



**Convention on the  
Rights of the Child**

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**COMMITTEE ON THE RIGHTS OF THE CHILD**

**Forty-fourth session**

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES  
UNDER ARTICLE 44 OF THE CONVENTION**

**Concluding observations: Mali**

1. The Committee considered the second periodic report of Mali (CRC/C/MLI/2) at its 1206th and 1207th meetings (see CRC/C/SR.1206 and 1207), held on 18 January 2007; and at its 1228th meeting, held on 2 February, it adopted the following concluding observations.

**A. Introduction**

2. The Committee welcomes the State party's second periodic report, prepared in accordance with the Committee's guidelines, which gave a clear understanding of the situation of children in the State party, and the detailed written replies to its list of issues (CRC/C/MLI/Q/2). It further notes with appreciation the open, frank and constructive dialogue with the high-level delegation.

**B. Follow-up measures undertaken and progress achieved by the State party**

3. The Committee notes with appreciation the enactment of the following legislation:

(a) Law No. 06-024, of 2006, making birth registration cost free;

(b) Decree No. 06-117/P-RM, creating the "Commission Nationale des Droits de l'Homme" in 2006;

(c) Decree No. 05-147/P-RM, of 2005, providing free antiretroviral therapy;

(d) Act No. 04-004, creating the National Centre for Documentation and Information on Women and the Child in 2004;

(e) Order No. 02-062/P-RM, of 2002, establishing the Child Protection Code;

(f) Decrees Nos. 99-450, of 1999, and 02-067, of 2002, laying down the conditions for the establishment and operation of private reception, listening, counselling and accommodation centres for children;

(g) Act No. 01-081, of 2001, on the criminal responsibility of minors and the establishment of juvenile courts;

(h) Agreements with a number of countries, including Côte d'Ivoire (2000), Burkina Faso (2004) and Senegal (2004), on cooperation in combating cross-border trafficking of children.

4. The Committee also welcomes the ratification or accession to the following international human rights instruments:

(a) Optional Protocols to the Convention on the Rights of the Child on the involvement of children in armed conflicts and on the sale of children, child prostitution and child pornography, in 2002;

(b) Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, in 2005;

(c) Hague Convention on Protection of Children and Co-operation in respect of Inter-country Adoption, in 2006;

(d) International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, in 2003;

(e) International Labour Organization Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (No. 182), in 2000;

(f) International Labour Organization Convention concerning Minimum Age for Admission to Employment (No. 138), in 2002;

(g) Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime 2000, in 2002;

(h) Protocol to the African Charter on Human and Peoples' Rights on the Establishment of an African Court on Human and Peoples' Rights, in 2000;

(i) Rome Statute of the International Criminal Court, in 2000.

### **C. Factors and difficulties impeding the implementation of the Convention**

5. The Committee acknowledges challenges faced by the State party: namely the high rate of poverty; serious problems of accessibility, in particular, for people living in the large and desert areas of the country; and the prevalence of traditions and customs that may hamper progress towards the full realization of all human rights and fundamental freedoms of children.

### **D. Principal areas of concern and recommendations**

#### **1. General measures of implementation (arts. 4, 42 and 44, para. 6, of the Convention)**

##### **Previous recommendations of the Committee**

6. While the Committee notes that some of its previous recommendations (CRC/C/15/Add.113) have been implemented, it regrets that many have not been sufficiently addressed, including those recommendations regarding birth registration, corporal punishment and ill-treatment, neglect and abuse of children, female genital mutilation and early and forced marriages, economic exploitation, discrimination against certain vulnerable groups of children and the reform of the juvenile justice system. These concerns and recommendations are reiterated in the present document.

7. The Committee urges the State party to make every effort to implement the recommendations from the concluding observations of the initial report that have not yet been sufficiently addressed and to provide adequate follow-up information to the recommendations contained in the present concluding observations.

##### **Reservations**

8. The Committee welcomes the information that the ratification of relevant international agreements and the enactment of the Child Protection Code have rendered the reservation to article 16 invalid and that it will be withdrawn.

**9. The Committee, while referring to its previous recommendations, recommends that the State party take all necessary measures for a speedy withdrawal of the said reservation.**

##### **Legislation**

10. The Committee notes that the Convention takes precedence over national legislation and that certain legislative and regulatory steps have been taken to give effect to the Convention, such as the Child Protection Code and the draft Individuals and Family Code. However, the Committee remains concerned that a number of measures that would facilitate the full implementation of the Convention have not been undertaken.

**11. The Committee recommends that the State party strengthen its efforts to implement the Convention and work with the different regions and *cercles* in order to ensure that laws and regulations are in full conformity with the Convention. The Committee also**

**recommends that the State party adopt and fully implement the Child Protection Code, including by putting in place the child protection officers (“*Délégués à la protection de l’enfance*”) and the probation officers (“*Délégués à la liberté surveillée*”). Furthermore, the Committee recommends that the State party expedite as much as possible the adoption of the draft Individuals and Family Code and provide adequate resources for its full implementation.**

**12. The Committee also recommends that the State party ensure, through adequate legal provisions and regulations, that all child victims and/or witnesses of crimes e.g. abuse, domestic violence, sexual and economic exploitation, abduction, and trafficking are provided with the protection required by the Convention, and in doing so the State party take fully into account the United Nations Guidelines on Justice in Matters Involving Child Victims and Witnesses of Crime (annexed to Economic and Social Council resolution 2005/20 of 22 July 2005).**

### **National Plan of Action**

13. The Committee notes the National Strategic Plan 2002-2006 of the Ministry of the Promotion of Women, the Child and the Family with a sub-plan for the promotion of the child and the family. However, the Committee regrets that the National Plan of Action for the Survival, Development and Protection of Children (1992-2000) has not been renewed; in that regard, the Committee regrets the absence of a comprehensive national plan of action for children, covering all areas of the Convention.

**14. The Committee recommends that the State party develop a comprehensive, rights-based national plan of action that covers all areas of the Convention and takes into account the objectives and goals of the outcome document entitled “A world fit for children”, adopted by the General Assembly at its special session on children in 2002, as well as the Millennium Development Goals. In this exercise, the Committee urges the State party to allocate sufficient human and financial resources for implementing such a plan.**

### **Coordination**

15. The Committee notes the establishment of an inter-ministerial Committee, which seems to be the successor to the former national assessment and monitoring Committee. However, it is unclear whether this new body has a coordinating mandate.

**16. The Committee recommends that the State party further enhance the capacity of the inter-ministerial Committee, which should include coordination, by defining its exact mandate, role and membership and provide it with adequate human and financial resources for performing its mandate. In this regard, the Committee refers the State party to its general comment No. 5 on general measures of implementation for the Convention on the Rights of the Child (CRC/GC/2003/5).**

### **Independent monitoring**

17. The Committee notes with appreciation the establishment in 2006 of a national human rights institution, Commission Nationale des Droits de l'Homme, and the various sectoral follow-up mechanisms. However, it regrets that this institution has not yet been provided with sufficient human and financial resources, and notes the lack of information on the extent to which the institution can and will deal with complaints submitted by or on behalf of children.

**18. The Committee recommends that the State party provide the necessary human and financial resources to the recently established national human rights institution for it to carry out efficiently the activities under its mandate. It also recommends that the State party ensure that this institution is accessible to children, by establishing a separate unit, and that it has the capacity, including well-trained staff, to investigate complaints by or on behalf of children, in a child-sensitive manner and in full accordance with the Convention. In all these actions, the State party should fully take into account the Committee's general comment No. 2 (2002) on the role of independent national human rights institutions in the promotion and protection of the rights of the child. The Committee also recommends that the State party seek assistance from, among others, the Office of the High Commissioner for Human Rights (OHCHR) and the United Nations Children's Fund (UNICEF).**

### **Resources for children**

19. The Committee is concerned that the budgets allocated for children present a very low percentage of the gross domestic product (GDP) and that it is unclear whether and to what extent budget allocations are provided for children belonging to vulnerable groups and/or living in rural and remote areas. The Committee is also concerned at the limited budget allocated to the Ministry for the Advancement of Women, the Child and the Family and to the social sector.

**20. The Committee recommends that the State party urgently strengthen its efforts to increase budgets for the implementation of the Convention, in particular for the economic, social and cultural rights of children (e.g. education and health) to the maximum extent of available resources, while paying special attention to ensuring adequate budget allocations for the protection of the rights of children belonging to vulnerable or disadvantaged groups, including children infected with HIV and/or affected by HIV/AIDS, orphans, children living in poverty and those living in rural and remote areas. Furthermore, the Committee recommends that the State party increase the budget allocation to the Ministry for the Advancement of Women, the Child and the Family in order to enable it to fully carry out the activities under its mandate and particularly with respect to the sector related to children.**

### **Data collection**

21. The Committee notes the progress made by the State party in the data-collection system. However, it is concerned that the current data-collection mechanism is insufficient to ensure the systematic and comprehensive collection of disaggregated quantitative and qualitative data for all areas covered by the Convention in relation to all groups of children, in order to monitor and evaluate progress and assess the impact of policies adopted with respect to children.

22. **The Committee recommends that the State party take measures to improve the system of collecting statistical and other data in all areas covered by the Convention and on the basis of appropriate indicators at the national, regional and local levels by allocating appropriate financial and human resources. Such a system should include all groups of children, while paying particular attention to those belonging to the most vulnerable groups, including children living in poverty, children with disabilities, street children and *garibou*.**

#### **Dissemination of the Convention**

23. The Committee commends the State party's efforts to promote awareness of the rights of the child and to disseminate the Convention through, for example, training programmes, translations of the text into different national languages, and distribution of brochures. However, the Committee remains concerned that a large part of the population and professionals working with and for children are not yet aware of the Convention and the principles enshrined therein.

24. **The Committee recommends that the State party continue and reinforce the awareness-raising campaigns to improve the understanding of the provisions and principles of the Convention, particularly in close cooperation with community and religious leaders. It also recommends that the State party disseminate the Convention to children, their parents and other caregivers, professionals working with and for children, including in the judiciary and the legal profession, and to the general public, paying particular attention to people living in rural and remote areas. Furthermore, the Committee encourages the State party to promote the incorporation of education on the Convention in the curricula of professionals working with and for children.**

#### **Cooperation with civil society**

25. The Committee notes the efforts undertaken by the State party to cooperate with civil society in the promotion of children's rights particularly in the preparation of the State party report and in the dissemination of the Convention.

26. **The Committee recommends that the State party further strengthen and institutionalize collaboration with civil society, including non-governmental organizations (NGOs) and traditional and religious leaders in the promotion of children's rights, in the follow-up to the concluding observations of the Committee both through awareness-raising and through making information available. In this regard, the Committee recommends that the State party take measures to strengthen the organizational capacity and the mobilization of civil society.**

#### **International cooperation**

27. The Committee notes that the State party is one of the Heavily Indebted Poor Countries most affected by poverty and welcomes the information that it receives various forms of support through international cooperation. However, it is concerned at the lack of information on the coordination and management of the disbursement of foreign aid, at the extent to which children benefit from the aid, and at the fact that the State party has not yet achieved the goal of the 20/20 initiative.

28. **The Committee recommends that the State party ensure that the disbursement of foreign aid takes place in an effective, transparent and coordinated manner and that children benefit from it significantly. The Committee also recommends that the State party take the necessary measures to meet the goal of the 20/20 initiative.**

## **2. Definition of the child (art. 1 of the Convention)**

29. The Committee notes with appreciation that the draft Individuals and Family Code sets the marriage age at 18 for boys and girls.

30. **The Committee urges the State party to take every feasible measure to speed up the process of legislative reform in order to ensure equality between the age of marriage for girls and boys.**

## **3. General principles (arts. 2, 3, 6 and 12 of the Convention)**

### **Non-discrimination**

31. While noting that the Constitution and the Child Protection Code prohibit discrimination on the grounds of social origin, colour, language, race, sex, religion or political opinion, the Committee is concerned that discrimination against girls and certain groups of children still exists in practice, particularly against children with disabilities, children born out of wedlock, children of disadvantaged families and street children, including *garibou*.

32. **The Committee urges the State party to adopt appropriate measures, including legislative, as well as a comprehensive strategy to combat discrimination on any grounds and against all vulnerable groups of children including through public educational campaigns aiming at changing negative social attitudes in this regard.**

### **Respect for the views of the child**

33. While noting with appreciation the efforts made by the State party to implement the principle of respect for the views of the child through awareness-raising campaigns and the establishment of the Children's Parliament, the Committee remains concerned that traditional societal attitudes limit the ability of children to freely express their views within the family, schools, communities, courts and other institutional settings.

34. **The Committee recommends that the State party strengthen its efforts to ensure that children's views are given due consideration in the family, schools, communities, courts and relevant administrative proceedings and in society in general. With regard to the implementation of article 12, the Committee recommends that the State party continue with its awareness-raising campaigns among the public at large and urges the State party to include traditional communities in these campaigns and involve religious leaders. The Committee further recommends that the State party take into account the recommendations adopted in September 2006 on the Committee's Day of General Discussion on the right of the child to be heard.**

**4. Civil rights and freedoms  
(arts. 7, 8, 13-17 and 37 (a) of the Convention)**

**Nationality**

35. The Committee is concerned that current provisions prevent children from deriving nationality from their mothers.

36. **As a matter of non-discrimination and in the best interests of the child, the Committee recommends that the State party undertake the necessary legislative measures to ensure that the child can derive nationality not only from the father but also from the mother.**

**Birth registration**

37. The Committee welcomes the State party's initiatives to promote birth registration, such as the campaigns undertaken on the Day of the African Child in 2003; the 2004-2008 action plan to improve registration of civil status ("*Plan de la Mission d'Appui à la Consolidation de l'Etat Civil*") and in 2006 the adoption of Law No. 06-024, which governs civil status and ensures free birth registration. However, the Committee is concerned that birth registration is a complicated process, that a large number of children are neither registered at birth nor at a later stage, and that major disparities exist between the birth registration of children in urban and rural and remote areas.

38. **The Committee recommends that the State party continue its efforts of systematic birth registration for all children born within the national territory, inter alia by ensuring a simplified and cost-free birth registration process, and by increasing the coverage of the mobile units, especially in rural and remote areas, in order to reach the most disadvantaged populations. The Committee also urges the State party to proceed with the registration of those children who have not yet been registered and to enable them to access, in particular, education and health care.**

**Corporal punishment**

39. The Committee appreciates the efforts undertaken by the State party to combat corporal punishment by implementing legislative, administrative, social and educational measures. However, it remains concerned that corporal punishment is lawful in the home and that it is used within families, Koranic schools and alternative-care settings, and not explicitly prohibited in penal institutions.

40. **The Committee urges the State party, while taking into account general comment No. 1 on the aims of education (CRC/GC/2001/1) and general comment No. 8 on the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment (CRC/GC/2006/8), to:**

**(a) Explicitly prohibit corporal punishment within the home, in all alternative-care settings and in penal institutions;**



**(b) Continue to sensitize and educate parents, guardians and professionals working with and for children by carrying out public educational campaigns on the harmful effects of corporal punishment;**

**(c) Continue to promote positive, non-violent forms of discipline as an alternative to corporal punishment;**

**(d) Seek assistance from, among others, UNICEF and the World Health Organization (WHO).**

#### **5. Family environment and alternative care**

**(arts. 5; 18, paras. 1-2; 9-11; 19-21; 25; 27, para. 4; and 39 of the Convention)**

##### **Alternative care**

41. The Committee notes that there are many orphans and other vulnerable children in the State party who are in need of care and protection. The Committee, while noting the efforts to develop standards for institutional care, is concerned at the lack of a comprehensive policy for providing alternative care to children. Furthermore, the Committee notes that boys in need of alternative care and boys in conflict with the law are placed together in some centres, such as in Bollé.

42. **The Committee recommends that the State party, while taking into account the recommendations formulated following the Day of General Discussion on Children Without Parental Care in September 2005 (see CRC/C/135), develop and implement a comprehensive national policy for the care and protection of orphans and other vulnerable children, which should include measures to:**

**(a) Provide adequate assistance to families so that children do not have to be placed in alternative care;**

**(b) Provide adequate financial and other support for extended and foster families who take care of children;**

**(c) Ensure that institutional care is an option of last resort and that the quality of care in institutions is in full accordance with the principles and provisions of the Convention; and in this regard, complete the standard-setting efforts and ensure, including through effective inspections, that these standards are fully implemented;**

**(d) Take all necessary measures to prevent boys in need of alternative care from being placed in the same institution as boys in conflict with the law;**

**(e) Ensure that adequate human and financial resources be allocated for the proper functioning and monitoring of these centres.**

## **Adoption**

43. The Committee welcomes the State party's accession in 2006 to the Hague Convention on Protection of Children and Co-operation in respect of Intercountry Adoption, the reforms undertaken in the field of adoption, the establishment of a central body dealing with adoption, as well as the collaboration with the neighbouring countries on the subject. However, the Committee remains concerned that intercountry adoption has not yet been sufficiently regulated or addressed through legislative measures and policies. The Committee is further concerned that the reforms are not widely known and that children still leave the country without the approval of the adoption authorities.

**44. The Committee reiterates its previous concluding observation and recommends that the State party:**

**(a) Introduce proper monitoring procedures with respect to both domestic and intercountry adoptions;**

**(b) Provide training to magistrates;**

**(c) Take all necessary measures, including legal and administrative ones, to regulate intercountry adoption;**

**(d) Strengthen the central authority and make its functioning well known to the public at large;**

**(e) Take all necessary measures to ensure that the best interests of the child are paramount at all stages of adoption proceedings;**

**(f) Continue and strengthen the information campaigns and support measures to achieve full compliance with the new regulations of the adoption reform.**

## **Child abuse and neglect**

45. While the Committee notes the efforts undertaken by the State party to put in place laws and regulations to combat child abuse and neglect, the Committee is concerned that Malian law fails to prevent and penalize child abuse and neglect. Furthermore, the Committee is concerned at the lack of psychological and social support, the absence of legal and material assistance for victims and the lack of statistical data on child abuse and neglect.

**46. The Committee recommends that the State party:**

**(a) Adopt an inclusive and rights-based legal framework that addresses child abuse and neglect;**

**(b) Develop awareness-raising campaigns, with the involvement of children, to prevent and combat child abuse and neglect;**

- (c) **Provide a 3-digit, toll-free, 24-hour national helpline for children;**
- (d) **Ensure the psychological and legal support for children who are victims of abuse or neglect;**
- (e) **Ensure that there is an effective system for receiving, monitoring and investigating reports on sexual abuse and ill-treatment in a manner which is child sensitive, that the privacy of victims is well protected and that perpetrators are brought to justice;**
- (f) **Undertake studies on child abuse and neglect, including sexual abuse, to assess the extent, scope and nature of these practices.**

47. **With reference to the United Nations study on violence against children, the Committee recommends that the State party:**

- (a) **Take all necessary measures for the implementation of the overarching and setting-specific recommendations contained in the report of the independent expert for the United Nations study on violence against children (A/61/299), while taking into account the outcome and recommendations of the Regional Consultation for West and Central Africa, which was hosted by the State party in Bamako from 23 to 25 May 2005;**
- (b) **Use these recommendations as a tool for action in partnership with civil society and, in particular, with the involvement of children to ensure that every child is protected from all forms of physical, sexual and mental violence and to gain momentum for concrete and, where appropriate, time-bound actions to prevent and respond to such violence and abuse;**
- (c) **Seek technical assistance from UNICEF, OHCHR and WHO for the above-mentioned purposes.**

## **6. Basic health and welfare**

**(arts. 6; 18, para. 3; 23; 24; 26; 27, paras. 1-3 of the Convention)**

### **Children with disabilities**

48. While noting the development and increase in programmes and training courses related to children with disabilities as well as their inclusion into the regular educational system, the Committee is concerned at the lack of information and statistical data on the status of children with disabilities. The Committee is further concerned at reports that services for children with disabilities may be insufficient and are being reduced, that public areas are not all accessible for children with disabilities and that the legal framework to address the specific needs of children with disabilities is lacking.

49. **The Committee recommends that the State party, while taking into account the United Nations Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96) and the Committee's general comment No. 9 on the rights of children with disabilities, take all necessary measures to:**

**(a) Continue to encourage the inclusion of children with disabilities into the regular educational system and into society, inter alia by giving more attention to special training for teachers and making the physical environment - including schools, sports and leisure facilities and all other public areas - accessible for children with disabilities;**

**(b) Adopt an inclusive and rights-based legal framework that addresses the specific needs of children with disabilities;**

**(c) Implement all relevant provisions of existing legislation related to children with disabilities;**

**(d) Undertake awareness-raising campaigns with the involvement of children, with a focus on children with disabilities;**

**(e) Sign and ratify the Convention on the Rights of Persons with Disabilities and its Optional Protocol once open for ratification.**

### **Health and health services**

50. While acknowledging the efforts undertaken by the State party to improve health services, particularly in the area of immunization, combating malaria and promoting breastfeeding, the Committee remains concerned at the low level of GDP allocated to health, the limited number of doctors and of health centres, especially in rural and remote areas, the high maternal and child-mortality rates, the high rate of child malnutrition, the still low breastfeeding rates and the prevalence of malaria.

51. **The Committee recommends that the State party:**

**(a) Strengthen its efforts to ensure universal access to maternal and child health-care services and facilities, in particular, in rural and remote areas, including by allocating increased financial and human resources;**

**(b) Strengthen its efforts to ensure that all children have access to basic health care, in urban as well as in rural and remote areas;**

**(c) Reinforce measures to prevent malnutrition and malaria and increase immunization coverage for as many children and mothers as possible;**

**(d) Reinforce measures to promote and encourage exclusive breastfeeding for an infant's first six months and adopt the International Code of Marketing of Breast-milk Substitutes.**

### **Harmful traditional practices**

52. The Committee welcomes the establishment of the national programme that the State party implemented in cooperation with NGOs to combat female genital mutilation and the efforts

undertaken to sensitize the population to the danger of other harmful practices. However, the Committee is deeply concerned at the lack of a specific legal prohibition to the practice of female genital mutilation. It is also particularly concerned at the persistence of early and forced marriages and other harmful traditional practices listed in the State party report.

**53. The Committee urges the State party to:**

**(a) Implement legislative measures on the prohibition of female genital mutilation and the prohibition of traditional marriage practices, including early and forced marriages, which are harmful to children, and ensure that perpetrators are brought to justice;**

**(b) Continue and strengthen awareness-raising campaigns to combat female genital mutilation and reinforce sensitization programmes for practitioners and the general public to encourage change in traditional attitudes, by engaging with the extended family as well as with traditional and religious leaders;**

**(c) Take adequate measures to provide practitioners of female genital mutilation with the adequate training necessary to find alternative sources of income;**

**(d) Take appropriate measures to eradicate female genital mutilation and other traditional practices harmful to the health, survival and development of children, especially girls.**

**Adolescent health**

54. The Committee is concerned that insufficient attention has been given to adolescent health issues, including developmental, mental and reproductive health issues, as well as drug, alcohol and tobacco abuse. It is also concerned at the high rate of teenage pregnancies and the lack of adequate and accessible sexual and reproductive health services.

**55. The Committee recommends that the State party:**

**(a) Strengthen adolescent-sensitive mental health counselling services and make them known and accessible to adolescents;**

**(b) Take measures to prevent and reduce alcohol and drug abuse among adolescents and to support recovery and social reintegration programmes for child victims of drug and alcohol abuse including by seeking technical cooperation from, for example, WHO and UNICEF;**

**(c) Strengthen sex and reproductive health education for adolescents, especially in schools, with a view to reducing the incidence of teenage pregnancies and provide adolescents with the necessary assistance and access to health care and education;**

**(d) Take into account the general comment No. 4 on adolescent health and development in the context of the Convention on the Rights of the Child (CRC/GC/2003/4) of 2003.**

## **HIV/AIDS**

56. The Committee welcomes the efforts undertaken by the State party to combat HIV/AIDS, such as the establishment of the High National Council for Combating HIV/AIDS and the decision to provide free antiretroviral therapy. However, the Committee remains concerned at the high number of children infected with HIV and/or affected by HIV/AIDS, the lack of preventive measures taken and the inadequate assistance given to AIDS orphans, and the lack of data.

**57. The Committee recommends that the State party, while taking into account the Committee's general comment No. 3 (2003) on HIV/AIDS and the rights of the child and the international Guidelines on HIV/AIDS and Human Rights:**

- (a) Ensure universal and cost-free access to antiretroviral therapy;**
- (b) Involve children in the programme of the fight against HIV/AIDS, in particular by ensuring that more attention is given to the issue of children and HIV/AIDS;**
- (c) Continue and strengthen its efforts to prevent mother-to-child transmission of HIV;**
- (d) Strengthen its efforts to combat HIV/AIDS, including through ensuring availability of contraceptives throughout the country and through awareness-raising campaigns;**
- (e) Improve the protective and preventive support for AIDS orphans;**
- (f) Continue to prevent discrimination against children infected with HIV and/or affected by HIV/AIDS;**
- (g) Take steps to collect disaggregated data on the prevalence of HIV/AIDS in the State party, including among children, which can be used for the development, implementation and monitoring of policies and programmes for children living with HIV/AIDS.**

## **Standard of living**

58. While noting the adoption of the Strategic Framework for Combating Poverty in 2002, which takes into account the protection of the child, the Committee remains concerned at the high numbers of children and their families living below the poverty line and the high and increasing number of children living and/or working on the streets.

**59. The Committee recommends that the State party further strengthen its Strategic Framework for Combating Poverty by providing adequate financial and human resources for it and by paying particular attention to the needs of the most vulnerable groups of children.**

**7. Education, leisure and cultural activities  
(arts. 28, 29 and 31 of the Convention)**

60. The Committee acknowledges the efforts of the State party towards improving access to education, including for children with disabilities and nomadic children, increasing attendance rates and combating gender disparities by achieving education for all by 2015. However, it remains deeply concerned at the persistence of low rates of school enrolment and especially at the gender and geographical disparities with regard to access to education. The Committee is also concerned at the high illiteracy rates among children, the low qualifications and low numbers of teachers, the very limited pupil/teacher ratio, the insufficiency of adequate facilities, the high dropout and repetition rates, particularly of girls, the indirect school costs constituting barriers to education, the lack of information on vocational training and the type of education given in Koranic schools. Furthermore, the Committee notes with concern that the budget allocation for education has been reduced.

61. **The Committee recommends that the State party:**

**(a) Continue with its programme to achieve education for all by 2015 by paying particular attention to increasing enrolment and enrolment parity between girls and boys and between urban, rural and remote areas;**

**(b) Take all appropriate measures to allocate increased and adequate financial resources to improve the situation of education, paying particular attention to ensuring a sufficient number of school facilities;**

**(c) Improve teacher training and recruit more teachers, as planned, in order to improve the quality of education and in this regard improve, as necessary, the quality of the school curricula;**

**(d) Implement measures to reduce dropout and repetition rates;**

**(e) Eliminate indirect school costs;**

**(f) Promote the establishment of vocational training and provide detailed information on this in its third periodic report;**

**(g) Take appropriate measures to ensure that Koranic schools respect national school curricula and aims of education in conformity with article 29 of the Convention and are placed under the authority of the Ministry for Education;**

**(h) Seek technical assistance from UNICEF and UNESCO in this regard.**

**8. Special protection measures  
(arts. 22, 38, 39, 40, 37 (b)-(d), 30, 32-36 of the Convention)**

**Street children/child beggars**

62. While noting the efforts undertaken by the State party to reduce child begging by, inter alia, providing vocational training programmes for begging children the Committee

remains deeply concerned at the high and increasing number of street and begging children in the State party. The Committee notes that these child beggars, referred to as *garibous*, are pupils under the guardianship of Koranic education teachers called *marabouts*. The Committee is concerned at their vulnerability to, inter alia, all forms of violence, sexual abuse and exploitation, as well as economic exploitation.

**63. The Committee recommends that the State party further address the problem of street and begging children and facilitate their reintegration into society by:**

**(a) Undertaking, as stated to the Committee during the dialogue, a study and assessment of the situation of these children in order to get an accurate picture of its causes and magnitude by involving *marabouts* in the programmes;**

**(b) Developing and implementing, with the active involvement of the children concerned and NGOs, a comprehensive policy that should address the root causes, in order to discourage, prevent and reduce child begging, and which should provide street children with necessary protection, adequate health-care services, education and other social reintegration services;**

**(c) Setting up family support programmes, including awareness-raising campaigns with a view to the reinsertion of street and begging children in the family unit if it is in their best interests;**

**(d) Seeking technical assistance from UNICEF.**

#### **Economic exploitation, including child labour**

64. The Committee is concerned at the high number of working children in the State party including working in agricultural fields, as domestic servants who may be subjected to violence including sexual abuse.

**65. The Committee recommends that the State party:**

**(a) Strengthen its efforts to combat child labour, in particular by addressing the root causes of child economic exploitation through poverty eradication and access to education;**

**(b) Take measures to ensure effective implementation of the ILO Conventions No. 138 and No. 182, which the State party has ratified;**

**(c) Develop complaint and protection mechanisms, also by raising the number of inspectors and adopt legal measures to punish those responsible;**

**(d) Seek technical cooperation from ILO and UNICEF.**



### **Sexual exploitation and prostitution**

66. The Committee is concerned at the lack of information provided regarding sexual exploitation and prostitution of children in the State party, and in particular, expresses concern at the lack of the following:

- (a) Comprehensive legislation to prevent sexual exploitation of children;
- (b) Protection and/or recovery assistance and social reintegration for children who are victims of sexual exploitation;
- (c) Available data on the extent and patterns of sexual exploitation and prostitution.

67. **The Committee recommends that the State party:**

- (a) Take all necessary measures to prevent sexual exploitation and prostitution of children;**
- (b) Take appropriate legal measures to protect children who are victims of sexual exploitation, including trafficking and prostitution, and bring perpetrators of sexual abuse and exploitation to justice;**
- (c) Train law-enforcement officials, particularly the “*brigade des mœurs*” and the police, social workers, journalists and prosecutors on how to receive, monitor and investigate complaints, and in a child-sensitive manner that respects confidentiality;**
- (d) Implement appropriate policies and programmes for the prevention, recovery and social reintegration of child victims, in accordance with the Declaration and Agenda for Action and the Global Commitment adopted at the first and second World Congress against Commercial Sexual Exploitation of Children in 1996 and 2001;**
- (e) Prioritize recovery assistance and ensure that education and training, as well as psychological assistance and counselling, are provided to victims.**

### **Trafficking of children**

68. The Committee welcomes the various efforts taken by the State party to combat the trafficking of children, including by signing cooperative agreements with its neighbouring countries. However, the Committee remains concerned at the cross-border trafficking of children to other countries in the region and especially to Côte d’Ivoire, the lack of investigations opened and the lack of data on the number of children trafficked.

69. **The Committee recommends that the State party:**

- (a) Take measures, including legislation, to prevent and protect children from being trafficked;**

- (b) Effectively implement a policy against trafficking, including by allocating appropriate financial and human resources and by introducing awareness-raising campaigns;**
- (c) Ensure that all cases of trafficking are investigated and that perpetrators are charged, convicted and punished in accordance with due process of law;**
- (d) Ensure the application of the cooperative agreements to control cross-border trafficking;**
- (e) Reinforce the community surveillance units in the frontier zones of Sikasso, Ségou, Mopti and Koulikoro;**
- (f) Ensure the return of the child to its country and its family, if this is in the best interests of the child;**
- (g) Provide adequate programmes of assistance, recovery and reintegration for trafficked children, who should be treated as victims and neither criminalized nor penalized;**
- (h) Seek cooperation with, among others, UNICEF and the International Organization for Migration.**

#### **Juvenile justice**

70. The Committee welcomes the fact that legal reforms are under way and that the ones carried out in the justice sector have integrated the provisions of the “Riyadh Guidelines” and the “Beijing Rules”. However, the Committee remains concerned at the limited progress achieved in establishing a functioning juvenile justice system throughout the country. In particular, the Committee is concerned at the lack of systematic use of alternative measures (e.g. diversion and restorative justice), the detention of juveniles within the same facilities as adults, the absence of juvenile courts in most of the regions, the limited number of specialized and trained juvenile judges and the insufficiency of facilities and programmes for the physical and psychological recovery and social reintegration of children.

71. **The Committee recommends that the State party bring the system of juvenile justice fully into line with the Convention, in particular articles 37 (b), 40 and 39, as well as into line with other United Nations standards in the field of juvenile justice, including the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the “Beijing Rules”), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the “Riyadh Guidelines”), the United Nations Rules for the Protection of Juveniles Deprived of Their Liberty (the “Havana Rules”), the Guidelines for Action on Children in the Criminal Justice System (the “Vienna Guidelines”) and the recommendations of the Committee made at its day of general discussion on juvenile justice (CRC/C/46, paras. 203-238). In this regard, the Committee recommends that the State party:**

- (a) **Speed-up the process of legal reforms;**
- (b) **Develop and implement alternative measures such as diversion and restorative justice in order to strengthen the possibilities of dealing with children in conflict with the law without resorting to judicial proceedings;**
- (c) **Ensure that deprivation of liberty is used only as a measure of last resort and for the shortest appropriate period of time;**
- (d) **In cases where deprivation of liberty is unavoidable and used as a last resort, improve conditions of detention and ensure that children in detention are placed in separate facilities from adults, paying special attention in this regard to girls;**
- (e) **Ensure that persons under 18 have access to appropriate legal aid and defence and an independent, child-sensitive and effective complaint mechanism;**
- (f) **Provide training on relevant international standards to those responsible for administration of the juvenile justice system, including judges, magistrates and law-enforcement officials;**
- (g) **Ensure that both sentenced and released persons under 18 are provided with educational opportunities, including vocational and life-skills training, recovery and social reintegration services;**
- (h) **Establish specialized juvenile courts in various regions of the country and appoint further specialized juvenile judges;**
- (i) **Accelerate the appointment of the probation officers (“*Délégués à la liberté surveillée*”) and provide them with adequate resources to carry out their mandate;**
- (j) **Seek technical assistance from the United Nations Interagency Panel on Juvenile Justice, which includes the United Nations Office on Drugs and Crime (UNODC), UNICEF, OHCHR and NGOs.**

## **9. Optional Protocols to the Convention on the Rights of the Child**

72. The Committee welcomes the ratification by the State party of the Optional Protocols to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography and on the involvement of children in armed conflict.

73. **The Committee encourages the State party to submit its initial reports under the Optional Protocols to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography and on the involvement of children in armed conflict, which were due in June 2004.**

## 10. Follow-up and dissemination

### Follow-up

74. **The Committee recommends that the State party take all appropriate measures to ensure full implementation of the present recommendations, including by transmitting them to the members of the Council of Ministers, the Parliament, and to the governors of the regions, to the *cercles* and communes for appropriate consideration and further action.**

### Dissemination

75. **The Committee further recommends that the second periodic report and written replies submitted by the State party and related recommendations (concluding observations) that it adopted be made widely available in the languages of the country, to the public at large, civil society organizations, youth groups, professional groups, and children in order to generate debate and awareness of the Convention, its implementation and monitoring.**

## 11. Next report

76. The Committee invites the State party to submit a consolidated third, fourth and fifth report by 19 October 2012, due date of the fifth periodic report. This is an exceptional measure due to the large number of reports received by the Committee every year. This report should not exceed 120 pages (CRC/C/118). The Committee expects the State party to report every five years thereafter, as foreseen by the Convention.

77. The Committee also invites the State party to submit an updated core document in accordance with the requirements of the Common Core Document in the Harmonized Guidelines on Reporting, approved by the Fifth Inter-Committee meeting of the human rights treaty bodies in June 2006 (HRI/MC/2006/3).

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