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**DRAFT REPORT OF THE WORKING GROUP ON THE  
UNIVERSAL PERIODIC REVIEW**

**Mali \***

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## Introduction

1. The Working Group on the Universal Periodic Review (UPR), established in accordance with Human Rights Council resolution 5/1 of 18 June 2007, held its second session from 5 to 19 May 2008. The review of Mali was held at the 16th meeting on 15 May 2008. The delegation of Mali was headed by S.E. Mr. Maharafa Traore, Minister of Justice, *Garde des Sceaux*. For the composition of the delegation, composed of 8 members, see annex below. At its 17th meeting held on 19 May 2008, the Working Group adopted the present report on Mali.

2. On 28 February 2008, the Human Rights Council selected the following group of rapporteurs (troika) to facilitate the review of Mali: Mauritius, Brazil and Japan.

3. In accordance with paragraph 15 of the annex to resolution 5/1, the following documents were issued for the review of Mali:

(a) A national report submitted in accordance with paragraph 15 (a) (A/HRC/WG.6/2/MLI/1);

(b) A compilation prepared by the Office of the High Commissioner for Human Rights (OHCHR), in accordance with paragraph 15 (b) (A/HRC/WG.6/2/MLI/2);

(c) A summary prepared by OHCHR, in accordance with paragraph 15 (c) (A/HRC/WG.6/2/MLI/3).

4. A list of questions prepared in advance by Canada, Denmark, Germany, Latvia, the Netherlands, Sweden and the United Kingdom of Great Britain and Northern Ireland was transmitted to Mali through the troika. These questions are available on the extranet of the UPR.

## I. SUMMARY OF THE PROCEEDINGS OF THE REVIEW PROCESS

### A. Presentation by the State under review

5. A la 17ème réunion du 15 mai 2008, S.E. M. Maharafa TRAORE, Ministre de la Justice, Garde des Sceaux, a introduit le rapport national. Le représentant du Mali a affirmé que l'examen périodique universel (EPU) est un mécanisme dynamique et interactif qui devra, à terme, contribuer à la promotion et à la protection des droits de l'homme dans le monde. Ce mécanisme onusien ressemble, par ses objectifs et sa méthode, au Mécanisme Africain d'Evaluation par les Pairs de l'Union Africaine pour lequel le processus d'évaluation du Mali a été lancé le 1<sup>er</sup> novembre 2007.

6. Le représentant du Mali a affirmé que le processus de préparation du rapport a été marqué par une campagne d'information sur le mécanisme d'EPU, son originalité, les objectifs visés et son caractère participatif en mettant notamment l'accent sur le rôle attendu de la société civile. Suivant les recommandations du Conseil des droits de l'homme, le Mali a mis en place un Comité interministériel élargi aux organisations de la société civile, pour élaborer dans un esprit de collaboration le rapport national dont le contenu a fait l'objet d'un véritable consensus. Cette démarche participative a permis d'intégrer dans le rapport les observations et recommandations pertinentes formulées par les différents acteurs de la société civile. Le Mali a en outre rappelé son évolution politique en indiquant qu'en 1236, une charte sur la gouvernance dénommée « Charte de Kouroukan Fougá » avait été adoptée et énonçait, avec plusieurs siècles d'avance, des principes-clés des démocraties modernes, comme celui selon lequel « la personne humaine est sacrée et inviolable ». Le Mali a affirmé que sa pratique politique actuelle puise ses racines à la fois dans cette riche référence historique et dans les valeurs universelles contemporaines de démocratie et de

libertés. Il a affirmé que l'avènement de la démocratie et de l'Etat de droit dans les années 90, marqué notamment par la mise en place d'institutions démocratiques, la mise en œuvre de la politique de décentralisation, la libération de l'espace médiatique et l'émergence d'une société civile dynamique, a favorisé le renforcement du cadre de promotion et de protection des droits de l'homme et des libertés démocratiques dans le pays. Il a par ailleurs informé que la mission d'assurer la promotion et la protection des droits humains a été confiée au Ministre de la Justice, Garde des Sceaux, par voie de décret en octobre 2007. En plus de certaines structures existantes telles que le Médiateur de la République, le Conseil Supérieur de la Communication et la Commission Nationale des Droits de l'Homme, le Mali envisage la création prochaine d'une structure nationale chargée de l'élaboration et de la mise en œuvre de la politique nationale en matière de promotion et de protection des droits humains. Concernant la Commission Nationale des Droits de l'Homme, le Mali a affirmé qu'elle répond aux critères d'indépendance et d'autonomie exigés par les Principes de Paris, bien que créée par décret. Toutefois, il a souligné que, pour répondre aux sollicitations qui lui ont été adressées, un projet de loi portant création de la Commission Nationale des Droits de l'Homme a été inscrit au programme de travail du Gouvernement du second semestre 2008.

7. Avec le soutien de ses partenaires du système des Nations Unies, le Gouvernement se propose de mettre en place un programme conjoint d'appui à la « Promotion des Droits Humains et du Genre au Mali », avec comme mission de promouvoir les connaissances en matière des droits humains et d'assurer leur mise en œuvre pour la période 2008-2012. On peut noter aussi la ratification par le Mali d'instruments juridiques régionaux et internationaux de promotion et de protection des droits de l'homme ainsi que la présentation de rapports à certains organes des traités et la mise en œuvre des observations et recommandations formulées par ces organes. A cet égard, le Gouvernement a engagé la réflexion pour déterminer les moyens visant à renforcer les capacités nationales en vue de la présentation régulière des rapports périodiques. Par ailleurs, le 10 décembre de chaque année, le Mali organise une tribune nationale des droits de l'homme, dénommée « Espace d'Interpellation Démocratique » (EID) où les citoyens interpellent directement les membres du Gouvernement sur les éventuels cas de violations des droits de l'homme dont ils auraient été victimes pendant l'année. Dans ce cadre, le Mali se propose de célébrer avec un éclat particulier le 60<sup>ème</sup> anniversaire de la Déclaration universelle des droits de l'homme. En outre, l'adoption d'un Programme National d'Education à la Citoyenneté s'inscrit dans cette même dynamique pédagogique de vulgarisation des valeurs de démocratie et des droits de l'homme au sein de la société.

8. Pour renforcer le pluralisme politique, une loi sur le financement des partis politiques a été votée, un statut aux partis politiques de l'opposition ainsi qu'une aide directe à la presse ont été octroyés. Le Mali a adopté un Programme Décennal de Développement de la Justice (PRODEJ) en vue de renforcer les capacités matérielles et humaines ainsi que celles liées à la protection des droits de l'homme et de l'administration de la justice. Le Mali a révisé un certain nombre des lois pour les mettre en conformité avec les normes internationales. Il a également élaboré un avant projet de Code des personnes et de la famille visant à supprimer toutes les dispositions discriminatoires. Ce projet a été soumis à une commission composée des différentes sensibilités, sociales et religieuses en vue d'aboutir à un large consensus. Cette commission a déjà fini ses travaux et doit remettre officiellement son rapport au Président de la République le 22 mai 2008. Face au poids des traditions pérennisant certaines pratiques jugées néfastes contre la femme et l'enfant, le Mali a privilégié l'éducation et la sensibilisation plutôt que l'adoption de lois dont l'application pourrait ne pas s'avérer efficace si elle n'est pas accompagnée de l'adhésion de la population. Ainsi, dans le cadre de la lutte contre l'excision, les violences domestiques et le travail des enfants, le Gouvernement a adopté des programmes (un programme national de lutte contre l'excision, un plan national de lutte contre les violences faites aux femmes et aux filles, un programme national de lutte

contre le travail des enfants) dont la mise en œuvre se poursuit et enregistre des résultats encourageants. Afin d'assurer la protection des personnes vulnérables, le Gouvernement a créé un Ministère chargé de la promotion de la femme, de l'enfant et de la famille ainsi qu'un Ministère chargé du développement social, de la solidarité et des personnes âgées. Pour mieux protéger et promouvoir les droits de l'homme, le Mali a sollicité l'accompagnement de la communauté internationale pour la mise en œuvre de son Programme de Développement Economique et Social (PDES) à travers son appui dans les domaines suivants :

- a) le renforcement de l'harmonisation de la législation nationale avec les dispositions des instruments internationaux relatifs aux droits de l'homme;
- b) le renforcement des capacités des acteurs étatiques et non étatiques de la promotion et de la protection des droits de l'homme;
- c) le renforcement des capacités institutionnelles et opérationnelles de l'administration de la justice, notamment par l'augmentation du nombre des cours et tribunaux, la formation des magistrats et des auxiliaires de justice, l'amélioration des conditions de détention dans les établissements pénitentiaires et d'éducation surveillée;
- d) le renforcement des capacités en matière de technique d'élaboration et de présentation des rapports nationaux relatifs aux droits de l'homme;
- e) l'introduction des droits de l'homme, de la culture de la paix, de la démocratie et de la citoyenneté dans les programmes d'enseignement formel et non formel;
- f) la traduction dans les principales langues nationales des textes de base nationaux, régionaux et internationaux relatifs aux droits de l'homme;
- g) la consolidation de l'état civil ;
- h) l'organisation de diverses activités dans le cadre de la célébration du 60<sup>ème</sup> anniversaire de la Déclaration universelle des droits de l'homme.

## **B. Interactive dialogue and responses by the State under review**

9. During the ensuing interactive dialogue, statements were made by 43 delegations, praising Mali for its presentation and its national report.

10. Algeria asked the Malian delegation to elaborate in greater detail on the difficulties and the challenges faced by Mali in the implementation of its programmes on economic growth and the alleviation of poverty. Algeria also requested information about the difficulties met in the preparation of reports to the treaty bodies, and Mali's needs for assistance in this field. Algeria recommended that Mali pursue its efforts against poverty with appropriate and focused assistance from the international community and in particular from the OHCHR. Algeria also recommended that Mali continue its efforts, with the support of OHCHR, for the submission of its reports to treaty bodies in due course.

11. 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. Chad 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 code of persons and family. Chad further

made reference to Mali's good practice with regard to the EID and asked Mali to provide more information about this initiative.

12. 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.

13. Morocco noted that Mali has been late in submitting reports to treaty bodies and that the challenges in presenting reports require technical assistance to carry out these tasks. Morocco encouraged Mali to continue its efforts in the areas of education, food and health and invited the international community to provide assistance to Mali. It noted with interest that Mali has developed a new experience in the area of freedom of expression and opinion by establishing the EID, which is a good practice to be encouraged. Finally, Morocco recommended that the international community take on board Mali's request for technical assistance.

14. Cameroon encouraged Mali to intensify the measures for the protection of human rights, in particular those of children and women, and to incorporate the provisions of international treaties into its domestic legislation.

15. The Netherlands highlighted challenges faced by Mali to ensure respect for human rights. It noted that on the occasion of the 47th anniversary of the independence of Mali last year, the President announced two draft laws, one on the family code and another on the abolition of the death penalty. The Netherlands noted that while the draft on the abolition of the death penalty has been presented to Parliament, the draft on the family code has not yet reached this stage, and asked Mali to elaborate on the next steps with regard to its enactment. It further asked whether the Government has a timetable for such legal information centres to be put in place. 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, 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.

16. 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, and legislation criminalizing domestic violence and other forms of violence against women. Moreover, the Czech Republic recommended strengthening the national framework for the protection of human rights, especially with regard to women and children. It recommended the revision of the so-called "insult law" which allows for prosecution and punishment in the form of high fines and prison sentences of journalists, in breach of international standards on freedom of expression. Finally, it recommended issuing and implementing standing invitations to special procedures mandate-holders.

17. The United Kingdom of Great Britain and Northern Ireland urged Mali to fulfil its obligations to present periodic reports to treaty monitoring mechanisms. It 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. It noted the moratorium on the death penalty and welcomed the Government's recent adoption of a bill on its abolition. Finally, the United Kingdom requested more information on steps taken to ensure that freedom of expression and opinion is upheld in Mali.

18. Slovenia stated that the Tamachek minority was still facing societal discrimination and hereditary servitude relationship between them and other ethnic groups, which would deprive Tamacheks of their civil liberties. Slovenia recommended putting an end to all slavery-related practices in the country. Regarding the integration of gender perspective as stated in resolution 5/1, Slovenia asked what Mali had done to achieve this goal in the preparation of its national report and what was planned for the next stages, including the outcome of the review. This question should also be reflected as a recommendation.

19. Luxembourg congratulated Mali for the success in consolidating democracy and for the presentation to the Parliament of a bill to abolish the death penalty, recommending its prompt adoption. Referring to the bill to be adopted on a new citizen's code, it 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. Luxembourg asked the delegation to provide information on the schedule for the adoption of both these bills. Luxembourg further highlighted its development cooperation with Mali, in particular to contribute to the achievement of the Millennium Development Goals.

20. 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. Japan also wished that the Government take further measures against HIV/AIDS, including preventive measures against mother to child transmission. Finally, Japan recommended Mali to consider the practicability of enacting legislation prohibiting FGM.

21. With reference to concerns raised by three treaty bodies (Human Rights Committee, CEDAW, and the Committee on the Rights of the Child) about the continued frequent practice of FGM and the lack of legislation prohibiting it, Switzerland welcomed the national programme to combat excision but stated that awareness raising must be accompanied by a law prohibiting it. Switzerland recommended that Mali promptly adopt appropriate legislation, which prohibits excision and all forms of FGM and ensures that all those responsible for excision are duly punished. The treaty bodies also stated that domestic violence is prevalent and that neither marital violence nor marital rape is criminalized. Switzerland recommended that the Government 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 the society as a whole. In reference to Mali's recognition of the need to revise its discriminatory legislation against women and children, Switzerland welcomed the draft family code. It recommended that Mali should 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.

22. In view of the forthcoming visit, agreed in principle, of the Special Representative of the Secretary-General on the situation of human rights defenders to Mali, Latvia asked whether the

Government would consider extending a standing invitation to all Human Rights Council special procedures.

23. While noting the reference made by the Human Rights Committee, CEDAW and the Committee on the Rights of the Child on the high incidence of FGM, Ireland asked what measures the Government has taken to combat it. Ireland also made reference to the call made by the Human Rights Committee to abolish degrading marriage practices that discriminate against women and asked what steps the Government has taken towards implementing this recommendation. Ireland welcomed the existence of the High National Council for Combating HIV/AIDS and the provision of free antiretroviral therapy but noted that the Committee on the Rights of the Child had raised concern about the high number of children infected and the lack of preventive measures. Ireland asked what action has been taken by the High National Council to combat HIV/AIDS. Recognizing the efforts made to improve prison conditions in Mali's largest prison, Ireland noted with concern that overall, prisons remain overcrowded, with poor access to medical facilities, and asked what steps has the Government taken to improve these conditions. Ireland made three recommendations to Mali: (a) to enact legislation prohibiting all forms of FGM; (b) to expand coverage and access to services that prevent the transmission of HIV from mother to child; (c) and to improve prison conditions by reducing overcrowding and ensuring access to adequate medical treatment.

24. China noted the establishment of the national human rights commission and the numerous achievements by Mali, in particular with regard to economic, social and cultural rights. China enquired about the focus of the work of the High National Council on HIV/AIDS, set up in 2007, and the difficulties this institution was facing.

25. Senegal welcomed the establishment of EID, a yearly exchange with stakeholders on the human rights situation in the country. This dialogue should however not only take place in Bamako but also be decentralized to the regional and community level so as to involve a maximum number of citizens.

26. Germany asked what measures the Government envisages to strengthen the human rights protection of women, and recommended to review all laws with the aim at eliminating any discriminatory norms against women. Germany also enquired about the existence of obstacles that would prevent the national human rights commission to fully take up its mandate.

27. Canada made reference to Mali's efforts to strengthen its democracy, welcoming the ratification by Mali of six core international human rights treaties and the Rome Statute of the International Criminal Court. Canada also noted that a national institution for the promotion and protection of human rights has been established, and encouraged Mali to provide it with the necessary human and financial resources for it to become fully operational. 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 criminalize 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 organization of an awareness-raising campaign on the illegality and the medical consequences of FGM. Canada asked to be updated on the status of the Family Code and on efforts made by the Government to ensure its prompt adoption. Canada also noted that it is cooperating with Mali to reduce the inequalities between women and men in public life and recommended that Mali continue to encourage women to run for elections. Canada also made reference to the lack of independence of the judiciary and corruption within the judiciary system, as reflected by the deplorable conditions



in the prisons. Canada recommended that Mali 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. Canada also recommended that Mali respect the freedom of opinion and expression and to abstain from imposing penal sanctions on journalists because of their articles.

28. The Democratic Republic of the Congo encouraged Mali to pursue the implementation of all programmes for the development of the country, without neglecting the importance of informing and alerting the public opinion about human rights. The Democratic Republic of the Congo enquired about the ways in which the Government of Mali will proceed to overturn the burden of customary traditions such as “sororate” and “levirate”, especially in the rural environment. It also recommended the reinforcing of measures taken against trafficking children, in particular cross-border trafficking, and child labour.

29. Regarding the rights of women, France welcomed the draft family code, which constitutes a step forward. France noted that the draft has not yet been adopted by the National Assembly and does not seem to have been discussed at the level of civil society, and asked when this bill will come before Parliament for adoption. France also 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. France also asked what measures Mali plans to take to better punish the perpetrators of trafficking in women and recommended that Mali take the necessary steps to reduce discriminatory practices and violence against women. France welcomed the moratorium on the death penalty, mentioned that a text abolishing it was adopted by the Government in October 2007 and presented to the National Assembly, and asked whether the National Assembly will adopt this text in the near future.

30. En réponse aux questions soulevées par plusieurs délégations, le Mali a noté que celles-ci tournaient autour d'un certain nombre de points. Concernant le trafic des enfants, le Mali a mentionné l'élaboration et la mise en œuvre d'un plan d'action d'urgence de lutte contre le trafic transfrontalier des enfants 2000-2001 ; l'élaboration et la mise en œuvre d'un plan national d'action de lutte contre la traite des enfants 2002-2006 ; et la création de structures de surveillance communautaire pour prévenir le départ des enfants. Le Mali a par ailleurs adhéré aux différents instruments régionaux et internationaux relatifs à la protection des enfants, notamment dans le domaine de la lutte contre le travail, la traite et le trafic des enfants. Des accords bilatéraux et multilatéraux ont également été signés et un titre de voyage tenant lieu de passeport pour les enfants de 0 à 18 ans a été institué. Un programme de coopération Mali-UNICEF 2008-2012 et un programme national de lutte contre le travail des enfants ont été élaborés et l'ordonnance 02-062 du 5 juin 2002 portant « code de protection de l'enfant » traite spécifiquement de la question de l'enfant. Concernant l'Espace d'Interpellation Démocratique (EID), il s'agit d'une initiative visant à donner la parole aux citoyens de manière utile à l'occasion de la journée de la Déclaration Universelle des Droits de l'Homme. Depuis 1994, l'EID donne la possibilité aux citoyens de s'adresser directement au gouvernement, soit pour revendiquer un droit, soit pour dénoncer la violation d'un droit. Les interpellations recouvrent un large éventail de préoccupations, et à la fin de l'interpellation, un jury d'honneur, composé de personnalités nationales et étrangères fait des recommandations au Gouvernement. Le projet de Code des personnes et de la famille a récemment été soumis pour observations à une Commission. Le rapport de la Commission a été déposé le 28 mars 2008 et devrait être soumis très prochainement au Président qui donnera des instructions pour l'adoption du projet par le Gouvernement et sa soumission à l'Assemblée Nationale. Concernant l'accès à la justice, le Mali a reconnu que cet accès était limité et a exprimé son ambition d'étendre à tout le pays les centres d'information et d'orientation qui sont actuellement en phase d'expérimentation à Bamako. Quant à la question de savoir si les dispositions des instruments

internationaux pouvaient être invoquées devant les tribunaux nationaux, le Mali a indiqué que cela était le cas aux termes de l'article 116 de la Constitution. Sur le sujet des mutilations génitales féminines (MGF), le Mali a rappelé que sa politique est axée sur la sensibilisation et l'éducation, partant de la conviction qu'il est primordial d'obtenir une large adhésion de la population à l'éradication de ces pratiques avant d'édicter une loi. Les résultats engrangés par cette politique par rapport à d'autres pays qui ont édicté une législation sont porteurs d'espoir. En ce qui concerne les violences domestiques et conjugales, le Mali a aussi rappelé que le Code pénal réprime ces violences et a noté la nécessité de mieux former les magistrats pour une application stricte des textes en vigueur en la matière. Sur le sujet de la peine de mort, le Mali a déclaré que depuis 1984 il existe un moratoire sur les exécutions et qu'un projet de loi portant abolition de la peine de mort a été soumis à l'Assemblée Nationale. Il a été indiqué que les différentes réformes devaient se faire dans le cadre du dialogue et de la concertation et le Mali s'est engagé à ce que le projet de Code des personnes et de la famille et le projet portant abolition de la peine de mort soient adoptés avant la fin du mandat du chef de l'Etat actuel. Au sujet du VIH/SIDA, le Mali a relevé que des comités sectoriels de lutte contre le sida ont été mis en place dans tous les départements ministériels et dans certaines entreprises privées et qu'un programme spécial a été élaboré pour les enfants affectés et les orphelins du sida. Quant à la question de l'invitation permanente pour les procédures spéciales, le Mali a annoncé qu'il avisera le Conseil de sa décision en temps opportun. S'agissant du retard dans la présentation des rapports devant les organes des traités, le Mali a reconnu qu'il a rencontré des difficultés d'ordre technique et annoncé des mesures, à savoir la mise en place d'un Comité interministériel pouvant rapidement intervenir sur cette question et produire les rapports dans les délais impartis. Concernant la surpopulation carcérale, un plan de désengorgement des prisons est en cours. Il prévoit la tenue de sessions d'assises en nombre suffisant et la tenue d'audiences extraordinaires. Sur le sujet de la discrimination à l'égard des femmes et notamment la participation des femmes à la vie politique, et l'accès à l'éducation et à l'emploi, le Mali a rappelé que le statut général de la fonction publique et le code du travail prévoient un traitement égal entre l'homme et la femme. Néanmoins des discriminations peuvent exister dans les faits en raison du poids de la tradition. C'est pourquoi le programme de développement institutionnel qui est en cours d'exécution envisage d'intégrer, et le fait déjà dans certains cas, l'approche genre au sein des institutions de l'Etat. La loi sur les partis politiques de 2005 comporte des mesures incitatives visant à encourager la présentation des candidatures féminines aux différentes élections. De plus, le projet de Code des personnes et de la famille supprimera toutes les dispositions discriminatoires à l'égard des femmes. Concernant la Commission nationale des droits de l'homme, elle sera établie par une loi au cours du second trimestre 2008 afin de la rendre conforme aux exigences internationales en la matière. Enfin, au sujet de l'indépendance de la justice et de la lutte contre la corruption, le Mali a indiqué qu'une Charte des valeurs de la justice préparée sur la base d'engagements pris par les différentes corporations de la famille judiciaire a été préparée. Une évaluation de l'impact de cette Charte sur la crédibilité et la réhabilitation de la justice auprès des citoyens est prévue en juillet-août 2008.

31. Mexico enquired about the possibility for the national human rights commission to receive and uphold individual complaints, and about the possible results that can be obtained from the submission of such complaints. Mexico recommended that, together with sensitization 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.

32. Turkey noted that Mali is in the process of undertaking appropriate measures to implement recommendations made by CEDAW and 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. Turkey also noted the importance of education in countering the discriminatory effects of traditional practices and expressed support to Mali's efforts to prioritize education and to reduce the rate of illiteracy.

33. 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 eliminate this scourge, which is developing disturbing proportions in Africa, Madagascar asked how Mali ensures that its actions can continue over time.

34. 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.

35. Australia welcomed the establishment in 2006 of a national human rights institution and asked whether it with the Paris Principles. 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. Australia also welcomed Mali's moratorium on the application of the death penalty enforced since 1979 and its support for the General Assembly resolution on the moratorium of the use of the death penalty adopted in December 2007. Australia asked the delegation if the Government envisages to abolish the death penalty.

36. Azerbaijan stated that, according to the Committee on Economic, Social and Cultural Rights (CESCR), the majority of the population work in the informal sector and as such, is not sufficiently protected and therefore exposed to all forms of abuse. Azerbaijan wished to know what measures were envisaged to solve this problem. Azerbaijan also asked whether the level of cooperation with neighbouring countries on trafficking of human beings was commensurate to the gravity of the phenomenon.

37. United States of America noted Mali's responses to questions on FGM and stated that it shares the concerns expressed by other delegations. It asked what steps Mali is taking to ensure that it can retain its role as a leader on the freedom of the press, ensuring that all journalists in the country are able to report freely, and recommended that the Government serve as a model for the freedom of the press by ensuring that all journalists and media outlets, including those that may be viewed as critical to the Government, are free from harassment. Noting that forced labour is prohibited by law, the United States of America recalled reports that forced labour still occurs and stated that hereditary relationships between and within certain ethnicities continue to affect groups such as the Bellah, or black Tamacheks, in rural areas. It asked what additional action is needed on the part of the Government to ensure the elimination of forced labour and recommended that the Government increase and raise awareness throughout the country of forced labour, paying special attention to groups such as the Bellah, or black Tamacheks.

38. Italy wished to be updated on the status of the proposed law on the abolition of death penalty. 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.

39. Cuba noted that Mali, like any other developing country, needs solidarity and international cooperation to strengthen its national efforts to benefit the people, and referred to its cooperation with Mali in the area of health. It also 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.

40. Egypt stated that the compilation report overemphasized Mali's social and economic difficulties, while references to the volume of aid provided by the international community were hard to find. Egypt asked whether Mali was satisfied with the volume of assistance it was receiving to support its efforts to promote and protect human rights.

41. 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 exist, for which Mali needs assistance from technical and financial partners. Finally, in reference to the challenges of weak State and non-State actors described in the national report, Burkina Faso enquired about the involvement of civil society in the preparation of the national report.

42. 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 CRC. South Africa recommended that Mali accelerate its efforts to increase school enrolment, including enrolment parity between girls and boys.

43. 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. The Republic of Korea encouraged Mali to take all possible steps to solve this problem so as to create a more conducive environment for the enjoyment of other human rights. It also made reference to concerns expressed by the Special Rapporteur on the right to freedom of opinion and expression about cases of journalists being arrested or ill-treated after interviewing peasants critical of government officials or reporting abuses by local officials. The Republic of Korea strongly recommended that the Government of Mali take all possible measures to ensure the full protection of the right to freedom of opinion and expression.

44. Mauritania said that one of the main goals of the UPR was to make known best practices in the promotion and protection of human rights. In this regard it requested further details on the EID, as one of the initiatives brought by Mali as an example of best practice.

45. Sudan mentioned the building of new hospitals, new legislation on freedom of expression and opinion and 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.

46. Guinea was convinced that Mali will be able to strengthen the cooperation with the Human Rights Council through, inter alia, its domestic legislation and its national human rights commission, ultimately for the wellbeing of its people.

47. Côte d'Ivoire encouraged Mali to continue on the path of democracy and rule of law, which has allowed Mali to make progress in the protection and promotion of human rights. Côte d'Ivoire noted that Mali, like many countries, is confronted with the problem of prison overcrowding due in part to the deficiencies in the prison infrastructure. Côte d'Ivoire asked whether in the short term Mali envisages to modernize its prison policy, including with regard to its more vulnerable persons, women and children.

48. Congo encouraged Mali to pursue the implementation of best practices concerning national legislation aimed to ensure the exercise by women of the whole body of human rights. Congo 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.

49. Portugal enquired about examples of practical results of the IED, which seems to be a very intelligent way of enhancing human rights awareness and civil society participation. Portugal welcomed the fact that Mali is a party to the core human rights international treaties, but noted the considerable backlog in presenting regular reports to the treaty bodies. Portugal recommended the elaboration of a plan and a timetable to bring the presentation of reports to treaty bodies up to date. It also recommended the continuation of the efforts to abolish the death penalty. 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. Portugal recommended that Mali ensure that such laws are compatible with its international human rights obligations and that resources are allocated, including through multilateral international cooperation, to fully implement such laws and raise awareness regarding human rights and the rule of law.

50. Bangladesh encouraged Mali to continue to seek technical and financial assistance from the international community to bolster national efforts to promote the enjoyment of all human rights, including the realization of the right to development. 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.

51. The Syrian Arab Republic praised Mali's efforts in specifying and determining the particular technical assistance it needs to further promote human rights, as well as with regard to its voluntary pledges made when presenting its candidature to the Human Rights Council. It asked the delegation to elaborate more on the pioneer project of setting up a Parliament of children. The Syrian Arab Republic recommended that Mali be provided with the necessary technical assistance it is seeking in order to promote human rights in the country.

52. Djibouti noted that one of the objectives of the UPR was the sharing of best practices in the promotion and protection of human rights, and in this regard, requested further details on one of the initiatives brought by Mali as a model of best practice, namely the EID.

53. 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 recognizes 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.

54. Répondant aux commentaires et questions de diverses délégations, le Mali a confirmé que la Commission nationale des droits de l'homme fonctionne en conformité avec les Principes de Paris. Le Mali a également indiqué qu'un projet visant à la création de tribunaux pour mineurs dans les autres régions du pays était en cours. Concernant la liberté de la presse, il a été relevé une tendance à la dépenalisation des délits liés à la liberté de la presse. Au sujet des MGF, le Mali a réitéré sa préférence pour la sensibilisation et l'éducation par rapport à l'adoption de mesures répressives. Dans ce cadre, un programme national de lutte contre l'excision a été adopté en 2002, et un Plan d'action national de lutte contre l'excision 2008-2012 est également prévu. La lutte à travers la sensibilisation et l'éducation a permis la régression du taux d'excision de 94 pourcent en 1996 à 85 pourcent en 2006. S'agissant de la vulnérabilité et de l'exploitation des filles rurales servant comme aides ménagères dans les zones urbaines, le Mali a rappelé que le Code du travail assure une protection pour tous les travailleurs salariés. Toutefois, le Mali a reconnu que le cas des aides ménagères devait faire l'objet de dispositions particulières pour leur assurer une meilleure protection. Le Gouvernement en partenariat avec l'UNICEF, le FNUAP et le PNUD, a initié et mis en œuvre un projet visant essentiellement à la formation des filles migrantes quant à leurs droits, leur organisation en réseaux et les possibilités d'accès à la micro-finance. En matière de discrimination, le Mali a indiqué que malgré le statut général de la fonction publique et le Code du travail, des inégalités entre hommes et femmes peuvent persister en raison du poids de la tradition et de l'analphabétisme des femmes. En ce qui concerne le manque de protection sociale des travailleurs dans le secteur informel, le Mali a relevé que la loi de 1999 institue l'assurance volontaire à certains régimes de prévoyance sociale, notamment les prestations familiales, l'assurance maladie et vieillesse. Au sujet du trafic des enfants, le Mali a noté que les difficultés sont liées essentiellement au caractère transfrontalier du phénomène. Les structures de surveillance communautaire sont destinées à lutter contre le trafic d'enfants grâce à l'influence de personnalités locales capables d'empêcher le départ des enfants de leur village pour les pays voisins. Pour ce qui concerne les prisons, le Mali a indiqué qu'il existe des centres de détention pour les femmes et pour les enfants et que des quartiers spéciaux pour les femmes et pour les enfants sont créés dans toutes les prisons maliennes. Au sujet de la liberté d'expression et d'opinion, le Mali accorde chaque année depuis 1996 une aide de deux cent millions de francs CFA à la presse. Par ailleurs, le 3 mai dernier le Président de la République a posé la première pierre de la Maison de la presse qui sera construite aux frais de l'Etat.

55. En ce qui concerne le faible taux de scolarisation des enfants et notamment la disparité de scolarisation entre les filles et les garçons, le Mali a mis en évidence le fait que le taux de scolarisation a progressé de 67 pourcent à 77 pourcent pour le premier cycle et de 30pourcent à 44,3 pourcent pour le second cycle. Par ailleurs, il existe une politique nationale de scolarisation des filles et une politique de cantines scolaires. Malgré les efforts du Gouvernement et l'existence d'une volonté politique constante en faveur de la scolarisation des filles, le Mali a relevé que les séquelles et le poids de la tradition favorisent encore la disparité en matière de scolarisation des filles et des garçons. Le Code du mariage et de la tutelle en vigueur prévoit le consentement mutuel comme base du mariage et fixe un âge minimum qui est de 18 ans pour les garçons et de 15 ans pour les filles. Le Projet de Code des personnes et de la famille une fois adopté uniformisera l'âge de mariage minimum à 18 ans pour les deux sexes et éliminera toutes les autres dispositions discriminatoires à l'égard des femmes et des enfants. Le Mali a noté que la pratique de la mendicité des enfants des écoles coraniques et des enfants de parents indigents se fait en violation de la loi. En ce qui concerne les ressources allouées à l'enfance, le Mali a noté qu'il faisait des efforts qui s'avèrent néanmoins insuffisants en raison de la faiblesse des moyens de l'Etat. La lutte contre le VIH/SIDA constitue une priorité pour le pays et dans cette perspective le Gouvernement a : a) institué un haut conseil national de lutte contre le VIH/SIDA avec des démembrements sur l'ensemble du territoire national ; b) élaboré un cadre stratégique national de lutte contre le VIH/SIDA, 2006-2010 ; c) élaboré un plan opérationnel 2007-2010 ; d) institué la gratuité des soins

par la mise à disposition des anti-rétroviraux ; e) adopté une loi sur la protection des droits des personnes infectées /affectés par le VIH/SIDA ; f) élaboré une politique nationale de prise en charge des orphelins et enfants malades du sida et mis en place un comité national de coordination des interventions et un mécanisme de suivi et d'évaluation ; et g) élaboré une stratégie et un plan d'action national multisectoriel. Le Mali a affirmé qu'il n'existe pas d'esclavage au Mali et que les Tamasheks ne sont pas victimes d'esclavage. S'agissant de la question Touareg, le Mali a confirmé la poursuite des négociations dans le cadre des Accords d'Alger. Le chef de la délégation a remercié les intervenants pour l'intérêt porté à son pays. Il a indiqué que le Mali s'efforce d'honorer ses engagements et qu'il compte beaucoup sur l'accompagnement de la communauté internationale pour renforcer les acquis et aller vers d'autres victoires en matière de promotion et de protection des droits de l'homme.

## **II. CONCLUSIONS AND/OR RECOMMENDATIONS**

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

- 1. To pursue its efforts against poverty with appropriate and focused assistance from the international community, including OHCHR (Algeria);**
- 2. To pursue its efforts, with the support of OHCHR, for the submission of its reports to the treaty bodies in due course (Algeria); to elaborate a plan and a timetable to bring the presentation of reports to treaty bodies up to date (Portugal);**
- 3. That Mali's request for technical assistance be taken on board by the international community (Morocco); 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 (Congo); and that Mali be providing with the necessary technical assistance it is seeking in order to promote human rights in the country (Syrian Arab Republic);**
- 4. To reinforce the measures to combat FGM (Italy, paragraph 38); to organize an awareness-raising campaign on the illegality and the medical consequences of FGM (Canada);**
- 5. To take further steps to combat all discriminatory and harmful cultural practices, including FGM that prevent women and girls from enjoying their human rights (The 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);**
- 6. To fully integrate a gender perspective in the UPR process, including the outcome of the review, in accordance with resolution 5/1 (Slovenia);**
- 7. 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);**

8. 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);
  9. To continue to encourage women to run for elections (Canada);
  10. To expand coverage and access to services that prevent the transmission of HIV from mother to child (Ireland);
  11. 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);
  12. To adopt effective measures to combat all forms of ill-treatment of children, including corporal punishment (Italy);
  13. 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);
  14. 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);
  15. To serve as a role model for the freedom of the press by ensuring that all journalists and media outlets, including those that may be viewed as critical to the Government, are free from harassment (United States); to take all possible measures to ensure the full protection of the right to freedom of opinion and expression (Republic of Korea);
  16. To promptly adopt the bill to abolish the death penalty (Luxembourg); to continue efforts to abolish the death penalty (Portugal);
  17. To promptly adopt the bill on a new citizen's code (Luxembourg);
  18. To 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 (Switzerland);
  19. To improve prison conditions by reducing overcrowding and ensuring access to adequate medical treatment (Ireland);
  20. To 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 (Canada);
  21. To raise awareness regarding human rights and the rule of law (Portugal).
57. 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.



- 1. To issue and implement standing invitation to special procedures mandate- holders (Czech Republic);**
  - 2. 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 sensitization 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);**
  - 3. 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);**
  - 4. To increase and raise awareness throughout the country against of forced labour, paying special attention to groups such as the Bellah, or black Tamacheks (United States);**
  - 5. To revise the so-called “insult law” (Czech Republic); to respect the freedom of opinion and expression and to abstain from imposing penal sanctions on journalists because of their articles (Canada).**
- 58. One recommendation noted in the report in paragraph 18 above (to put an end to all slavery-related practices in the country) did not enjoy the support of Mali, since slavery does not exist in Mali.**
- 59. All conclusions and/or recommendations contained in the present report reflect the position of the submitting State(s) and /or the State under review thereon. They should not be construed as endorsed by the Working Group as a whole.**

## **Annex**

### **Composition of the delegation**

The delegation of Mali was headed by S.E. M. Maharafa Traore, Minister of Justice, Garde des Sceaux, and composed of eight members:

S.E. M. Sidiki Lamine Sow, Ambassadeur, Représentant permanent du Mali auprès de l'Office des Nations Unies à Genève;

S.E. M. Boubacar Gouro Diall, Ambassadeur, Directeur des Affaires Juridiques au Ministère des Affaires Etrangères et de la Coopération Internationale;

M. Sékou Kasse, Premier Conseiller, Mission Permanente du Mali auprès de l'Office des Nations Unies à Genève;

M. Bakary Traore, Conseiller Technique, Ministère de la Promotion de la Femme, de l'Enfant et de la Famille;

M. Bakary Doumbia, Direction des Affaires Juridiques, Ministère des Affaires Etrangères et de la Coopération Internationale;

M. Mamadou Diakite, Commission nationale des droits de l'homme;

Mme M'Bam Diarra, Commission nationale des droits de l'homme.

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