



Convention on the Rights of the Child

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Committee on the Rights of the Child Forty-fourth session

Summary Record of the 1206th Meeting*

Held at the Palais Wilson, Geneva, on Thursday, 18 January 2007, at 10 a.m.

Chairperson: Mr. Doek

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* No summary record was prepared for the 1204th and 1205th meetings.

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The meeting was called to order at 10.05 a.m.

Consideration of reports of States parties (item 4 of the agenda) (*continued*)

Second periodic report of Mali on the implementation of the Convention on the Rights of the Child (CRC/C/MLI/2; list of issues to be taken up (CRC/C/MLI/Q/2); written replies by the State Party concerning the list of issues (CRC/C/MLI/Q/2/Add.1))

1. At the invitation of the Chairperson, the members of the delegation of Mali took places at the Committee table.

2. **Ms. Diallo M'bodji Sène** (Mali) said that the report under consideration had been prepared in accordance with the general guidelines for the submission of periodic reports, with the assistance of various government departments and non-governmental organizations as part of a participatory process in which children had been involved via the Children's Parliament and children's associations. The report set out the many legislative, regulatory and administrative measures taken during the period 1999-2004, including the implementation of the Social and Health Programme, the Justice Programme and the Strategic Framework for Combating Poverty. All these programmes, which enjoyed sustained support from technical and financial partners, were monitored by the Ministry for the Advancement of Women, the Child and the Family.

3. The Child Protection Code and the international conventions ratified by Mali now fully safeguarded the Malian child's right to life, survival and development. The Education Programme had led to real progress being made, especially with regard to school enrolment of girls and non-formal education. As a result, from 1992 to 2004 gross school enrolment rates had risen from 46.7 per cent to 71 per cent for boys and from 32.3 per cent to 56.6 per cent for girls, and the gap between boys and girls was continually narrowing.

4. The development partners, including the specialized agencies of the United Nations and national and international non-governmental organizations, had played a major role in the progress made. Civil society organizations compensated for the inadequacy of the State's human and financial resources in activities concerned with the local integration and care of children and their families. The inadequate level of resources was particularly evident in health care and social integration given the problems of begging, child trafficking and child labour, among others.

5. The high level of illiteracy, particularly among women and girls, and the persistence of certain traditions explained the slow rate of progress, but Mali intended to persevere in its efforts to provide information and education and would like to think that enhanced international cooperation would help to improve the results achieved under the national mechanisms and would contribute to consolidating both internal and external partnerships between the various stakeholders.

6. **Ms. Ouedraogo** noted with satisfaction that although submitted slightly late, the report of Mali was in compliance with the Committee guidelines and had been drafted with the participation of civil society representatives. While fully aware of the serious lack of resources facing the State party, it was a matter of regret that the National Plan of Action had not been renewed as a comprehensive plan of action was the only way to enable rights to be addressed as interdependent and indivisible concepts. The question arose whether the Strategic Plan 2002-2006 of the Ministry for the Advancement of Women, the Child and the Family, which constituted the framework for the child promotion policy, had regard to all the rights enshrined in the Convention.

7. The national committee responsible for monitoring and assessing the National Plan of Action oversaw proper coordination of the various measures for children. It was clear that the national committee needed both to have more resources – the report stated that it had functioned only to a limited degree since its establishment – and to have sectoral steering committees. The fact that the committee, an interministerial body, was also supposed to monitor the implementation of measures raised another issue because the role of monitor should be entrusted to an independent body.

8. The birth registration rate had stagnated at a low level and the delegation might therefore indicate what had been done to counter the hurdles listed in the report to the registration of births, with particular reference to progress in this area under the Plan of Action 2004-2008 to improve registration of civil status events.

9. It would also be useful to know whether a Malian mother passed her nationality on to her children.

10. The establishment of a Film Censorship Board was to be applauded, but it remained to be seen whether the board had sufficient human and financial resources. The report did not contain information on any initiatives taken to promote reading and access to libraries and to protect children from inappropriate information to which they may have access in the cybercafés and video clubs springing up in Mali; some information in that regard would therefore be welcome.

11. **Ms. Smith** asked why Mali had not withdrawn its reservation to article 16 of the Convention and would like the delegation to state whether the population knew that it was possible to invoke the Convention directly in court and whether anyone had done so already.

12. Additional information on the anticipated date of entry into force of the decrees implementing the Child Protection Code and the Individuals and Family Code would be welcome. Although under the draft Individuals and Family Code the legal age for marriage was set at 18 years for both sexes, in practice girls from certain communities were often subject to early marriage. Families had also been the setting for ill-treatment, corporal punishment and female genital mutilation. It would be useful if the delegation would outline the measures taken to educate and raise awareness among parents about the consequences of these practices.

13. Corporal punishment should be banned in all institutions (including Koranic schools) and in the home. There was also some question as to whom a child could approach to report violent treatment and whether a plan of action against domestic violence had been introduced.

14. Finally, the delegation might indicate whether it was true that parents were able, with no order from a court, to place one of their children in an institution on the ground of behavioural problems; the delegation might also provide further information on the Ombudsman (*Médiateur*) and the National Consultative Commission on Human Rights (*Commission consultative nationale des droits de l'homme*) which, according to some sources, had met only a few times.

15. **Mr. Kotrane** noted that the State party indicated in paragraph 19 of its report that its reservation to article 16 had been rendered invalid, a fact which should prompt Mali to withdraw it.

16. The delegation might indicate whether Malian magistrates received training in the Convention.

17. **Ms. Khattab** asked whether the non-governmental organizations which participated in the drafting of the report had been able to read it prior to publication.

18. She asked whether Mali had adopted awareness-raising programmes to promote school enrolment for girls and had taken measures to implement the United Nations Girls' Education Initiative launched by the Secretary-General at the World Education Forum. More extensive information would be needed on the civil society-led literacy campaigns and on the efforts made to encourage children from Koranic schools who were street beggars to attend regular schools.

19. The delegation might present the results of the National Programme for Combating the Practice of Excision indicating – in the event that lack of resources might compromise its implementation – whether Mali had sought aid from the international community and stating how committed politicians and religious or traditional leaders were to campaigns against excision and whether the national media had been asked to support these initiatives and advocate a change in attitudes.

20. It would be useful to know whether the 16 harmful practices listed as occurring in the country were criminal offences, to receive some clarification on the practices of filing of teeth and starvation diet prior to marriage, both of which were on that list, and to have an explanation of how the State party intended to eradicate excision in the absence of legislation expressly criminalizing it. Finally, it would be useful to know the level of resources allocated to the National Action Committee on the Eradication of Practices Harmful to Women's and Children's Health and whether that committee's work had been assessed.

21. **Ms. Aluoch** asked how Mali was combating cross-border trafficking of children; she was aware that Mali had signed regional agreements on that subject but that the committees responsible for enforcing them were no longer meeting.

22. The delegation might note whether there are any mobile birth registration units in the country, whether the Government had adopted a strategy to resolve the problems associated with Koranic schools and what rules applied to such schools.

23. **Mr. Liwski** was surprised that the budgetary resources allocated to secondary and preschool education were lower in 2005 than in 2004 and wondered whether the reduction was the result of poor budget management.

24. The delegation might indicate whether machinery authorized to take complaints from minors who had undergone acts of torture and ill-treatment in police stations and detention centres had been established and whether such complaints were entered into a register. It would also be useful to know whether the minors who were victims of violations of this kind were sent on rehabilitation programmes, whether the perpetrators were punished and whether activities to prevent torture and ill-treatment were held for members of the law enforcement agencies.

25. **Mr. Siddiqui** asked what links there were between the National Centre for Documentation and Information on Women and the Child and the National Directorate of Statistics and Information, whether the Centre regularly published reports on the situation of children in Mali, whether it worked with the United Nations Children's Fund (UNICEF) to improve the quality of its work, whether it conducted independent research into children's rights issues and whether it had adequate financial and human resources to discharge its mandate.

26. The delegation might state whether an audit had been conducted to determine whether the State budget was appropriately allocated and note whether there was any mechanism responsible for ensuring that resources earmarked for social services, and especially for children, were indeed allocated to them.

27. **Mr. Zermatten** asked whether the effectiveness of the Children's Parliament had been assessed, whether sufficient means had been made available to it and whether Children's Parliaments had also been set up at the regional and local levels.

28. He asked whether as part of proceedings in a family dispute, the court was required to hear the child's view and, if so, from what age. Finally the delegation might cite some judicial or administrative decisions in which the best interests of the child had been the determining criterion.

29. **The Chairperson** asked how many complaints lodged by children had been processed by the Ombudsman and whether the Ombudsman had a department specifically for processing the complaints.

30. He asked for details of the people within Government who made the decisions on the allocation of international aid and whether donors had their say in the matter.

31. **Mr. Filali** asked for further information on the dissemination of the Convention, particularly in rural areas.

32. The delegation might also supply further details on the role and composition of the National Consultative Commission on Human Rights and indicate whether its members included representatives of NGOs and whether it had regional offices.

The meeting was suspended at 11.20 a.m. and resumed at 11.35 a.m.

33. **Mr. Traoré** (Mali) said that the 1992-2000 National Plan of Action for the benefit of Children had not been renewed and that a plan of action for 2002-2011 should have been drawn up as a follow-up to the document "A world fit for children" which was adopted at the special session of the General Assembly of the United Nations on children in 2002. Ten-year programmes in the fields of education, justice, combating poverty and promoting women, children and the family which were drawn up with due regard for the principles enshrined in the Convention were, however, being implemented and in some measure compensated for the lack of a comprehensive plan of action for 2002-2011.

34. In relation to the birth registration rate the National Plan of Action 2004-2008 aimed to use specific activities in the capital and rural areas to raise public awareness of the need to declare each birth. A new law on civil status, article 1 of which provided for certificates of civil status to be issued free of cost, had been adopted and had entered into force in 2006. It related to birth, marriage and death certificates.

35. Currently in Malian law, a mother did not pass her nationality on to her children, but the Individuals and Family Code which was in the process of being drafted would include a provision in that regard.

36. The decree implementing the Child Protection Code had not yet been adopted. It contained two key provisions, namely the creation of the post of child protection officer and the creation of the post of probation officer. The child protection officer's powers had been identified – they would be able to intervene directly if they noticed or received information that a child had been ill-treated, but they had not yet been appointed. As soon as they were they would receive training on the Convention on the Rights of the Child and would then be posted to the offices of the various regional governors. The text on probation officers, whose duty it would be to monitor the progress of children in prison and, if appropriate, to alleviate the penalty imposed on them, had not yet been adopted.

37. **Ms. Diallo M'bodji Sène** (Mali) noted that the decree appointing child protection officers had been before the Council of Ministers for two or three months awaiting a decision.

38. **Mr. Traoré** (Mali) said that the Ombudsman was appointed by the President of the Republic for seven years and was fully independent. He could be removed from post only in the event of gross misconduct. The role of the Ombudsman was to act as a mediator between civil servants and citizens when a problem arose. Each year he had to produce a report which was submitted to the President of the Republic and the President of the National Assembly.

39. **Ms. Aluoch** noted that the Ombudsman did not deal specifically with children and asked whether the fact that he was appointed by the President compromised his independence.

40. **Ms. Ouedraogo** encouraged Mali to appoint the child protection officers and probation officers and asked whether there were plans to inform children that such posts existed so that the children could avail themselves of them.

41. **The Chairperson** asked what body monitored and coordinated the sectoral plans at national and regional levels, what measures had been taken to promote the registration of births, whether the Ombudsman had dealt with any complaints submitted by children and, if so, how the complaints had been followed up.

42. **Mr. Traoré** (Mali) said that the text establishing the post of Ombudsman did not state whether children were able to approach him in the event of ill-treatment, but it did not preclude them from doing so; minors were able to take action in the youth courts either directly or through other more accessible bodies listed in the Child Protection Code.

43. **Ms. Smith** asked whether a time-limit had been set for the appointment of probation officers and whether in practice children took action in the youth courts.

44. **Mr. Traoré** (Mali) replied that no complaint had yet been registered with the youth courts because the children did not know how to take action of that kind. There was no telephone help line service via which ill-treatment could be reported.

45. People who were late in declaring a birth were not subject to a penalty. Once the time-limit had passed, the parents were entitled to a birth certificate under a system of suppletory rulings.

46. **Mr. Filali**, noting that the system of suppletory rulings was costly and impractical for the rural population who live a long way from the courts, asked whether it would be possible to establish an administrative rather than a judicial system of regularization.

47. **Mr. Barry** (Mali) said that the mobile registration system set up by Ministry for the Advancement of Women, the Child and the Family with support from UNICEF and the UNDP meant that block registrations of births and marriages could be carried out.

48. **Mr. Sidibé** (Mali) said that measures had been taken to withdrawn the reservation on article 16. Article 116 of the Constitution of Mali gave precedence to international agreements, including the Convention on the Rights of the Child, and the fact that that Convention had never been invoked in the courts was due to a lack of information.

49. **Mr. Cissé** (Mali) said that Koranic schools were not part of the national education system, unlike the *madrasas*. The results of the UNICEF-sponsored study on Koranic schools were not yet known. The Education Department had held training seminars for Koranic teachers to bring the teaching delivered by them into conformity with the rights of the child. Nomad

schools had been set up to instruct Tuareg children during their treks. School canteens had been established with the support of the World Food Programme so that pupils could stay at school.

50. **Ms. Khattab** asked whether there were any statistics on the children who were benefiting under these measures.

51. **Ms. Ouedraogo** asked for information on the difference between *madrasas* and Koranic schools.

52. **Mr. Filali** asked why, if the Government was keen to retain Koranic schools, it did not place them under the supervision of the Ministry of Religious Affairs so that it was able to inspect them; it was intolerable that Koranic teachers were teaching children to beg.

53. **Mr. Cissé** (Mali) explained that the *madrasas* were part of the national education system and followed a school curriculum similar to that in schools where French was taught. By contrast, Koranic schools merely provided religious teaching. The teaching was delivered by Koranic teachers who had no hesitation in teaching their pupils to beg to support themselves. The Government frowned on this practice and was working to restructure the sector, but the task was a difficult one.

54. **Ms. Khattab** asked whether the Government exercised a right to inspect the teaching delivered in Koranic schools or whether it was totally outside the Government's control; she wondered in particular about the risk of extremist tendencies.

55. **Mr. Cissé** (Mali) replied that there were no extremist tendencies and that the Government was very keen to structure the teaching in Koranic schools and to train the *marabouts*.

The task was not an easy one, however, for various reasons. Often parents chose to send their child to the Koranic school. It was possible to monitor both types of instruction.

56. **Ms. Diallo M'bodji Sène** (Mali) said that a true Koranic school was not incompatible with access to education. Many children attended to learn their prayers before attending their regular school. Unfortunately, some *marabouts* encouraged children to beg instead of giving them religious instruction, but the Government was making great efforts to resolve that issue.

57. The practice of forcing girls to follow a diet before marriage was a declining cultural tradition. A Committee to Combat Practices Harmful to Health had been in operation since 1999 and a National Programme for Combating the Practice of Excision had been implemented. A slight fall in the practice had been observed and Mali had decided to combat it through education and awareness-raising rather than through criminalization because it had observed that laws adopted to that end by some neighbouring countries were difficult to enforce and encouraged families to have illegal excisions performed abroad, including in Mali.

58. **Ms. Ouedraogo** asked where refugees went after entering the transit centre and what treatment was reserved for children in such centres, in particular whether they had access to medical services, whether they were helped to find their families, and whether measures were taken to protect them (especially the girls) against potential violence.

59. The delegation might also supply information on the assistance given to street children, not all of whom were beggars (*garibou* children); sometimes whole families were on the streets because of poverty.

60. **Ms. Smith** asked what risks described in the report were associated with international adoption. The procedure which applied in Mali appeared to be very full and should be sufficient to prevent illegal adoption. Adoption for protection, as established under article 58 of the Kinship Code, was also a procedure worthy of note as it was conducted according to customary rules and a ruling was given in open court following an investigation, but she wondered whether that was what actually happened in practice. The State party had not said whether there were any children's homes.

61. It appeared that the specialized detention and rehabilitation centre for minors at Bollé accommodated not only boys in conflict with the law but children placed there for behavioural reasons or by their parents, but there was no information on whether the different categories of boys were mixed together or whether special units were set aside for them. The centre for women clearly housed adult women and girls indiscriminately. Generally speaking the report did not state whether children were separated from adults in detention centres and whether educational programmes were available to them. It would also be useful to know whether the supervision of the two centres at Bollé was satisfactory.

62. The delegation might indicate how many professionals working in the juvenile justice sector had received special training, how many youth courts there were and why they were not in operation. Information on recourse to the arbitration procedure, which was intended to replace prosecution, would also be welcome.

63. **Mr. Krappmann** regretted the lack of information on pre-primary education. Access to primary and secondary education had improved but much remained to be done, especially where girls were concerned. The repetition and dropout rates were still too high and it was not clear whether there were any programmes to encourage children who had dropped out of the school system to resume their studies. Private schools apparently had high numbers of pupils but there were no details on whether they followed the same curriculum as state schools or whether they were inspected by the Ministry of Education. Finally, it appeared that teachers were too few in number, inadequately trained, poorly paid and had low social status: it would be useful to know what measures had been taken to remedy that situation.

64. Details on the current educational curricula review which aimed to bring the curricula into line with the socio-economic reality of Mali would be welcome. It would also be useful to know whether teachers were encouraged to use methods which encouraged pupil participation.

65. The report referred to the fact that Centres for Education in Support of Development (CED), existed but without indicating how many there were, how they operated or how many pupils they catered for. Generally speaking, the report contained little information on technical and vocational training; for example, there was no information on whether such training was also available to girls.

66. The delegation might state whether education in human rights was compulsory in all levels of school.

67. **Mr. Filali** asked what the duration of police custody was, whether the mediators in criminal matters were part of the judiciary, what their training consisted in and how many of them there were. It would also be useful to know whether social (or alternative) measures in non-criminal matters were assessed and whether detention was solely a measure of last resort.

68. A number of problems peculiar to young people required Government measures, including the exodus of young people to the towns or abroad, the fashion for depigmentation among girls and drug-taking by young people with nothing to do. Fuller information on these matters would be welcome.

69. Finally, it would be useful to hear about the measures taken to combat child trafficking, a phenomenon which was alarming in its scale.

70. **Ms. Al-Thani** noted that some regions had no medical centres, coverage of vaccination programmes was inadequate (below 85 per cent) and the child mortality rate remained high. Access to potable water was still very limited. The Committee asked what had been done on that issue.

71. Young people were particularly affected by STIs and early pregnancy, both of which were often due to lack of information. It would therefore be useful to know whether young people had access to reproductive and mental health-care services. No statistics on suicides had been provided and that gap should be filled.

72. Despite the considerable increase in the resources allocated to combating AIDS there had been barely any improvement in the situation; the delegation might indicate why and state what had been done to compile a register of AIDS orphans and provide them with assistance.

73. **Ms. Khattab** asked whether Mali had requested foreign assistance, for example to reform juvenile justice, and whether there were plans to take a census of street children and make a detailed study of their circumstances.

74. It would be useful to know whether the Government had tried to raise public awareness of domestic violence, through the media for example, and if it envisaged drawing up a national plan of action to follow up on the recommendations contained in the United Nations Secretary-General's Study on Violence against Children.

75. The delegation might outline the measures taken to protect girls in domestic service, all of whom appeared to be migrants.

76. **Ms. Aluoch** asked whether the National Assembly had already approved the draft Individuals and Family Code and whether there were any parenting education programmes.

77. She asked about the stage reached in the translation into the national languages of the Child Protection Code and other documents on children's rights. She also asked for details on the process of bringing legislation into conformity with the Convention in order to provide better protection for children deprived of their family environment.

78. Abandoned or orphan children were traditionally taken in by the extended family, but it remained to be seen whether extended families still had the capacity to act in that way: in some African countries where the numbers of orphans had become too high that capacity had been exhausted. It would also be useful to have further information on the social services that cared for children who were not taken in by the extended family.

The meeting rose at 1 p.m.
