Child Rights References in the Universal Periodic Review

Summary:
A compilation of extracts featuring child-rights issues from the reports submitted to the first Universal Periodic Review. There are extracts from the 'National Report', the 'Compilation of UN Information' and the 'Summary of Stakeholder's Information'. Also included is the 'Final Report' and 'Conclusions and Recommendations' from the Review.

Mali – 2nd Session – 2008

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National Report

Mali has signed and ratified the CRC, as well as the Optional Protocol on the sale of children, child prostitution and child pornography, and the Optional Protocol on the involvement of children in armed conflict. It has also signed the African Charter on the Rights and Welfare of the Child.

Mali’s constitution guarantees the right to education in article 18. The 1999 Law on orientation in education enables the implementation into national legislation of all instruments concerning the right to education that Mali has signed up to. In order to fully achieve the right to education, the government has undertaken measures and policies in order to get tangible results. To this end, the government has introduced the Decade of Development in Education (PRODEC) from 1998-2008. This is a response to the education measures introduced by the International Covenant on Economic and Social Rights. This programme, which has bilateral and multilateral technical and financial support, aims for a better concept of and planning in education, as well as important reforms and educational innovation.

The global aim of the Programme for Sectoral Investment in Education (PISE) is to implement a general strategy to achieve universal and equitable access to quality education and to ensure the effective management of this sector. PISE has already achieved significant progress in terms of an increase in numbers of children with basic education, improvements in the quality of teaching and learning, and in management in the education sector. The support of financial and technical partners in terms of implementing the educational infrastructure also contributed greatly to the rate of education and the improvement in the quality of teaching. Between 2002 and 2007, the rate of education went from 67 per cent to 77.6 per cent for the first cycle and from 30 per cent – 44.3 per cent for the second cycle.

Despite the progress over the past decade, a number of challenges remain, including: increasing the rate of education; the development of educational infrastructure, which is not following the very high rate of population increase; a high student/teacher ratio; inequality and difference in opportunity between boys and girls; and the poor geographical spread of schools. This situation has a negative effect on the quality of education and contributes to a decrease in the number of learners as well as the quality of staff.

Despite constant political will to take action to promote the protection of women and children, and the emergence of a dynamic female civil society and the adoption of non-discriminatory texts, much remains to be done, especially due to the weight of the role of tradition and the high level of illiteracy among women.

Despite the outlawing of all forms of violence in Mali’s penal code, several forms of domestic violence are committed particularly against women and children. Mali has therefore come up with a plan of action to combat violence against women and girls. It will run from 2006 – 2011 and has already made promising progress, and it will be supported by the adoption of a specific text on domestic violence.

With regards to children’s rights, the first of these rights is the registration of a child at birth. The rate of registration is very low, especially in rural areas. There has, however, been some improvement through decentralisation, the removal of registration fees and education campaigns on citizenship.

Mali has taken several judicial steps towards the improvement of maternal and child health. The constitution guarantees the physical integrity of the person, as does the penal code. While it recognises the need to outlaw the practice of female genital mutilation (FGM),
the government has preferred to implement educational and awareness-raising activities over adopting repressive measures which will be hard to enforce on the ground without the support of all sectors in society. To this end, the government created, through the order 02-053/P-RM of 4th June 2002, a national programme to combat the practice of excision. This programme which includes education and concrete action has already made progress in terms of a reduction in the rate of excision from 94 per cent - 85 per cent between 1996 and 2006.

Mali has also signed on to a number of different regional and international instruments for the protection of children, especially concerning child labour, the trade in children and child trafficking. Efforts have also been made to bring domestic law in line with international instruments Mali has signed up to. This has included the law on legal infancy and juvenile justice.

Recommendations were made on the country report of Mali in 2007 to the implementation of the Convention on the Rights of the Child, especially on the procedure for the registration of children, the outlawing of FGM practices, the sexual exploitation of children and the structuring of juvenile justice systems. Plans are underway to start a plan of action to implement these recommendations.

In order to implement international instruments into domestic legislation, the following measures have been undertaken:
- The creation in Bamako of a children’s court and of two specialised centres for the detention, re-education and reintegration of minors in conflict with the law. Currently, only Bamako has these facilities. Given the need to afford better protection to children, these measures urgently need to be extended to other regions.
- The creation of children’s quarters in prisons in all regions.

In the struggle against child labour, the trade in children and child trafficking, Mali has adopted a national programme and has signed bilateral and regional agreements to fight against the cross-border trafficking of children. Mali also adopted authorised travel documents for children under the age of 18. It has also set up centres for these children, and community measures for child protection to support the activities of the State.

In spite of all of this, the challenges remaining in terms of child protection remain vast. It is a tradition in Mali that children should work, as this is seen as a means of education and learning for children. Education and awareness-raising is needed to try and combat these beliefs.

Mali has more and more children who are begging. The practice of begging among coranic students and the children of poor families has become a form of work and exploitation of children, in spite of the laws which ban this practice.

Collaboration between Mali and UNICEF for issues relating to women and children has helped considerably towards realising the government’s objectives.

Compilation of UN Information

In 2007, the Committee on the Rights of the Child (CRC) welcomed the ratification or accession to several international human rights instruments and recommended Mali to ratify CPD and CPD-OP.

The Human Rights Committee (HR Committee) in 2003, the Committee on the Elimination of Discrimination against Women (CEDAW) in 2006, CMW in 2006 and CRC in 2007 noted that international treaties take precedence over national legislation. However, all these bodies noted that Mali gave no examples of practical implementation or of opportunity of invoking the ICCPR, CEDAW, ICRMW and CRC respectively directly before the domestic courts.

In 2007, CRC noted with appreciation the establishment, in 2006, of a national human rights institution, and the various sectoral follow-up mechanisms. However, it regretted that this institution has not yet been provided with sufficient human and financial resources. The Committee recommended that Mali earmark the necessary human and financial resources for the new human rights institution to enable it to carry out efficiently the activities under its mandate.

In 2007, while noting the National Strategic Plan 2002-2006 of the Ministry of the Promotion of Women, the Child and the Family with a sub-plan for the promotion of the child and the family, CRC regretted the absence of a comprehensive national plan of action for children and recommended that Mali adopt such a plan.

While noting that some of its previous recommendations have been implemented, CRC in 2007 regretted that many other recommendations had not been sufficiently addressed, including those regarding birth registration, corporal punishment and ill-treatment, neglect and abuse of children, female genital mutilation (FGM) and early and forced marriages.

In 2005, OHCHR provided substantive input to a regional consultation held in Mali on violence against children led by UNICEF, including the participation of OHCHR staff and the Independent Expert for the Secretary-General’s Study on Violence against Children.

UNICEF also informed that women continue to be objects of persistent discrimination, of violence and marginalisation. In general, little girls are raised to be totally dependent and submissive, and in most cases, they are denied schooling by their own parents who would rather invest in the education of their sons.

CEDAW in 2006 expressed concern that no specific measures are in place to ensure that women with disabilities are not discriminated, especially in education. While noting the development and increase in programmes and training courses related to children with disabilities as well as their inclusion into the regular educational system, CRC expressed in 2007 concern that the legal framework to address the specific needs of children with disabilities is lacking and recommended that Mali adopt this framework and implement all relevant provisions of existing legislation related to children with disabilities.
While noting that the Constitution proscribes discrimination, CRC in 2007 expressed concern that discrimination against girls and certain groups of children still exists in practice, particularly against children with disabilities, children born out of wedlock, children of disadvantaged families and children living and/or working on street, including garibou.

In 2007, CRC welcomed, also highlighted by UNHCR, the State’s initiatives to promote birth registration. However, the Committee expressed concern that birth registration is a complicated process that a large number of children are neither registered at birth nor at a later stage, and that major disparities exist between the birth registration of children in urban and rural and remote areas. The Committee recommended that the State continue its efforts of systematic birth registration for all children born within the national territory. The Committee also urged the State to proceed with the registration of those children who have not yet been registered and to enable them to access, in particular, education and health care. UNICEF informed that the national survey of birth registration conducted in 2004 showed that only 48 per cent of children under the age of 5 are entered in the civil registry.

While welcoming the programmes already implemented to combat FGM, the HR Committee in 2003, CEDAW in 2006, and CRC in 2007 noted with concern the high incidence of FGM and the absence of any law prohibiting this traditional and harmful practice. All three Committees urged Mali to enact legislation prohibiting and criminalising all forms of FGM and to adopt awareness-raising measures to ensure that offenders are prosecuted and adequately punished.

In 2007, CRC expressed concern about the persistence of early and forced marriages and other harmful traditional practices and urged Mali to implement legislative measures on the prohibition of traditional marriage practices, including early and forced marriages. In 2003, the HR Committee expressed similar concerns about early marriage.

While CRC noted in 2007 efforts undertaken by Mali to enact laws and regulations to combat child abuse and neglect, and also to combat corporal punishment, it expressed concern that Malian law fails to prevent and penalise child abuse and neglect, as well as to prohibit corporal punishment in the home, in all alternative-care settings and in penal institutions.

In 2007, CRC noted with concern the high number of children who work in Mali, in particular in the agricultural sector and as domestic servants, who may be subjected to violence and sexual abuse. It recommended, among other things, that the State strengthen its efforts to combat child labour, in particular by addressing the root causes of child economic exploitation through poverty eradication and education and to develop complaint and protection mechanisms. UNICEF informed that the national child labour survey carried out in 2005 by the National Statistical and Information Office shows that child labour is a troubling reality, particularly for girls from rural areas working as domestic servants. About two out of every three children aged 5 to 17 years are economically active, which amounts to more than 3 million girls and boys throughout the country.

While noting the efforts undertaken by the State to reduce child begging, CRC in 2007 remained concerned at the high and increasing number of street and begging children in Mali. The Committee recommended that Mali further address the problem of street and begging children and facilitate their reintegration into society. UNICEF noted that CRC expressed concern at the inadequate budget resources allocated to the well-being of children and at the widespread phenomenon of child beggars and the abuse, violence and exploitation to which children are subjected.

In 2007, CRC recommended, also highlighted by UNHCR, that the State ensure, through adequate legal provisions and regulations, that all child victims and/or witnesses of crimes e.g. abuse, domestic violence, sexual and economic exploitation, abduction, and trafficking are provided with the protection required by the Convention, and in doing so the State party take fully into account the United Nations Guidelines on Justice in Matters Involving Child Victims and Witnesses of Crime.

While welcoming Mali’s efforts to combat trafficking in children, including by signing cooperative agreements with its neighbouring countries, the HR Committee in 2003, CMW in 2006 and CRC in 2007 remained concerned about the cross-border trafficking of children in the region. The HR Committee in 2003 recommended that the State conduct a study on the relations between the descendants of slaves and the descendants of slave-owners in the North and inform the Committee of any measures taken in response. In 2006, CMW encouraged, also highlighted by UNHCR, the State to take effective measures to combat trafficking in women. CRC made in 2007 similar recommendations in relation to children.

While welcoming reforms under way in the justice sector, CRC in 2007 regretted, among others, the limited progress achieved in establishing a functioning juvenile justice system throughout the country and, in particular, the lack of systematic use of alternative measures, the detention of juveniles within the same facilities as adults and the absence of juvenile courts in most regions. The Committee recommended that Mali speed up the process of legal reform, develop and implement alternative measures such as diversion and restorative justice, and ensure that deprivation of liberty is used only as a measure of last resort and for the shortest appropriate period of time. CRC further requested that Mali improve detention conditions and ensure that children in detention are placed in separate facilities from adults, and provide training to those responsible for the juvenile justice system.

The HR Committee in 2003, CEDAW in 2006 and CRC in 2007 expressed concern about the vulnerability of young girls who migrate as domestic helpers to urban areas and are subject to exploitation by their employers, including sexual abuse.

While noting the adoption of the Strategic Framework for Combating Poverty in 2002, CRC expressed concern in 2007 about the high number of the population living below the poverty line.

While acknowledging the efforts undertaken by the State to improve health services, particularly in the area of immunisation, combating malaria and promoting breastfeeding, CRC remained in 2007 concerned at the limited number of doctors and of health centres, especially in rural and remote areas, the high rates of child malnutrition, the still low breastfeeding rates and the prevalence of malaria. CRC recommended, among other things, that Mali strengthen its efforts to ensure universal access to maternal and child health-care services and facilities and that it reinforce measures to prevent malnutrition and malaria and increase immunisation coverage.
They report that there are no institutional structures to find and help the young victims of trafficking and sexual exploitation. Although there is no recorded evidence available, FIDH reported that Mali is a country of transit for the trafficking in women and girls.

in legislation, as noted by GIEACP. GIEACP strongly recommended that Mali introduce legislation as a matter of urgency to prohibit alternative care settings, corporal punishment is prohibited in some institutions and childcare settings, but there is no explicit prohibition of child rights and human rights, including the right to life, liberty, and security of the person. A decree (1988) governing the penitentiary system forbids staff from using corporal punishment as a disciplinary measure in penal institutions, but there is no explicit prohibition. The Constitution (article 3) prohibits “torture or inhuman, degrading or humiliating treatment or punishment”. Corporal punishment is lawful in the home, but there is no explicit prohibition. Article 84 of the Family Relations Code (1973) states that “the authority of the father comprises a right to custody, of management, surveillance and correction”. Children are given limited protection from violence by the Code on the Protection of the Child (2002), particularly article 3, as it causes damage to the physical integrity of the person. FIDH estimates that nine girls in every ten undergo female genital mutilation, from the age of four in the regions and at an even younger age in the towns – the average in Bamako, the capital, being the age of one. The consequences to the health of the girls affected are severe (gynaecological and psychosomatic). FIDH reported that CEDAW is concerned by the prevalence of this harmful practice and the reticence by the State to adopt legislation to eliminate this fundamental violation of the rights of women. FIDH said how CEDAW had urged Mali to swiftly adopt legislation outlawing the practice of all forms of FGM, and to ensure that those who carry out the excision will be punished, and recommended the implementation of awareness-raising campaigns. In spite of these recommendations, Mali has still not adopted any legislation outlawing FGM. FIDH believe he measures that the government has introduced to tackle the problem are insufficient. FIDH recommends that the authorities impose a total ban on female genital mutilation, outlaw the practice of excision and all practices harmful to the health of women, and undertake awareness-raising campaigns against these practices.

The Global Initiative to End All Corporal Punishment of Children (GIEACP) pointed out that corporal punishment is lawful in the home. Article 84 of the Family Relations Code (1973) states that “the authority of the father comprises a right to custody, of management, surveillance and correction”. Children are given limited protection from violence by the Code on the Protection of the Child (2002), which includes provisions against repeated violations of their integrity and all acts of brutality likely to harm their emotional, psychological or physical balance (article 56). GIEACP noted that as at February 2007, a draft Individuals and Family Code was under discussion. Under examination by the Committee on the Rights of the Child in January 2007, the Government delegation stated its commitment to implementation of all the recommendations of the UN Secretary General’s Study on Violence against Children. GIEACP added that corporal punishment is prohibited in schools, under internal regulations of 8 April 1994 (fundamental schools) and of 15 April 1994 (special education institutions and kindergartens). According to GIEACP, it is reportedly practised in coranic schools and in the “medersas” (Moslem Theology Schools).

In 2007, CRC acknowledged the following challenges faced by the State: the high rate of poverty; serious problems of accessibility, in particular, for people living in the large and desert areas; and the prevalence of traditions and customs that may hamper progress towards the full realisation of all human rights and fundamental freedoms of children.

Summary of Stakeholders' Information

FIDH recommended that Mali reform the family code as CEDAW recommended in order to prevent underage marriages.

FIDH also reported that various harmful forms of female genital mutilation (FGM) are undertaken in Mali, which goes against CEDAW, particularly article 3, as it causes damage to the physical integrity of the person. FIDH estimates that nine girls in every ten undergo female genital mutilation, from the age of four in the regions and at an even younger age in the towns – the average in Bamako, the capital, being the age of one. The consequences to the health of the girls affected are severe (gynaecological and psychosomatic). FIDH reported that CEDAW is concerned by the prevalence of this harmful practice and the reticence by the State to adopt legislation to eliminate this fundamental violation of the rights of women. FIDH said how CEDAW had urged Mali to swiftly adopt legislation outlawing the practice of all forms of FGM, and to ensure that those who carry out the excision will be punished, and recommended the implementation of awareness-raising campaigns. In spite of these recommendations, Mali has still not adopted any legislation outlawing FGM. FIDH believe he measures that the government has introduced to tackle the problem are insufficient. FIDH recommends that the authorities impose a total ban on female genital mutilation, outlaw the practice of excision and all practices harmful to the health of women, and undertake awareness-raising campaigns against these practices.
Furthermore, lots of young children from neighbouring countries are exploited in plantations, and young girls are employed as domestic servants. FIDH reported that the CEDAW committee welcomed the adoption of important judicial, administrative and preventive measures as part of its plan of action and in partnership with neighbouring countries. However, FIDH reports that the CEDAW committee expressed its concern at the lack of information on the steps being taken to combat the practice. Furthermore, the committee urged Mali to take an integrated approach so that women and girls can receive an education without recourse to prostitution, and to put in place programmes of re-adaptation and re-integration into society.

FIDH recommends the strict application of articles 220, 240 and the penal code concerning the abduction, trafficking, employment and servitude of children, and to improve the assistance provided to child victims of trafficking. FIDH also recommends having structures to host and assist and help the victims of trafficking to return to their country of origin.

FIDH reports that 70 per cent of the population of Mali is illiterate. Whilst government action has reduced inequality in education, it is still rampant, especially in rural areas. Young women and girls are less well-represented in the education system than boys, who families consider a “better investment”. The CEDAW committee is concerned by this situation and has urged the government of Mali to embark on a public opinion awareness-raising campaign on the importance of education and to take measures against harmful traditional practices that get in the way of progress in this area. It urged the state to increase the numbers of girls in school. FIDH recommends that the government implement a concrete strategy to get more girls into school, especially in rural areas, and to reform the educational system in favour of young women in the higher education system.

**Final Report**

- In order to contend with the weight of tradition that perpetuated certain practices deemed harmful to women and children, Mali had focused on education and awareness-raising, rather than the adoption of laws that might not be implemented effectively if they did not have the population’s backing. For example, in order to combat excision, family violence and child labour, the Government had adopted programmes (National Programme to Combat the Practice of Excision, National Plan to Combat Violence against Women, Girls and National Programme to Combat Child Labour), which were currently being implemented and which were producing encouraging results. In order to protect vulnerable persons, the Government had set up the Ministry for the Advancement of Women, Children and the Family and a Ministry for Social Development, Solidarity and the Elderly. In order to improve the protection and promotion of human rights, Mali had requested the international community’s assistance in implementing its Social and Economic Development Programme.

(ii) Interactive Dialogue with the State under Review

- Chad welcomed efforts for the protection of women and children, however, noting the problem of trafficking in children which is a problem affecting West Africa, it asked what measures have been taken by Mali to address this problem. It also asked Mali to elaborate further on the reasons for the delay in the process of adopting a persons and family code.

- Tunisia took note of Mali’s efforts in the fight against child labour and trafficking in children, in spite of the persistence of customary traditions. Tunisia enquired about the strategy against cross-border trafficking in children and about the difficulties faced in its implementation.

- Cameroon encouraged Mali to intensify the measures for the protection of human rights, in particular those of children and women.

- The Netherlands further indicated that despite measures taken by the Government, female genital mutilation (FGM) is still widespread in Mali and recommended that Mali enact legislation prohibiting all forms of this harmful traditional practice in line with recommendations made by the Human Rights Committee, Committee on the Elimination of Discrimination against Women (CEDAW) and the Committee on the Rights of the Child. Considering that article 116 of the Constitution gives precedence to international law, the Netherlands recommended that Mali further step up its efforts to bring earlier national legislation in line with its international obligations, especially in the area of women’s and children’s rights.

- The Czech Republic asked the delegation to further elaborate on measures adopted to eliminate harmful traditions and practices such as polygamy and FGM. It recommended the adoption of legislative and other measures, including awareness-raising campaigns, to discontinue the existence of harmful traditions and practices undermining the enjoyment of human rights by women. It also recommended the adoption and implementation of legislation prohibiting and criminalizing FGM.

- The United Kingdom welcomed Mali’s commitment to addressing discrimination against women and girls, noted the concerns expressed by various monitors that Mali has no legislation prohibiting and criminalizing FGM and recommended that Mali take further steps to combat all discriminatory and harmful cultural practices that prevent women and girls from enjoying their human rights. The United Kingdom supported the view of UNICEF that there is genuine political will to improve the situation of children and agreed with the recommendation made by the Committee on the Rights of the Child that Mali continue its efforts of systematically registering children at birth, particularly in remote areas.

- Referring to the bill to be adopted on a new citizen’s code, Luxemburg recommended that this code should, inter alia, establish legal equality between men and women with a view to abolishing any discrimination and all violence, including domestic violence suffered by women and girls, and legally ban FGM, and recommended that this bill be promptly adopted in Parliament.

- Japan asked what specific measures the Government had taken so far to draw up a comprehensive plan of action for children, as recommended by the Committee on the Rights of the Child. Finally, Japan recommended Mali to consider the practicability of enacting legislation prohibiting FGM.

- With reference to concerns raised by three treaty bodies (Human Rights Committee, CEDAW, and the Committee on the Rights of the
Secondly, Italy enquired about the results of the strategy implemented with regard to FGM and recommended Mali that reinforce the
recommended that Mali adopt effective measures to combat all forms of ill-treatment of children, including corporal punishment. Italy asked what
action has been taken by the High National Council to combat HIV/AIDS.

- Canada made reference to the recommendation made by CEDAW to adopt legislation on domestic violence, which would include
marital rape, sexual harassment and other forms of sexual abuse, as well as to recommendations made by the Human Rights Committee
regarding the need for Mali to take the necessary measures to prohibit and criminalise FGM. Canada recommended that Mali take the
necessary measures to implement the recommendations of CEDAW and the Human Rights Committee concerning violence against
women and FGM. Canada also recommended the organisation of an awareness-raising campaign on the illegality and the medical
consequences of FGM.

- The Democratic Republic of the Congo recommended the reinforcing of measures taken against trafficking children, in particular
cross-border trafficking, and child labour.

- France enquired about measures envisaged to reduce inequalities between girls and boys in the field of education, especially in rural
areas, and to combat FGM, especially in the criminal and educational areas.

- In reply to questions asked by several delegations, the representative of Mali noted that the questions focused on a number of issues. As
far as trafficking in children was concerned, he said that an emergency plan of action to combat the cross-border trafficking in children
had been drawn up and implemented in 2000 and 2001. A national action plan against trafficking in children for the period 2002-2006
had been prepared and implemented. Community surveillance units had been created to prevent children from leaving. Moreover, Mali
had acceded to various regional and international instruments on the protection of children, particularly those aimed at combating child
labour and trafficking in children. Bilateral and multilateral agreements had also been signed and a travel document that could be used as
a passport had been introduced for children up to the age of 18. A cooperation programme between Mali and the United Nations
Children’s Fund (UNICEF) for the period 2008-2012 and a national programme to prevent child labour had been prepared. Order No.

- Malian policy on female genital mutilation centred on awareness-raising and education and was based on the belief that it was essential
to obtain widespread public support for the eradication of such practices before adopting legislation. The results obtained from that
policy, when compared with those of other countries that had introduced legislation on the subject, were encouraging.

- Sectoral committees to combat HIV/AIDS had been set up in all ministerial departments and in certain private enterprises, and a
special programme had been prepared for children with AIDS and AIDS orphans.

- Mexico recommended that, together with sensitisation and awareness-raising campaigns, the Government also take the necessary
legislative measures to prohibit FGM. Furthermore, Mexico recommended that the juvenile justice system be extended to the whole
country and that alternative forms of deprivation of liberty for children in conflict with the law be created.

- Turkey encouraged Mali to speed up the process for the adoption of the draft law to suppress the discriminatory provisions against
women and children, and to ensure the prohibition of FGM.

- Madagascar noted Mali’s responses to questions sent in advance but requested nevertheless more information on problems encountered
in implementing the national programme to combat trafficking in women and children and on solutions and results obtained so far. To
elminate this scourge, which is developing disturbing proportions in Africa, Madagascar asked how Mali ensures that its actions can
continue over time.

- Brazil enquired about practical measures taken by the Government to combat child labour, particularly of girls in rural areas, and to facilitate
the reintegration of street children and begging children into the society. Recognizing Mali’s efforts to combat child trafficking,
including the signing of cooperation agreements with neighbour countries, Brazil asked what practical measures the Government was
taking to fight cross-border trafficking of children. Finally, Brazil recommended to Mali to implement effective measures to fight child
labour and trafficking in children.

- Australia also welcomed efforts to combat FGM but noted with concern the high incidence of this practice, and asked for more
information on efforts to prohibit this practice in law.

- United States of America noted Mali’s responses to questions on FGM and stated that it shares the concerns expressed by other
delегations.

- Noting that the Committee on the Rights of the Child expressed its concern at the lack of specific legislation on the prohibition of ill-
treatment of children, and suggested foreseeing the adoption of norms leading to a general prohibition of corporal punishment, Italy
recommended that Mali adopt effective measures to combat all forms of ill-treatment of children, including corporal punishment. Secondly, Italy enquired about the results of the strategy implemented with regard to FGM and recommended Mali that reinforce the
measures to combat this phenomenon.
- Cuba asked the delegation to further elaborate on the functioning of the community vigilant mechanisms on trafficking in children, as an example of a good practice to address this problem.

- Burkina Faso highlighted the progress achieved in the field of health services, with the adoption of measures to assure free caesarean operations and the treatment of tuberculosis and malaria for pregnant women and children under five. Burkina Faso noted that in the field of education many challenges exists, for which Mali needs assistance from technical and financial partners.

- South Africa welcomed the establishment, in 2006, of a national human rights institution and enquired about best practices concerning the development of training courses related to children with disabilities, as well as their inclusion in the regular education system, as noted by the Committee on the Rights of the Child. South Africa recommended that Mali accelerate its efforts to increase school enrolment, including enrolment parity between girls and boys.

- The Republic of Korea referred to the right to food and asked whether the delegation could elaborate on concrete measures to overcome malnutrition and food insecurity affecting its population, particularly infants and children.

- Sudan mentioned the efforts made regarding the protection of women against violence and FGM. Noting efforts to address trafficking in women and children, Sudan expressed the wish that Mali pursue its efforts to combat trafficking in children and the sale of children.

- Congo recommended that appropriate technical and financial assistance be provided to Mali in the struggle against the phenomenon of children living and working in the street.

- Portugal expressed concern at the high percentage of illiteracy among women, and recommended that Mali enhance its policies regarding access to education in particular for girls. Portugal also expressed concern at the high incidence of certain practices that violate the rights of young women, such as FGM and forced marriages, and asked what laws existed to combat these phenomena.

- Bangladesh asked about specific measures that have been taken or will be taken in the future to increase school enrolment and to bring gender parity into schools, as stipulated in the Millennium Development Goals.

- The Syrian Arabic Republic asked the delegation to elaborate more on the pioneer project of setting up a Parliament of children.

- Guatemala welcomed the efforts made to improve the quality of life of Mali’s population, above all the political will to improve the situation of women and children, in particular regarding access to health services and education. With regard to FGM, one of the worst traditional practices, Guatemala welcomed that the Government recognises that legislation prohibiting this practice must be adopted and also welcomed the creation of a national programme to combat FGM. Guatemala agreed that eradicating this practice will only be possible through awareness-raising, which must however be accompanied by adequate legislation and its efficient implementation.

- Replying to the comments and questions from various delegations, the representative of Mali confirmed that a project to set up children’s courts in other regions of the country was under way. On the subject of female genital mutilation, he reiterated that his country preferred awareness-raising and education to the adoption of punitive measures. In that context, the national programme to combat the practice of excision had been adopted in 2002 and a national action plan to combat the practice of excision was also planned for the period 2008-2012. Awareness-raising and education had led to a reduction in the excision rate from 94 per cent in 1996 to 85 per cent in 2006. As for the vulnerability and exploitation of rural girls who worked as domestic servants in urban areas, he pointed out that the Labour Code protected all employees. Nevertheless, he acknowledged that domestic workers should be covered by special provisions in order to give them greater protection. The Government, together with UNICEF, the United Nations Population Fund (UNFPA) and the United Nations Development Programme (UNDP), had launched and implemented a project chiefly aimed at informing migrant girls about their rights, organizing them in networks and offering them access to microfinance. Concerning trafficking in children, he said that the main difficulties stemmed from the cross-border nature of that phenomenon. Community surveillance units were intended to combat trafficking in children by calling on key local figures to bring their influence to bear and to prevent children from leaving their village and going to neighbouring countries. As far as prisons were concerned, he said that there were detention centres for women and children and that special areas for women and children had been created in all Malian prisons.

- Replying to the question about the low school enrolment rate and, in particular, the disparity of enrolment between girls and boys, the representative of Mali pointed out that the school enrolment rate had risen from 67 per cent to 77 per cent for primary education and from 30 per cent to 44.3 per cent for secondary education. Moreover, there was a national policy to encourage the enrolment of girls and a policy on school canteens. Despite the Government’s efforts and its steadfast political will to increase girls’ school attendance, the after-effects and weight of tradition still led to a disparity in school enrolment rates for girls and boys. The current Marriage and Guardianship Code provided that marriage must be based on mutual consent, and set a minimum age of 18 for boys and 15 for girls. Once the draft Personal and Family Code was adopted, it would set a uniform minimum age for marriage of 18 for both sexes and would abolish all the other provisions that discriminated against women and children. Begging by children in Koranic schools and by children from poor families was an infringement of the law. With regard to allocations for children, he said that his country’s efforts were proving inadequate because of the Government’s meagre resources.

Conclusion and Recommendations

The recommendations formulated during the interactive dialogue have been examined by Mali and the recommendations listed below enjoy the support of Mali:

- To reinforce the measures to combat FGM (Italy); to organise an awareness-raising campaign on the illegality and the medical consequences of FGM (Canada);
- To take further steps to combat all discriminatory and harmful cultural practices, including FGM, that prevent women and girls from enjoying their human rights (United Kingdom); to review all laws with the aim at eliminating all discriminatory norms against women (Germany); to take the necessary steps to reduce discriminatory practices and violence against women (France); to give high priority to reforming discriminatory legislation in order to adopt as soon as possible the draft family code, taking into account the recommendations made by CEDAW (Switzerland);

- To further step up its efforts to bring earlier national legislation in line with its international obligations, especially in the area of women’s and children’s rights, considering that article 116 of the Constitution gives precedence to international law (Netherlands);

- To strengthen the national framework for the protection of human rights, including by the adoption of legislation especially for the protection of women and children (Czech Republic);

- To expand coverage and access to services that prevent the transmission of HIV from mother to child (Ireland);

- To reinforce the measures taken against trafficking children, in particular cross-border trafficking, and child labour (Democratic Republic of Congo); to implement effective measures to fight child labour and trafficking in children (Brazil);

- To adopt effective measures to combat all forms of ill-treatment of children, including corporal punishment (Italy);

- To accelerate efforts to increase school enrolment, including parity between girls and boys (South Africa); to enhance its policies regarding access to education, in particular for girls (Portugal);

- To extend the juvenile justice system to the whole country and create alternative forms of deprivation of liberty for children in conflict with the law (Mexico);

The following recommendations will be examined by Mali which will provide responses in due time. The responses of Mali will be included in the outcome report to be adopted by the Human Rights Council at its eighth session.

- To enact legislation prohibiting all forms of traditional practice of FGM in line with recommendations made by the Human Rights Committee, CEDAW and the Committee on the Rights of the Child (Netherlands); to consider the practicability of enacting legislation prohibiting FGM (Japan); to enact legislation prohibiting all forms of FGM (Ireland); to adopt legislative and other measures, including awareness-raising campaigns, to discontinue the existence of harmful traditions and practices undermining the equal enjoyment of human right by women; in particular to adopt and implement legislation prohibiting and criminalizing FGM as well as domestic and other forms of violence against women (Czech Republic); to promptly adopt appropriate legislation, which prohibits excision and all forms of FGM and ensures that all those responsible for excision are duly punished (Switzerland); to take, together with sensitisation and awareness-raising campaigns, the necessary legislative measures to prohibit FGM (Mexico); to ensure that laws combating FGM and forced marriages are compatible with its international human rights obligations and that resources are allocated, including through multilateral international cooperation, to fully implement such laws (Portugal); to take the necessary measures to implement the recommendations of CEDAW and the Human Rights Committee concerning violence against women and FGM (Canada);

- To establish legal equality between men and women with a view to abolishing any discrimination and all violence, including domestic violence suffered by women and girls, and legally ban FGM (Luxembourg).