



# General Assembly

Distr.: General  
4 December 2012  
English  
Original: French

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**Human Rights Council**  
**Working Group on the Universal Periodic Review**  
**Fifteenth session**  
Geneva, 21 January–1 February 2013

## **National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21\***

### **Mali**

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## I. Introduction

1. This report for the second cycle of the universal periodic review is being submitted at a time of twin institutional and security crises that are major sources of concern for the Government of Mali. With support from the international community, the Government is engaged in the search for lasting solutions that take account of the need to safeguard human rights in accordance with commitments assumed in domestic legislation and under the international legal instruments ratified by Mali.

2. The first universal periodic review for Mali took place on 15 May 2008. The review outcome document was adopted by the Human Rights Council at its eighth regular session on 13 June 2008. Mali received 27 recommendations as a result of this review process. Of these, 21 were accepted by Mali, 1 did not receive its support and 5 were the subject of comments provided by the Government of Mali in writing.

3. Since its first report was considered in March 2008, Mali has continued its efforts to improve the human rights situation. It has endeavoured to adopt and implement domestic laws and regulations, to fulfil its international obligations and to develop and implement national and sector-specific policies.

4. Despite these endeavours, Mali is finding it difficult to fulfil its human rights obligations. The crisis situation in which the country has been engulfed since January 2012 is having a significant, direct impact on the continuity and consolidation of progress towards greater respect and enjoyment of human rights in Mali, as well as on the country's ability to promote and protect these rights. These difficulties and constraints are detailed in point III of section V. The causes of the crisis and its effect on human rights are addressed in a separate section.

## II. Methodology and consultation process

5. After Mali's first universal periodic review in 2008, the Ministry of Foreign Affairs and International Cooperation established a committee to monitor implementation of the recommendations resulting from the universal periodic review and proceeded to assign the tasks necessary for their implementation. The Ministry of Justice sought assistance from the Office of the United Nations High Commissioner for Human Rights (OHCHR) in implementing the recommendations. OHCHR placed one of its experts at the disposal of the Ministry of Justice with a view to drawing up an action plan for implementation. Civil society and the National Human Rights Commission also participated in this process. However, the plan's adoption by the Government has been delayed because of the institutional and political crisis afflicting the country.

6. This report was prepared in line with the pertinent provisions of Human Rights Council resolutions and decisions, including: the annex to resolution 5/1 of 18 June 2007 on institution-building of the United Nations Human Rights Council; the annex to resolution 16/21 of 25 March 2011 on review of the work and functioning of the Human Rights Council and decision 17/119 of 17 June 2011 on follow-up to Human Rights Council resolution 16/21 with regard to the universal periodic review. It is focused mainly on follow-up and implementation of the recommendations made in the previous review and on changes in the human rights situation in Mali between 2008 and 2012. On the request of the Government of Mali, the Intergovernmental Agency of la Francophonie sent a delegation to Bamako to assist with preparation of the report for the second cycle of the universal periodic review. A meeting with ministerial departments and representatives of civil society, the National Human Rights Commission and the Office of the National

Ombudsman was organized to solicit input. The Ministry of Justice established a working group to prepare the report.

### **III. Development of the normative and institutional framework (2008–2012)**

#### **A. Constitution**

7. The political system in Mali is governed by the Constitution of 25 February 1992. The political and institutional reform process under way since 2007 has resulted in the adoption of a constitutional review bill. The amendments envisaged in the bill relate to women's access to elected office, the inclusion of the National Ombudsman in the new Constitution and the creation of the Senate.

#### **B. General policy measures**

8. On 28 December 2011 the Government of Mali adopted the Growth and Poverty Reduction Strategic Framework for 2012–2017. This framework, which serves as a unifying framework for all national policies, is built on three cornerstones:

- Promotion of accelerated sustainable growth that brings benefits for the poor and creates employment and income-generating activities;
- Reinforcement of the foundations for long-term development and fair access to quality social services;
- Institutional development and governance.

9. A national policy for the promotion and protection of human rights is being drawn up and is expected to be adopted in the second half of 2013.

#### **C. Domestic legislation**

10. Between 2008 and 2012 Mali developed and adopted a number of new laws to strengthen its domestic legislative framework, including:

- Act No. 2011-087/ of 30 December 2011 enacting the Personal and Family Code;
- Act No. 2012-023/ of 12 July 2012 on the fight against trafficking in human beings and similar practices;
- Act No. 09-015 of 26 June 2009 on the compulsory health insurance scheme;
- Act No. 09-030 of 27 July 2009 on the medical assistance scheme.

#### **D. International instruments (signed and/or ratified, reservations and declarations)**

11. Between 2008 and 2012 Mali signed and ratified:

- The Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, signed on 24 September 2009;
- The Convention on the Rights of Persons with Disabilities and its Optional Protocol, ratified on 7 April 2008;

- The International Convention for the Protection of All Persons from Enforced Disappearance, ratified on 1 July 2009;
- The Protocol on the Statute of the African Court of Justice and Human Rights, ratified on 27 July 2009;
- The African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa, ratified on 31 May 2010.

## **E. National institutions for the promotion and protection of human rights**

### **1. The National Human Rights Commission**

12. The National Human Rights Commission was established under Act No. 09-042 of 19 November 2009 as an independent advisory and administrative authority mandated to contribute to the promotion and protection of human rights.

### **2. The Office of the National Ombudsman**

13. The Office of the National Ombudsman has been given new mandates as part of the drive to improve respect for the rule of law, governance, human rights and conflict resolution mechanisms. It has also been given responsibility for organizing the Forum for Democratic Discussion. These changes were effected through the following laws:

- Act No. 2011 010 of 8 February 2012 amending Act No. 97-022 of 14 March 1997 establishing the National Ombudsman;
- Decree No. 2012 117/P-RM of 24 February 2012 amending Decree No. 96 159/P-RM of 31 May 1996, establishing the Forum for Democratic Discussion.

## **IV. Promotion and protection of human rights on the ground and compliance with international obligations (2008–2012)**

14. The main measures adopted and implemented by the Government of Mali between 2008 and 2012 in order to promote and protect human rights and ensure compliance with international obligations are described below.

### **A. Activities of national human rights institutions**

15. The National Human Rights Commission has undertaken a number of activities, including:

- Annual publication of a report on the human rights situation (in 2010 and 2011);
- An evaluation of the recommendations made under the universal periodic review, which is included in the 2011 report;
- Publication, in August 2012, of a detailed report on the events of the year;
- Organization of a day of reflection on the institutional and security crisis;
- Organization of visits to places of detention;
- Participation in the 2010 and 2011 annual meetings of the International Coordinating Committee of National Human Rights Institutions (ICC);

- In 2012, submission of the request for accreditation to ICC, which granted it a B status.

## **B. Civil and political rights**

### **1. Right to life**

16. No death sentences were carried out between 2008 and 2012. Recommendation 56.16

### **2. Torture and cruel, inhuman or degrading treatment or punishment**

17. Mali received a visit from the Subcommittee on Prevention of Torture in 2011.

### **3. Trafficking in human beings, slavery and similar practices**

18. Recommendations 57.4, 56.11 and 58.

19. A noteworthy advance in this area was the adoption of Act No. 2012-023/ of 12 July 2012 on the fight against trafficking in human beings and similar practices.

### **4. Deprivation of liberty**

20. Recommendation 56.19.

### **5. Judicial proceedings**

21. In the field of justice, several new laws have been drawn up with the aim of achieving a better distribution of judicial services and greater accessibility to such services. These include:

- Act No. 10-030 of 12 July 2010 establishing human rights and justice access centres;
- Act No. 2011-038 of 15 July 2011 on the establishment of courts;
- Act No. 2011-038 of 15 July 2011 on the organization of the judiciary.

22. A policy of improvements to justice services supported by a 2009–2011 action plan has also been developed, and was launched in January 2009.

### **6. Legal personality**

23. Recommendations 56.5, Personal and Family Code, etc.

### **7. Freedom of opinion and expression**

24. Recommendation 56.15.

### **8. Protection of the family, marriage**

25. Recommendations 56.5, Personal and Family Code.

### **9. Participation in management of public affairs**

26. Recommendation 56.09 and section on the crisis.

## **C. Economic, social and cultural rights**

### **1. Employment**

27. A national policy paper on vocational training was adopted by the Government in June 2009, and work to formulate a new national employment policy is under way. According to the records of the Ministry of Employment and Vocational Training, a total of 23,828 jobs were created in 2010. This figure includes all categories of work and all contract durations.

### **2. Social security**

28. See voluntary commitments.

### **3. Food**

29. A national policy paper on action aimed at improving nutrition is in the process of adoption. Mali joined the international Scaling Up Nutrition (SUN) Movement in March 2011. In addition, the Ministry of Health organized the National Forum on Nutrition, which took place in Bamako between 1 and 3 June 2010. The overall prevalence of chronic malnutrition is currently 27 per cent, compared with 28 per cent in 2011 (Multiple Indicator Cluster Survey, MICS) and 34 per cent in 2010 (Demographic and Health Survey IV). Nineteen per cent of the population was underweight in 2011, unchanged from 2010 (MICS).

### **4. Housing**

30. National consultations on housing were held by the Government between 30 June 2008 and 11 December 2009. Achievements have included the completion of 1,700 social housing units built by the State, 559 social housing units built under public private partnerships and 1,180 social housing units built using locally sourced materials and the formulation of several master plans for urban areas. A policy for public land-use policy is in the development stages.

### **5. Health**

31. The number of community health centres rose from 1,050 in 2010 to 1,094 in 2011 but, under the sectoral health development plan launched in 2009, 131 health areas are still in need of a community health centre. In 2011, Mali met World Health Organization (WHO) standards for two of the main ratios for medical personnel per capita: it had 1 practising physician for every 8,526 inhabitants, compared with 1 physician for every 9,792 inhabitants in 2010 (WHO standard = 1 physician per 10,000 inhabitants), and 1 nurse/medical assistant for every 3,617 inhabitants, compared with 1 for every 3,448 inhabitants in 2010 (WHO standard = 1 per 5,000 inhabitants).

### **6. Education**

32. With regard to decentralization and devolution, 27 new Educational Outreach Centres have been created to strengthen teaching capacity in basic education facilities.

33. As of 31 December 2011, 127 of the 222 recommendations issued following the National Forum on Education in 2008 had been implemented, 83 were in the process of implementation and 12 were pending implementation.

34. Mali has taken various steps to promote higher education, including establishing four universities in Bamako and another in Ségou.

## 7. Cultural life and scientific progress

35. The Government adopted Act No. 10-061 of 30 December 2010, which amends Act No. 85-40/AN-RM of 26 July 1985 on the protection and promotion of national cultural heritage.

36. A national policy for the development of the handicrafts sector and a supporting action plan for 2009–2012 were adopted by the Government in March 2010. A national strategy for the development of tourism and a supporting action plan for 2010–2012 were adopted in June 2010. A framework paper on cultural policy is due to be adopted in the near future.

37. Mali has ratified the UNESCO Convention for the Protection of Cultural Property in the Event of Armed Conflict of 1954. After the crisis erupted in the north of the country, the Government of Mali asked UNESCO to place Timbuktu and the Tomb of Askia on the List of World Heritage in Danger. At a meeting held in St. Petersburg on 8 July 2012, the World Heritage Committee accepted the Government's request. A UNESCO mission is currently in Mali preparing a guide, known as a "heritage passport", for the members of the Malian Armed Forces who will be carrying out military interventions in the area. The guide will be used to identify and preserve cultural assets. Work to digitize the Timbuktu Manuscripts as a fallback in the event of the loss of cultural wealth is also under way.

## D. Rights of specific groups

### 1. Women's rights and the gender perspective

38. The adoption of the Personal and Family Code strengthened the legislative framework for the protection for women's rights by filling many legal lacunae.

39. In addition, the Government established 10 shelters for women and children in 2010 – 2 in Bamako and 8 in regional capitals. It has also established 23 self-help centres for women in the *cercles* (subregions).

40. The National Programme to Combat the Practice of Excision was created by Government Order No. 02-053/P-RM of 4 June 2002. Its mandate is to coordinate, monitor and evaluate Government policy and strategies for combating excision. This programme is still running.

#### *Gender perspective*

#### *Recommendation 56.6*

41. The National Gender Policy of Mali and the supporting action plan for 2011–2013 was adopted by the Government on 24 November 2010. A support programme for women economic operators and a capacity-building programme for women's organizations (phases I and II) are also in place.

#### *Participation of women in political life*

#### *[Recommendation 56.9]*

42. Women remain underrepresented in decision-making bodies, including the National Assembly, which has only 15 female members (10 per cent of the total) compared with 132 men. Advocacy efforts to increase women's representation in decision-making bodies have paved the way for a 4.37 per cent increase in the number of female candidates (to 16.52 per cent of total candidates in 2009, up from 12.15 per cent in 2004) and a 2.05 per cent increase in the number of female municipal councillors following the municipal elections of



April 2009 (to 9 per cent of total municipal councillors in 2011, up from 6.95 per cent in 2004). Article 2, paragraph 2, of the draft constitution, which stipulates that: “Women’s access to elected office and elective posts may be facilitated by special measures established by law and in regulations”, provides grounds for hope.

## **2. Rights of the child**

43. The Government is in the process of drafting a national policy for the promotion and protection of children, together with an action plan for 2013–2017.

44. Mali stepped up the fight against child labour with the establishment of a national unit for combating child labour by Government Order No.10-036/P-RM of 5 August 2010 and a national coordinating committee for the fight against trafficking in human beings and similar practices by Decree No. 036 PR-RM of 3 February 2011. The adoption of Decree No. 09-0151/MTFPRE-SG of 4 February 2009, which added to the list of dangerous jobs from which children under the age of 18 are barred, also reinforced the mechanisms for preventing the exploitation of children.

## **3. Rights of persons with disabilities**

45. Mali ratified the Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto on 7 April 2008. A bill on the promotion and protection of the rights of persons with disabilities is in the drafting stages.

46. Specific measures taken for the benefit of persons with disabilities include:

- The provision of a head office and the award of an annual grant of CFAF 121 million in 2010 and CFAF 205 million in 2011 for the Malian Federation of Associations of Persons with Disabilities;
- The award of a one-off grant of CFAF 30 million in 2010 to Handi-caisse.

## **4. Environment**

47. The Government established the National Climate Change Committee by Decree No. 2011-107/P-RM of 11 March 2011. Also, by Act No. 10-027 of 12 July 2010, it established the Environment and Sustainable Development Agency.

## **V. Cooperation with international human rights mechanisms**

48. See Implementation table: Recommendation 56.2: Section.

## **VI. Follow-up and implementation of recommendations and commitments made in the previous review**

49. The table below gives a thematic summary of the measures adopted and implemented in Mali to follow up on the outcome of the first universal periodic review. It encompasses both recommendations accepted and voluntary commitments made by Mali. It also includes the recommendation that did not enjoy the support of Mali and those that were examined after the interactive dialogue. The country’s response to the recommendations is also reproduced for reference.

**Status of implementation of the recommendations and commitments made during the first universal periodic review of Mali<sup>1</sup>**

| <i>Recommendations/<br/>Voluntary commitments</i>                                                                                                                                                                                                                            | <i>Response</i>      | <i>Status of<br/>implementation</i> | <i>Measures/Initiatives</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|-------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>1. National laws, institutions, policies and strategies</b>                                                                                                                                                                                                               |                      |                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| <i>Normative framework</i>                                                                                                                                                                                                                                                   |                      |                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| 56.8. 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).                                                                                | Accepted             | Implemented                         | Refer to response to 56.7.                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| <i>Institutional framework</i>                                                                                                                                                                                                                                               |                      |                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| Strengthening institutional support for the National Human Rights Commission and applying for its accreditation by the International Coordinating Committee of National Human Rights Institutions (National report, first universal periodic review of Mali, paragraph 119). | Voluntary commitment | Implemented                         | A law establishing the National Human Rights Commission has been adopted (Act No. 09-042 of 19 November 2009). An application for accreditation of the National Human Rights Commission has been submitted to the International Coordinating Committee for the National Human Rights Institutions, which awarded a B status and issued recommendations for the Commission. These recommendations will be considered by the Government with a view to their implementation. |
| <i>National policies and strategies</i>                                                                                                                                                                                                                                      |                      |                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| <i>General programmes</i>                                                                                                                                                                                                                                                    |                      |                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| Support for the implementation of the Ten-Year Justice Development Programme (PRODEJ) and other programmes for the promotion and protection of human rights (voluntary commitment).                                                                                          | Voluntary commitment | Implemented                         | PRODEJ operating plan for 2010–2014. The 2012 programme for the promotion of human rights, under which the State contributes to their implementation.                                                                                                                                                                                                                                                                                                                      |
| <i>Human rights awareness-raising, education and training</i>                                                                                                                                                                                                                |                      |                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| 56.21. To raise awareness regarding human rights and the rule of law (Portugal).                                                                                                                                                                                             | Accepted             | Implemented                         | The joint United Nations support programme for the promotion of human and gender rights in Mali and the 2010–2014 PRODEJ operating plan include activities designed to raise awareness of human rights and gender issues among both the population at large and State officials.<br><br>Also noteworthy is the organization of the Forum for Democratic Discussion, which is an annual forum held each year                                                                |

| <i>Recommendations/<br/>Voluntary commitments</i>                                                                                                                                                                                                                                                                              | <i>Response</i>    | <i>Status of<br/>implementation</i> | <i>Measures/Initiatives</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|-------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                                                                                                                                                                                                                                                                                |                    |                                     | <p>on 10 December — the day commemorating the adoption of the Universal Declaration of Human Rights — to inform national and international public opinion on the state of human rights in Mali, to actively and instructively contribute to building a national democratic culture and to achieve significant policy advances in the promotion and protection of citizens' rights and freedoms.</p> <p>The National Human Rights Commission, the Office of the National Ombudsman and various human rights organizations and associations carry out regular human rights awareness-raising activities.</p>                                                                                                                                                                                                                                                                                                                                               |
| <b>2. International human rights instruments and cooperation with international mechanisms</b>                                                                                                                                                                                                                                 |                    |                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| 57.1. To issue and implement a standing invitation to special procedures mandate holders (Czech Republic).                                                                                                                                                                                                                     | Noted <sup>2</sup> | –                                   | Mali reiterates its readiness to receive a visit from the mandate holders should they so request.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| 56.2. To pursue its efforts, with the support of the Office of the United Nations High Commissioner for Human Rights (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). | Accepted           | In progress                         | <p>The Interministerial Support Committee for the preparation of initial and periodic reports on the implementation of the international treaties ratified by Mali was established by Government Decree No. 09-049/P-RM of 12 February 2009. The Committee has developed a report updating a programme and issued a guide to the preparation, drafting and submission of national reports on the implementation of universal and regional human rights instruments ratified by Mali (August 2010).</p> <p>Mali has drafted three reports on this basis: its initial report under the International Covenant on Economic, Social and Cultural Rights, its eighteenth periodic report under the Convention on the Elimination of Discrimination against Women (2007–2011), its periodic report under the African Charter on Human and Peoples' Rights (2001–2011) and its periodic report under the Solemn Declaration on Gender Equality (2010–2011).</p> |

| <i>Recommendations/<br/>Voluntary commitments</i>                                                                                                                                                                                       | <i>Response</i>      | <i>Status of<br/>implementation</i> | <i>Measures/Initiatives</i>                                                                                                                                                                                                                                  |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|-------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Initiation, in 2007, of a review process in Mali within the framework of the New Partnership for Africa's Development (NEPAD) African Peer Review Mechanism. (National report, first universal periodic review of Mali, paragraph 119.) | Voluntary commitment | Implemented                         | In 2009 Mali submitted to the African Union its self-assessment report on its governance record in the four African Peer Review Mechanism focus areas and a plan of action to improve governance, both of which were prepared with input from civil society. |

### **3. Governance (democracy, elections, justice system, transparency, fight against corruption and against impunity)**

|                                                                                                                                                                                                                                                         |          |             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|-------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 56.20. 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). | Accepted | In progress | <p>In 2011 the Government began preparing a bill to amend the law on the organization and composition of the Supreme Council of the Judiciary. The main objectives of the review were to make the Council open to civil society and to reduce the influence of the executive branch of Government. A draft decree establishing career plans for judges is also in the pipeline. Of more general note, in 2008 the Government organized national consultations on the fight against corruption and financial crime and adopted a 2009–2013 national action plan for implementation of the recommendations resulting from the consultation process.</p> <p>A charter of judicial values (2008) and an agreement for the revitalization of the justice system have also been drawn up as part of the drive to eradicate corruption in judicial circles. To support these two instruments, a programme to enhance transparency in the judicial system is in the development stages.</p> |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|-------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

### **4. Civil and political rights**

#### *Right to life*

|                                                                                                                                           |          |                 |                                                                                                                                                                                                                                                                                                                |
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| 56.16. To promptly adopt the bill to abolish the death penalty (Luxembourg); to continue efforts to abolish the death penalty (Portugal). | Accepted | Not implemented | A bill to abolish the death penalty was adopted by the Council of Ministers in October 2007 and has been submitted to the National Assembly for consideration. It should be noted that death sentences have not been carried out in Mali since the 1980s and that they are routinely commuted to prison terms. |
|-------------------------------------------------------------------------------------------------------------------------------------------|----------|-----------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

| <i>Recommendations/<br/>Voluntary commitments</i>                                                                                                                                                                                                                                                                     | <i>Response</i>                   | <i>Status of<br/>implementation</i> | <i>Measures/Initiatives</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------|-------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Adoption of the bill to abolish the death penalty (voluntary commitment).                                                                                                                                                                                                                                             | Voluntary commitment              | Not implemented                     | The bill to abolish the death penalty has been before the National Assembly pending adoption since 2008.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| <b><i>Trafficking in human beings, forced labour, slavery</i></b>                                                                                                                                                                                                                                                     |                                   |                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| 57.4. To increase and raise awareness throughout the country of forced labour, paying special attention to groups such as the Bella, or black Tamaracks (United States of America).                                                                                                                                   | Noted <sup>3</sup>                | –                                   | Forced labour is addressed and expressly prohibited under Act No. 2012-023 of 12 July 2012 on the fight against trafficking in human beings and similar practices. A national coordinating committee for the fight against trafficking in human beings and similar practices, which is composed of representatives of Government, civil society and technical and financial partners, was established in 2011.                                                                                                                                                                                                                                                                                                                                                                                               |
| 56.11. To reinforce the measures taken against trafficking children, in particular cross-border in trafficking, and child labour (Democratic Republic of the Congo); to implement effective measures to fight child labour and trafficking in children (Brazil).                                                      | Accepted                          | Implemented                         | <p>With support from the Spanish Agency for International Development Cooperation (AECID) and the International Programme on the Elimination of Child Labour (IPEC of the International Labour Organization (ILO)), the Government of Mali is participating in the Preventing and Eliminating Child Labour in West Africa Project for 2010–2014. This project should facilitate implementation of the national action plan for the elimination of child labour in Mali.</p> <p>Adoption of Act No. 2012-023 of 12 July 2012 on the fight against trafficking in human beings and similar practices.</p> <p>Mali has signed bilateral agreements with neighbouring countries (Côte d'Ivoire, Guinea) with the aim of fighting trafficking, particularly cross-border child trafficking, more effectively.</p> |
| 58. A recommendation made in paragraph 18 of the report (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. (Paragraph 18: Slovenia [...] recommended putting an end to all the slavery-related practices in the country [...].) | Did not enjoy the support of Mali | –                                   | Mali has adopted Act No. 2012-023 of 12 July 2012 on the fight against trafficking in human beings and similar practices, which criminalizes slavery and slavery-related practices, forced labour and servitude.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |

| <i>Recommendations/<br/>Voluntary commitments</i>                                                                                                                                                                                                                                                                                                          | <i>Response</i>    | <i>Status of<br/>implementation</i> | <i>Measures/Initiatives</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
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| <b><i>Deprivation of liberty/Conditions of detention</i></b>                                                                                                                                                                                                                                                                                               |                    |                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| 56.19. To improve prison conditions by reducing overcrowding and ensuring access to adequate medical treatment (Ireland).                                                                                                                                                                                                                                  | Accepted           | In progress                         | <p>In May 2011 Mali organized a series of discussion days on prison management and correctional education in which the National Human Rights Commission, a representative of the Office of the National Ombudsman, and various organizations and associations working to safeguard human rights participated. The discussions focused on the question of how detention facilities might be made more humane. In 2011 the Ministry of Justice formulated a plan to reduce overcrowding in places of detention. The plan calls for the organization of extraordinary court hearings and regular assize sessions, visits to places of detention and access to medication. In partnership with the United Nations Office on Drugs and Crime, the authorities are also developing a plan to provide HIV treatment in prisons.</p> <p>In 2012 the Ministry of Justice organized a day of discussion on custodial measures in which all relevant stakeholders and representatives of civil society took part.</p> |
| <b><i>Freedom of opinion and expression</i></b>                                                                                                                                                                                                                                                                                                            |                    |                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| 57.5. To revise the so-called “insult law” (Czech Republic); to respect freedom of opinion and expression and to abstain from imposing penal sanctions on journalists because of their articles (Canada).                                                                                                                                                  | Noted <sup>4</sup> | –                                   | Mali has begun drafting a bill to amend Act No. 00-046 of 7 July 2000 governing the activities of the press and press offences.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| 56.15. 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). | Accepted           | In progress                         | <p>In 2011, the Government drafted a bill to decriminalize press offences. The bill is pending submission to the Council of Ministers for adoption.</p> <p>Prosecutions for press offences are virtually non-existent. A media support fund has been established. A <i>maison de la presse</i> (press club) was set up in May 2008. A bill to establish a graduate school of journalism is in the drafting stages.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |

| <i>Recommendations/<br/>Voluntary commitments</i>                                                                                                                                                                                                     | <i>Response</i>      | <i>Status of<br/>implementation</i> | <i>Measures/Initiatives</i>                                                                                                                                                                                                                                                                                                                         |
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| <b>5. Economic, social and cultural rights</b>                                                                                                                                                                                                        |                      |                                     |                                                                                                                                                                                                                                                                                                                                                     |
| <b><i>Right to an adequate standard of living</i></b>                                                                                                                                                                                                 |                      |                                     |                                                                                                                                                                                                                                                                                                                                                     |
| 56.1. To pursue its efforts against poverty with appropriate and focused assistance from the international community, including OHCHR (Algeria).                                                                                                      | Accepted             | Implemented                         | The Growth and Poverty Reduction Strategic Framework has been adopted and implemented. The main partners are the World Bank, the International Monetary Fund (IMF) and agencies of the United Nations system.                                                                                                                                       |
| <b><i>Right to health</i></b>                                                                                                                                                                                                                         |                      |                                     |                                                                                                                                                                                                                                                                                                                                                     |
| 56.10. To expand coverage and access to services that prevent the transmission of HIV from mother to child (Ireland).                                                                                                                                 | Accepted             | Implemented                         | The strategy for expansion of the network of centres providing mother-to-child HIV transmission prevention services had increased the number of sites from 172 in 2008 to 338 by March 2012. However, following events in the north of the country, 57 centres in this area have ceased operating.                                                  |
| Establishment of compulsory health insurance and a medical assistance fund. (National report, first universal periodic review of Mali, para. 119).                                                                                                    | Voluntary commitment | Implemented                         | The Government has adopted Act No. 09-015 of 26 June 2009 establishing the compulsory health insurance scheme and Act No. 09-030 of 27 July 2009 establishing the medical assistance scheme.<br><br>Almost 2 million people, equivalent to more than 16 per cent of the total population, are covered under the compulsory health insurance scheme. |
| <b><i>Right to education</i></b>                                                                                                                                                                                                                      |                      |                                     |                                                                                                                                                                                                                                                                                                                                                     |
| 56.13. 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).                                         | Accepted             | Implemented                         | In 2011, the gross school enrolment rate for girls was 74 per cent in primary education and 46 per cent in secondary education. The action plan for 2010–2012, involving a total outlay of CFAF 50 billion, is under implementation.                                                                                                                |
| <b>6. Rights of specific groups</b>                                                                                                                                                                                                                   |                      |                                     |                                                                                                                                                                                                                                                                                                                                                     |
| <b><i>Women's rights and the gender perspective</i></b>                                                                                                                                                                                               |                      |                                     |                                                                                                                                                                                                                                                                                                                                                     |
| 56.3. 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 | Accepted             | In progress                         | The Government has enjoyed the support of the United Nations system through the establishment of a joint United Nations support programme for the promotion of human and gender rights in Mali for 2008–2012.                                                                                                                                       |

| <i>Recommendations/<br/>Voluntary commitments</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | <i>Response</i> | <i>Status of<br/>implementation</i> | <i>Measures/Initiatives</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
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| phenomenon of children living and working in the street (Congo); and that Mali be provided with the technical assistance it is seeking in order to promote human rights in the country (Syrian Arab Republic).                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                 |                                     | <p>With support from AECID and ILO-IPEC, the Government is participating in the Preventing and Eliminating Child Labour in West Africa Project for 2010–2014. The project aims to achieve the progressive elimination of child labour and the prevention and immediate elimination of its worst forms by means of a systemic and sustainable response from national institutions in the public and private sectors and civil society organizations. In the long term, the project should accelerate implementation of the national plan of action for the elimination of child labour in Mali.</p> <p>See section 7 on support received in response to requests for assistance made by Mali in the national report that it submitted for the first universal periodic review.</p> |
| 56.4. To reinforce the measures to combat female genital mutilation (FGM) (Italy); to organize an awareness-raising campaign on the illegality and the medical consequences of FGM (Canada).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Accepted        | Implemented                         | <p>The Government has formulated the National Programme to Combat the Practice of Excision. A policy and five-year action plan (2010–2014) for the elimination of such practices have been launched as part of this programme. As a result, in 2010 a total of 428 villages agreed to abandon the practice of excision by signing community undertakings in the presence of the local authorities.</p>                                                                                                                                                                                                                                                                                                                                                                            |
| 56.5. To take further steps to combat all discriminatory and harmful cultural practices, including female genital mutilation, that prevent women and girls from enjoying their human rights (United Kingdom); to review all laws with the aim of eliminating all norms discriminatory 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 the Committee on the Elimination of Discrimination against Women (Switzerland). | Accepted        | In progress                         | <p>United Kingdom (see response to recommendation No. 56.4).</p> <p>By Act No. 2011-087 of 30 December 2011, Mali adopted the Personal and Family Code, which reflects the provisions of the Convention on the Elimination of Discrimination against Women.</p> <p>(France): A new national programme to combat violence against women and girls which covers the period 2012–2017 has recently been drafted and is pending adoption by the Council of Ministers. The programme is aligned with the National Gender Policy and is designed to ensure the Policy's application.</p>                                                                                                                                                                                                |



| <i>Recommendations/<br/>Voluntary commitments</i>                                                                                                                                                                                                                                                                                                                                                                                                              | <i>Response</i>    | <i>Status of<br/>implementation</i> | <i>Measures/Initiatives</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
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|                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                    |                                     | The National Gender Policy and the supporting action plan for 2011–2013 aim to eliminate all forms of discrimination against women.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| 56.7. 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).                                                                                                                                                                          | Accepted           | Implemented                         | A study to assess the degree of harmonization between national legislation and regional and international legal instruments ratified by Mali was carried out in 2010. The adoption of the new Personal and Family Code was part of the harmonization effort, as was the adoption of Act No. 2012-023 of 12 July 2012 on the fight against trafficking in human beings and similar practices.                                                                                                                                                                                                                                                                                                                                   |
| 56.17. To promptly adopt the bill on a new citizen's code (Luxembourg).                                                                                                                                                                                                                                                                                                                                                                                        | Accepted           | Implemented                         | See response to recommendation 56.5.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| 56.18. 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).                                                                                                                                                                                        | Accepted           | Implemented                         | <p>The Criminal Code outlaws all forms of violence, including domestic violence. In addition, article 352 of the Personal and Family Code of 30 December 2011 establishes that cases of excess and abuse shall constitute grounds for divorce.</p> <p>Awareness-raising campaigns are organized by the National Human Rights Commission and civil society organizations with a view to encouraging people to report cases of domestic violence and paving the way for the prosecution of the perpetrators.</p> <p>The joint United Nations support programme for the promotion of human and gender rights places particular emphasis on training for judges and especially on training in how to safeguard women's rights.</p> |
| 57.2. To enact legislation prohibiting all forms of traditional practice of female genital mutilation in line with recommendations made by the Human Rights Committee, the Committee on the Elimination of Discrimination against Women and the Committee on the Rights of the Child (Netherlands); to consider the practicability of enacting legislation prohibiting female genital mutilation (Japan); to enact legislation prohibiting all forms of female | Noted <sup>5</sup> | –                                   | <p>Concerning the Personal and Family Code (see recommendation 56.5).</p> <p>The Government of Mali is continuing with its campaigns to put an end to the practice of excision. As a result of its campaigns, approximately 400 communities have signed an agreement to abandon the practice of excision.</p>                                                                                                                                                                                                                                                                                                                                                                                                                  |

| <i>Recommendations/<br/>Voluntary commitments</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | <i>Response</i>    | <i>Status of<br/>implementation</i> | <i>Measures/Initiatives</i>                                                                                                                                                                                                                                                                                                                                                                                  |
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| genital mutilation (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 female genital mutilation 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 female genital mutilation 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 female genital mutilation (Mexico); to ensure that laws combating female genital mutilation and forced marriages are compatible with the country's 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 the Committee on the Elimination of Discrimination against Women and the Human Rights Committee concerning violence against women and female genital mutilation (Canada). |                    |                                     |                                                                                                                                                                                                                                                                                                                                                                                                              |
| 57.3. 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 female genital mutilation (Luxembourg).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Noted <sup>6</sup> | –                                   | See recommendations 56.5 and 56.18.                                                                                                                                                                                                                                                                                                                                                                          |
| 56.9. To continue to encourage women to run for election (Canada).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Accepted           | Implemented                         | The Government has submitted a bill to the National Assembly to establish a minimum quota of 30 per cent for women's representation on elective and administrative bodies (Initiatives: raising awareness among the public and members of parliament). Article 2, paragraph 2, of the bill to amend the Constitution of 25 February 1992 provides that: "Women's access to elected office and elective posts |

| <i>Recommendations/<br/>Voluntary commitments</i>                                                                                                                                         | <i>Response</i>      | <i>Status of<br/>implementation</i> | <i>Measures/Initiatives</i>                                                                                                                                                                                                                                                                                                                                                                                                                          |
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|                                                                                                                                                                                           |                      |                                     | may be facilitated by special measures established by law.”<br><br>See paragraph 39 on women’s participation in political life.                                                                                                                                                                                                                                                                                                                      |
| 6.6. To fully integrate a gender perspective in the universal periodic review process, including in follow-up to the outcome of the review, in accordance with resolution 5/1 (Slovenia). | Accepted             | In progress                         | The establishment of gender committees within ministerial departments will ensure that these departments take the gender perspective into account when implementing recommendations made in the course of the universal periodic review.<br><br>See paragraph 38 on the gender perspective.                                                                                                                                                          |
| Stepping up action to eliminate discrimination against women, violence against women and the practice of excision (voluntary commitment).                                                 | Voluntary commitment | Implemented                         | See paragraph 37 on the rights of specific groups.                                                                                                                                                                                                                                                                                                                                                                                                   |
| Adoption of the draft Personal and Family Code (voluntary commitment).                                                                                                                    | Voluntary commitment | Implemented                         | The Personal and Family Code was adopted on 30 December 2011.                                                                                                                                                                                                                                                                                                                                                                                        |
| Continuation and strengthening of measures aimed at promoting equality between men and women. (National report, first universal periodic review of Mali, paragraph 119.)                  | Voluntary commitment | Implemented                         | See recommendation 56.5.                                                                                                                                                                                                                                                                                                                                                                                                                             |
| <b><i>Rights of the child</i></b>                                                                                                                                                         |                      |                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| 56.12. To adopt effective measures to combat all forms of ill-treatment of children, including corporal punishment (Italy).                                                               | Accepted             | Implemented                         | Corporal punishment and all forms of ill-treatment of children are prohibited. There is, in addition, a provision expressly prohibiting corporal punishment in schools. The related action plan also contains an unequivocal prohibition. The Criminal Code prohibits and penalizes violence of all forms.                                                                                                                                           |
| 56.14. 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).                  | Accepted             | Implemented                         | A juvenile judge and presiding juvenile judge have been appointed in every first instance court and district court with extended jurisdiction located in an area that has no dedicated juvenile court.<br><br>A special juvenile division has been established within the Court of Appeal.<br><br>Since 2008 the authorities have been endeavouring to increase the number of juvenile courts in operation and the use of alternatives to detention. |

| <i>Recommendations/<br/>Voluntary commitments</i>                                                                                                                                                                                                                                                                                                                            | <i>Response</i>      | <i>Status of<br/>implementation</i> | <i>Measures/Initiatives</i>                                                                                                                                                                                                                                                                                                         |
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| Establishment of juvenile courts and specialized detention, re-education and rehabilitation centres for women and children in the other eight regions of the country (voluntary commitment).                                                                                                                                                                                 | Voluntary commitment | In progress                         | Presiding juvenile judges have been appointed in the courts of first instance in seven regions.<br>However, specialized detention, re-education and rehabilitation centres for women and children have not yet been established except in Bamako.                                                                                   |
| <b>7. Capacity-building and technical assistance (requests made in the national report submitted by Mali for the first cycle, para. 120). See also recommendation 56.3 (Morocco, Syrian Arab Republic)</b>                                                                                                                                                                   |                      |                                     |                                                                                                                                                                                                                                                                                                                                     |
| Greater harmonization of national legislation with the provisions of international human rights instruments.                                                                                                                                                                                                                                                                 |                      |                                     | A study examining the degree of harmonization between national legislation and international human rights treaties has been completed.                                                                                                                                                                                              |
| Strengthening the capacity of State and non-State actors for the promotion and protection of human rights. (National report, first universal periodic review of Mali, paragraph 120.)                                                                                                                                                                                        |                      |                                     | A programme for the promotion of human rights funded by the Government of Mali with support from agencies of the United Nations system has been launched.                                                                                                                                                                           |
| Building institutional and operational capacity for the administration of justice, especially by increasing the number of courts and tribunals, providing training for judges and court officials and improving living conditions for inmates of prisons and correctional education institutions. (National report, first universal periodic review of Mali, paragraph 120.) |                      |                                     | The operating plan of the Ten-Year Justice Development Programme (PRODEJ) provides for institutional and operational capacity-building in the administration of justice.                                                                                                                                                            |
| Incorporating content relating to human rights, the culture of peace, democracy and citizenship in formal and informal educational programmes. (National report, first universal periodic review of Mali, paragraph 120.)                                                                                                                                                    |                      |                                     | The Government of Mali has produced manuals and guides for providing training in the areas of human rights, the culture of peace, democracy and citizenship and has incorporated content relating to human rights, the culture of peace, democracy and citizenship in its curriculum. The manuals and guides were reviewed in 2010. |
| Translating the main national, regional and international human rights instruments into the principal national languages.                                                                                                                                                                                                                                                    |                      |                                     | Mali has not received technical assistance.                                                                                                                                                                                                                                                                                         |
| Improving the civil registry system. (National report, first universal periodic review of Mali, paragraph 120.)                                                                                                                                                                                                                                                              |                      |                                     | The civil status census programme (RAVEC) is designed to equip the Malian authorities with an accurate biometric database. The identification process is at a very advanced stage.                                                                                                                                                  |

| <i>Recommendations/<br/>Voluntary commitments</i>                                                                                                                                                                  | <i>Response</i> | <i>Status of<br/>implementation</i> | <i>Measures/Initiatives</i>                                                                                                                                                      |
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| Organizing various activities in the framework of the celebration of the sixtieth anniversary of the Universal Declaration of Human Rights. (National report, first universal periodic review of Mali, para. 120.) |                 |                                     | Events to mark the sixtieth anniversary of the Universal Declaration of Human Rights were organized with support from OHCHR and the United Nations Development Programme (UNDP). |

## **VII. Cooperation with the international community in follow-up and implementation of the recommendations and commitments made during the universal periodic review**

50. Mali requested capacity-building support and technical assistance in the national report submitted during the first cycle (A/HRC/WG.6/2/MLI/1, para. 120). See also recommendation 56.3 (Morocco, Syrian Arab Republic), covered in section 7 of the universal periodic review recommendations and commitments implementation table.

## **VIII. Progress and best practices**

51. Strengthening of the National Human Rights Commission.
52. Organization of the Forum for Democratic Discussion by an independent administrative authority.
53. The Consensual Human Rights City established in Kati is a place in which citizens learn about human rights and through the knowledge they gain are better equipped to exercise and respect these rights.

## **IX. Difficulties and constraints**

54. Mali has been confronted by difficulties and objective constraints that have impeded implementation of the recommendations.
55. Poverty reduction:
- Mobilization of domestic and international resources.
56. Submission of reports to treaty bodies:
- (a) Need to build the capacity of members of the Interministerial Support Committee for the Preparation of Reports;
  - (b) Lack of financial and material resources.
57. Discrimination, violence against women and the fight against female genital mutilation, trafficking of children and the death penalty:
- (a) Social and cultural obstacles;
  - (b) Low levels of awareness among the population;
  - (c) Low level of economic empowerment among women;
  - (d) Low level of women's representation in elective and appointive positions in the public sector;

- (e) Insufficient awareness and respect of women's rights among relevant actors;
  - (f) Low literacy rates among women.
58. Incorporation of a gender perspective in the universal periodic review process, particularly in follow-up to recommendations:
- (a) Need to clarify the concept and to document what it entails.
59. Harmonization of national legislation with international human rights instruments:
- (a) No table has been prepared on the concordance between national legislation and international human rights instruments, particularly the Convention on the Elimination of Discrimination against Women and the Convention on the Rights of the Child;
  - (b) Social and cultural obstacles.
60. Independence of the judiciary and fight against corruption:
- (a) Executive branch's influence over the judiciary;
  - (b) Substandard material working and living conditions.
61. Conditions of detention:
- (a) Insufficient logistical and financial resources;
  - (b) Unsatisfactory institutional and normative framework;
  - (c) Inadequate training of prison guards and social workers.

## **X. Impact of the crisis on the human rights situation in Mali**

62. Since the outbreak of the conflict in the northern part of Mali and the institutional crisis triggered by the coup d'état of 22 March 2012, considerable efforts have been made to find a lasting solution.

### **A. Background to the situation in the north**

63. The situation in the north of Mali is blighted by the activities of the terrorist and criminal groups entrenched in the region. The groups in question are Al-Qaida in the Islamic Maghreb (AQMI), the National Movement for the Liberation of Azawad (MNLA), Ansar Dine (the Defenders of the Faith) and Jamaat al-Tawhid Wal Jihad fi Garbi Ifriqiya (the Movement for Unity and Jihad in West Africa (MUJAO)), an AQMI dissident group, and Boko Haram.

64. Since the middle of January 2012, these criminal groups have been carrying out atrocities against civilians, destroying cultural and religious sites and taking hostages. The groups control three regions in the north of Mali (Gao, Kidal and Timbuktu) which between them account for almost two thirds of national territory.

### **B. Progress in the institutional effort to resolve the crisis**

65. The coup d'état of 22 March 2012 spawned an institutional crisis which has compounded the security crisis. In view of the seriousness of the situation, with support from the international community, including, notably, conciliation efforts led by the Economic Community of West African States (ECOWAS), Mali began the process of restoring constitutional order with the signature of the Framework Agreement of 6 April

2012. In application of this agreement, the President of the National Assembly was established as the Interim President of Mali, in accordance with the Constitution, and a transitional prime minister, vested with full powers, was appointed as Head of Government.

66. Since then, significant progress has been made towards resolving the institutional crisis. On 20 August 2012, a government of national unity led by the Prime Minister was established. In parallel, consultations continue between the Government, political parties and civil society with a view to restoring the electoral process.

### C. Serious human rights abuses and violations

67. There have been numerous human rights violations during the current crisis.

68. **War crimes:** Around one hundred Malian soldiers have been detained and summarily executed by combatants of the National Movement for the Liberation of the Azawad (MNLA), in flagrant violation of article 3 of the Geneva Convention.

69. **Rape:** Numerous acts of rape, many of them group rapes, have been committed by armed combatants. Women and girls are subjected to forced marriages, sexual slavery and abduction.

70. **Violations of the rights of the child:** The armed groups have recruited children whom they subject to training intended for adults in order to transform them into combatants, in violation of the Convention on the Rights of the Child.

71. **Violations of civil liberties:** The Islamist armed groups have limited civil liberties by means of such practices as compulsory sermons, amputations, corporal punishment and stoning. On 21 September 2012, seven people accused of theft in different cities of the north had one of their hands amputated.

72. **Violations of the right to health:** In the region of Timbuktu and especially the region of Gao, armed groups have ransacked hospitals, looted health supplies, pillaged medical equipment and drugs, bred terror among patients and vandalized pharmacies.

73. **Violations of economic, social and cultural rights:** The pillaging of shops, banks and public services has plunged the population into a state of such peril that it is difficult, if not impossible, for them to meet their basic food, health and housing needs. People therefore have real difficulties in accessing their economic, social and cultural rights.

74. **Humanitarian crisis:** The situation created by these armed groups has generated a humanitarian crisis without precedent in Mali. A massive number of displaced persons has been observed moving from north to south. The displaced population, which consists mainly of women and children, was estimated at 130,000 at the start of May 2012. Neighbouring countries are receiving a growing number of refugees; approximately 190,000 displaced Malians are currently to be found in Algeria, Burkina Faso, Mauritania and Niger. The displaced and refugee populations are in urgent need of humanitarian aid, and this need has been exacerbated by the breakdown in cooperation with financial partners.

75. **Right to freedom of the press and expression:** Freedom of the press and freedom of expression are non-existent. Journalists are not allowed to report on anything except Arabic and Islamic culture.

76. **Violations of religious freedom and cultural rights:** In the areas controlled by armed groups, the imposition of radical religious views is resulting in serious violations of the freedom of worship and the desecration and destruction of tombs and mausoleums of Islamic saints in Timbuktu and also of other cultural and religious property of inestimable

value that are classified as UNESCO world heritage sites and are now included on the List of World Heritage in Danger.

## **XI. Priorities, initiatives and commitments**

77. The following priorities, initiatives and commitments have been identified as key to overcoming existing difficulties and constraints and improving the human rights situation on the ground in Mali.

78. Submission of reports to treaty bodies:

(a) To provide training for members of the Interministerial Support Committee for the Preparation of Reports;

(b) To increase the financial and material resources allocated to the Interministerial Support Committee.

79. Discrimination, violence against women and the fight against female genital mutilation:

(a) To build capacity for the development of a communications and awareness-raising strategy that will engender a change of behaviour;

(b) To formulate strategies and intensify campaigns to raise awareness among community leaders;

(c) To facilitate women's access to credit and land;

(d) To reinforce affirmative action measures to facilitate women's access to employment;

(e) To continue to implement the national strategy aimed at encouraging women to stand for elective and appointive positions in the public sector;

(f) To continue efforts to sensitize actors to the need to respect women's rights.

80. Incorporation of a gender perspective in the universal periodic review process, particularly in follow-up to the recommendations:

(a) Workshop to determine how the gender perspective should be incorporated into the action plan for implementation of the universal periodic review recommendations.

81. Harmonization of national legislation with international human rights instruments:

(a) To draw up a table showing the concordance between national legislation and international human rights instruments, particularly the Convention on the Elimination of Discrimination against Women and the Convention on the Rights of the Child.

82. Conditions of detention:

(a) To improve logistical and financial resources;

(b) To strengthen the institutional and normative framework;

(c) To provide training for prison guards and social workers.

83. Independence of the judiciary and the fight against corruption:

(a) To review the rules and regulations of the Supreme Council of the Judiciary with a view to reducing the executive branch's influence over the judiciary;

(b) To improve the material working and living conditions of judges;



(c) To continue to implement the Ten-Year Justice Development Programme (PRODEJ) operating plan for 2010–2014;

(d) To draw up a national action plan for the implementation of recommendations resulting from national consultations on corruption and financial crime (2009–2013).

84. Mali is ready to consider the recommendations made by the International Coordinating Committee of National Human Rights Institutions with a view to obtaining A-status accreditation.

85. In response to the crisis, the Government of Mali has taken various steps to put a stop to the serious human rights violations described above:

(a) Recourse to the Human Rights Council, which adopted resolution 21/25 of 28 September 2012 on the situation of human rights in the Republic of Mali;

(b) Recourse to the International Criminal Court: 30 May 2012;

(c) Domestic capacity-building in defence and security;

(d) Organization of elections: The organization of free, reliable and transparent elections is one of the main objectives established for the period of transition to enable Mali to emerge rapidly from the present crisis. An audit of the electoral register involving all potential stakeholders is needed to equip Mali with a reliable instrument for the organization of elections. On the request of the Government, the international community has rallied to lend support.

## **XII. Capacity-building and technical assistance needs**

86. In view of the difficulties and constraints that the Government of Mali faces and the priorities and commitments that have been identified, Mali is seeking the international community's support in implementing the initiatives and commitments listed below in order to overcome these problems and improve the human rights situation on the ground.

87. Submission of reports to treaty bodies:

(a) To provide training for members of the Interministerial Support Committee for the Preparation of Reports;

(b) To increase the financial and material resources allocated to the Interministerial Support Committee.

88. Discrimination, violence against women and the fight against female genital mutilation:

(a) To build capacity for the development of a communications and awareness-raising strategy that will engender a change of behaviour;

(b) To continue to implement the national strategy aimed at encouraging women to stand for elective and appointive positions in the public sector;

(c) To continue efforts to sensitize actors to the need to respect women's rights.

89. Incorporation of the gender perspective in the universal periodic review process, particularly in the implementation of recommendations, through the organization of a workshop to determine how the gender perspective should be mainstreamed into the action plan for the implementation of the universal periodic review recommendations.

90. Conditions of detention:
- (a) To improve logistical and financial resources;
  - (b) To provide training for prison guards and social workers.
91. Independence of the judiciary and the fight against corruption:
- (a) To continue to implement the Ten-Year Justice Development Programme (PRODEJ) operating plan for 2010–2014;
  - (b) To draw up a national action plan for the implementation of recommendations resulting from national consultations on corruption and financial crime (2009–2013).
92. Management of the crisis:
- (a) To build domestic capacity in defence and security;
  - (b) To provide adequate technical and financial assistance in connection with the electoral process;
  - (c) To provide material, technical and financial assistance for efforts to address the humanitarian consequences of the crisis.

### **XIII. Conclusion**

93. The country's views regarding the universal periodic review mechanism:
- Its utility and value added;
  - Need to establish a follow-up and coordination mechanism which has a clear mandate and adequate resources and which enjoys support at the highest level;
  - Need to define the concept of the gender perspective in the specific context of follow-up to the universal periodic review;
  - Need to strengthen support and planning tools for implementation;
  - Need to strengthen capacity for assessing the impact of implementation of the universal periodic review recommendations on the human rights situation on the ground, including with regard to the establishment of indicators.
94. Commitment of the Government of Mali to following up and implementing the recommendations and commitments made in the first and second cycles of the universal periodic review:
- Action plan for implementation covering both cycles of the universal periodic review as well as other mechanisms;
  - National human rights institution/civil society involvement in follow-up and implementation;
  - Submission of the outcome document and the action plan to parliament;
  - Midterm report.

## Notes

<sup>1</sup> Notes:

- Les recommandations portent un numéro. Elles sont issues du Rapport du Groupe de travail sur l'EPU sur l'examen du Mali (A/HRC/8/50);
- Les Engagements volontaires (EV) sont issus du Rapport national soumis lors du premier examen du Mali (A/HRC/WG.6/2/MLI/1, para. 119);
- Les réponses du Mali aux recommandations qui avaient été prises en considération à la suite du dialogue interactif sont issues de l'additif au rapport du Groupe de travail sur l'EPU (A/HRC/8/50/Add.1).

<sup>2</sup> 1. Le Mali est disposé à coopérer pleinement avec l'ensemble des procédures spéciales du Conseil des droits de l'homme. Il s'engage à examiner avec diligence toute demande de visite qui lui serait adressée par les procédures spéciales.

<sup>3</sup> 5. La Constitution et les textes législatifs interdisent le travail forcé. Les Bellah ou Tamacheks noirs ne sont soumis à aucune forme de travail forcé qui, du reste, est interdit par la loi au Mali. Cependant, dans certaines localités du pays, il y a une survivance de certaines pratiques culturelles qui ont d'ailleurs tendance à disparaître avec l'augmentation du taux de scolarisation dans la communauté concernée.

<sup>4</sup> 6. Au Mali, la Constitution reconnaît le droit à la liberté d'opinion et d'expression ainsi que la liberté de presse (articles 4 et 7). Selon ces dispositions, ces droits et libertés s'exercent dans le cadre de la loi. C'est ainsi que la loi portant Régime de presse et délit de presse et le Code pénal prévoient des sanctions en la matière. Toutefois, il y a un débat qui est en cours dans le pays sur la question de la dépenalisation des délits de presse. La tendance est à la dépenalisation de ces délits.

<sup>5</sup> 2. L'excision est une pratique culturelle profondément ancrée dans la société malienne. Le Gouvernement, tout en admettant la nécessité d'adopter une loi interdisant et réprimant les mutilations génitales féminines, a privilégié la sensibilisation et l'éducation des populations à l'adoption de mesures répressives dont l'application sur le terrain ne sera garantie sans l'adhésion de l'ensemble des composantes de la société. C'est dans ce cadre que le Gouvernement a créé en 2002 un Programme national de lutte contre la pratique de l'excision. Il a également adopté un Plan d'action national de lutte contre la pratique de l'excision. La démarche pédagogique suivie par le Gouvernement a permis la régression du taux d'excision qui est passé de 94 à 85 pourcent entre 1996 et 2006. Une enquête nationale sur l'excision est en cours dans le pays. Les résultats de cette enquête détermineront la conduite à tenir par rapport à l'adoption, à moyen terme, d'une loi interdisant et réprimant la pratique de l'excision. 3. Concernant les violences faites aux femmes et aux filles, il convient d'indiquer que le Code pénal malien réprime toutes les formes de violences, y compris les violences domestiques. Par ailleurs, le Plan d'action national de lutte contre les violences faites aux femmes et aux filles 2006–2011, en cours d'exécution, contient un paquet d'activités à réaliser concernant aussi bien l'excision que les autres formes de violences faites aux femmes et aux filles. Ces activités vont de la formation des structures d'intervention, l'assistance des victimes, l'IEC (Information, éducation et communication), à la relecture des textes juridiques existant et à l'adoption de nouveaux.

<sup>6</sup> 4. Le processus de relecture du Code de mariage et de la tutelle, commencé depuis quelques années, a abouti à l'élaboration d'un projet de Code des personnes et de la famille qui prévoit la suppression de toutes les dispositions discriminatoires à l'égard des femmes. Les consultations nationales autour du projet sont déjà bouclées. Le rapport issu de ces consultations a été officiellement remis au Président de la République le 22 mai 2008. Il sera très prochainement adopté par le Gouvernement, puis soumis au Parlement. NB : pour ce qui concerne les questions relatives aux violences et à l'interdiction légale des mutilations génitales féminines (MGF), Cf. réponses données au point 2 ci-dessus.