a moratorium on enforcement of the death penalty and introduction by the Government of draft legislation to abolish capital punishment
- Rise in school enrolment rates in general and among girls in particular
- Increase in health-care coverage rates and provision free of charge of caesarean sections, antiretroviral drugs, and treatment for tuberculosis and malaria for pregnant women and for children under 5 years of age
- Growth in the proportion of the population with access to safe drinking water (from 57 per cent in 2002 to 68 per cent in 2006)
- Ongoing capacity-building for State and non-State actors involved in the promotion and protection of human rights
- Development of a draft personal and family code
- Mainstreaming of the gender perspective within institutions and political parties
- Implementation of the National Plan to Combat Violence against Women and Girls (2007-2011) and the National Programme to Combat the Practice of Female Genital Mutilation
- Introduction of voluntary coverage under some insurance schemes of the National Social Welfare Institute

- Ratification of all the main conventions of the International Labour Organization
- Adoption of the Child Protection Code, which deals, inter alia, with the trafficking of children and child labour, and signing of bilateral and multilateral agreements to combat cross-border child trafficking
- Establishment of a separate detention centre in the district of Bamako for women and children in conflict with the law
- Establishment of the National Human Rights Commission
- Vibrancy of civil society organizations working in the area of human rights

2. Good practices

117. Regular meetings of the Forum for Democratic Discussion in the framework of:

- Observance of Human Rights Day, 10 December
- Adoption and implementation of a decentralization policy conducive to the establishment of a true grass-roots democracy and to public participation in the management of community affairs
- Constructive dialogue with partners in the area of promotion and protection of human rights
- Establishment of community surveillance mechanisms to prevent child trafficking
- Organization of group marriage ceremonies in order to legalize customary and religious marriages
- Initiation of the process of incorporating content relating to human rights, the culture of peace, democracy and citizenship in formal and informal educational programmes
- Conclusion of a solidarity agreement for growth and development between the Government and social partners
- Establishment in 2003 of the Office of the Auditor General, a genuine oversight body, independent of all public authorities, which is responsible for strengthening the administrative machinery for combating corruption and financial and economic crime
- Training for parajurists and creation of information, counselling and legal aid centres for poor women
- Programme of distribution of free grain to disadvantaged populations
- Establishment of grain banks in various communities

3. Difficulties and constraints

118. Mali continues to face a number of difficulties and constraints which are linked directly to its economic situation, its sociocultural context and the persistence of certain traditional practices. These difficulties and constraints are:

- Poverty, high rates of illiteracy, the weight of traditions, youth unemployment, etc.
- Slow and cumbersome judicial procedures, and limited citizen access to the justice system
- National legislation not harmonized with international human rights instrument
- Texts of ratified instruments not published
- Human rights and human rights mechanisms little or poorly understood by the majority of the population
- Weak operational capacity among State and non-State actors involved in the promotion and protection of human rights
- Conflict between modern and customary law in some areas
- Weak civil registry system
- Persistence of traditional practices such as female genital mutilation, levirate, sororate and child labour
- Existence of press offences, which need to be decriminalized
- The Government has tabled draft legislation that would abolish capital punishment, but public opinion on the issue remains divided
- Persistence of corruption, fraud and conduct incompatible with civic obligations
- Recurrent threats to peace and security, particularly in the northern part of the country

V. PRIORITIES, INITIATIVES AND COMMITMENTS

119. To address the difficulties and constraints mentioned above, the Government is taking appropriate action, or plans to do so, in the following areas:

- Strengthening institutional support for the National Human Rights Commission and applying for its accreditation by the International Coordinating Committee of National Human Rights Institutions
- Stepping up action to eliminate discrimination against women, violence against women and the practice of female genital mutilation
- Support for implementation of the Ten-year Justice Development Programme (PRODEJ) and other programmes for the promotion and protection of human rights

- Adoption of the draft Personal and Family Code and the bill on abolition of the death penalty
- Continuation and strengthening of measures aimed at promoting equality between men and women
- Establishment of juvenile courts and specialized detention, re-education and rehabilitation centres for women and children in the other eight regions of the country
- Establishment of compulsory health insurance and a medical care fund
- Initiation, in 2007, of a review process in Mali within the framework of the New Partnership for Africa's Development (NEPAD) African Peer Review Mechanism

VI. TECHNICAL ASSISTANCE NEEDS

120. In the light of the difficulties and constraints identified, an evaluation mission by the Office of the High Commissioner for Human Rights is needed in order to assess Mali's assistance needs in the following areas:

- Greater harmonization of national legislation with the provisions of international human rights instruments
- Strengthening the capacity of State and non-State actors for the promotion and protection of human rights
- Building institutional and operational capacity for the administration of justice, especially by increasing the number of courts and tribunals, providing training for judges and court officials and improving living conditions for inmates of prisons and correctional education institutions
- Enhancing technical capacity for the preparation and submission of Mali's human rights reports
- Incorporating content relating to human rights, the culture of peace, democracy and citizenship in formal and informal educational programmes
- Translating the main national, regional and international human rights instruments into the principal national languages
- Improving the civil registry system
- Organizing various activities in the framework of the celebration of the sixtieth anniversary of the Universal Declaration of Human Rights

Bamako, 20 March 2008
