



**International covenant
on civil and
political rights**

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HUMAN RIGHTS COMMITTEE
Seventy-sixth session

MALI

**List of issues prepared in the absence of the second periodic report of
the State party, due on 11 April 1986**

Constitutional framework within which the Covenant is implemented

1. According to article 116 of the Constitution, treaties and international agreements take precedence over domestic laws. Does this mean that the provisions of the International Covenant on Civil and Political Rights can be invoked directly before the courts? If so, have there been instances where this has been done? Please give details about relevant court cases. If not, please explain how the provisions of the Covenant are applied in domestic law.
2. Please explain how the 1992 Constitution protects the rights enshrined in the Covenant, and why several of the rights contained in the Covenant are not expressly mentioned in the Constitution.
3. Please explain the status of implementation of the peace agreements concluded between the Government and the rebel movements in the northern part of the country. What difficulties have been encountered?

Provision of effective remedies (art. 2)

4. Do the judicial and administrative courts cover the entire territory? What have been the effects of decentralization, which strengthens the responsibilities of the local authorities, on individuals' right to an effective remedy? Is any development planned?

5. According to information provided to the Committee, the National Advisory Commission on Human Rights, established in 1996, is yet to meet. Please explain the reasons for this delay. Please describe the Commission's membership and selection process. Does the Commission's mandate include consideration of individual petitions?

Gender equality, discrimination (arts. 3 and 26)

6. According to information received by the Committee, women, contrary to article 2 of the Constitution, do not enjoy rights on an equal basis with men, especially as regards property, political participation and access to education and employment. Poverty is reported to be increasingly "feminized" in Mali. Women are particularly vulnerable and do not in practice receive any legal assistance in divorce or inheritance cases, or to defend their civil rights in general. The "levirat", a practice whereby a widow is inherited by the deceased husband's brothers and cousins, is said to persist. Please explain which traditional, historical, cultural and religious practices hinder the implementation of article 3 of the Covenant, and provide information about the measures taken to overcome these factors.

7. Please provide information about the content and results of the National Plan of Action for the Advancement of Women, launched in 1996. Have follow-up measures been taken? A Family Code, drawn up by the Ministry for the Advancement of Women in response to Recommendation No. 3 (1997) of the Democratic Discussion Forum, was submitted to the Government for consideration. What were its provisions, and what follow-up action has been taken?

Right to life (art. 6); prohibition of torture (art. 7)

8. There has been a moratorium on the death penalty in Mali for several years. Please explain which crimes carry the death penalty. Does the State party plan officially to abolish the death penalty and accede to the Second Optional Protocol to the Covenant?

9. What measures has the State party taken to reduce the high maternal and infant mortality rate?

10. The Committee has received information relating to cases of torture and extrajudicial executions committed by soldiers in 2000, reportedly following the murder of three tourists in Kidal. Were inquiries held in response to those allegations, and what were their results?

11. What are the norms in place that govern the use of force by the security forces and the armed forces? Do the members of the security and armed forces receive training with a view to avoiding excessive use of force? What are the remedies, if any, available to victims, especially when they are in detention?

12. A commission responsible for inquiring into allegations of torture and inhuman or degrading treatment made by members of opposition parties who were arrested in 1997 was reportedly not able to fulfil its mandate because of financial constraints. What measures are planned by the State party to correct this situation?

13. How are complaints of domestic violence treated, and with what results? Has the State party drawn up legislation specifically designed to protect women who are victims of such violence?

14. There have been numerous reports stating that female genital mutilation takes place on a large scale in Mali and that 95 per cent of women have been subjected to it. Does the State party plan to adopt a law specifically prohibiting such practices? What have been the results of educational and preventive initiatives taken to address that phenomenon, and what difficulties have the authorities encountered?

Prohibition of slavery, servitude and forced or compulsory labour (art. 8)

15. What is the Government's reaction to information the Committee has received attesting to slavery-like practices and hereditary servitude in the northern part of the country? Has the State party taken measures to eradicate such practices and protect and rehabilitate the victims, and what have been the results?

16. According to information the Committee has received, the State party has taken several measures aimed at combating the trafficking of Malian children to Côte d'Ivoire for purposes of slavery and forced labour. Please describe the measures and indicate the results obtained. How many people have been prosecuted and convicted for participation in such traffic? What difficulties has the State party encountered?

17. The situation of migrant girls in Mali, who work an average of 16 hours a day for ludicrously low or non-existent wages, is reported to be of particular concern. Such girls are allegedly often the victims of rape and ill-treatment and are forced into prostitution. What action does the State party plan to take to protect this population group?

Security of person, freedom from arbitrary arrest and right to a fair trial (arts. 9 and 14)

18. Please provide detailed information about the laws and regulations governing, and the practice regarding arrest and detention. What is the time limit within which arrested persons must be brought before a judge or judicial officer, and is this respected in practice? Do people have the right to legal assistance as soon as they are arrested?

19. Although the Constitution proclaims the independence of the judiciary, the Minister of Justice reportedly has the power to suspend judges. Please give detailed information about the structure of the judiciary, the procedure for appointing and suspending judges and the membership and terms of reference of the Supreme Council of the Judiciary. Is judges' security of tenure guaranteed in practice?

Treatment of aliens and refugees (art. 13)

20. Please provide information about the legal situation and living conditions of the 6,000 Mauritanian refugees who, according to information received by the Committee, have been living in the western part of the country (Kayes region) for a decade, are not

registered and have no identity papers and whose right to physical security is not sufficiently protected. Has an in-depth dialogue with the Office of the High Commissioner for Refugees been undertaken in order to improve the status and living conditions of such persons?

Rights of persons belonging to minorities (art. 27)

21. Please provide precise information, in particular statistical information, on the ethnic, religious and linguistic groups in the territory of Mali. What recognition do such groups receive at the national level? How is the right of persons belonging to minorities to have their own cultural life, practise and profess their own religion and use their own language guaranteed in Mali?

Dissemination of the Covenant and the Optional Protocol

22. Has the State party taken any measures to educate public officials, law enforcement and judicial officers, the legal profession and the general public about the provisions of the Covenant? Have any similar education measures been taken in respect of the provisions of the Optional Protocol to the Covenant?
