



Convention on the Rights of the Child

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COMMITTEE ON THE RIGHTS OF THE CHILD

Forty-fourth session

SUMMARY RECORD OF THE 1207th MEETING

Held at the Palais Wilson, Geneva,
on Thursday, 18 January 2007, at 3 p.m.

Chairperson: Mr. DOEK

CONTENTS

CONSIDERATION OF REPORTS OF STATES PARTIES (continued)

Second periodic report of Mali (continued)

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The meeting was called to order at 3.10 p.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 4) (continued)

Second periodic report of Mali (continued) (CRC/C/MLI/2 and CRC/C/MLI/Q/2 and Add.1)

1. At the invitation of the Chairperson, the members of the delegation of Mali took places at the Committee table.
2. Ms. VUCKOVIC-SAHOVIC said that automobile accidents and the high level of pollution in Bamako, adversely affected children, and she wished to know what measures were being taken to address those problems. She was pleased that Mali had ratified the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, and asked when Mali would submit its initial report under the Optional Protocol, which had been due in 2004. She enquired whether a mechanism had been set up to deal with the problem of children who were trafficked to other countries in the region, particularly Côte d'Ivoire, and subjected to slavery or slavery-like practices. The delegation should comment on the problem of sexual exploitation of children in Mali, which was among the concerns expressed by the Committee in its concluding observations on Mali's initial report (CRC/C/15/Add.113).
3. Ms. LEE said that, since 48 per cent of its population was under the age of 15, Mali should give priority to children's issues. She requested clarification concerning the minimum age of employment and the length of compulsory education. She wondered whether the cost of school uniforms and supplies was one of the reasons that a large number of children did not attend school. She wished to know what steps were being taken to address the high student/teacher ratio in primary schools. The delegation should comment on the connection between low levels of school attendance in rural areas and the fact that many rural children participated in cotton harvesting. She asked whether, in keeping with article 12 of the Convention, student representatives participated in school disciplinary boards. She requested additional information on disabled children and on programmes to address their needs, particularly those relating to health care and education. She enquired whether there were plans to establish a toll-free children's helpline in Mali.
4. Mr. SIDDIQUI asked whether children and children's organizations had been consulted in formulating Mali's Poverty Reduction Strategy Paper in 1998 in order to ensure that children's needs were taken into account. He requested additional information on the implementation, monitoring and evaluation of the Strategy Paper. He wished to know how the considerable resources allocated to the Government of Mali under the Heavily Indebted Poor Countries Initiative were monitored to ensure their appropriate use.
5. Mr. LIWSKI requested additional information on efforts to prevent mother-to-child transmission of HIV/AIDS. He wondered to what extent the Government had been able to adhere to its policy of providing free and universal access to antiretroviral drugs and what problems it had encountered in that regard.

6. Mr. TRAORÉ (Mali) said that, pursuant to article 13 of Act No. 98-040 of 18 May 1998 establishing the status of refugee, all children living in Mali, including refugee children, had the same rights to health care and education. Mali had ratified a number of international conventions that protected the rights of refugee children. With assistance from the International Organization for Migration (IOM) and the Office of the United Nations High Commissioner for Refugees (UNHCR), Mali was making efforts to reunite refugee children with their parents.
7. Although Mali had ratified the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption in 2001, that Convention needed to be more widely disseminated to judges, magistrates and persons working with or on behalf of children. All intercountry adoptions were handled by the National Directorate for the Promotion of the Child and the Family. The establishment of the National Directorate and the closing of a number of illegal adoption centres were part of Mali's efforts to implement the Hague Convention.
8. Although the specialized detention and rehabilitation centres for boys, girls and women at Bollé had originally been intended for children and women in conflict with the law, the centres also admitted children with behavioural problems. Women and girls at the Bollé centres were housed together in separate facilities from boys. In all detention facilities in Mali, children in conflict with the law were kept in separate facilities from adults. Although the law required the establishment of a children's court in each region of the country, there was only one children's court, which was located in Bamako. In the other regions, examining magistrates were responsible for children's matters.
9. The CHAIRPERSON asked what criteria were used to admit a child with behavioural problems to the Bollé centres.
10. Mr. ZERMATTEN asked whether the examining magistrates who acted as children's judges had received the necessary training. Since, a little over half the girls placed in detention in 2005 had been sent to the Bollé centre, he wondered where the remaining girls had been placed.
11. Ms. OUEDRAOGO asked whether Mali had sufficient means to provide decent living conditions for children in the Bollé centres. She enquired whether steps had been taken to address the fact that girls from the centres reportedly were inadequately supervised and engaged in inappropriate activities in the city.
12. Mr. FILALI said that, since examining magistrates often had very heavy workloads, he wished to know whether other judges could be given responsibility for children's matters.
13. Mr. TRAORÉ (Mali) said that children with behavioural problems were admitted to the Bollé rehabilitation centres only on the basis of an order issued by the children's judge.
14. Ms. DIALLO M'BODJI SÈNE (Mali) said that other options, such as placement with members of their extended family, were available to children with behavioural problems. Court-ordered placement in the Bollé centres was used only as a last resort.
15. Mr. TRAORÉ (Mali) said that both the Criminal Code and the Child Protection Code set the age of criminal responsibility at 18. Nevertheless, if it could be established clearly that a

child between the ages of 13 and 18 had committed an offence, he or she could be penalized. Although children under 13 were not considered criminally responsible, their parents could be liable under civil law for damages caused by them.

16. The CHAIRPERSON wished to know what treatment a 15-year-old accused of armed robbery would receive.

17. Mr. TRAORÉ (Mali) said that, under the Child Protection Code, a child aged 15 or over could be held in custody for up to 20 hours. The Procurator of the Republic or a juvenile judge could be requested to extend the period of custody by up to 10 hours. Parents were always informed of the child's whereabouts. Children aged 15 or under could not be remanded in police custody for questioning. The Child Protection Code also provided that children aged 13 or over who had committed an ordinary offence could be held in pretrial detention for up to six months. The maximum period of pretrial detention was a year if there was proof that a child of 13 or over had committed a serious offence.

18. Mr. ZERMATTEN asked whether street children aged 13 years or over could be placed in custody or pretrial detention simply because they lived on the streets.

19. Mr. TRAORÉ (Mali) said that, to his knowledge, there was no provision in the Criminal Code or the Child Protection Code that permitted such treatment of street children.

20. Further training was required to ensure that judges were familiar with the Convention of the Rights of the Child.

21. While the role of the mediator in criminal matters had not been formally established in law, State prosecutors could decide whether or not mediation should be used. If a child committed an offence and the victim wished to press charges, the perpetrator's parents could apply to a State prosecutor for mediation. Mediation could not be used in the case of a serious crime, a sexual offence or an offence against public property. Mediators did not necessarily have legal training. There was no current data on the number of mediators.

22. Mr. ZERMATTEN asked why mediation could not be used in the case of an offence against public property.

23. Mr. TRAORÉ (Mali) said that offences against public property were considered very serious and it was felt that a mediator would be too lenient in such cases.

24. Mr. CISSÉ (Mali) said that corporal punishment was prohibited in schools. Any teacher who used such punishment was subject to dismissal.

25. The National Directorate of Basic Education, which was part of the Ministry of National Education, was responsible for preschool education. In 2004, there had been 264 preschool facilities in Mali, three of which were operated by the State. Some 47,000 children attended preschool establishments, and there were about 1,600 preschool teachers and assistants.

26. Children who did not attend school were integrated into the non-formal education system. Boys and girls aged between 9 and 15 could undertake the six-year cycle, which included a

two-year apprenticeship, at centres for education in support of development. There were currently 88,526 children, including 38,940 girls, studying at about 700 such centres.

27. In 2004, attendance figures for basic school education had reached almost 60 per cent. In the same year, some 25 per cent of girls and 46 per cent of boys had attended secondary school. In order to reduce the dropout and failure rates, many children were encouraged to attend after-school classes.

28. The school curriculum was the same for public and private schools, since all pupils took the same school-leaving examinations.

29. The teaching profession had a poor reputation, and many trained teachers had taken early retirement. The problem had been exacerbated by the closure of a large number of teacher-training centres. Only about one third of the required number of new teachers graduated from those centres each year. Measures were being taken to ensure that human rights education became an integral part of teacher training.

30. Children were never turned away from State schools because they could not afford the uniform or school fees. Education was free for all children. Children with disabilities had full access to education. Since 2004, measures had been taken to integrate children with disabilities into mainstream schools where possible. While further efforts were required to train staff to teach children with disabilities and to modify school infrastructure and equipment to meet the needs of such children, some 2,000 children with disabilities currently attended mainstream schools. There were nine special education schools for children with specific disabilities.

31. Ms. DIALLO M'BODJI SÈNE (Mali) said that in 2004 the President had introduced a youth employment scheme to address the problem of rural exodus. It was estimated that the scheme would create some 40,000 jobs for young people by 2012.

32. Mother-and-child protection centres provided training that emphasized the importance of breastfeeding. Community centres for women and children would also promote breastfeeding.

33. Mr. BARRY (Mali) said that Mali had concluded bilateral agreements with Côte d'Ivoire, Burkina Faso, Senegal and Guinea to address the problem of trafficking in children. In June 2006, the countries of the Economic Community of West African States and the Economic Community of Central African States had signed a regional cooperation agreement on trafficking in persons. In Mali, an eight-member permanent monitoring committee would be established to oversee the implementation of those agreements.

34. While there were currently no statistics on the number of street children, a national survey would be undertaken to establish a database on such children. Several State and NGO structures provided assistance to street children.

35. The Children's Parliament was a forum in which Malian children could make their views known. The young parliamentarians were elected.

36. The Convention on the Rights of the Child had been translated into the main languages of Mali with the assistance of the United Nations Children's Fund (UNICEF), and 10,000 copies of the Convention had been distributed.

37. Under Mali's national programme to combat malaria, all pregnant women received specially treated mosquito nets free of charge. Mali had recently received some 50 billion CFA francs from the International Monetary Fund, which would be used to fight malaria.

38. Ms. OUEDRAOGO said that training programmes for the police, customs officers, social workers, nurses and midwives should include information on the Convention, since that would obviate the need to provide separate training on the subject.

39. Mr. BARRY (Mali) said that a special unit had been created to train teachers about the Convention, and efforts had been made to raise awareness of the police in a number of parts of the country of the need to comply with the Convention.

40. Mr. SIDIBÉ (Mali) said that the President of Mali had announced that medical treatment for pregnant women and children who had contracted malaria would be free of charge. Antiretroviral drugs for the treatment of AIDS were already being provided free of charge. The High National Council for Combating HIV/AIDS had been conducting public awareness campaigns.

41. Mali did not have separate facilities for AIDS orphans. Such children were cared for together with all other orphans. Owing to the structure of Malian society, it was a simple matter to adopt an orphan, regardless of whether the child had AIDS or any other illness. Orphans were usually cared for by their extended family.

42. Ms. AL-THANI said that, in many countries, people tended to discriminate against AIDS orphans. She asked what was being done to counteract such attitudes and ensure that such children were not the targets of de facto discrimination.

43. Mr. BARRY (Mali) said that all orphans in Mali were treated in the same way, both in the family and in society. There was no discrimination against AIDS orphans.

44. The CHAIRPERSON asked whether children were allowed to enrol in school if it was known that they were AIDS orphans or were infected with the disease.

45. Mr. KOTRANE drew the delegation's attention to the Committee's general comment on HIV/AIDS and the rights of the child (CRC/GC/2003/3), which contained information on the different types of discrimination against children infected with or affected by HIV/AIDS. That was why the Committee urged States to give special attention to such children.

46. Ms. OUEDRAOGO said that children infected with or affected by HIV/AIDS should not be placed in institutions. It was important to ensure that their special needs were taken into consideration.

47. Mr. TRAORÉ (Mali) said that legislation prohibiting discrimination against such children had been adopted in 2006. AIDS orphans were not placed in special institutions.

48. Mr. SIDIBÉ (Mali) said that there was no discrimination against HIV/AIDS orphans in schools.

49. Ms. DIALLO M'BODJI SÈNE (Mali) said that in Mali, relatives were required to care for children whose parents had died. In a number of exceptional cases, such orphans - perhaps 100 in all - were placed in the care of a special government body.

50. Mr. TRAORÉ (Mali) said that, over the past 10 years, considerable progress had been made in reducing pollution in Bamako. Traffic accidents affected both children and adults, and measures had been taken to improve traffic safety. As of February 2007, the use of seat belts would become mandatory and the use of mobile telephones while driving would be prohibited. It was not yet mandatory for drivers of motorbikes to wear helmets; many people could not afford helmets, which in any case were in short supply.

51. Mali's report on its implementation of the Optional Protocol on the sale of children, child prostitution and child pornography would be completed in the course of 2007.

52. The minimum working age for children under the Labour Code was 14. However, that was not inconsistent with ILO Convention No. 138 concerning Minimum Age for Admission to Employment, according to which States whose economies were not yet developed could allow children as young as 14 to work. With a view to ensuring compliance with the Convention on the Rights of the Child, Mali was reviewing the Labour Code with a view to raising the minimum working age to 15, particularly since that was the minimum age specified in the Child Protection Code.

53. The draft Individuals and Family Code was awaiting approval by the Council of Ministers, after which it would be submitted for adoption by the National Assembly and for signature by the President.

54. Ms. OUEDRAOGO asked whether the amendments made to the draft Individuals and Family Code would facilitate its adoption by the National Assembly.

55. Mr. TRAORÉ (Mali) said that the adoption of the draft Individuals and Family Code had been delayed by disagreements on a number of matters. For example, there was the problem of the irreversibility of monogamy. In Mali, a man could have as many as four wives. If he agreed to a monogamous union, he could still decide to take a second wife if his first wife gave her approval. That possibility would be prohibited under the Code. Most Malians were very religious Muslims and were against the proposed change. Another issue was whether the Code should provide that marriages conducted in a mosque should be placed on an equal footing with civil marriages. The Government had disagreed with the religious authorities on that question.

56. Ms. DIALLO M'BODJI SÈNE (Mali) said that the draft Individuals and Family Code was currently under consideration by the Ministry of Justice, after which it would be referred to the Council of Ministers and then to the National Assembly. The draft would most likely be approved by the Council of Ministers and adopted by the National Assembly in the first half of 2007.

57. Mr. CISSÉ (Mali) said that Mali had 38 public and 46 private lycées and 11 public vocational schools. A total of 39,700 pupils were enrolled in vocational schools, 11,700 in public schools and 28,000 in private schools. Of the 68,900 pupils in secondary schools, 31 per cent were girls.

58. Ms. DIALLO M'BODJI SÈNE (Mali) said that the various ministries submitted budget proposals which were considered by the Prime Minister and the Minister of the Economy and Finance. The amounts to be allocated to each department were then proposed, and the ministers at department level reviewed the proposals with the Minister of the Economy and Finance. The final budget was adopted by the National Assembly. The Ministry for the Advancement of Women, Children and the Family received only 0.5 per cent of the national budget.
59. The CHAIRPERSON asked who decided how foreign aid was used.
60. Mr. SIDDIQUI wished to know whether there was a mechanism to monitor how budget allocations were spent, since the central Government tended to use such allocations less efficiently than local government and civil society.
61. Ms. OUEDRAOGO asked what was being done to maximize the benefits of foreign aid.
62. Mr. SIDIBÉ (Mali) said that foreign aid was administered by the National Directorate of International Cooperation, which reported to the Ministry of Foreign Affairs and was the intermediary between donors and partners and the technical ministries concerned.
63. Ms. DIALLO M'BODJI SÈNE (Mali) said that the Ministry of Health and the Ministry of National Education received the lion's share of the national budget and also benefited most from foreign aid. By comparison, the Ministry for the Advancement of Women, Children and the Family was a "poor relative".
64. Mr. KOTRANE asked if Mali had enough labour inspectors to ensure that national legislation was implemented effectively and that children's working conditions, particularly in the informal sector, were in keeping with international norms. The delegation should explain why child protection officers had not also been entrusted with mediation.
65. Ms. OUEDRAOGO asked what measures Mali was taking to prevent and treat child drug abuse. She would welcome further information on the system of "wards of the nation".
66. Ms. DIALLO M'BODJI SÈNE (Mali) said that Mali's youth programme addressed young people's health issues, including reproductive health. Migrant girls received training in reproductive health, a subject that was often taboo in their own countries.
67. Foster families in Mali did not receive financial assistance. The Ministry for the Advancement of Women, Children and the Family intended to recommend that the Government should establish an assistance programme for such families.
68. Mr. TRAORÉ said that Mali adhered to all of the recommendations made by the United Nations Study on Violence against Children and would endeavour to implement them. NGOs were working to inform girls who worked as domestic servants about their rights and what recourses they had against exploitative employers.
69. Ms. DIALLO M'BODJI SÈNE (Mali) said that, while the Government had not involved children in the drafting of its second Strategic Framework for Combating Poverty, it had urged the Ministry for the Advancement of Women, Children and the Family to ensure that children's issues were integrated into the Framework.

70. In rural areas, minors were still taking part in the cotton harvest. However, their parents were beginning to realize that children who remained in school could eventually provide a new source of income.

71. Mr. SIDIBÉ (Mali) said that Mali had begun a large-scale immunization campaign. The Expanded Programme on Immunization targeted children under 10, who were vaccinated against measles, tetanus, tuberculosis and poliomyelitis. The campaign took place twice a year, both in cities and rural areas.

72. Mr. CISSÉ (Mali) said that the sectoral investment programme included a school health and nutrition unit that focused on deworming, micronutrient supplements, reproductive health, and staff training. Since its establishment, the unit, whose 15 members included representatives of the National Education Centre and the National Directorate for Basic Education, had conducted activities with the financial support of partners and NGOs.

73. Mr. BARRY (Mali) said that one member of the police squad in charge of children's problems focused solely on child drug abusers. Apart from the Bollé Observation and Rehabilitation Centre, there was no special detoxification centre in Mali.

74. Mr. TRAORÉ (Mali) said that the "Wards of the nation" were children who received government aid because their parents had died in the service of Mali.

75. The CHAIRPERSON asked whether Mali was addressing the issue of early marriages.

76. Ms. DIALLO M'BODJI SÈNE (Mali) said that the Government did not have special measures to prevent early marriages among certain ethnic groups, in particular the Peulh community, which allowed girls as young as 11 to marry.

77. Ms. OUEDRAOGO (Country Rapporteur) said that Mali should take the necessary measures to withdraw its reservation to article 16 of the Convention. She encouraged Mali to adopt the draft Individuals and Family Code as soon as possible, since the Code would provide greater protection of children's and women's rights. Mali should conduct an awareness campaign to discourage early marriages. The Bollé Centre should make a distinction between children in conflict with the law and children at risk. The Government should attach priority to the training of judges. She hoped that Mali's second periodic report would be widely disseminated.

78. Ms. SMITH (Alternate Country Rapporteur) said that violence, particularly domestic violence, was Mali's major problem. She hoped more resources would be made available to programmes for the protection of the rights of the child.

79. Ms. DIALLO M'BODJI SÈNE (Mali) said that her delegation looked forward to the Committee's concluding observations and the recommendations and would make every effort to implement them.

The meeting rose at 6 p.m.