

**INTERNATIONAL  
COVENANT  
ON CIVIL AND  
POLITICAL RIGHTS**



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HUMAN RIGHTS COMMITTEE  
Eighth Session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES  
UNDER ARTICLE 40 OF THE COVENANT

Initial Reports of States Parties due in 1977

Addendum

MALI

[14 August 1979]

I. General information:

The Constitution of the Republic of Mali, adopted in 1974, contains the principles relating to civil and political rights, as enshrined in the International Covenant on Civil and Political Rights, in its title II entitled "Fundamental human rights and duties and the rights and duties of citizens".

(a) To that end, the Constitution establishes, inter alia:

(1) The right to physical and bodily integrity as stated in the following articles:

Article 7: "No one shall be arrested or detained except in accordance with the law and on the order of the legally competent authority".

Article 8: "No charge may be brought or sentence imposed except by virtue of the law".

(2) The right to inviolability of the home is solemnly affirmed in article 10 which states that that right may be derogated from only in the instances provided for by the law and in accordance with the methods prescribed by the law.

(3) The State undertakes to ensure that the free exercise of any religion or belief is protected. That provision is restricted only by customary behaviour and public order; the individual must exercise such freedom of opinion and thought in accordance with customary behaviour and without prejudice to public order (article 11).

(4) Every Malian citizen is entitled to an education (article 12). Education in Mali is public and secular.

(5) Under the Constitution, the Republic of Mali is committed, within the framework of the law, to guaranteeing all citizens:

The right to work;

Equality in employment;

The right to leisure, social assistance, education; and

Freedom to join the organizations of their choice to defend their professional interests (article 13).

(6) Article 14 states that the right to own property is guaranteed by the Constitution. This right may be derogated from only in instances of public necessity as defined by the law.

(7) Every Malian citizen is entitled to freedom of enterprise, but this right must be exercised within the framework of the laws that govern it (article 15).

(8) Every Malian citizen is eligible for election and entitled to vote in the conditions determined by the law, without distinction as to race, ethnic origin, religion, sex or opinion.

(b) In the event of a violation of these fundamental rights, there are legislative and statutory provisions which make it possible to bring the matter before the competent judicial or administrative authorities.

The various codes in force, particularly the Penal Code, the Labour Code, the National Insurance Code, the Civil Code and the Investment Code, refer to the provisions of the Constitution, one after another, and set forth the practical modalities of appeal.

(c) The authorities whose decisions may have an impact on human rights are:

The Supreme Court, particularly the Judicial Branch, the Constitutional Branch and the Administrative Branch; and the various lower courts.

(d) Any person who considers that one of his fundamental rights has been violated may file suit with the judicial authorities referred to above.

In particular and most importantly, he may approach one of the branches of the Supreme Court, depending on the subject of the violation; the Court may also consider a case directly, on its own initiative, when it has cognizance of any violation.

(e) Various codes and statutory instruments have been adopted with a view to guaranteeing the implementation of the provisions of the Constitution and, since this is in harmony with the provisions of the Covenant, the latter provisions are thus automatically guaranteed.

These codes are:

The Penal Code,

The Civil Code (Code of Marriage and Guardianship and Code of Consanguinity),

The Labour Code,

The Social Insurance Code, and

The Electoral Code.

Various pieces of legislation that were drawn up before or after the Constitution and are still in force also guarantee its effective implementation. They include:

Order 36      PCG on freedom of assembly;

Order 40      PCG concerning the press;

Order 41      PGG on associations;

Act No. 86    ANRM on religious freedom and freedom of worship;

Order 58      CMLN regulating shopkeeping; and

Order 56      CMLN concerning the procedure in cases of ritual or speculative murder.

Decisions and rulings are made by the competent administrative authorities with a view to the immediate implementation of these provisions.

## II. Information concerning the articles contained in Parts I, II and III of the Covenant:

### (1) Part I of the Covenant.

The Constitution, in title 1, solemnly reaffirms the sovereignty of the people and thus its right of self-determination.

Through universal, equal and secret suffrage, the people of Mali is able freely to determine its political status. At all levels, the masses are able to participate in the formation of local units concerned with political organization.

The Electoral Code endorses the principles embodied in the Constitution in this regard.

### (2) Part II of the Covenant.

The Constitution once again affirms that Mali is an indivisible secular, democratic and social republic, and the rights recognized in the Covenant and the Constitution are consequently those of all Malians, without distinction as to race, sex, religion, belief or origin. Everyone is equal before Malian law and Malian institutions.

Reference is made to this principle of non-discrimination in all the legislative or statutory provisions which so require.

All Malian citizens have the right to appeal against any administrative or judicial decision and are guaranteed a hearing by the competent authorities.

The only derogation from the principle of appeal is in the implementation of the special procedure relating to ritual and speculative murders.

(3) Part III of the Covenant.

The right to life is protected by Malian law as follows:

Ritual or speculative murders and assassinations are severely punished under Order no. 79 - CMLN of 27 September 1976.

The death penalty may be imposed only by a legal decision of a final nature after all appeal procedures have been exhausted, in accordance with the provisions of the Penal Code and the Code of Criminal Procedure.

The Constitution guarantees the legality of charges and sentences and the non-retroactivity of criminal law.

The Penal Code provides that any person sentenced to death may seek pardon or commutation of his sentence.

The criminal majority is fixed at 18 years of age; if an accused is under 13 years of age, he will be acquitted; between 13 and 18 years, he may be acquitted if it is decided that he acted without cognizance.

If he acted with cognizance, a convicted person under 18 years of age may not be sentenced to death or to penal servitude for life.

The maximum sentence will be 20 years' imprisonment.

Act No. 99 of 3 August 1971 provides that a convicted woman who is recognized to be pregnant will not serve her sentence until after her confinement.

The Penal Code prohibits torture and cruel, inhuman or degrading treatment, and provides for the punishment of any public official who is guilty of such acts as well as the punishment of a private individual.

Slavery is prohibited in Mali and all work must be paid for.

Forced labour within the meaning of the Covenant is prohibited.

The Constitution and the Penal Code guarantee liberty and security to all. Thus article 7 of the Constitution states that no one may be arrested except in accordance with a legal procedure.

Anyone arrested or detained is entitled to be treated with humanity and Act No. 59-17 ALP on the penitentiary system provides for separate regimes for accused and convicted persons and for juveniles and adults. There is a special rehabilitation camp for juvenile offenders at Bolé, where they are subject to a regime which is entirely different from that for adults.

In Mali, freedom of movement within the country and freedom to travel abroad are unrestricted. Apart from the formalities concerning health or national security, there is no obstacle to such movements. Emigration is entirely unrestricted as is return to the country.

Any expulsion of an alien must be carried out in accordance with the legislation in force and, in particular, no expulsion may be carried out without an order from the Minister of Security and without the grounds therefor being adduced.

Every citizen has a right to justice and all are equal before the Malian judicial authorities. All Malians are entitled to legal assistance under Act 103 ANPM of 18 August 1961 on legal assistance.

No one may be convicted without a hearing and innocence is presumed, in accordance with the Code of Criminal Procedure and the Civil Code.

Without prejudice to public order, morals or national security, trials must be held in public and the proceedings translated into the language of the accused, as stipulated in the Code of Criminal Procedure and the Civil Code.

A juvenile court has been established for under-age offenders.

The Penal Code provides, in accordance with the Constitution, that everyone has the right to privacy and inviolability of the home.

Mali being a secular republic, everyone has the constitutional right to freedom of religion and worship within the framework of public order.

Under the Code of Consanguinity, Mali is bound to respect the freedom of parents and legal guardians with regard to the education of children.

Any incitement to civil war or national hatred is prohibited by article 55 of the Penal Code.

Order No. 41 PGG, on associations, authorizes associations and the Constitution reaffirms the right to form trade unions.

In accordance with the Covenant, the Code of Marriage and Guardianship strongly supports respect for the family, the right to marriage and the principle of consent.

This Code sets out measures concerning the rights and duties in marriage and on dissolution of marriage and measures concerning the status of children.

The Code of Consanguinity affirms the right of all children to enjoy protective measures connected with their status as minors, parental authority enabling the family to assume that duty.

The Code of Consanguinity, the Code of Guardianship and the Code of Nationality ensure that every child has the right to a name and nationality.

The Constitution and the Electoral Code safeguard and permit the implementation of the right to be elected and to vote.

The 1974 Constitution and various legislative instruments in force in Mali therefore make it possible to implement all the rights proclaimed in the International Covenant on Civil and Political Rights.

Despite this fact, progress is still being made in the field of the effective implementation of human rights; all political prisoners have been released, steps are being taken to encourage participation of the people in public life and the abuses by certain representatives of authority are being severely punished.