

Mali

Mid-term Implementation Assessment (MIA)



UPR-INFO.ORG
PROMOTING AND STRENGTHENING THE UNIVERSAL PERIODIC REVIEW

Introduction

1. Purpose of the follow-up programme

The second and subsequent cycles of the review should focus on, inter alia, the implementation of the accepted recommendations and the development of the human rights situation in the State under review.

A/HRC/RES/16/21, 12 April 2011 (Annex I C § 6)

The review process takes place every four years; however, some recommendations can be implemented immediately. In order to reduce this interval, we have created an update process to evaluate the human rights situation two years after the examination at the Universal Periodic Review.

Broadly speaking, *UPR Info* seeks to ensure the respect of commitments made in the UPR, but also more specifically to give stakeholders the opportunity to share their opinion on the commitments. To this end, about two years after the review, *UPR Info* invites States, NGOs and National Institutions for Human Rights (NHRI) to share their comments on the implementation (or lack thereof) of recommendations adopted at the Human Rights Council (HRC).

For this purpose, *UPR Info* publishes a Mid-term Implementation Assessment (MIA) including responses from each stakeholder. The MIA is meant to show how all stakeholders are willing to follow and implement their commitments: NGOs should monitor the implementation of the recommendations that States should implement.

While the follow-up's importance has been highlighted by the HRC, no precise directives regarding the follow-up procedure have been set until now. Therefore, *UPR Info* is willing to share good practices as soon as possible and to strengthen the collaboration pattern between States and stakeholders. Unless the UPR's follow-up is seriously considered, the UPR mechanism as a whole could be affected.

The methodology used by UPR Info to collect data and to calculate index is described at the end of this document.

Geneva, 6 September 2011

Follow-up Outcomes

1. Sources and results

All data are available at the following address:

<http://followup.upr-info.org/index/country/mali>

We invite the reader to consult that webpage as all recommendations, the full reports and the unedited comments can be found at that very internet address.

2 NGOs were contacted. Both the mission to the UN in Geneva and the State were contacted. The domestic NHRI was contacted.

1 NGO responded to our enquiry: *Global Initiative to End All Corporal Punishments of Children (GIEACPC)*. The state under review did not respond to our enquiry. The domestic NHRI responded to our enquiry: *Commission nationale consultative des droits de l'homme (CNDH)*.

IRI: 15 recommendations are not implemented, 7 recommendations are partially implemented, and 3 recommendations are fully implemented. No answer was received for 21 out of 46 recommendations.

2. Feedbacks on recommendations

Recommendation n° 1: *Pursue its efforts against poverty with appropriate and focused assistance from the international community, including OHCHR.* (Recommended by Algeria)

IRI: partially implemented

CNDH response:

Malgré l'existence du Cadre stratégique de réduction de la pauvreté (csrcp), et autres cadres de lutte contre la pauvreté, la majorité de la population malienne est très pauvre. L'Etat doit renforcer ses efforts de lutte contre la pauvreté.

Recommendation n° 2: *Pursue its efforts, with the support of OHCHR, for the submission of its reports to the treaty bodies in due course.* (Recommended by Algeria)

IRI: not implemented

+

Recommendation n° 30: *Elaborate a plan and a timetable to bring the presentation of reports to treaty bodies up to date.* (Recommended by Portugal)

IRI: not implemented

CNDH response:

Etat de mise en œuvre : le Mali est toujours en retard dans le dépôt de ses rapports devant les organes conventionnels. Donc on peut dire que cette recommandation n'est pas encore mise en œuvre.

Recommendation n° 3: *Implement effective measures to fight child labour and trafficking in children.* (Recommended by Brazil)

IRI: fully implemented

+

Recommendation n° 13: *Reinforce the measures taken against trafficking children, in particular cross-border trafficking, and child labour.* (Recommended by Democratic Republic of Congo)

IRI: fully implemented

CNDH response:

Un comité national de lutte contre la traite des enfants avec un plan d'action, a été créé et siège au Ministère de la justice.

Recommendation n° 4: *Organize an awareness-raising campaign on the illegality and the medical consequences of FGM.* (Recommended by Canada)

IRI: not implemented

+

Recommendation n° 20: *Reinforce the measures to combat FGM.* (Recommended by Italy)

IRI: not implemented

CNDH response:

Malgré les efforts de sensibilisation de la population sur les méfaits de l'excision, l'Etat n'a pas encore élaboré de loi interdisant cette pratique.

Il est nécessaire d'associer la loi réprimant cette pratique à la sensibilisation sur les conséquences néfastes de l'excision.

Recommendation n° 5: *Take the necessary measures to strengthen the independence of the judiciary, to eliminate corruption and to ensure that the conditions of persons deprived of their liberty are in conformity with relevant international standards.* (Recommended by Canada)

IRI: not implemented

CNDH response:

La pratique de la corruption est devenue un phénomène endémique. Les efforts entrepris sont insuffisants pour éradiquer la corruption.

Recommendation n° 6: *Continue to encourage women to run for elections.* (Recommended by Canada)

*IRI: partially implemented*CNDH response:

Sur cette recommandation, la volonté politique est faible, ainsi que les efforts entrepris. Les femmes manquent de moyens financiers et matériels pour se porter candidates aux élections. Le pourcentage de femmes candidates est encore faible. Elles sous-représentées aux postes de prise de décision et aux fonctions électives.

Recommendation n° 9: *Strengthen the national framework for the protection of human rights, including by the adoption of legislation especially for the protection of women and children.* (Recommended by Czech Republic)

*IRI: not implemented*CNDH response:

La Commission Nationale des droits de l'homme du Mali qui est l'institution nationale des droits de l'homme n'est pas encore conforme aux principes de Paris en raison de son manque d'indépendance, et du manque d'autonomie financière, et d'un budget suffisant pour accomplir ses missions de promotion et de protection des droits de l'Homme.

Recommendation n° 14: *Take the necessary steps to reduce discriminatory practices and violence against women.* (Recommended by France)

IRI: not implemented

+

Recommendation n° 15: *Review all laws with the aim at eliminating all discriminatory norms against women.* (Recommended by Germany)

IRI: not implemented

+

Recommendation n° 14: *Take further steps to combat all discriminatory and harmful cultural practices, including FGM, that prevent women and girls from enjoying their human rights.* (Recommended by United Kingdom)

*IRI: not implemented*CNDH response:

Le Mali n'a pas encore adopté le projet de Code des personnes et de la famille jusqu'à ce jour 8 Août 2011. Ce projet est encore pendant devant l'ASSEMBLEE NATIONALE. Ensuite il n'existe pas de loi réprimant spécifiquement les discriminations faites aux femmes, et les violences faites aux femmes. Les femmes continuent toujours d'être victimes des discriminations dans les textes et dans la pratique, et victimes de plusieurs formes de violences.

Recommendation n° 16: *Improve prison conditions by reducing overcrowding and ensuring access to adequate medical treatment.* (Recommended by Ireland)

*IRI: not implemented*CNDH response:

L'effectif des centres de détention est toujours pléthorique, et les prisonniers

souffrent des mauvaises conditions de détention et du manque de médicaments et de nourriture.

Recommendation n° 17: *Expand coverage and access to services that prevent the transmission of HIV from mother to child.* (Recommended by Ireland)

IRI: fully implemented

CNDH response:

Des efforts ont été entrepris dans ce sens. Des centres de conseil et dépistage volontaires et de prise en charge de transmission mère-enfant ont vu le jour.

Recommendation n° 19: *Adopt effective measures to combat all forms of ill-treatment of children, including corporal punishment.* (Recommended by Italy)

IRI: partially implemented

CNDH response:

Des efforts ont été entrepris dans ce sens. Des centres de conseil et dépistage volontaires et de prise en charge de transmission mère-enfant ont vu le jour.

Global Initiative to End All Corporal Punishments of Children response:

New Family Code under discussion which does not include a "right of correction", though it does not explicitly prohibit corporal punishment.

Recommendation n°22: *Promptly adopt the bill on a new citizen's code.* (Recommended by Luxembourg)

IRI: not implemented

CNDH response:

Le projet de code des personnes et de la famille n'est pas encore adopté à cause de la pression des associations islamistes qui ont exercé la pression sur le CHEF de L'ETAT.

Recommendation n°23: *Promptly adopt the bill to abolish the death penalty.* (Recommended by Luxembourg)

IRI: not implemented

CNDH response:

Le projet de loi pour l'abolition de la peine de mort n'est pas encore adopté, et la peine de mort existe encore dans le code pénal malien.

Recommendation n°25: *Extend the juvenile justice system to the whole country and create alternative forms of deprivation of liberty for children in conflict with the law.* (Recommended by Mexico)

IRI: not implemented

CNDH response:

Cette recommandation n'est pas encore effective, car les enfants en conflit avec la loi sont dans des centres de détention pour mineurs, et les peines alternatives à l'emprisonnement ne sont pas appliquées malgré certaines dispositions de la loi.

Recommendation n°27: *Recommended that Mali's request for technical assistance should be taken on board by the international community.* (Recommended by Morocco)

IRI: partially implemented

+

Recommendation n°35: *Recommended that appropriate technical and financial assistance be provided to Mali in the field of women literacy and in the struggle against the phenomenon of children living and working in the street.* (Recommended by Republic of Congo)

IRI: partially implemented

+

Recommendation n°43: *Recommended that Mali be provided with the necessary technical assistance it is seeking in order to promote human rights in the country.* (Recommended by Syria)

IRI: partially implemented

CNDH response:

Le taux d'analphabétisme reste toujours élevé chez les femmes et les efforts entrepris par l'Etat sont insuffisants. Le phénomène d'enfants mendiants, et d'enfants vivant dans la rue est en train de prendre de l'ampleur. Quelques initiatives sont en cours par rapport aux enfants talibés, néanmoins cette catégorie d'enfants vit toujours dans la rue.

Recommendation n°28: *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.* (Recommended by Netherlands)

IRI: not implemented

CNDH response:

Le Mali a ratifié la quasi-totalité des textes internationaux, mais n'a rien entrepris pour harmoniser sa législation nationale avec ces textes internationaux ratifiés. Malgré l'article 116 de la Constitution en vigueur, les textes internationaux ne sont pas appliqués.

Recommendation n°32: *Raise awareness regarding human rights and the rule of law.* (Recommended by Portugal)

IRI: partially implemented

CNDH response:

Les activités d'éducation et de sensibilisation aux droits de l'Homme sont menées essentiellement par la société civile. Les efforts entrepris par l'Etat dans ce sens sont très timides.

Recommendation n°40: *Adopt measures to combat violence, in particular through legislation defining and outlawing domestic violence, and by providing training to*



judges and civil servants and organizing awareness-raising programmes targeting society as a whole. (Recommended by Switzerland)

IRI: not implemented

CNDH response:

Recommandation non mise en œuvre.

Methodology

A. First contact

Although the methodology has to consider the specificities of each country, we applied the same procedure for data collection about all states:

1. We contacted both the delegate who represented the State at the UPR and the permanent mission to the UN in Geneva or New York;
2. We contacted all NGOs which took part in the process. Whenever NGOs were part of coalitions, each NGO was individually contacted;
3. The National Institution for Human Rights was contacted whenever one existed.

We posted our requests to the States and NHRI, and sent emails to NGOs.

The purpose of the UPR is to discuss issues and share concrete suggestions to improve human rights on the ground. Therefore, stakeholders whose objective is not to improve the human rights situation were not contacted, and those stakeholders' submissions were not taken into account.

However, since the UPR is meant to be a process which aims at sharing best practices among States and stakeholders, we consider positive feedbacks from the latter.

B. Processing the recommendations

The persons we contact are encouraged to use an Excel sheet we provide which includes all recommendations received by the State reviewed.

Each submission is processed, whether the stakeholder has or has not used the Excel sheet. In the latter case, communication is split up among recommendations we think it belongs to. Since such a task opens the way of misinterpretation, we strongly encourage using the Excel sheet.

If the stakeholder does not clearly mention neither the recommendation was “fully implemented” nor “not implemented”, UPR Info usually considers the recommendation as “partially implemented”, unless the implementation level is obvious.

While we do not mention recommendations which were not addressed, they can be accessed on the follow-up webpage.

C. Implementation Recommendation Index (IRI)

UPR Info developed an index showing the State's willingness to implement recommendations received at the UPR.

The **Implementation Recommendation Index (IRI)** is an individual recommendation index. Its purpose is to show both disputed and agreed.

The *IRI* is meant to take into account stakeholders disputing the implementation of a recommendation. Whenever a stakeholder claims nothing has been implemented at all, the index score is noted as 0. At the opposite, whenever a stakeholder claims a recommendation has been fully implemented, the *IRI* score is 1.

An average is calculated to fully reflect the many sources of information. If the State under review says the recommendation has been fully implemented and a stakeholder says it has been partially implemented, score is 0.75.

Then the score is transformed into an implementation level, according to the table hereafter:

Percentage:	Implementation level:
0 – 0.32	Not implemented
0.33 – 0.65	Partially implemented
0.66 – 1	Fully implemented

Example: On one side, a stakeholder comments on a recommendation requesting the establishment of a National Human Rights Institute (NHRI). On the other side, the State under review claims having partially set up the NHRI. As a result of this, the recommendation will be given an *IRI* score of 0.25, and thus the recommendation is considered as “not implemented”.

Contact

UPR Info

Avenue du Mail 14

CH - 1205 Geneva

Switzerland

Website:

<http://www.upr-info.org>



Phone:

+ 41 (0) 22 321 77 70

Fax:

+ 41 (0) 22 321 77 71

General enquiries

info@upr-info.org

Follow-up programme

followup@upr-info.org

Newsletter “UPR Trax”

uprtrax@upr-info.org