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**UNIVERSAL PERIODIC REVIEW**

**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. At the 16th meeting on 15 May 2008, His Excellency Maharafa Traore, the Minister of Justice and Keeper of the Seals, presented Mali's national report. He said that the universal periodic review was a dynamic, interactive mechanism which, in the long run, should contribute to the promotion and protection of human rights throughout the world. The objectives and methods of this United Nations mechanism were similar to those of the African Union's Peer Review Mechanism. The process of reviewing Mali under the latter mechanism had begun on 1 November 2007.
6. The representative of Mali said that the preparation of the report had included an information campaign about the universal periodic review mechanism, its originality, its objectives and its participatory nature, stressing the role that civil society was expected to play. In accordance with the Human Rights Council's recommendations, Mali had set up an inter-ministerial committee, membership of which had been expanded to include civil society organizations, to prepare, in a spirit of cooperation, a national report on whose contents there was genuine consensus. That participatory approach had made it possible to include in the report relevant observations and recommendations from various civil society actors. The representative of Mali outlined the political development of his country and drew attention to the fact that a governance charter, entitled the "Mandé Charter of Kouroukan Fouga", adopted in 1236, had, several centuries ahead of its time, set forth the key principles of modern democracies, including the principle that the human person is sacred and inviolable. Mali's current political practice was rooted both in that rich heritage and in the contemporary universal values of democracy and freedom. The advent of democracy and the

rule of law in the 1990s, characterized by the establishment of democratic institutions, the implementation of a decentralization policy, the introduction of media freedom and the emergence of a dynamic civil society, had helped to strengthen the framework for promoting and protecting human rights and democratic freedoms in his country. A decree of October 2007 had made the Minister of Justice and Keeper of the Seals responsible for promoting and protecting human rights. In order to supplement certain existing structures, such as the National Ombudsman, the Higher Council on Communication and the National Human Rights Commission, Mali planned to set up a national body responsible for formulating and implementing the national policy for the promotion and protection of human rights. The National Human Rights Commission met the criteria of independence and autonomy laid down in the Paris Principles, even though it had been established by decree. However, he pointed out that, in response to the concerns that had been presented to him, a bill on the establishment of the National Human Rights Commission had been included in the Government's work programme for the second half of 2008.

7. With the support of its partners in the United Nations system, the Government intended to put in place a joint support programme to promote human and gender rights in Mali, which would be responsible for promoting knowledge about human rights and ensuring their realization during the period 2008-2012. Mali had ratified regional and international legal instruments on the promotion and protection of human rights, had submitted reports to certain treaty monitoring bodies and had acted on the observations and recommendations made by those bodies. In that regard, the Government was considering how to find the means to boost national capacities in order to ensure that periodic reports were submitted on a regular basis. On 10 December every year, Mali held a national human rights forum, called the Forum for Democratic Discussion (*Espace d'interpellation démocratique*), where citizens questioned members of the Government directly about human rights violations of which they claimed to have been the victims during the year. In that framework, Mali intended to observe the sixtieth anniversary of the Universal Declaration of Human Rights with special festivities. The adoption of a national civic education programme was also part of Mali's efforts to disseminate the values of democracy and human rights in society.

8. In order to consolidate political pluralism, a law on the financing of political parties had been adopted, opposition parties had been given formal standing and direct aid had been granted to the press. Mali had adopted the Ten-year Justice Development Programme with a view to improving material and human resources and capacities related to the protection of human rights and the administration of justice. Mali had amended a number of laws in order to bring them into line with international standards. It had also drawn up a preliminary draft Personal and Family Code, which would repeal all discriminatory provisions. The draft had been submitted to a commission representing different social and religious tendencies in order to arrive at a broad consensus. The commission had already completed its work and would officially submit its report to the President of the Republic on 22 May 2008. 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, in the following areas:

- (a) Harmonizing national legislation with the provisions of international human rights instruments;
- (b) Strengthening the capacities of State and non-State actors involved in the promotion and protection of human rights;
- (c) Strengthening the institutional and operational capacities of the judiciary by increasing the number of courts and tribunals, training judges and court officials and improving detention conditions in prisons and reformatories;
- (d) Strengthening technical capacities to prepare and submit national reports on human rights;
- (e) Introducing human rights, the culture of peace, democracy and civics into formal and informal education programmes;
- (f) Translating basic national, regional and international human rights texts into the main national languages;
- (g) Consolidating the civil registry system;
- (h) Organizing various activities for the observance of the sixtieth anniversary of the Universal Declaration of Human Rights.

## **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 poverty alleviation. 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, 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 . Chad further made reference to Mali's good practice with regard to the *Espace d'interpellation démocratique* (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 welcomed the creation of legal information centres and the provision of free legal advice in the framework of the *Programme Décennal de Développement de la Justice* (PRODEJ) and asked whether the Government has a timetable for such 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, 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.

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. 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. 02-062 of 5 June 2002, on the Child Protection Code dealt specifically with children's issues. The Forum for Democratic Discussion (*Espace d'interpellation démocratique*) was a platform that enabled citizens to express their views in a meaningful way on the occasion of Human Rights Day. Since 1994, the Forum had given citizens the opportunity to address the Government directly in order to demand a right or denounce the violation of a right. The questions covered a wide range of concerns and, at the end of the session, an honorary panel consisting of eminent national and foreign personalities made recommendations to the Government. The draft Personal and Family Code had recently been submitted to a commission for an opinion. The commission's report had been filed on 28 March 2008 and would soon be submitted to the President, who would give instructions concerning the adoption of the draft by the Government and its submission to the National Assembly. The representative of Mali acknowledged that access to justice was limited and said that it was his ambition to open information and guidance centres, such as those that were currently in the experimental stage in Bamako, throughout the country. He said that, in accordance with article 116 of the Constitution, the provisions of international instruments could be invoked in the national courts. 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. He drew attention to the fact that the Criminal Code criminalized domestic and marital violence and noted that it was necessary to provide judges with better training so that they applied existing legislation on the subject strictly. Since 1984, there had been a moratorium on executions, and a bill on the abolition of the death penalty had been submitted to the National Assembly. The various reforms should be carried out within the framework of dialogue and consultation, and Mali undertook to ensure that the draft Personal and Family Code and the bill on the abolition of the death penalty would be adopted before the expiry of the term of the current head of State. 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. His Government would inform the Council in due course of its decision regarding the standing invitation to special procedures mandate-holders. He acknowledged that the delay in submitting reports to treaty monitoring bodies had been due to technical difficulties experienced by his country, and announced that an inter-ministerial committee had been set up to take rapid measures and produce reports within the established time limits. A plan was under way to relieve overcrowding in prisons. It provided for the holding of a sufficient number of special and regular court hearings. Turning to discrimination against women, women's participation in political life and their access to education and employment, he said that the General Statute on the Civil Service and the Labour Code provided for equal treatment of men and women. Discrimination might, however, persist in practice owing to the weight of tradition. That was why the institutional development programme that was being carried out would, and in some cases already did, include a gender approach in State institutions. The 2005 Political Parties Act contained incentives to encourage women to stand as candidates in various elections. Moreover, the draft Personal and Family Code would abolish all provisions that discriminated against women. The National Human Rights Commission would be established by a law during the second quarter of 2008 in order to bring it into conformity with international requirements in that respect. Lastly, he said that a charter of judicial values, drafted on the basis of commitments made by various judicial bodies had been prepared with a view to ensuring the independence of the judiciary and combating corruption. There were plans to conduct a survey of the charter's impact on the credibility and rehabilitation of the judiciary among citizens in July and August 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 was in line 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, 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 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.

43. 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. 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 well-being 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 the EID, one of the initiatives brought by Mali as a model of best practice.

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. Replying to the comments and questions from various delegations, the representative of Mali confirmed that the National Human Rights Commission functioned in conformity with the Paris Principles. A project to set up children's courts in other regions of the country was under way. With regard to freedom of the press, he said that there was a tendency to decriminalize offences related to press freedom. 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. On the subject of discrimination, he acknowledged that, despite the General Statute on the Civil Service Rules and the Labour Code,

inequalities between men and women could still exist owing to the weight of tradition and illiteracy among women. With regard to the lack of social protection for workers in the informal sector, he drew attention to the fact that an act of 1999 had introduced voluntary coverage under some insurance schemes, particularly family allowances, health and old-age insurance. 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. With regard to freedom of expression and opinion, he said that, every year since 1996, Mali had allocated assistance in the amount of 200 million CFA francs to the press. Furthermore, on 3 May 2008, the President of Mali had laid the first stone of the Press House, which would be built at government expense.

55. 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. Measures to combat HIV/AIDS constituted a priority for Mali and the Government had: (a) set up the High National Council to Combat HIV/AIDS, which had branches throughout the country; (b) formulated a national strategic framework to combat HIV/AIDS for 2006-2010; (c) drawn up an operational plan for 2007-2010; (d) introduced free antiretroviral treatment; (e) adopted a law to protect the rights of persons infected with, or affected by, HIV/AIDS; (f) drawn up a national policy on care for AIDS orphans and children with AIDS and set up a national coordinating committee and a monitoring and evaluation mechanism; and (g) devised a strategy and multisectoral national plan of action. There was no slavery in Mali and Tamasheks were not victims of slavery. With regard to the Tuareg question, the representative of Mali confirmed that negotiations were continuing within the framework of the Algiers Agreement. The head of the Malian delegation thanked speakers for the interest they had shown in his country. Mali was striving to honour its commitments and was relying on the international community's assistance in order to consolidate its achievements and to make further progress in the promotion and protection of human rights.

## 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); 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 (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 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 étrangères et de la coopération internationale;

M. Sékou Kassé, 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 étrangères 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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