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ON CIVIL AND
POLITICAL RIGHTS*



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HUMAN RIGHTS COMMITTEE

Twelfth session

SUMMARY RECORD OF THE 289th MEETING

Held at Headquarters, New York,
on Friday, 10 April 1981, at 10.00 a.m.

Chairman: Mr. MAVROMMATIS

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The meeting was called to order at 10.15 a.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 40 OF THE COVENANT (continued)

Mali (continued) (CCPR/C/1/Add.49)

1. At the invitation of the Chairman, Mr. Keita (Mali) took a place at the Committee table.

2. Mr. KEITA (Mali), in reply to the questions put to him by the Committee, said that the reason why Mali's report had been so brief and had not discussed the Government's difficulties in implementing the Covenant was that the country had undergone economic, political and social difficulties since 1974 and had suffered a serious drought. Since Mali was at the crossroads of many cultures, various Committees were jointly involved in arriving at decisions which would reflect national unity. Although it was not possible to draft a model report that would comply fully with the Committee's guidelines, Mali would henceforth attempt to meet the Committee's request that States should compare each article of the Covenant with their laws and Constitution.

3. As to the status of the 1974 Constitution, it had come into force in July 1974 after a nation-wide referendum. However, there had been a temporary provision - not given in the report before the Committee - under which certain parts had been suspended, particularly those relating to the President of the Republic, the Government and the National Assembly. The army had decided to retain power from 1974 to 1979 because of the political void since the 1968 coup d'état. Its administrative body, the National Liberation Committee, had prepared for the setting up of the institutions provided for in the Constitution. In 1979 elections had been held and civilian institutions and government had been established. The Constitution had, however, been in force continuously since 1974. A state of siege or emergency had never been declared, although the drought of 1975 had caused the Government to declare certain areas disaster areas.

4. Concerning the treatment of political detainees, he said that the right to visit was granted to anyone at any time during the day and evening. Even prisoners held in the north received visits from persons transported by special convoy.

5. On the question of how the country's political will was formed, he said that, within the single party system, individuals must be given all political freedoms, with no discrimination of any sort. However, the Party was the channel for all communications, and a person must first address himself to his local committee. Such expressions of political will were passed upwards through the political infrastructure and might reach the highest levels. Any citizen might invoke the international agreements to which Mali was a party. All international agreements were studied carefully by the Legal Division of the Ministry of Foreign Affairs, the Supreme Court, the Council of Ministers, the Secretary-General of the Party and the National Assembly. If all agreed, the President then issued a decree to ratify the instrument in question. It was then disseminated by the news media in all the languages of the country. Finally, its provisions were incorporated in national law.

(Mr. Keita, Mali)

6. The death penalty existed in Mali, but mainly as a deterrent to crime. It was implemented only rarely, in cases of serious crimes such as human sacrifice and genocide. He did not know of any proof of cases of torture practised against detainees, as had been reported in 1980. Concerning the question of impartial judgement, he said that judges acted according to established penal and civil procedure. A citizen had the right to appeal within 14 days. He added, however, that when political issues were involved, the situation was viewed somewhat differently. He said that the new Bolé centre for juvenile delinquents was rehabilitating prisoners with a view to employment after release.

7. As to whether Mali had ratified the International Labour Organisation Convention on trade union freedom, he said that under the terms of its Constitution Mali did not need to do so, since it was a member of all agencies of the United Nations family. He also noted that the National Union of Workers of Mali was independent of the Party.

8. As to the way in which the Supreme Court guaranteed human rights in Mali, he explained that the Supreme Court had three sections, constitutional, judiciary and administrative, and was considered one of the main branches of the Government. If a person was not happy with the people's verdict in an election, he could bring the case to the Supreme Court, saying that there had been party influence. Candidates were judged only on the basis of moral and technical competence.

9. On the subject of minority rights and tribal or ethnic discrimination, he said that Malian nationality was the overriding criterion, an idea which had come from the French colonists, who had brought the ideas of equality and national unification to Mali.

10. A question had been asked about the right to work. It was both a right and a duty, but he had to admit that, unless the Government received the necessary assistance from international organizations and from other countries, it would have an increasingly difficult time finding employment for between 1,000 and 2,000 new graduates every year, especially in a country where 51 per cent of the population was between the ages of 15 and 30. If employment could not be found for them, those educated young people would certainly raise their voices in protest.

11. The economic system espoused by the Government was neither socialist nor capitalist. It was in that sense that the system was national and independent, tailored to meet the requirements of the country. In order to do that, it also had to be planned because, as a former colony, Mali was trying to solve all its problems at once. One example of long-term planning concerned the staffing of the various ministries and government departments. The Ministry of Planning asked pupils in their last year at secondary school to express their career preferences, and those preferences were then matched to the requirements for the next 10 years, the pupils being given whatever further education they required to fit them for the posts they were to occupy.

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(Mr. Keita, Mali)

12. A period of nine years of schooling was compulsory, six at the primary level and three at the secondary level. That was followed by three years of non-compulsory pre-university education, on completion of which students attended schools of higher education at home or abroad. Since the early colonial days, education had been highly prized and there was no difficulty at all in persuading parents to send their children to school. Efforts were being made to eradicate the high illiteracy rate, which was a legacy of colonialism.

13. Some questions had been asked about health services, particularly in the rural areas. Medical treatment was available at various levels, ranging from the national and regional hospitals to the rural clinics and the traditional birth attendants and first-aid nurses who had become a feature of every village.

14. As for the equality of women, all citizens were treated equally irrespective of sex and it could be assumed that any reference to Malians included both men and women. Women were working in many fields, including the diplomatic corps. One government minister, three deputies and about a dozen judges were women. Many women served as directors in offices and departments in both the private and public sectors. They all received equal pay for equal work.

15. On the question of claiming damages from the State, he did not believe that that had ever given rise to any problem.

16. Turning to the question of freedom of religion, he reiterated that articles 1, 6 and 11 of the Constitution protected that right. Every citizen was free to practice his or her religion, and in declaring legal holidays the Government took account of the feast days of both Christians and Moslems. Moreover, on Fridays, the working day ended two hours early to enable Moslems to go to prayer, and there was never any problem about either Christians or animists attending their respective religious or family ceremonies.

17. The mass media were State owned, but access to them was available to all citizens. The Government made wide use of radio programmes to keep the public abreast of its policies, both national and international.

18. A question had been asked about possible conflicts in guaranteeing public freedoms, since the President of the Republic was also the Secretary-General of the Party. As he had explained, the whole political system was based on democratic centralism and the President was at pains to make clear that the Party was not just one person, it was the people as a whole. Any citizen had the right to become President, so long as he or she was of sufficiently high moral stature and had the necessary qualifications. Neither was there any discrimination in access to the civil service, the standard criteria with respect to qualifications, moral stature and health applying equally to all candidates, both men and women.

19. Turning to family matters, he said that the husband was always the head of the family. No woman would think of contesting that, not even those who were active in the women's liberation movement. In the raising of their children and with respect to property there was equality between husband and wife. Under the Code

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(Mr. Keita, Mali)

of Marriage and Guardianship a man was entitled to have up to four wives, but the taking of more than one wife depended on the consent of those he already had, and the arrangement also had to be acceptable to the families, and sometimes even the neighbours. He also had to prove that he had sufficient income to support all his wives. Under the Code, precise percentages were fixed in respect of the right to inheritance of the various wives and their children.

20. In the case of divorce, custody of the children would be given to whichever partner was in the best position to support them. As in most other countries, children were increasingly contesting parental authority, although that was less common in those areas where there had been least penetration of European civilization.

21. With regard to the age of consent for marriage, he said that 21 years was the age of majority but a girl of at least 16 years of age or a boy of at least 18 could marry with her or his parents' consent, if that consent was proclaimed before a civil authority. In practice, the prospective bride and bridegroom nearly always sought parental consent, even if not legally required, out of respect for their families, who assisted and protected the couple in many ways. The second legal requirement for marriage was the payment of a dowry, which was, however, a relatively small sum paid not to one of the families to purchase the bride but the bride herself to assist her.

22. With regard to the training of jurists, he said that all officials working in that field were highly trained, initially at the National School of Administration, followed by a year and a half of training in the courts, a year and a half of training abroad, usually in France, and ultimately more training and employment in Mali.

23. With regard to banishment, he said that there was no banishment as such, although prisoners considered dangerous were sent for up to three months at a time to camps, usually in the north, where the climate and régime were often rigorous. Such prisoners were often put to work in the salt mines or in the education of the northern tribes, in particular the Tuareg, as part of an effort to integrate those tribes into the mainstream of life of the country.

24. As propaganda for genocide and war did not exist in his country, there was really no answer he could give to questions concerning government measures to deal with such problems.

25. With regard to measures taken or to be taken by the Government to promote African unity, he said that the Government had gone further than most African countries, as could be seen from article 70 of the Constitution. The Government's policy was to participate in all agreements and associations aimed at strengthening African unity. He stressed that human rights must be interpreted in the African context.

26. With regard to the question concerning economic crimes and capital punishment, he said that the concept was a new one and had been instituted in 1977 to deal

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(Mr. Keita, Mali)

with corruption. It was now possible to impose the death penalty on an official whose economic crimes exceeded the equivalent of \$100,000. A number of officials had been sentenced to forced labour for life or had been executed under such legislation.

27. Capital punishment had also been imposed for attacks on government officials; the law had been enacted to deal with the uprising by the Tuareg tribes in the north during the period 1964-1967. Since the problem no longer existed, there was no longer any need for that law and he agreed that it could be revoked. With regard to the imposition of the death penalty on prisoners under 18 years of age or pregnant women, he granted that the report did not make the matter entirely clear. The situation was that prisoners under 18 were given a maximum of 20 years' imprisonment and could not receive the death penalty. Furthermore, neither pregnant women nor mothers were ever executed. While there was no movement in the country to abolish the death penalty, it was an exceptional penalty and Mali would follow the decisions on the matter taken at the regional level in Africa.

28. With regard to the question of police training, especially to deal with civil unrest, he said that the police were well trained in specific academies and, although they were not always gentle in dealing with offenders, their conduct remained nevertheless within the law. As policemen rose in the ranks they were often sent abroad for advanced training.

29. With regard to family planning, he said that there were several procedures used in the country and that women who used such procedures needed to have the consent of their husbands. Mali could still accommodate more people, as could be seen from the fact that it had been possible to integrate the many refugees in the country, especially from southern Africa, into the economy and society.

30. He regretted that he had not been able to answer all of the questions but assured the Committee that his Government would send a detailed supplementary report to deal with all the points raised in the Committee.

31. Mr. BOUZIRI said that the replies furnished by the representative of Mali had been most informative, frank and helpful and he welcomed the dialogue established with that country.

32. Mr. OPSAHL agreed with Mr. Bouziri and said that the Committee looked forward to receiving the supplementary report from Mali, since not all of the questions had been answered. Furthermore, the replies raised some new points that required further attention by the Committee.

33. Mr. DIEYE said that the consideration of the report of Mali was an example of the need to consider the context of developing countries, especially African countries, when examining the reports, so that the Committee could better understand the situation in the country and help that country in implementing the Covenant. He welcomed the co-operation shown by the Government of Mali and looked forward to receiving its supplementary report. He drew attention to the idea of holding meetings of the Committee in other countries, especially in

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developing countries so that they could understand what the Committee was and what it did and how it could help them.

34. The CHAIRMAN said that it would also be valuable for the Committee, in meeting in developing countries, to ascertain local conditions for itself. The Committee did not seek confrontation with any country but sought rather to establish dialogue and help countries, especially developing countries, with any difficulties they might have in implementing the Covenant.

35. He reminded the representative of Mali of the Committee's guidelines for the preparation of reports; he hoped the Government of Mali would bear them in mind in preparing its supplementary report.

36. Mr. Keita (Mali) withdrew.

ORGANIZATIONAL AND OTHER MATTERS

37. The CHAIRMAN said that the Committee had received a formal invitation from the Government of the Federal Republic of Germany to hold its fourteenth session from 19-30 October 1981 in Bonn. The Government of the Federal Republic had assured the Committee that the necessary accommodations and facilities would be available. He reminded the Committee that a decision in principle had already been taken to accept such an invitation from the Federal Republic of Germany.

38. Mr. PRIETO (Representative of the Secretary-General) said that the invitation from the Federal Republic of Germany was welcome, in particular since that Government had agreed to cover the additional expenses incurred by the holding of a session away from Headquarters. The Secretariat would make the necessary arrangements with the Government of the Federal Republic.

39. Mr. BOUZIRI expressed his dissatisfaction with the delay in the preparation of the travel documents for members of the Committee, noting that such problems had never arisen in Geneva.

CLOSURE OF THE SESSION

40. The CHAIRMAN said that the Committee had finished its business for the twelfth session, which had been extremely productive. The Committee had adopted final views on eight communications, which would be publicized in the normal manner. There had also been a useful exchange of views on various matters relating to the Covenant and the reports of State parties.

The meeting rose at 12.30 p.m.