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# Committee on the Elimination of Discrimination against Women

Sixty-fourth session

### Summary record of the 1419th meeting

Held at the Palais des Nations, Geneva, on Friday, 15 July 2016, at 10 a.m.

Chair: Ms. Hayashi

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Combined sixth and seventh periodic reports of Mali

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

## Consideration of reports submitted by States parties under article 18 of the Convention (continued)

Combined sixth and seventh periodic reports of Mali (CEDAW/C/MLI/6-7; CEDAW/C/MLI/Q/6-7 and Add.1)

- 1. At the invitation of the Chair, the delegation of Mali took places at the Committee table.
- 2. **Ms. Ba** (Mali) said that the crisis that had affected the country since 2012 had had a serious impact on the human rights situation there, particularly for women and children. The terrorist armed groups in the north of the country made no distinction between civilians and military personnel, young and old and women and men. Yet, historically, the rule of law had prevailed in Mali since the enactment of the Manden Charter in the thirteenth century.
- 3. In an effort to restore peace in the country, the National Truth, Justice and Reconciliation Commission had been established to oversee implementation of the Agreement on Peace and Reconciliation in Mali, which had been signed in 2015 with the support of the international community. The National Gender Policy and the action plan for the period 2015-2017 for implementation of Security Council resolution 1325 (2000) on women, peace and security would also help in the implementation of the Agreement on Peace and Reconciliation. A new Government had come to power in the midst of the crisis which was determined to implement the peace process and restore citizens' rights and quality of life while ensuring compliance with national and international obligations.
- 4. The legislative framework incorporated all the international human rights instruments to which Mali was a party. Her Government cooperated closely with United Nations mechanisms and special procedures. It had also been among the first in the region to ratify the African Charter on Human and Peoples' Rights and other related regional instruments. Gender equality lay at the heart of the Constitution. Although women played vital roles in the social, economic and political spheres, they often had to take a back seat when it came to decision-making. They carried the weight of traditions and customs and faced barriers in the form of violence against them, illiteracy, lack of knowledge of their rights, low self-esteem, poverty and even a lack of solidarity among themselves. Steps were being taken to address those problems, including establishing special measures and adopting laws and regulations to increase women's participation in political and public life, promote their economic empowerment by giving them equal access to economic opportunities and resources and promoting the role of women in areas such as education, agriculture, entrepreneurship and governance.
- 5. Around 80 per cent of Mali's population worked in agriculture, fishing and livestock, and those industries were the focus of many government policies to improve production and the economy. Women agricultural workers, most of whom worked in small livestock production and fish processing plants, were represented by the National Federation of Rural Women, which played an important role in ministries concerning women, agriculture and finance. With a view to increasing productivity and addressing women's lack of property ownership, women were being provided with means of production. Certain rural women, for example, had recently benefited from a tractor distribution programme. The Ministry of Employment and Vocational Training targeted youth and women's employment and had taken measures to enhance women's access to markets and credits with an eye to increasing their economic independence. In addition, decentralized credit organizations had been established to facilitate women's access to microloans.

- 6. Although the bill to establish a quota for women on elective bodies drawn up by the Ministry for the Advancement of Women, Children and Families, with the participation of NGOs and civil society had met with resistance and been blocked in the National Assembly for 18 months, it had recently been enacted, representing a victory for Malian women. Given that more men than women held decision-making positions and were appointed as municipal councillors and that the rate of women's representation in the National Assembly continued to fall, no efforts were spared to give effect to the new legislation.
- 7. Progress had been made on preschool education, where there were more girls than boys. Steps were being taken to increase girls' low enrolment rate in upper secondary and higher education and to reduce their high dropout and illiteracy rates. In addition, advances had been made with regard to women's health. For example, free malaria treatment was offered for children and pregnant women, and more clinics had been built at local level to expand coverage of the population.
- 8. Conflict had not only exacerbated violence against women and girls but had also given rise to unprecedented forms of violence. Mali needed the support of the international community in order to overcome the challenges facing it and meet the Sustainable Development Goals. However, such development could only be achieved with the full participation of women.

#### Articles 1 to 6

- 9. **Ms. Ameline** said that, in the light of the limited participation of women in decisions relating to the peace process, as noted by the Independent Expert on the situation of human rights in Mali, she would like details of the Government's plans for involving women in the follow-up to the Agreement on Peace and Reconciliation and the role assigned to the Ministry for the Advancement of Women, Children and Families. She asked whether specific mechanisms had been set up for women's participation in the decisions concerning the implementation of the Agreement and whether the Government would consider designing a mechanism, with the Committee's support, to ensure that its concluding observations were fully integrated into all follow-up actions to the Agreement. Furthermore, she asked how the Committee's concluding observations would be incorporated into the action plan for the period 2015-2017 for the implementation of Security Council resolution 1325 (2000) on women, peace and security and how women's representation would be ensured and increased by the new interim authorities in northern Mali.
- 10. She asked whether the strengthening of the security forces under the United Nations Multidimensional Integrated Stabilization Mission in Mali (MINUSMA) would allow families to return to their homes and NGOs to carry out their work under safe conditions and help to restore access to safe drinking water and basic services, particularly health care and education. The International Criminal Court had conducted an investigation into the situation in Mali, and it was important for the State party not to allow for any impunity for alleged perpetrators of war crimes, including sexual violence against women and girls. In that respect, the Independent Expert had put forward specific recommendations. Would a strategy be developed to guarantee that offenders would be prosecuted and the decisions of the courts would be enforced?
- 11. **Ms. Patten** asked whether the Government would consider formulating a four-year action plan to secure implementation of the Committee's concluding observations, which would constitute a road map for the reconstruction of the country, with the technical support of the United Nations.

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- 12. She said that the Committee understood the extent to which the recent conflict in the country had disrupted social structures and affected human rights, particularly for women. Now that a peace agreement had been concluded, she wished to know whether the Government would consider an action plan for the implementation of the Committee's concluding observations. Despite the fact that Mali had ratified the Convention without reservations in 1985, there was still no comprehensive legal definition of direct or indirect discrimination against women. She was concerned that women's rights were being sacrificed to appease certain factions and religious leaders, and she sought assurances that there was a general political will to end discrimination and implement the Convention.
- 13. She would be grateful if the delegation would provide more details about efforts to review legislation and bring it into line with the Convention and, specifically, about the support available for vulnerable women who faced multiple forms of discrimination, particularly women with disabilities. The current constitutional review process represented a crucial opportunity to lay the foundations for gender equality, and she wondered what steps the Government was taking to ensure that women were able to participate equally in that process. Had it adopted gender sensitive public participation mechanisms and was it engaging in dialogue with those conservative and religious groups that fiercely opposed gender equality? She was concerned that all references to international instruments on the protection of women's rights had been removed from the 2011 version of the Personal and Family Code and that the Government of Mali had rejected a recommendation in the universal periodic review of 2013 to revise the Code and bring it into line with the Convention.
- 14. She commended the Government for its national action plan to implement Security Council resolution 1325 (2000) but wished to know whether steps were being taken to ensure that the plan was compliant with the Convention. Were the authorities collaborating with civil society and NGOs to that end?
- 15. **Ms. Pimentel** said that she wished to know what measures were in place to facilitate women's access to justice, particularly in the light of the Committee's recent general recommendation No. 33 on the issue. She would be interested to know what steps were being taken to ensure that persons responsible for violating women's rights were held legally accountable and whether there was a strategy to help victims of the recent conflict in the country in their pursuit of justice. Was individualized assistance provided for illiterate women? She would appreciate more information about policies to remove economic barriers hindering women's access to the courts and about budget allocations and other strategies to help courts in specific areas, such as the north of the country. She wondered whether there were any plans to introduce modules on basic legal literacy into education at all levels and whether NGOs and civil society organizations were encouraged to participate in litigation on issues related to human rights. She would appreciate it if the delegation could inform the Committee about plans to develop outreach activities to raise awareness about the availability of judicial remedies.
- 16. **Mr.** Coulibaly (Mali) said that the Government had worked to ensure that Malian women, including women's associations and female parliamentarians, had been fully represented throughout the recent peace negotiations. Women were also well represented in the structures set up to implement the peace agreement.
- 17. **Ms. Ba** (Mali) said that there was a minimum legal requirement for one electoral candidate in three to be a woman. Help and support had been provided to refugee and internally displaced women to help them return to their areas of origin and reintegrate into productive economic and social life there. Another priority was that of the provision of basic social services, and initiatives were afoot across all government departments to empower women and ensure they were able to access maternity care and training facilities.

- 18. Amnesty did not mean forgiveness. Civil society organizations had structures in place to help female victims of violence and, thanks also to their efforts, the social taboos that had prevented victims of sexual crimes from speaking out were being lifted. The Ministry for the Advancement of Women, Children and Family helped to put women in contact with those organizations and ran its own centres throughout Mali where female victims of violence could come with their children to access support services and receive legal advice.
- 19. It was important to find ways to counter the pressure of local customs. Resistance to change came not just from religious quarters but also from men generally, who were unwilling to make way for women. A law in that regard had recently been passed by the National Assembly and now had to be implemented.
- 20. **Mr. Coulibaly** (Mali) said that refugee repatriation agreements had been signed with Burkina Faso, Mauritania and the Niger. The refugees were eager to return to their homes but were unwilling to do so because of concerns about security. Therefore, at the request of the Government, the Security Council had reinforced the mandate of MINUSMA, allowing it to assist the Armed Forces of Mali in their struggle against terrorist groups. That would improve security and facilitate the return of refugees, particularly the most vulnerable among them, such as women, children and persons with disabilities.
- 21. Mali had shown its willingness to ensure that no human rights violations went unpunished. To that end, in addition to action at the national level, it had signed an agreement with the International Criminal Court. It would not sacrifice human rights for the sake of stability.
- 22. **Ms. Ba** (Mali) said that women wishing to access the justice system received both individualized and collective assistance via legal clinics. People could decide whether the division of their inheritance should be decided by religious or customary law, or by national legislation in the form of the Personal and Family Code. Excision was practised not only as a result of religious pressure. In some cases, women themselves did not understand that the custom was harmful and defended it. There was no specific law outlawing excision, but awareness-raising activities were taking place to sensitize people to the issue. The Ministry for the Advancement of Women, Children and Family was working on an anti-violence programme that would also address female genital mutilation.
- 23. The Government was working with civil society and other partners to study ways to implement Security Council resolution 1325 (2000). The main problem it faced in that regard was one of limited resources, both human and financial.
- 24. There were no obstacles to women's access to justice in Mali, apart from their personal economic limitations, and there were a number of civil society organizations, such as the Association of Women Jurists of Mali, which existed to help them. Women would of course be involved in the revision of the Constitution. Mali had a robust civil society that would also be participating in the process.
- 25. **Ms. Ameline** said that she recognized and appreciated the political will to promote and protect women's rights, but it was even more vital to ensure that those rights were implemented. It was important to remember that it was the law which protected and liberated women, and the provision of sufficient human and financial resources to the courts should be considered a priority.
- 26. **Ms. Patten** said that efforts had to be made to improve the legal framework in Mali, as many discriminatory laws remained on the statute books. The delegation should provide a time frame for the adoption of bills currently pending before the National Assembly and describe how equality between men and women on all fronts would be guaranteed during the constitutional review process. The claim that women faced no obstacles in accessing

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justice was surprising in the light of reports of mismanaged and understaffed courts, lack of due process and vigilante justice.

- 27. **Ms. Pimentel** said that women around the world faced difficulties in accessing justice, particularly due to prevailing mentalities about their position in society. It was important to take account of article 5 of the Convention and of the Committee's general recommendation No. 33, particularly with respect to harmonizing customary and religious justice systems with State justice and human rights treaties.
- 28. **Ms. Ba** (Mali) said that, while there were no formal barriers to women's access to justice, women themselves were often unwilling to turn to the courts because they were afraid of the possible social consequences they might face. The current situation in Mali meant that not all laws had been harmonized with international instruments, which took precedence over domestic legislation. Members of the judiciary who failed to dispense justice properly should be punished through the legal system or other monitoring mechanisms. Guaranteeing equality "without exception" was unrealistic.
- 29. The new mandate of MINUSMA allowed it to intervene in armed conflicts and protect the population, including women. The regional courts lacked resources; it was the responsibility of the State to provide the means for courts to function properly and to ensure that they were secure. Women, who had already been involved in the creation of the Taoudenni region with the support of the Ministry for the Advancement of Women, Children and Families, would be involved in the interim authority and given appointed positions.
- 30. **Ms. Chalal**, commending the State party for its adoption of various measures to promote women's empowerment, said that some objectives remained unmet because of numerous socioeconomic, religious and cultural obstacles and asked what steps were planned to overcome them. She wished to know whether the impact of women's leadership programmes, the National Gender Policy and the related plan of action had been studied, how the shortcomings of the National Directorate for the Advancement of Women and its lack of decision-making capacities and financial and human resources were being addressed and whether its impact on the advancement of women had been measured. She asked whether there were bodies responsible for gender equality and women's empowerment at the regional, municipal and local levels, whether the coordination between the Directorate and those bodies was effective and whether they had sufficient resources.
- 31. She would welcome information on the innovations contained in the 2016-2018 strategic plan to implement the National Gender Policy concerning women's advancement and the resources allocated to that plan. She asked how gender and development advisers and focal points would be supported in fulfilling their mandate and what status would be granted to focal points. She wished to know whether all political and public reforms, programmes and projects incorporated a gender-based approach and whether they were included in government budgets. Lastly, she would appreciate receiving statistics that illustrated the impact of the resources allocated to mechanisms that promoted women's advancement.
- 32. **Ms. Gbedemah** said that while the measures adopted by the State party in the areas of health and employment were commendable, they could not be deemed temporary special measures, which, according to the Committee's general recommendation No. 25, must conclude when the desired results had been achieved and have a specific goal. The Committee was alarmed at the drop in the number of women in the parliament and was therefore pleased to note the temporary special measure adopted in the form of a 30 per cent quota. She asked what the time frame for implementing that quota was, whether measures were in place to address any anticipated challenges, how the adherence of all political parties was ensured and what its impact had been so far. She wished to know what

other areas would benefit from temporary special measures; women with disabilities might be a suitable target.

- 33. **Ms. Ba** (Mali) said that an evaluation of the work of the gender focal points had found that it did not have the desired effect, and a committee had therefore been established to enforce the National Gender Policy and coordinate gender equality activities. The National Directorate for the Advancement of Women also coordinated monitoring committees in each region of the country and in various ministries. A fund to support women's empowerment and child development had recently been established. It promoted women's leadership and provided funding for training in income-generating activities and for children in difficult situations.
- 34. The National Directorate for the Advancement of Women was present in all regions. Although it lacked sufficient financial and human resources, support from international partners and civil society allowed it to provide leadership training for women and implement numerous other policies. United Nations Action Against Sexual Violence in Conflict (United Nations Action) had been asked to provide human resources so as to strengthen the Directorate's decision-making capacities, implement Security Council resolution 1325 (2000) and undertake other activities that furthered the rights of women. The Directorate also engaged in efforts to combat female genital mutilation and would be launching programmes and advocating for legislation to eradicate the practice and to protect women against violence in general.
- 35. The number of women in the parliament had initially been the focus of a temporary special measure in the form of a quota. However, in response to resistance to that quota, the measure had been incorporated into the law to ensure that women continued to be represented in the parliament. The quota applied to all political parties. While associations of persons with disabilities were heavily involved in activities to promote their rights, legislation was required to protect them and ensure their access to infrastructure.
- 36. **Ms. Gbedemah** asked what was being done to address the reported resistance to the decree on implementation of the law on the quota for women in the parliament and to ensure its swift enactment.
- 37. **Ms. Ba** (Mali) said that there had been opposition to the law itself, rather than the decree, which was under consideration by the Council of Ministers. The opposition to the law had been overcome thanks to advocacy by civil society.
- 38. **Ms. Chalal** asked whether statistics were available on the effectiveness of measures to promote women.
- 39. **Ms. Haidar** said that, in the absence of a legal framework, non-legislative temporary special measures could be adopted in sectors that required attention. The Committee's general recommendation No. 25 provided guidance in that regard.
- 40. **Ms. Ba** (Mali) said that the Ministry for the Advancement of Women, Children and Families had been created with the assistance of civil society to respond to the need to create an independent ministry dealing with women's rights. However, insufficient resources had been allocated to it. Statistics were available on infrastructure, staff and administration. The enrolment rate in primary education had been 91.5 per cent in 2011 and 70 per cent in 2014; around 48 per cent of girls completed primary school, which was higher than the combined rate for girls and boys, which was 43 per cent. The enrolment rate for girls in secondary school was low, at 16.24 per cent; many dropped out because of early or forced marriage. Fourteen of the 114 deputies in the National Assembly were women. A recent study on the participation of women in the peacekeeping process had pointed to the need for peace agreements to provide specifically for women's participation, a need which the Government had duly taken into account.

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- 41. **Ms. Patten** said that it was regrettable that the State party's report contained so little information on sexual and gender-based violence, including in the areas affected by armed conflict. She asked what efforts it was making to collect data on the incidence and prevalence of those phenomena in different settings and against different groups of women, including women and girls with disabilities. She also wished to know whether the State party had sought and obtained technical assistance in drafting the new law prohibiting violence against women, whether there was a time frame for the drafting and adoption of the law and whether the law would address the situation of vulnerable women, including women with disabilities and elderly women, and harmful traditional practices, including female genital mutilation, early and forced marriage and the humiliating and degrading treatment to which widows were often subjected. She wondered whether the law would afford victims of all forms of gender-based violence adequate legal protection and provide for a set of comprehensive measures to facilitate its implementation, enforcement and the monitoring and assessment of its impact.
- 42. It would be helpful to receive additional information on the awareness-raising efforts undertaken by the State party with the aim of eradicating female genital mutilation and on the measures taken to ensure that victims of conflict-related sexual violence, which included sexual slavery and rape, received comprehensive medical care and psychosocial support, and on the budgetary resources allocated to that end.
- 43. It appeared that, even after the signing of the peace agreement, displaced women remained vulnerable to sexual and gender-based violence at the hands of both State and non-State actors. She asked what measures the State party was taking to prevent such violence from occurring, to encourage victims of such violence to come forward and to allay their fears of reprisals and stigmatization, and their misgivings over bringing a case before the courts. She would like to know more about the steps taken to investigate and punish acts of sexual violence perpetrated by the security forces. The Committee was also concerned that the Military Code was not in line with international human rights standards and that authorization of the Minister for Defence was still required to institute criminal proceedings against military personnel. She asked whether the State party had plans to remove that provision from the Military Code.
- 44. **Ms. Al-Dosari** asked what steps the State party had taken to strengthen the legal framework for promoting and protecting women's rights, what the impact of the different gender equality programmes mentioned in paragraphs 40 and 41 of the periodic report (CEDAW/C/MLI/6-7) had been and whether the legislative measures taken by the State party to date had served to reduce the prevalence of harmful traditional practices and to raise women's awareness of their rights.
- 45. She would appreciate additional information on the purpose and results of the study entitled "Mali 2015" mentioned in paragraph 43 of the periodic report and on the content, strategy for implementation and impact of the State party's National Gender Policy. She asked what measures the State party had taken to protect women with disabilities living in Mali and to guarantee those women full enjoyment of their rights, to overcome the remaining obstacles to achieving gender equality, which included a lack of knowledge among women of the laws guaranteeing their rights, and to combat the pervasive patriarchal culture that lay at the root of many discriminatory customs, such as forced and early marriage. Lastly, she asked what steps had been taken by the State party to give effect to the recommendation contained in the report of the Working Group on the Universal Periodic Review (A/HRC/23/6) dated 12 March 2013 calling upon it to enact legislation prohibiting all forms of female genital mutilation.
- 46. **Ms. Gabr** said that it would be useful to receive additional information on the scope and content of the anti-trafficking law of 2012 and on the impact of the action plan to combat human trafficking for the period 2010-2012, as well as on the new action plan

adopted. She asked whether the new action plan addressed the corruption that often led to the impunity of human traffickers, whether there was a mechanism in place for identifying victims of trafficking and what protection and support were offered to those victims. Were NGOs involved in that endeavour? Did the State party intend to undertake initiatives to raise the awareness of members of the justice system and diplomats of the dangers associated with human trafficking train them to deal with such cases? How did the State party plan to curb the increasing prevalence of slavery reported in the wake of the armed conflict?

- 47. As only scant information had been provided on prostitution in the country, she would be interested to know what measures had been taken by the State party to combat that phenomenon and to limit the demand for commercial sex. The Committee would also like to know more about the existing legal provisions relating to the criminalization of prostitution and the measures taken to provide economic alternatives to prostitution and to introduce exit strategies and rehabilitation programmes for women wishing to leave prostitution. She asked whether the State party planned to penalize the prostitution of minors and what protections had been afforded to minors in that situation.
- 48. **Mr. Coulibaly** (Mali) said that, although the Government had taken steps to collect data on sexual violence, those data were not comprehensive, as not all of the national territory was under its control. During her visit to Mali in 2013, the United Nations Under-Secretary-General for Gender Equality and the Empowerment of Women had made recommendations on preventing sexual violence and on collecting data on acts of sexual violence committed in the context of the armed conflict, which had assisted the Government in its efforts.
- 49. The Government was in the process of providing members of the Armed Forces of Mali with comprehensive human rights training, with the technical and financial assistance of the United Nations and other agencies. The training had served to increase the awareness of the members of the Armed Forces of the need to respect the human rights of the people that they encountered in the field in the performance of their duties and to protect the most vulnerable population groups.
- 50. The Government had conducted an information campaign on the dangers of female genital mutilation in the country's villages. Despite the clear need for a law outlawing that practice and the strong political will on the part of the Government to draft and enact such a law, it was first necessary to overcome the considerable opposition to such an initiative and garner a consensus among all segments of society. It would not be possible to adopt such a law if the majority of the population opposed it. In the meantime, many NGOs were working to raise the awareness of the general public of the harmful nature of female genital mutilation. Although the Government remained committed to honouring the commitments that it had made during its universal periodic review in 2013, there was little point in adopting a law prohibiting female genital mutilation that would not be effectively applied in practice owing to a lack of majority support.
- 51. **Ms. Ba** (Mali) said that, although there was support for draft legislation to prohibit the practice of excision, there was no time frame for its adoption. Nevertheless, comprehensive national programme to combat female genital mutilation was under way and many activities had been conducted with grass-roots organizations. More than 1,200 communities had decided to abandon the practice as a result of awareness-raising campaigns. Efforts to raise awareness of the risks and consequences of female genital mutilation needed to precede any legislative measures. There was little point in adopting a law prohibiting that practice when the majority of the population would not apply it and continue with the practice in secret. Although great strides had already been made in breaking down what was a deep-seated cultural taboo, the practice was still defended by religious leaders, who exerted considerable influence over the population.

- 52. Early marriage was a deeply rooted custom among certain ethnic groups. However, in 2015, a campaign against that practice had been launched in the regions of the country where it was most prevalent, in accordance with recommendations made by the African Union. Although many widows chose to remarry, it was not an obligation.
- 53. Slavery had been formally abolished in Mali. It could well be the case that persons who were subjected to slavery were reluctant to come forward. In Mali, prostitution was largely a clandestine practice. Although measures had been taken to reduce the prevalence of that phenomenon, they had met with opposition. More police patrols were needed to combat that form of sexual exploitation effectively on the ground. A number of information campaigns on the risks associated with prostitution and on the precautions prostitutes should take to protect their health had been conducted.
- 54. Trafficking in women and girls did exist but was largely hidden. Victims tended to be young girls who left remote villages to work in larger towns. Mali had concluded anti-trafficking agreements with Burkina Faso and Côte d'Ivoire. An action plan to combat human trafficking was in place and police officers had received special training on how to handle trafficked persons.
- 55. The Government disseminated information on the laws guaranteeing women's rights throughout the country with the assistance of civil society organizations. That information was disseminated in a number of formats and in the different languages spoken in the country.
- 56. The Government, in cooperation with regional partners, had examined the problem of fistulas occurring after childbirth attributable to female genital mutilation and/or early marriage. Women suffering from that condition could receive free treatment in various health-care centres and support to help them reintegrate into society. Those women could be trained to become advocates against female genital mutilation and early marriage.
- 57. **Ms. Gabr** said that the State party should seek to learn from other countries where female genital mutilation was prevalent and encourage Muslim religious leaders to issue a fatwa against that practice. The rule of law needed to be upheld if slavery and human trafficking were to be combatted effectively. Existing laws needed to be strictly enforced and appropriate penalties meted out to perpetrators.
- 58. **Ms. Ameline** said that the Malian security forces needed to be able to perform checks and arrest and punish perpetrators of violations of women's rights, including traffickers and drug smugglers, even in the most remote villages of the country. The State party should make extending the rule of law to all parts of the country its highest priority.

The meeting rose at 1 p.m.