



**Convention on the  
Rights of the Child**

Distr.  
GENERAL

CRC/C/MLI/2  
11 April 2006

ENGLISH  
Original: FRENCH

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**COMMITTEE ON THE RIGHTS OF THE CHILD**

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

**Second periodic reports of States parties due in 1997**

**MALI** \* \*\*

[ 9 September 2005]

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\* For the initial report submitted by the Government of Mali, see CRC/C/3/Add.53; for its consideration by the Committee, see CRC/C/SR.575-577 and 586, and for the concluding observations, CRC/C/15/Add.113.

\*\* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not formally edited before being sent to the United Nations translation services.



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### Acronyms and Abbreviations

AFAS	Association of Women Living with AIDS (Association des Femmes Atteintes par le Sida)
AFIMA	Malian Association of Female Engineers (Association des Femmes Ingénieurs du Mali)
AJM	Malian Association of Women Lawyers (Association des Juristes Maliennes)
AMAS	Malian Association to Support AIDS Sufferers (Association Malienne d'Aide aux Malades du Sida)
AMPPF	Malian Association for the Promotion and Protection of the Family (Association Malienne pour la Promotion et la Protection de la Famille )
AMSOPT	Malian Association for Monitoring and Guidance in Traditional Practices (Association Malienne pour le Suivi et l'Orientation des Pratiques Traditionnelles)
AN-RM	National Assembly of the Republic of Mali (Assemblée Nationale de la République du Mali)
APAF-Muso Danbé	Association for the Promotion of Family Assistance (Association pour la Promotion des Aides Familiales)
APCAM	Federation of Malian Farmers' Associations (Assemblée Permanente des Chambres d'Agriculture du Mali)
APDF	Association for the Advancement and Defence of Women's Rights (Association pour le Progrès et la Défense des Droits des Femmes)
APE	Parent Teacher Association (Association des Parents d'Elèves)
ARV	Antiretrovirals
ASACO	Community Health Association (Association de Santé Communautaire)
ASDAP	Association for the Support of Population Activities (Association de Soutien pour le Développement des Activités de Population)
BCS	Central Pay Office (Bureau Central des Soldes)
BOAD	West African Development Bank (Banque Ouest Africaine de Développement)
CADBE	African Charter on the Rights and Welfare of the Child Charte Africaine des Droits et du Bien être de l'Enfant
CADDE	Deconcentration and Decentralization of Education Support Unit (Cellule d'Appui de Déconcentration et de Décentralisation de l'Education)
CADEF	Action Committee for Children's and Women's Rights (Comité d'Action pour les Droits de l'Enfant et de la Femme)
CAF	Functional Literacy Centre (Centre d'alphabétisation fonctionnel)
CAFe	Women's Learning Centre (Centre d'Apprentissage Féminin)
CAFO	Coordinating Body for Women's Associations and NGOs in Mali (Coordination des Associations et ONG Féminines du Mali)
CAP	Educational Outreach Centre (Centre d'Animation Pédagogique)
CCA- ONG	NGO Coordinating Committee (Comité de Coordination des Actions des ONG)
CCIM	Malian Chamber of Commerce and Industry (Chambre de Commerce et d'Industrie du Mali)



CED	Centre for Education in Support of Development (Centre d'Education pour le Développement)
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CESAC	Counselling, Support and Assistance Centre (Centre d'Écoute, de Soutien et d'Assistance Conseil)
CESC	Economic, Social and Cultural Council (Conseil Économique, Social et Culturel)
CFE	Centre on Business Procedures (Centre de Formalités des Entreprises)
CMDT	Malian Textile Development Company (Compagnie Malienne de Développement des Textiles)
CNAPN	National Action Committee on the Eradication of Practices Harmful to Women's and Children's Health (Comité National d'Action pour l'Éradication des Pratiques Néfastes à la santé de la Femme et de l'Enfant)
CNDIFE	National Centre for Documentation on Women and the Child (Centre National de Documentation et d'Information sur la Femme et l'Enfant)
CNPA	National Council for the Elderly (Conseil National des Personnes Agées)
CNR/CNF	National Centre for Non-formal Education Resources (Centre National des Ressources de l'Éducation non Formelle)
COMADE	Malian Coalition for the Rights of the Child (Coalition Malienne des Droits de l'Enfant)
CPE	Child Protection Code (Code de Protection de l'Enfant)
CRC	Convention on the Rights of the Child
CSAR	Revitalized Neighbourhood Health Centre (Centre de Santé d'Arrondissement Revitalisé)
CSCOM	Community Health Centre (Centre de Santé Communautaire)
CSLP	Strategic Framework for Combating Poverty (Cadre Stratégique de Lutte contre la Pauvreté)
CSREF	Referral Health Centre (Centre de Santé de Référence)
CTSP	National Transition Committee for the People's Well-being (Comité National de Transition pour le Salut du Peuple)
CVECA	Self-managed Village Savings and Loan Society (Caisse Villageoise d'Épargne et de Crédit Autogérée)
DCF	Women's Rights and Citizenship (Droits et Citoyenneté des Femmes)
DEFSAM	Development of Women Entrepreneurs in the Malian Agricultural and Food Sector (Développement de l'Entreprenariat Féminin dans le Secteur Agroalimentaire au Mali)
DNAFLA	National Directorate for Functional Literacy and Applied Linguistics (Direction Nationale de l'Alphabétisation Fonctionnelle et de la Linguistique Appliquée)
DNB	National Budget Directorate (Direction Nationale du Budget)
DNFPP	National Directorate of the Civil Service and Personnel (Direction Nationale de la Fonction Publique et du Personnel)
DNP	National Planning Directorate (Direction Nationale du Plan)



DNPEF	National Directorate for the Promotion of the Child and the Family (Direction Nationale de la Promotion de l'Enfant et de la Famille)
DNPF	National Directorate for the Advancement of Women (Direction Nationale de la Promotion de la Femme)
DNSI	National Directorate of Statistics and Information Technology (Direction Nationale de la Statistique et de l'Informatique)
EDS I	Malian Population and Health Survey, 1987 (Enquête Démographique et de Santé du Mali, 1987)
EDS II	Malian Population and Health Survey, 1995-1996 (Enquête Démographique et de Santé du Mali 1995-1996)
EDS III	Malian Population and Health Survey, 2001 (Enquête Démographique et de Santé du Mali 2001)
EDS/ EDSM	Malian Population and Health Survey (Enquête Démographique et de Santé du Mali)
EMEP	Malian Poverty Assessment Survey (Enquête malienne pour l'évaluation de la pauvreté)
EVF/EMP	Education for Family Life and on Population Issues (Education à la Vie Familiale et en Matière de Population)
FAAF LAYIDU	Women's Activities Support Fund (Fonds d'Appui aux Activités des Femmes)
FNAM	National Federation of Malian Crafts and Trades Workers (Fédération Nationale des Artisans du Mali)
FONDS GED	Gender and Development Fund (Fonds Genre et Développement)
GDP	Gross domestic product
GRM	Government of the Republic of Mali
GSER	Gross School Enrolment Ratio (Taux Brut de Scolarisation (TBS)
HCCT	Council of Regional Population Groups (Haut Conseil des Collectivités Territoriales)
HIV	Human Immunodeficiency Virus
IEC	Information, Education and Communication
IFMST	Encouraging Girls to study Scientific and Technical Subjects (Incitation des Jeunes Filles vers les Matières Scientifiques et Techniques)
ILO	International Labour Organization
IMAARV	Malian Initiative for Access to Antiretrovirals (Initiative Malienne d'Accès aux Anti-Rétroviraux)
IST	Sexually Transmissible Disease (Infection Sexuellement Transmissible)
MATCL	Ministry of Regional and Local Government (Ministère de l'Administration Territoriale et des Collectivités Locales)
MDSSPA	Ministry of Social Development, Solidarity and the Elderly (Ministère du Développement Social, de la Solidarité et des Personnes Agées)
ME	Ministry of Education (Ministère de l'Éducation)
MEB	Ministry of Basic Education (Ministère de l'Éducation de Base)
MEF	Ministry of Economic Affairs and Finance (Ministère de l'Économie et des Finances)



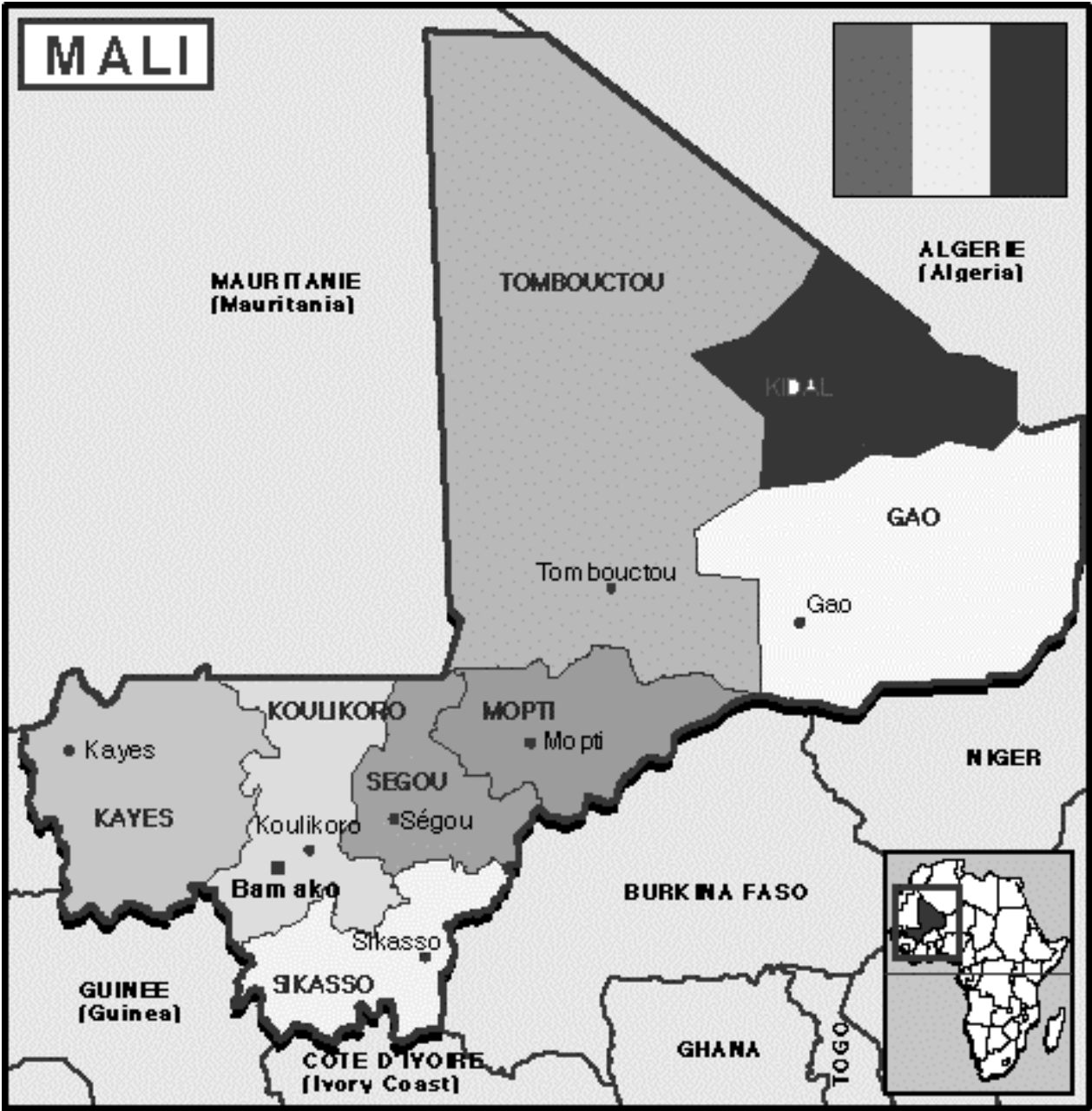
MEN	Ministry of National Education (Ministère de l'Éducation Nationale)
MESSRS	Ministry of Secondary and Higher Education, and Scientific Research (Ministère de l'Enseignement Secondaire, Supérieur et de la Recherche Scientifique)
MFAAC	Ministry of the Armed Forces and Veterans' Affairs (Ministère des Forces Armées et des Anciens Combattants)
MFPT	Ministry of the Civil Service and Labour (Ministère de la Fonction Publique et du Travail)
MINEDAF	Conference of Education and Finance Ministers (Conférence des Ministres de l'Éducation et des Finances)
MLA	Monitoring Learning Achievement (Suivi Permanent des Acquis Scolaires)
MPFEF	Ministry for the Advancement of Women, the Child and the Family (Ministère de la Promotion de la Femme, de l'Enfant et de la Famille)
NGO	Non-governmental organization
NPA	National Plan of Action for the Survival, Development and Protection of Children 1992-2002
NTIC	New Information and Communications Technologies (Nouvelle Technologies de l'information et de la Communication)
OMATHO	Malian Tourism and Accommodations Bureau (Office Malien du Tourisme et de l'Hôtellerie)
ORTM	Malian Broadcasting Authority (Office de Radio-Télévision du Mali)
PA	Work Programme (Programme d'Activités)
PASACOOOP	Project to support Cooperative Structures (Projet d'Appui aux Structures de l'Action Coopérative)
PASAF	Project to support the Fight against Practices Harmful to Women's and Children's Health (Projet d'Appui à la lutte contre les Pratiques préjudiciables à la Santé de la Femme et de l'Enfant)
PASAOP	Programme to support the Farm System and Rural Organizations (Programme d'Appui au Système Agricole et aux Organisations Paysannes)
PGRN	Natural Resource Management Project (Projet de Gestion des Ressources Naturelles)
PISE	Education Sector Development and Investment Programme (Programme et Investissement du Secteur de l'Éducation)
PM-RM	Prime Minister of the Republic of Mali
PNAE	National Environmental Action Programme (Programme National d'Actions Environnementales)
PNLS	National Programme to Combat AIDS (Programme National de Lutte contre le SIDA)
P-RM	President of the Republic of Mali.
PRODEC	Ten-year Education Programme (Programme Décennal de Développement de l'Éducation)
PRODEJ	Ten-year Justice Programme (Programme Décennal de Développement de la Justice)
PRODESS	Ten-year Social and Health Programme (Programme Décennal de Développement Socio-Sanitaire)



PTME	Programme to prevent Mother-to-Child Transmission (Programme de Prévention de la Transmission Mère-Enfant)
RBC	Community-based Rehabilitation (Réadaptation à Base Communautaire)
REFAMP	African Women Ministers and Parliamentarians Network (Réseau des Femmes Africaines Ministres et Parlementaires)
RGPH	General Population and Housing Census (Recensement général de la population et de l'habitat)
RH	Reproductive Health
SASDE	Accelerated Strategy for Child Survival and Development (Stratégie Accélérée de Survie et de Développement de l'Enfant.)
SECO-ONG	Malian NGO Coordination Secretariat (Secrétariat de Coordination des ONG du Mali)
SFD	Decentralized Financial System (Système Financier Décentralisé)
SG	General Secretariat (Secrétariat Général)
SYCREF	Women's Credit System (Système de Crédit destiné aux Femmes)
UDPM	Democratic Union of the Malian People (Union Démocratique du Peuple Malien)
UN	United Nations
UNDP	United Nations Development Programme
UNFPA	United Nations Population Fund
USAID	United States Agency for International Development.
WAEMU	West African Economic and Monetary Union (Union Économique et Monétaire Ouest Africaine, UEMOA)



MAP OF MALI





## **Foreword**

As the President of the Republic has put it, "children have a prime place in my country; they are often considered as a manifestation of divine blessing and are held in high esteem by their parents and the community. They are a symbol of hope in the future of the family, the community, the country and the continent".

Mali ratified the Convention on the Rights of the Child (CRC) by an Order dated 20 September 1990. Following ratification, and in accordance with article 44 of the Convention, the Government of Mali submitted its initial report on the implementation of the Convention in 1996. In March 1998, the Malian Coalition for the Rights of the Child (COMADE) submitted its supplementary report on the implementation of the Convention. The Committee on the Rights of the Child considered the initial report in September 1999, at its 575th to 577th meetings.

The present report covers the period from 1999 to 2004. It contains, in a single document, Mali's first periodic report on the implementation of CRC.

It has been prepared by means of a participatory process involving both government bodies and civil-society organizations, in keeping with the guidelines for the form and content of the periodic reports to be submitted under article 44 of the Convention.



## PART I: GENERAL INFORMATION CONCERNING MALI

### 1.1 Geography and administration

1. Mali lies in the heart of West Africa, within the Sudano-Sahelian belt. The country has an area of 1,241,238 square kilometres and a mean population density of 7.9 per square kilometre. It has a total of 7,200 km of borders with Algeria to the north, Burkina Faso and Niger to the east, Côte d'Ivoire and Guinea to the south and Mauritania and Senegal to the west.
2. The relief is generally uniform, with a mean altitude above sea level of 500 m. It comprises on the one hand plateaux which are extensions of the Fouta Djallon highlands– the Manding and Koutiala plateaus and the Bandiagara cliffs, and on the other extensive desert and river plains.
3. The climate is hot and dry, with one dry season and one rainy season that lasts five months in the south and at least one month in the north. The vegetation comprises: a belt of open forest and tree savannah in the Guinean zone; a belt of tree and shrub savannah in the southern Sudanic zone; a belt of shrub savannah and orchard savannah with nere and karate in the northern Sudanic zone; shrub savannah bearing mostly thorn bushes in the Sahelian zone; *Echinochloa stagnina* (borgou) pasture in the Niger delta; sparse thorny cover in the Saharan zone, and a desert belt.
4. The drainage system comprises the Niger and Senegal rivers and their tributaries, which flow through the south of the country, the Niger for a distance of 1,700 km and the Senegal for 800 km. The Niger Delta contains an area of lakes, particularly Lakes Débo, Faguibine, Télé and Oro.
5. The main ethnic groups are the Bambara (Bamanan), Malinke (Maninka), Sarakole (Soninke or Maraka), Peulh, Dogon (Dogonon or Habe), Sonrhail (Songhoi and Arma), Bobo (Boua), Senufo (Senyari), Minianka, Bozo, Moors, Tuaregs and Arabs.
6. There are three levels of administrative unit:
  - National level: 8 administrative regions (Kayes, Koulikoro, Sikasso, Ségou, Mopti, Gao, Tombouctou and Kidal) and the district of Bamako;
  - Regional level: 49 *cercles*;
  - Local level: 703 rural or urban communes.
7. The main towns are Bamako (the capital), Kayes, Koulikoro, Sikasso, Ségou, Mopti, Gao, Tombouctou and Kidal.
8. The principal economic activities are crop-farming, stock-farming, fishing, handicrafts, trade, mining, industry and small and medium-sized businesses.
9. Mali has access to the following main ports:
  - Abidjan (Bamako-Abidjan by road: 1,115 km);
  - Dakar (Bamako-Dakar by rail: 1,250 km);



- Conakry (Bamako-Conakry by road: 1,100 km);
- Nouakchott (Bamako-Nouakchott by road).

10. It has maritime warehouses at Abidjan, Dakar, Lomé, Takoradi (Ghana), Nouakchott and Conakry.

11. There are air services through the following airports:

- International: Bamako-Sénou;
- Domestic: Kayes, Nioro, Sikasso, Mopti, Gao, Tombouctou, Yélimané, Kidal.

## **1.2 Demographic and socio-economic characteristics**

12. Main demographic and socio-economic characteristics:

- Population: 9.8 million (RGPH, 1998), including 51% women; estimated population in 2003, 12 million;
- Annual growth rate (RGPH, 1998): 2.2%;
- Proportion of population living in urban areas (RGPH, 1998): 26.8%;
- Life expectancy at birth: 61.6 years;
- Birth rate (RGPH, 1998): 49‰;
- Maternal mortality rate (EDS-III, 2001): 582 per 100,000 live births;
- Infant mortality rate (EDS-III, 2001): 113‰;
- Infanto-juvenile mortality rate (EDS-III, 2001): 226‰;
- Children aged less than 1 year (0-11 months) (RGPH, 1998): 2.92%;
- Children aged 1 to 4 years (RGPH, 1998): 14.04%;
- Children aged less than 5 years (0-4 years) (RGPH, 1998): 16.96%;
- Children aged less than 15 years (0-14 years) (RGPH, 1998): 46.06%;
- Children aged less than 19 years (0-18 years) (RGPH, 1998): 55.15%;
- Women of childbearing age (15-49 years) (RGPH, 1998): 22.55%.

13. Main development indicators:

- Average real GDP growth, 1999-2002: 4.7%;
- Per capita GDP in 2002: 224,311 CFA francs (\$US 412);



- Mean foreign national debt, 1999-2002: 84.4% of GDP;
- Mean national debt servicing burden, 1999-2002: 14.2% of exports of goods and services;
- Poverty threshold in 2001: 144,022 CFA francs; 64.2% of the population is below this threshold;
- Human Development Index in 2004: 0.326 (2003: 0.337), making Mali 172nd among the 175 countries ranked in the index;
- According to EMEP-2001, economic activity is dominated by the primary sector, which employs over 80% of the working population. Overall, unemployment is close to 5%; it is concentrated in the towns, where the rate is 8% as against 4% in rural areas, and is highest of all, at 10%, in the District of Bamako;
- Gross school enrolment, 2002/2003: 67% (girls: 56.4%);
- Primary school dropout rate, 2002-2003: boys, 5.8%; girls, 10.4%; boys + girls, 4.8%;
- Primary school class repetition rate, 2002-2003: boys, 19.6%; girls, 20.4%; boys + girls, 19.9%;
- Literacy rate in 2002: 35%;
- Malnutrition in children aged less than 5 years (EDS-III, 2001):
  - Height for age (minus 2 standard deviations): 39.4%;
  - Weight for height (minus 2 standard deviations): 10.6%;
  - Weight for age (minus 2 standard deviations): 33.8%;
- Vaccination of children aged 12-23 months (EDS-III, 2001):
  - Fully vaccinated: 28.0%;
  - BCG: 69.0%;
  - DTPP: 61.0%;
  - DTPP3: 39.0%;
  - Measles: 49.0%;
- Improved sanitation/sanitary facilities:
  - Country as whole: 7.2%;
  - Rural areas: 4%;
  - Urban areas: 15.8%.
- Access to drinking water:
  - Country as whole: 48%;
  - Rural areas: 36%.



### 1.3 Political framework

14. Under the current Constitution, which came into force on 25 February 1992, the Republic of Mali is a State subject to the rule of law and is a pluralist democracy.

15. Since it acceded to independence on 22 September 1960, the country has seen three political regimes, as well as a transition period that followed the coup d'état of 26 March 1991:

- 1960 to 1968: During this period the country's first leaders established a de facto single-party system with a socialist regime run by the Sudanese Union of the Alliance for African Democracy (US-RDA). This regime was overthrown by a military coup d'état on 19 November 1968.
- 1968 to 1991: The military regime installed following the coup d'état suspended the Constitution and put a halt to all political activity during the period from 1968 to 1979, when a single constitutional party was established, the Democratic Union of the Malian People (UDPM). The UDPM was overthrown on 26 March 1991 by a coup d'état.
- 1991 to 1992: The Transition Committee for the People's Well-being ran the country from March 1991 to 8 June 1992, when the democratically elected President took office;
- June 1992 to present: The country has developed a thoroughgoing multi-party system, with more than 85 political parties in existence today. The 1992 Constitution established a semi-presidential regime under which the President serves for a five-year term that is renewable once.

16. Mali is a secular republic with the following institutions:

- The President of the Republic;
- The Government;
- The National Assembly;
- The Supreme Court;
- The Constitutional Court;
- The High Court;
- The Economic and Social Council;
- The Council of Regional Population Groups.



## **PART II: SPECIFIC INFORMATION IN RELATION TO THE FUNDAMENTAL ARTICLES OF THE CONVENTION**

### **I. GENERAL MEASURES OF APPLICATION (arts. 4, 42 and 44, para. 6)**

#### ***Reservations expressed by the Government***

17. Mali has always expressed its political will to promote the rights of the child and to guarantee children considerate protection. This will and this commitment to the development of the child have been regularly demonstrated.

18. The initial report, submitted in 1996, mentioned Malian society's difficulty in accepting various provisions of article 16 of the Convention concerning arbitrary or illegal interference in the child's private life, which remains under the parents' authority.

19. Since then, Malian law has changed because of the country's belief in the rule of law and democracy. The ratification of international conventions (in particular, article 10 of the African Charter on the Rights and Welfare of the Child) and provisions of the Child Protection Code have rendered the reservation expressed concerning article 16 invalid.

20. Bearing in mind the practical situation in the country, Mali also expressed a reservation in its initial report to article 32 as regards the economic exploitation of children. In response to the recommendations made by the Committee on the Rights of the Child, Mali has launched the ILO/IPEC national programme for the elimination of child labour and ratified ILO Conventions Nos. 138 and 182 concerning respectively the minimum age for admission to employment and the elimination of the worst forms of child labour.

21. The reservations must now be officially withdrawn.

#### ***Measures taken to align national law and policy fully with the principles and provisions of CRC***

22. Mali has taken a number of steps since 1999 to align its law more closely with the provisions of the Convention on the Rights of the Child:

- The creation at Bollé of specialized detention and rehabilitation centres for boys and for girls and women in place of the sections reserved for these categories of person in ordinary detention centres (Ordinance No. 99-006/P-RM of 31 March 1999 establishing the Bollé Specialized Detention and Rehabilitation Centre for Women and Ordinance No. 99-007/P-RM of 31 March 1999 establishing the Bollé Specialized Detention and Rehabilitation Centre for Minors);
- Act No. 99-041 of 12 August 1999 containing the Social Welfare Code, article 5 of which provides that the purpose of the family benefits system is to disseminate among families the ideas and resources needed to ensure better living conditions and education for children;
- Act No. 99-046 of 28 December 1999 containing the Education Policy Act;



- Decree No. 99-450/P-RM of 31 December 1999 specifying the conditions for the establishment and operation of private reception and placement centres for children from the ages of 0 to 5 years;
  - Act No. 00-039 of 7 July 2000 concerning Wards of the Republic;
  - Decree No. 00-387/P-RM of 10 August 2000 setting the conditions for recognition and care as a ward;
  - Decree No. 00-388/P-RM of 10 August 2000 establishing the National Guardianship Council;
  - The review of the law containing the Criminal Code (Act No. 01-079 of 20 August 2001) so as to remove from it, in accordance with the Riyadh Guidelines and the Beijing Minimum Rules, all provisions relating to the criminal responsibility of minors;
  - The review of the law containing the Code of Criminal Procedure (Act No. 01-080 of 20 August 2001);
  - The review of the law concerning the age of criminal responsibility and the establishment of juvenile courts in all judicial districts having ordinary courts (Act No. 01-081 of 24 August 2001);
  - Decree No. 01-534/P-RM of 1 November 2001 establishing a travel document to serve as evidence of permission for children from zero to 18 years of age to leave the country;
  - Decree No. 02-067/P-RM of 12 February 2002 setting the conditions for the establishment and operation of private reception, listening, counselling and accommodation centres for children from 5 to 18 years of age;
  - The adoption of the Bamako Guidelines on the Harmonization of National Legislation against the Exploitation of Children in French-Speaking and Other African Countries (signed at Bamako on 29 March 2002);
  - Act No. 02-044 of 24 June 2002 concerning reproductive health;
  - Act No. 02-049 of 22 July 2002 containing the Health Policy Act;
  - Act No. 02-050 of 22 July 2002 containing the Hospitals Act.
23. The above new laws have supplemented existing legislation, in particular the following:
- Act No. 62-17/AN-RM of 3 February 1962 containing the Marriage and Guardianship Code;
  - Act No. 62-18/AN-RM of 3 February 1962 containing the Nationality Code, and subsequent amending legislation;



- Ordinance No. 36/CMLN of 31 July 1973 containing the Kinship Code (*Code de la parenté*);
- Decree No. 314/PG-RM of 26 November 1981 regulating school enrolment and attendance;
- Act No. 87-27/AN-RM of 16 March 1987 regulating Civil Status;
- Ordinance No. 90-37/PRM of 5 June 1990 establishing the Reception and Family Placement Centre in Bamako;
- Act No. 92-020/AN-RM of 23 September 1992 containing the Labour Code;
- Decree No. 96-178/P-RM of 17 June 1996 specifying the kinds of work and the categories of enterprise in which children may not be employed.

24. In addition, Mali has ratified a number of international conventions protecting children:

- The African Charter on the Rights and Welfare of the Child (Ordinance No. 98 008/P-RM of 3 April 1998);
- The Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others (accession by Mali on 19 August 1964);
- The Supplementary Convention on the Abolition of Slavery and the Slave Trade and the Institutions and Practices Similar to Slavery (accession by Mali on 19 August 1964);
- ILO Convention No. 143, the Migrant Workers (Supplementary Provisions) Convention, 1975);
- The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (accession by Mali: decree No. 95-370/P-RM of 16 October 1995);
- ILO Convention No. 182, concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (Ordinance No. 00-006/P-RM of 9 February 2000);
- Conventions and declarations on the health and education of children, in particular the Millennium Declaration and the goals of Education for All adopted at the Dakar Forum in the year 2000;
- The adoption and implementation of the ECOWAS Initial Plan of Action against Trafficking in Persons;
- ILO Convention No. 138 concerning the Minimum Age of Admission to Employment (Act No. 01-061 of 3 July 2001);
- The Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption (Ordinance No. 01-033/P-R of 7 August 2001);



- The Optional Protocols to the Convention on the Rights of the Child : the Protocol on the Involvement of Children in Armed Conflicts and the Protocol on the Sale of Children, Child Prostitution and Child Pornography (both ratified by Mali in 2002);
- The United Nations Convention against Transnational Organized Crime and the supplementary Protocol to Prevent, Suppress and Punish Traffic in Persons, Especially Women and Children (respectively ratified by Ordinance No. 02-09/P-RM and Ordinance No. 02-010/P-RM of 16 January 2002);
- The Protocol to the African Charter on Human and Peoples' Rights relating to the Rights of Women (Ordinance No. 04-019/P-RM of 16 September 2004);
- The Agreement on Cooperation with the Republic of Côte d'Ivoire in Combating Transboundary Trafficking of Children (signed at Bouaké on 1 September 2000);
- The Agreement on Cooperation with Burkina Faso in Combating Transboundary Trafficking of Children (signed at Ouagadougou on 25 June 2004);
- The Agreement on Cooperation with the Republic of Senegal in Combating Transboundary Trafficking of Children (signed at Dakar on 23 July 2004).

25. These legislative and regulatory efforts notwithstanding, a number of measures aimed at harmonization and implementation remain to be taken, and this is holding back the full application of the Convention. For example, not all implementing decrees have yet been issued for the Child Protection Code and implementing instruments are still needed for the Decree regulating school enrolment and attendance and the law prohibiting begging by children.

#### ***Place of the Convention in Malian law***

26. According to article 116 of the Constitution, "subject to their implementation by the other party, treaties and agreements which have been lawfully ratified or approved take precedence, once published, over domestic laws".

27. That being so, there is no difficulty in invoking provisions of the CRC before the courts.

#### ***Provisions in domestic law for the exercise of the rights of the child***

28. Ordinance No. 02-062 of 5 June 2002 containing the Child Protection Code incorporates rules strongly marked by concern for human rights. In addition, it is based on a critical analysis of Malian society and law and international legal instruments and inspired by the principles of national policy in the areas of promotion of the child and the family, health, justice and social development.

29. The CPE, which draws heavily on provisions of the CRC and the African Charter on the Rights and Welfare of the Child, contains articles establishing:

- Explicit prohibitions of discrimination against the child (arts. 23-38);
- An obligation to report any act that may endanger a child's health, development or physical or moral integrity (art. 73);



- The functions of child protection officers (*délégués à la protection de l'enfance*) and probation officers (*délégués à la liberté surveillée*) (arts. 66-72 and 173-176).

30. However, not all these measures have been put into effect. This applies in particular to the appointment of child protection officers and probation officers.

***National legal decisions reflecting the principles and provisions of the CRC***

31. Domestic law having been harmonized with the CRC, all legal decisions are consistent with the Convention. However, there is not much written material about relevant case law.

***Legal remedies in the event of violation of rights of the child***

32. In addition to the traditional forms of remedy available to minors (appeal, appeal against judgments made in absentia and appeal for judicial review), the CPE prohibits and penalizes all infringements of rights recognized by the Code. It does so in article 38, paragraph 4, which reads:

"Without prejudice to the possibility of prosecution, the perpetrators, whether natural or legal persons, of any direct or indirect infringement of the rights recognized by the present Code incur civil liability. All acts conducive to infringement of a right recognized by the present Code shall be punishable by a fine of 30,000 F to 300,000 F and, in the event of their repetition, by imprisonment for 2 to 6 months".

***National global strategies for the benefit of children***

33. Mali drew up an initial National Plan of Action for the period 1992-2000. To implement the Plan, it established, by Decree No. 94-209/PM-RM of 7 June 1994, a high-level structure, the National Monitoring and Assessment Committee for the National Plan of Action on the Survival, Development, Protection and Participation of Children. By Decree No. 00-297/PM-RM of 23 June 2000, adjustments were made to the Committee to take account of changes in the implementation of the rights of the child in the light of new government nomenclature (see para. 45 below).

34. The Ministry for the Advancement of Women, the Child and the Family was established on 16 September 1997 by Decree No. 97-282/P-RM. This marked the first incorporation of such a body in the structure of the government since independence and was a reflection of the political will expressed in the 1997 presidential Minimum Programme of Action for Democracy, Development and Solidarity, the aims of which include development of a policy for the benefit of children.

35. The Ministry's mission is to:

- Devise and implement measures for the welfare of women, children and the family;
- Devise and implement actions to ensure better insertion of women and children into economic, social and cultural life by taking into account their particular needs;
- Promote the rights of women and the child;
- Promote the family.



36. A National Directorate for the Promotion of the Child and the Family and regional and subregional child and family promotion services have been established to pursue these goals as regards children.

37. The National Directorate is responsible for elaborating national policy in the areas of child protection and family welfare. As such, it is tasked with:

- Drawing up child and family promotion programmes and plans;
- Undertaking research, studies and surveys concerning the legal, economic, social and cultural status of children and the family;
- Undertaking action for the promotion of the child and the family;
- Coordinating and monitoring the child- and family-promotion activities of government departments and agencies.

38. The National Directorate comprises two divisions: the Child Promotion Division and the Family Promotion Division.

39. Thanks to the creation of the central, regional and subregional child- and family-promotion organs, better account can be taken of the particular needs of children and the family, services have been brought nearer to their target population groups and the actions of development partners and civil society can be more closely coordinated.

40. To combat transboundary trafficking of children between itself and Côte d'Ivoire, Mali developed and applied an emergency national plan of action covering the period from June 2000 to December 2001.

41. The national programme against child labour, which includes a component to combat trafficking of children, is being implemented with financing from the Government of United States of America via the International Labour Office.

42. Throughout the decade, Mali has launched a series of sectoral planning and development framework programmes aimed at ensuring significant results: the Ten-year Health and Social Development Plan (PDDSS 1988-2007), the Ten-year Social and Health Programme (PRODESS 1988-2002); the Ten-year Education Programme (PRODEC 1998-2007), the Ten-year Justice Programme (PRODEJ 2000-2010). Given the existence of these sectoral programmes, which address the issues of survival, development and the law, elaboration of a second NPA is considered unnecessary. The issue of child protection has been taken into account in the 2002-2006 Strategic Plan of the Ministry for the Advancement of Women, the Child and the Family.

43. The Strategic Plan provides the framework for national child-promotion policy. Its aims are:

- Improvement of child survival by strengthening parents' individual and collective ability to use essential health services for children's benefit;
- Creation of a legal and social environment conducive to development of the child;



- Improvement of communities' and children's knowledge and ability regarding prevention and special protection;
- Improvement of education in civics for young adults with a view to their effective participation in public life;
- Performance of studies and research;
- Communication and advocacy in support of children.

44. Mali subscribed to the Declaration on a World Fit for Children adopted at the World Summit for Children held at New York in May 2002. (see the national report on the Summit, December 2002). However, it has yet to draw up a national plan of action for implementation of the Declaration. Such a plan will have to take into account the country's various social programs and the CSLP.

***Machinery for applying the CRC, coordinating policy and monitoring progress application of the Convention***

45. The National Monitoring and Assessment Committee for the National Plan of Action for the Survival, Development, Protection and Participation of Children was established by Decree No. 00-297/PM-RM of 23 June 2000. Following the establishment of the Ministry for the Promotion of the Child and the Family, the Committee comprises:

- Chairperson: the Minister for Promotion of the Child;
- Vice-Chairperson: the Minister responsible for the Plan;
- Members:
  - Two representatives of the Minister for Promotion of the Child;
  - A representative of the Minister for Health;
  - A representative of the Minister for Education;
  - A representative of the Minister for Justice;
  - A representative of the Minister for Social Action;
  - A representative of the Minister for Water;
  - A representative of the Minister for Finance;
  - A representative of the Minister for Regional and Local Government;
  - A representative of the Minister for Employment;
  - A representative of the Minister for Rural Development;
  - Representatives of the development partners involved in implementing the Plan of Action;
  - A representative of the Malian Coalition for the Rights of the Child;
  - A representative of the Coordinating Body for Women's Associations and NGOs;
  - A representative of the Save the Children Alliance in Mali.

46. The National Committee's mission is to:

- Encourage and coordinate monitoring of action taken under the Plan;



- Devise indicators for monitoring and assessing the Plan;
- Draft periodic reports and prepare annual and/or mid-term reviews for international meetings;
- Decide on changes or new directions to be included in the Plan;
- Take part in international meetings on the problems of children;
- Work to mobilise the resources needed to implement the Plan;
- Monitor execution of the departmental projects and programmes included in the Plan.

47. The National Directorate for the Promotion of the Child and the Family serves as the Committee's secretariat. At the regional and local levels, structures comprising all the stakeholders have been set up under the responsibility of representatives of the Ministry of Regional and Local Government (MATCL). For them, secretariat services are provided by the local offices of the Ministry for the Advancement of Women, the Child and the Family (MPFEF).

48. The National Committee has functioned only to a limited degree since its establishment in 2000 and needs to become more active in discharge of its mandate.

*The Standing Committee for Monitoring of the Agreement on Cooperation between Mali and the Republic of Côte d'Ivoire*

49. As part of its international corporation to protect the rights of the child, Mali has signed agreements with a number of countries, including Côte d'Ivoire (2000), Burkina Faso (2004) and Senegal (2004), on cooperation in combating transboundary trafficking of children. An agreement between Mali and Guinea is in preparation.

50. The Agreement between Mali and Côte d'Ivoire is monitored by a Standing Committee comprising 16 members, eight from each country. The Malian members of the Committee are:

- Chairperson: the Minister or a representative of the Minister responsible for promotion of the child;
- Permanent members:
  - Two representatives of the Ministry for Promotion of the Child;
  - A representative of the Foreign Minister;
  - a representative of the Minister for Security;
  - A representative of the Vocational Training Minister;
  - A representative of the Minister for Regional and Local Government;
  - A representative of the Save the Children Alliance;
  - A representative of the Malian Coalition for the Rights of the Child.
- Associate members:
  - A representative of the UNICEF office in Mali;
  - A representative of the International Organization for Migration office in Mali;
  - A representative of the International Labour Office in Mali.



- The Standing Committee's mission is to:
  - Assess progress in implementing the commitments made by Mali in the Agreement;
  - Exchange information on networks of child traffickers and on child-protection laws and regulations;
  - Analyse the strategies for combating trafficking of children and propose any necessary adjustments;
  - Study any obstacles to the proper implementation of the Agreement and identify appropriate solutions;
  - Put forward ideas for better implementation of the Agreement;
  - Make the requisite technical preparations for meetings to monitor application of the Agreement.

51. The Committee has been unable to meet regularly because of the social and political situation in Côte d'Ivoire.

52. Standing Committees have also been set up to monitor the Agreements with Burkina Faso and Senegal.

53. Political moves are in hand to ensure more frequent monitoring meetings.

*The National Committee for Coordination and Monitoring of the Emergency National Plan of Action for Combating Transboundary Trafficking of Children*

53. Implementation of the Emergency National Plan of Action for Combating Transboundary Trafficking of Children is coordinated and monitored by a committee comprising all the ministerial departments and civil-society stakeholders having an important role to play in combating the scourge of child-trafficking.

54. This committee comprises:

- Chairperson: the Minister for the Advancement of Women, the Child and the Family;
- Members:
  - The Ministry of Regional and Local Government;
  - The Ministry of Justice;
  - The Ministry of Social Development, Solidarity and the Elderly;
  - The Ministry of Security and Civil Defence;
  - The Ministry of Employment and Vocational Training;
  - The Ministry of Foreign Affairs and Malians Abroad;
  - The Telecommunications Ministry;
  - The Ministry of Youth and Sports;
  - UNICEF;
  - The International Organization for Migration;



- The International Labour Office;
- The Save the Children Alliance;
- The Malian Coalition for the Rights of the Child.

55. Secretariat services are provided by the National Directorate for the Promotion of the Child and the Family.

56. Structures comprising all the stakeholders will be set up at the regional and local levels under the responsibility of representatives of the Ministry of Regional and Local Government. Secretariat services will be provided by the local offices of the Ministry for the Advancement of Women, the Child and the Family.

57. These committees are having operating problems.

*The Steering Committee of the National Programme for Combating Child Labour*

58. Progress under the National Programme for Combating Child Labour is monitored by a Steering Committee reporting to the Ministry of the Civil Service and Labour.

*Data collection agencies*

59. Data on the rights of the child is collected, processed and analysed by a number of specialized agencies:

- The National Directorate of Statistics and Information Technology;
- Planning and Statistics Units of the Ministries for health, education, agriculture, transport, mining, industry and trade;
- The Child Survival Research and Documentation Centre (Centre de recherche et de documentation sur la survie de l'enfant, CREDOS);
- Research institutes (INRSP, ISFRA, CNRST, IER);
- The University of Bamako;
- The Sustainable Human Development Observatory;
- The Employment and Training Observatory.

60. In addition, ministerial authorities, civil-society organizations, international NGOs and United Nations agencies carry out regular surveys of children's situation.

*The National Centre for Documentation and Information on Women and the Child*

61. To strengthen the system for the collection of data on children, Mali has established CNDIFE, the National Centre for Documentation and Information on Women and the Child (Act No. 04-004 of 14 January 2004). The Centre includes a department of the Observatory for the Condition of the Child which is responsible for:

- Making a compendium of child-related research, studies and data;



- Carrying out studies and research on specific issues;
- Establishing and managing a child data bank;
- Helping to evaluate the impact of action plans, programmes and projects for the promotion of the child;
- Processing data for the benefit of public- and private-sector actors;
- Contributing to the production, monitoring and analysis of the main child-related indicators;
- Participating in the inter-African system for monitoring international, regional and sub-regional agreements concerning the child;
- Participating, together with the other relevant structures and bodies, in the elaboration of the country's periodic reports on the situation of the child;
- Promoting exchanges and discussion concerning child-related issues.

62. Machinery for providing information on vulnerable groups of children is being established, but much remains to be done.

***Initiatives taken in conjunction with civil society***

63. All the Government's activities for the benefit of children are prepared, implemented and monitored in partnership with the full range of components of civil society.

64. Malian civil society is a member of all the coordinating and monitoring bodies established by government organs and those organs draw on its action.

65. As an example, in 2002 the Government and civil society drew up, adopted and implemented a joint plan of action as part of the world campaign for children initiated by the preparatory committee for the special session of the United Nations General Assembly devoted to children (New York, 8-10 May 2002).

66. Civil society has also participated alongside the Government in the elaboration, implementation and assessment of national child policy and programmes. It is represented in all the organs for project and programme monitoring and execution and in the consultation and coordination machinery.

67. The organizing capacity and the mobilization of civil society must be strengthened in order to exert more influence on government policy.

***Measures taken to secure the exercise of children's economic, social and cultural rights at the national, regional and local levels***

68. The Strategic Plan for the Advancement of Women, the Child and the Family and the related sectoral programmes (PRODESS, PRODEJ, PRODEC, etc.) are coordinated within the Strategic Framework for Combating Poverty (CSLP) adopted on 29 May 2002.



*Proportion of the budget devoted to social spending for children*

69. The following table shows how public expenditure on social sectors has changed over the years:

TABLE 1

**Public expenditure on social sectors**  
(billions of CFA francs)

<i>Year</i>	<i>1993</i>	<i>1994</i>	<i>1995</i>	<i>1996</i>	<i>1997</i>	<i>1998</i>	<i>1999</i>	<i>2000</i>	<i>2001</i>	<i>2002</i>
<b>GDP</b>	<b>798.00</b>	<b>1157.80</b>	<b>1351.40</b>	<b>1422.90</b>	<b>1574.40</b>	<b>1723.40</b>	<b>1802.80</b>	<b>1890.60</b>	<b>2208.10</b>	<b>2346.30</b>
<b>Budget expenditure</b>	<b>99.80</b>	<b>280.10</b>	<b>306.30</b>	<b>325.10</b>	<b>350.40</b>	<b>383.60</b>	<b>417.50</b>	<b>440.10</b>	<b>532.60</b>	<b>589.30</b>
Education	14.76	20.40	23.31	23.90	28.84	31.31	60.10	65.53	67.41	71.19
Health	3.56	7.32	3.93	4.89	11.22	12.82	17.28	16.63	24.33	20.43
Water and sanitation	0.40	0.30	0.40	0.50	0.67	0.74	1.37	1.37	1.44	1.43
Food/nutrition	2.50	3.60	3.70	3.40	3.89	4.01	7.8	8.84	10.91	8.82
Other social sectors	2.40	3.30	3.00	3.10	3.56	0	0	0	0	0
Social development	0	0	0	0	0	0	0	0.36	0.82	1.5
Advancement of women and children	0	0	0	0	0	0.21	0.29	0.44	0.50	0.61
<b>Total, Social sectors (SS)</b>	<b>23.62</b>	<b>34.92</b>	<b>34.34</b>	<b>35.79</b>	<b>42.60</b>	<b>48.44</b>	<b>86.84</b>	<b>93.17</b>	<b>105.41</b>	<b>103.98</b>
Basic education	6.90	10.13	12.35	12.45	17.35	18.89	39.55	38.05	40.65	51.09
Basic health	1.80	4.20	2.00	2.10	1.83	2.16	3.50	2.51	8.12	8.42
Water and sanitation	0.40	0.30	0.40	0.50	0.67	0.74	1.05	1.03	1.08	1.1
Food/nutrition	2.90	3.60	3.70	3.40	3.89	4.01	6.65	7.7	9.79	7.5
Social development	0	0	0	0	0	0	0	0.36	0.82	1.50
Advancement of women and children	0	0	0	0	0	0.21	0.29	0.44	0.50	0.61
<b>Total, Essential social sectors (ESS)</b>	<b>12.00</b>	<b>18.23</b>	<b>18.45</b>	<b>18.45</b>	<b>23.13</b>	<b>25.27</b>	<b>51.04</b>	<b>50.09</b>	<b>60.96</b>	<b>70.22</b>
<b>Percentage of GDP</b>										
Education	2.08	2.09	1.96	1.81	2.01	2.02	3.33	3.47	3.05	3.03
Health	0.50	0.75	0.33	0.37	0.39	0.48	0.96	0.88	1.10	0.87
Water and sanitation	0.06	0.03	0.03	0.04	0.05	0.05	0.08	0.07	0.07	0.06
Food/nutrition	0.35	0.37	0.31	0.26	0.27	0.26	0.43	0.47	0.49	0.38
Other social sectors	0.34	0.34	0.25	0.23	0.25	0.32	0.00	0.00	0.00	0.00
Social development	0	0	0	0	0	0	0.00	0.02	0.04	0.06
Advancement of women and children	0	0	0	0	0	0	0.02	0.02	0.02	0.03
<b>Total, SS</b>	<b>3.32</b>	<b>3.57</b>	<b>2.89</b>	<b>2.71</b>	<b>2.98</b>	<b>3.13</b>	<b>4.82</b>	<b>4.93</b>	<b>4.77</b>	<b>4.43</b>



<i>Year</i>	<i>1993</i>	<i>1994</i>	<i>1995</i>	<i>1996</i>	<i>1997</i>	<i>1998</i>	<i>1999</i>	<i>2000</i>	<i>2001</i>	<i>2002</i>
Basic education	0.97	1.04	1.04	0.94	1.21	1.22	2.19	2.01	1.84	2.18
Basic health	0.25	0.43	0.17	0.16	0.09	0.11	0.19	0.13	0.37	0.36
Water and sanitation	0.06	0.03	0.03	0.04	0.05	0.05	0.06	0.05	0.05	0.05
Food/nutrition	0.41	0.37	0.31	0.26	0.27	0.26	0.37	0.41	0.44	0.32
Social development	0	0	0	0	0	0	0.00	0.02	0.04	0.06
Advancement of women and children	0	0	0	0	0	0	0.02	0.02	0.02	0.03
<b>Total , ESS</b>	<b>1.69</b>	<b>1.86</b>	<b>1.55</b>	<b>1.40</b>	<b>1.62</b>	<b>1.63</b>	<b>2.83</b>	<b>2.65</b>	<b>2.76</b>	<b>2.99</b>
<b>Percentage of budget expenditure</b>										
Education	14.79	13.73	15.07	14.82	15.21	16.55	14.40	14.89	12.66	12.08
Health	3.57	4.93	2.54	3.03	2.97	3.91	4.14	3.78	4.57	3.47
Water and sanitation	0.40	0.20	0.26	0.31	0.35	0.39	0.33	0.31	0.27	0.24
Food/nutrition	2.51	2.42	2.39	2.11	2.05	2.12	1.87	2.01	2.05	1.50
Other social sectors	2.40	2.22	1.94	1.92	1.88	2.63	0.00	0.00	0.00	0.00
Social development	0	0	0	0	0	0	0.00	0.08	0.15	0.25
Advancement of women and children	0	0	0	0	0	0	0.07	0.10	0.09	0.10
<b>Total, SS</b>	<b>23.67</b>	<b>23.50</b>	<b>22.20</b>	<b>22.19</b>	<b>22.47</b>	<b>25.60</b>	<b>20.80</b>	<b>21.17</b>	<b>19.79</b>	<b>17.64</b>
Basic education	6.91	6.82	7.98	7.72	9.15	9.99	9.47	8.65	7.63	8.67
Health	1.80	2.83	1.29	1.30	0.64	0.86	0.84	0.57	1.52	1.43
Water and sanitation	0.40	0.20	0.26	0.31	0.35	0.39	0.25	0.23	0.20	0.19
Food/nutrition)	2.91	2.42	2.39	2.11	2.05	2.12	1.59	1.75	1.84	1.27
Social development	0	0	0	0	0	0	0.00	0.08	0.15	0.25
Advancement of women and children	0	0	0	0	0	0	0.07	0.10	0.09	0.10
<b>Total, ESS</b>	<b>12.02</b>	<b>12.27</b>	<b>11.93</b>	<b>11.44</b>	<b>12.20</b>	<b>13.36</b>	<b>12.23</b>	<b>11.38</b>	<b>11.45</b>	<b>11.92</b>
<b>ESS as percentage of SS</b>										
Education	62.49	58.42	67.88	66.78	67.7	64.64	69.21	70.33	63.95	68.47
Health	15.07	20.96	11.44	13.66	13.24	15.28	19.90	17.85	23.08	19.65
Water and sanitation	1.69	0.86	1.16	1.40	1.57	1.53	1.58	1.47	1.37	1.38
Food/nutrition	10.58	10.31	10.77	9.50	9.13	8.28	8.98	9.49	10.35	8.48
Other social sectors	10.16	9.45	8.74	8.66	8.36	10.28	0.00	0.00	0.00	0.00
Social development	0	0	0	0	0	0	0,00	0,39	0,78	1,44
Advancement of women and children	0	0	0	0	0	0	0,33	0,47	0,47	0,59
<b>Total, SS</b>	<b>100,00</b>	<b>100,00</b>	<b>100,00</b>	<b>100,00</b>	<b>100,00</b>	<b>100,00</b>	<b>100,0</b>	<b>100,0</b>	<b>100,0</b>	<b>100,0</b>



<i>Year</i>	<i>1993</i>	<i>1994</i>	<i>1995</i>	<i>1996</i>	<i>1997</i>	<i>1998</i>	<i>1999</i>	<i>2000</i>	<i>2001</i>	<i>2002</i>
<b>Basic services as percentage of ESS</b>										
Basic education	57,50	55,57	66,94	67,48	75,01	74,75	77,5	76,0	66,7	72,8
Basic health	15,00	23,04	10,84	11,38	5,27	6,45	6,9	5,0	13,3	12,0
Water and sanitation	3,33	1,65	2,17	2,71	2,90	2,93	2,1	2,1	1,8	1,6
Food/nutrition	24,17	19,75	20,05	18,43	16,82	15,87	13,0	15,4	16,1	10,7
Social development	0	0	0	0	0	0	0,0	0,7	1,3	2,1
Advancement of women and children	0	0	0	0	0	0	0,6	0,9	0,8	0,9
<b>Total, ESS</b>	<b>100,00</b>	<b>100,00</b>	<b>100,00</b>	<b>100,00</b>	<b>100,00</b>	<b>100,00</b>	<b>100,0</b>	<b>100,0</b>	<b>100,0</b>	<b>100,0</b>

Source: Provisional report, Review of the 20/20 Initiative [*Revue de l'initiative 20/20*] (April 2004).

70. It will be seen from the above table that, on average, spending on essential social sectors accounted for 12.2% of government spending on social sectors between 1995 and 1998 and 11.8% between 1999 and 2002 and was thus relatively unchanged throughout the period 1993-2002, despite a steady increase in its nominal level. The financing shortfall was of more than 47 billion CFA francs in 2002, as against 12 billion CFA francs in 1998.

71. According to the NPA 1992-2000 assessment report, which was issued in 2001, budgetary expenditure on social services for children, including health, social protection and education, amounted to 410.9 billion CFA francs, or an annual average of 45.6 billion CFA francs, as against a predicted level of 131.8 billion. To this amount must be added the expenditure incurred under two programmes conducted with the help of technical and financial partners: PRODEC, begun in 1998, and PRODESS, begun in 1999.

TABLE 2  
Initially intended and actual spending under NPA 1992-2000  
(billions of CFA francs)

	<i>1992</i>	<i>1993</i>	<i>1994</i>	<i>1995</i>	<i>1996</i>	<i>1997</i>	<i>1998</i>	<i>1999</i>	<i>2000</i>	<i>Total</i>
Survival/initial	6.63	11.37	13.17	8.027	7.34	5.67	5.43	5.31	5.34	68.30
Survival/actual	11.53	9.86	20.167	21.16	23.73	28.61	27.22	23.17	36.73	202.17
Development/initial	4.621	13.12	12.918	12.694	10.85	2.224	1.958	1.962	0.758	61.102
Development/actual	8.50	9.84	19.27	18.46	26.09	27.71	28.26	35.43	35.17	208.74
Protection/initial	0.06	0.64	0.48	0.38	0.33	0.12	0.12	0.12	0.12	2.37
Protection/actual	*	*	*	*	*	*	*	*	*	*
Total, initial	11.31	25.13	26.57	21.10	18.53	8.02	7.51	7.39	6.22	131.77
Total, actual	20,04	19,70	39,43	39,62	49,81	56,32	55,48	58,60	71,9	410,91
Increase		-1,7%	100,2%	0,5%	25,7%	13,1%	-1,5%	5,6%	22,7%	

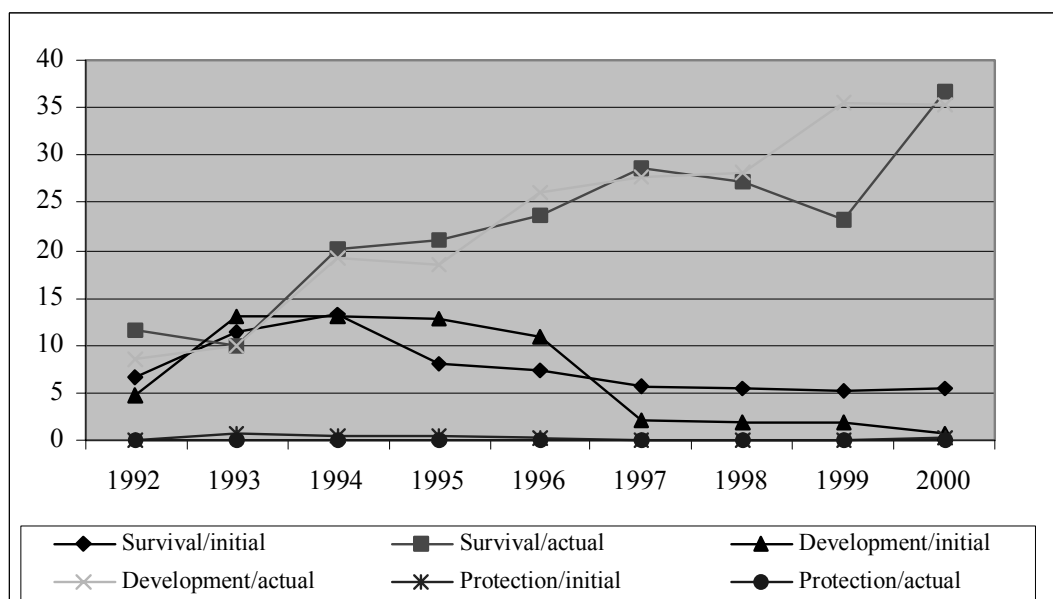
Source: DNP/DNB, NPA 1982-2000 assessment report, issued 2001.

\* Information unavailable



FIGURE 1

**Changes in initially intended and actual spending under NPA**



Source: DNP/DNB, NPA 1982-2000 assessment report, issued 2001.

72. It can be seen from Tables 2 and 3 and Figure 1 that while intended spending under the NPA totalled 133 billion CFA francs, actual disbursements totalled 309% of this amount. Spending on survival (202.1 7 billion CFA francs) and spending on development (208.7 3 billion CFA francs) were respectively 306% and 340% of the intended amounts.

TABLE 3

**Spending under NPA as percentage of total public spending**

	1992	1993	1994	1995	1996	1997	1998	1999	2000	Total
Survival	6.6	5.1	7.1	6.8	7.2	6.9	6.1	4.5	6.9	6.3
Development	4.8	5.1	6.8	5.9	7.9	6.7	6.4	6.9	6.6	6.5
Protection	Information not available									
Total	11.4	10.2	13.9	12.8	15.1	13.7	12.5	11.4	13.5	12.9

Source: DNP/DNB, NPA 1982-2000 assessment report, issued 2001.

73. In percentage terms, child-related budget spending changed only slightly. There is therefore a very great need for inter- and intra-sectoral readjustment of allocations for essential social services.



*Measures taken to ensure that all relevant national, regional and local authorities are guided by the best interests of the child*

74. The members of the National Assembly and the Economic and Social Council and regional decision-makers have been alerted to the importance of taking the specific issues of child promotion into account in their planning and budgeting activities.

75. Guides concerning juvenile justice and the rights of the child have been developed for trainers.

*Measures taken to eliminate welfare differences between groups of children*

76. Policy on health, education and justice is put into effect simultaneously in all parts of the country, the fundamental objective being to make basic social services accessible to all population groups.

77. As regulations have been strengthened, the number of specialized institutions for children in need of special protection has increased. In addition, the Development Education Centres provided for under PRODEC cater for children who are not enrolled in school or who leave school early.

*International cooperation and application of CRC*

78. A variety of programmes in support of children and their rights have been undertaken through cooperation between Mali and United Nations agencies (UNICEF, UNFPA, ILO, WHO, UNDP, UNESCO).

79. During the period 1993-1998, official development assistance to Mali increased significantly, from 58.5 billion CFA francs to 141.5 billion CFA francs. The proportion of the total allocated to social services rose from 13.57% in 1993 to 20.40% in 1998 and thus averaged 18.63% between 1993 and 1996 and 21.98% between 1997 and 1998. The principal beneficiary of this assistance is the basic health sector, followed by education and water and sanitation.

80. These ratios are a reflection of the efforts by Mali's technical and financial partners: the target of 20%-20% has been well beaten. Mali now needs to increase this proportion still further and above all to improve its inter- and intra-sectoral management of the funds it receives.

TABLE 4  
**Foreign Aid**  
(billions of CFA francs and percentages)

	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002
Total foreign aid (billion CFA francs)	58.5	115.0	133.5	137.4	124.5	141.5	166.0	177.5	192.5	174.0
<b>Aid to social services</b> (billion CFA francs)										
Food/nutrition	18.1	32.1	37.8	39.5	44.2	41.8	41.9	40.7	74.5	60.1
Water and sanitation	3.2	14.3	13.2	16.7	17.8	20.8	12.7	9.7	8.4	9.8
Education	2.7	7.3	8.8	8.4	9.2	10.6	14.2	10.9	3.0	10.2
Health	3.8	10.6	11.2	13.1	16.7	12.6	8.7	17.9	15.9	17.9



	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002
Social development	3.8	10.6	11.2	13.1	9.2	13.1	2.7	2.5	4.6	5.2
Protection of women and children	0.0	0.0	0.0	0.0	0.0	0.0	1.3	0.1	0.9	1.4
<b>Subtotal</b>	<b>31.6</b>	<b>74.9</b>	<b>82.2</b>	<b>90.7</b>	<b>89.7</b>	<b>99.4</b>	<b>81.5</b>	<b>81.9</b>	<b>107.3</b>	<b>104.7</b>
<b>Aid to social services as percentage of total aid</b>										
Food/nutrition	31.0	27.9	28.3	28.8	35.5	29.5	25.2	22.9	38.7	34.6
Water and sanitation	5.5	12.5	9.9	12.1	14.3	14.7	7.7	5.5	4.4	5.6
Education	4.5	6.3	6.6	6.1	7.4	7.5	8.6	6.2	1.6	5.9
Health	6.5	9.2	8.4	9.5	7.4	9.2	5.3	10.1	8.3	10.3
Social development	6.5	9.2	8.4	9.5	7.4	9.2	1.6	1.4	2.4	3.0
Protection of women and children	0.0	0.0	0.0	0.0	0.0	0.0	0.8	0.0	0.5	0.8
<b>Subtotal</b>	<b>54.1</b>	<b>65.2</b>	<b>61.6</b>	<b>66.0</b>	<b>72.1</b>	<b>70.2</b>	<b>49.1</b>	<b>46.1</b>	<b>55.7</b>	<b>60.2</b>
<b>Aid to essential social services (billion CFA francs)</b>										
Food/nutrition	2.9	2.9	6.5	8.4	10.3	9.4	0.0	0.0	0.0	0.0
Water and sanitation	1.3	2.8	3.8	10.1	8.9	8.3	12.7	9.7	8.4	9.8
Basic education	1.0	2.4	5.5	4.4	3.0	1.4	10.1	8.7	3.0	10.2
Basic health	2.7	7.9	8.9	6.9	16.7	12.6	8.7	17.9	15.9	17.9
Social development	0.1	0.3	2.8	1.3	1.3	1.7	2.7	2.5	4.6	5.2
Protection of women and children							1.3	0.1	0.9	1.4
<b>Subtotal</b>	<b>7.9</b>	<b>16.2</b>	<b>27.6</b>	<b>31.0</b>	<b>40.2</b>	<b>33.5</b>	<b>35.5</b>	<b>39.0</b>	<b>32.8</b>	<b>44.6</b>
<b>Age to essential social services as percentage of aid to social services</b>										
Food/nutrition	15.9	8.9	17.1	21.2	23.4	22.5	51.4	49.7	69.4	57.4
Water and sanitation	40.3	19.2	29.1	60.7	49.8	40.0	15.6	11.9	7.8	9.4
Basic education	36.0	33.5	62.8	52.5	32.6	13.6	12.4	10.7	2.8	9.8
Basic health	71.3	74.5	79.3	52.6	66.0	61.2	10.7	21.9	14.8	17.1
Social development	2.2	2.6	25.3	9.6	13.8	12.9	3.3	3.1	4.3	5.0
Protection of women and children	0.0	0.0	0.0	0.0	0.0	0.0	1.6	0.1	0.8	1.3
<b>Subtotal</b>	<b>25.0</b>	<b>21.6</b>	<b>33.6</b>	<b>34.2</b>	<b>44.8</b>	<b>33.7</b>	<b>43.6</b>	<b>47.6</b>	<b>30.6</b>	<b>42.6</b>
<b>Aid to essential social services as percentage of total aid</b>										
Food/nutrition	4.9	2.5	4.8	6.1	8.3	6.6	0.0	0.0	0.0	0.0
Water and sanitation	2.2	2.4	2.9	7.4	7.1	5.9	7.7	5.5	4.4	5.6
Basic education	1.6	2.1	4.1	3.2	2.4	1.0	6.1	4.9	1.6	5.9
Basic health	4.6	6.9	6.7	5.0	13.4	8.9	5.3	10.1	8.3	10.3
Social development	0.2	0.2	2.1	0.9	1.0	1.2	1.6	1.4	2.4	3.0
Protection of women and children	0.0	0.0	0.0	0.0	0.0	0.0	0.8	0.0	0.5	0.8

Source: Provisional report, 20/20 Initiative (April 2004)



81. In 1998, Mali became the seventh country to reach the completion point under the Heavily Indebted Poor Countries (HIPC) Initiative. In 2003, HIPC resources disbursed totalled 19 billion CFA francs, as against a CSLP target of 24.5 billion CFA francs, giving an execution rate of 78%. Mali's good results earned it 75 billion CFA francs of budgetary assistance at the donors' roundtable in March 2004.

82. As follow-up to the Declaration on Social Development and Programme of Action of the World Summit for Social Development (Copenhagen, March 1995), Mali has carried out a study of the financing of essential social services (20/20 Initiative, 1998), initiated a review of official development assistance, adopted a national poverty reduction strategy (SNLP, 1998) and set up the Observatory for Sustainable Human Development and the Combating of Poverty.

***Measures to publicise the principles and provisions of the Convention***

83. The following action has been taken to publicise the principles and provisions of CRC:

- Training: from 1999, training of civil servants and NGO social workers, with production of a CRC trainer's handbook; use of the core groups of trainers to provide training on children's issues for people in other relevant categories: judges, lawyers, social workers, security service personnel, teachers, journalists and presenters from the public and private written, audio and audiovisual media, traditional artists and communicators; training of some 200 young parliamentarians by specially trained members of the Bureau of the Children's Parliament; training by NGOs of members of the Association of Children and Young Workers;
- For members of the Economic and Social Council and the National Assembly, awareness-raising by representatives of specialized authorities;
- For children's organizations and associations, neighbourhood development associations and rural communities, presentation and promotion of CRC by associations and NGOs specializing in child protection;
- Since 1982, the regular conduct by NGOs in cooperation with relevant public technical bodies of radio campaigns to promote the rights of the child;
- The launching of the regional strategy for the universal registration of children at birth;
- The celebration of special occasions: African Children's Day (16 June), International Children's Day (20 November), and the holding of special events: a day of radio and television broadcasts in support of children (second Sunday in December);
- The holding of round tables and competitions on the situation of children, with children's participation;
- The printing and distribution of material concerning the Convention (50,000 booklets entitled "Les enfants d'abord" (Children First) and 15,000 leaflets about the Convention);
- The making of documentaries about children;



- The writing and performance of plays about various aspects of the Convention;
- The design, printing and distribution of posters about the rights of the child;
- The translation (in progress) into Bamanan, Soninke, Sonrhail, Peulh and Dogon of the Convention and the Child Protection Code and the Decree establishing the children's travel document and the accompanying enabling order;
- Inclusion of the rights of the child in the curriculum of the National Training Institute for Social Workers, in the "Young People's Rights" module;
- The drawing up by the Children's Parliament of the document "Un Mali digne des enfants" (A Mali Fit for Children);
- The launching during the Children's Parliament's seventh session, on 9 September 2001, of the Decade for a Culture of the Rights of the Child, 2001-2010.

84. These numerous efforts notwithstanding, the majority of the population and even some very important people know little about the Convention.

#### ***Dissemination of the reports on application of CRC***

85. The present periodic report was prepared by means of a participatory process involving all the government and non-governmental bodies concerned with children's issues. Its approval was the subject of a national workshop. Its contents will be made known to all stakeholders through the distribution of copies and the holding of regional seminars.

86. The recommendations made by the Committee on the Right of the Child will be followed up by the National Monitoring and Assessment Committee for the NPA.

87. In 2001, following the consideration by the Committee on the Rights of the Child of Mali's initial report, the Malian Coalition for the Rights of the Child undertook a campaign to disseminate the Committee's recommendations. This campaign did not, however, reach all regions of the country.

## **II. DEFINITION OF THE CHILD (art. 1)**

### ***Minimum legal age***

88. Article 2 of the Child Protection Code provides that "'Child' means any human being who is aged less than 18 years and has not attained the age of majority by special provision".

89. In Mali, the age of majority is not uniform. The ages of criminal, civil, social and political majority differ, varying between 18 and 21 years.

90. The draft Individuals and Family Code which the Government adopted in May 2002 harmonized the ages of majority in civil and criminal matters at 18 years. However, this instrument has yet to be adopted by the National Assembly.



### *Education*

91. Article 26 of Act No. 99-046 of 28 December 1999 containing the Framework Education Act provides that "the right to education creates an obligation for parents to enroll their children in school and to keep them there at least until the end of the period of basic education". Article 34 of the Act defines the period of basic education as "a continuous period of 9 years". Basic education is open to children from the age of 6 years.

92. The sum of the length of the period of basic education and the age of school enrolment is 15 years. This corresponds to the standard in most international instruments, including ILO Convention No. 138, the Minimum Age Convention.

### *Work*

93. Article L 185 of the Labour Code prohibits "the use of pregnant women and children for work that is beyond their strength or is a source of risk or that, because of its nature and the conditions in which it is performed, may cause them moral harm".

94. Both article L 187 of the Labour Code and the enabling decree for the Code (Decree No. 96-278/P-RM of 13 June 1996) specify the work for which children may not be used and the ages below which they may not be employed.

95. Decree No. 96-278/P-RM sets the minimum age for admission to employment at 14 years. However, the country's economic situation makes application of this rule very difficult. In ratifying the ILO Minimum Age Convention, Mali decided to raise the minimum age for admission to employment to 15 years. The Labour Code must now be brought into line with that decision.

96. Article 34 of the Child Protection Code provides that "every employee aged less than 18 years is entitled, without discrimination based on race, place of origin, colour, social origin, citizenship, belief, sex, age, matrimonial status, family status or handicap, to equal treatment as regards membership of a trade union or business or vocational association or entry to a self-governing profession".

### *Marriage*

97. Article 10 of the Marriage and Guardianship Code states that "there is no marriage when there is no consent". Forced marriage is therefore forbidden. Article 15 of the Marriage Code and article 133 of the Act regulating civil status punish by imprisonment for six months to one year and/or a fine of 25,000 to 120,000 CFA francs any civil registry official who celebrates a marriage without verifying that both spouses consent to it. Article 26 of the Marriage and Guardianship Code provides that any marriage entered into without the free consent of both spouses may be subject to a petition for annulment by the spouse whose free consent was not given.

98. "A male who has not reached the age of 21 years and a female who has not reached the age of 18 years may not contract marriage without the consent of their parents..." (Marriage and Guardianship Code, art. 11).



99. Males may not contract marriage until they have turned 18 years of age and females until they have turned 15 years of age. However, the Minister of Justice may, by unappealable decision, waive the age requirement when there are substantial reasons for doing so. The draft Individuals and Family Code innovates by setting the marriageable age at 18 years for females and males.

*Infringement of moral and physical integrity*

100. The Criminal Code protects the sexual integrity of children up to the age of 15 by punishing any sexual relation or any act of a sexual nature committed against them, even with their consent: " Any indecent act committed or attempted, without violence, against a child of either sex below the age of 15 years shall be punishable by five to 10 years' imprisonment and, optionally, 1 to 20 years' expulsion..." (Criminal Code, art. 225). "Anyone who carries out or attempts to carry out the customarily authorized sex act with a girl below the age of 15 years shall be punishable by 1 to 5 years' imprisonment..." (ibid, art. 227).

*Recruitment to the armed forces and involvement in armed conflicts*

101. The armed forces regulations set the minimum age for voluntary enrolment in the armed forces at 18 years; the minimum age of conscription (national service) is also 18. Under Article 17 of the Child Protection Code, it is forbidden to cause children to participate in, or to involve them in armed conflicts or to enroll them in armed forces or groups below the age of 18 years.

102. Mali ratified the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflicts in 2002.

*Justice*

103. Article 1 of Act No. 01-081 of 24 August 2001 on the criminal responsibility of minors and the establishment of juvenile courts and article 26 of the Criminal Code state that the "age of criminal responsibility is 18 years".

104. Children aged less than 13 years are legally incapable. Between the ages of 13 and 18 years, a child may only be considered criminally responsible if a court decides that it acted knowingly. Even in that event, special rules apply to the responsibility and the proceedings are oriented more towards protection than to punishment.

105. The Child Protection Code provides that when minors are arrested they must be informed promptly and in detail of the acts of which they are suspected and of their rights to the help of a lawyer and the presence of a parent or guardian.

106. The criminal police must also inform the minor's parents or guardian of the events immediately or, if that is not feasible, as soon as possible.

107. Children aged less than 15 years may not be remanded in police custody for questioning [*garde à vue*]. Children aged 15 years or more against whom there is serious evidence of commission of a crime or misdemeanour may only be held at the disposal of the criminal police with the prior consent of the Procurator of the Republic or a juvenile judge.



108. Such detention may not exceed 20 hours unless the Procurator of the Republic approves its extension. The duration of the extension may not exceed 10 hours. Minors must be held separately from adults in the place of detention.

109. Minors aged more than 13 years may only be preventively detained in a prison if that is considered essential or no alternative arrangement is possible. They must be held in a special part of the prison and the period of detention may not exceed 3 months in the event of proceedings for a misdemeanour and 1 year in the event of proceedings for a crime. They must be separated from the other prisoners at night.

110. They are entitled to health care and to the assistance of the competent welfare, education and protection authorities.

111. In no event may a minor be sentenced to death or to life imprisonment. A minor prosecuted for an offence punishable by death or life imprisonment may be sentenced to 10 to 20 years' imprisonment.

112. The Child Protection Code authorises minors to give evidence in judicial proceedings and to express their opinions on matters that directly affect their interests.

#### *Adoption*

113. International adoption is governed by the provisions of the Hague Convention, which Mali ratified in 2001. Adopted children have access via the designated central authority to information concerning themselves.

114. Regarding the situation within Mali, the provisions of the Kinship Code and the Marriage and Guardianship Code afford protection to adopted children and enable them to maintain ties with their biological families.

#### *Inheritance*

115. For a child to have legal capacity to inherit, the only requirements are that the child should be alive when the estate owner dies and should not have been legally deprived of the status of a possible heir to that person.

#### *Real estate transactions*

116. As regards real estate transactions, article 29 of the Child Protection Code provides that "every child having legal capacity (who is emancipated) has the right to conclude contracts on equal terms without discrimination based on age...".

#### *Freedom of association and worship*

117. Ordinance No. 59-41/PCG of 28 March 1959 concerning associations (other than trading companies, mutual assistance societies, cultural associations and congregations) places no restrictions on children's rights to set up or belong to associations.

118. Article 25 of the Constitution provides that Mali is a "secular and social" State. That presupposes freedom of worship for every citizen.



### *Consumption of alcohol*

119. The Act of 1 October 1917 on the suppression of public drunkenness and the regulation of beverage-vending establishments (which is still applicable in Mali) prohibits all bar keepers, innkeepers and other beverage vendors, on pain of criminal penalty (a fine and/or imprisonment in the event of repetition of the offence), from:

- Allowing entry to their establishments by or serving spirits or alcoholic beverages to minors aged less than 18 years;
- Selling, even for removal from their premises, spirits or alcoholic beverages to minors aged less than 18 years;
- Employing in beverage-vending establishments females aged less than 18 years other than members of their own family.

### *Artistic performances*

120. Regarding artistic performances, Decree No. 291 of 20 October 1960 makes it obligatory for films to be certificated. It provides that "no cinema film may be shown publicly in the Republic of Mali without having first been certificated". The Film Censorship Board has the options of: granting a certificate authorising the film to be shown uncut or unchanged or after cuts or changes; refusing certification; prohibiting showing of the film to minors aged less than 16 years. In the latter event, notice of the ban must be displayed at cinema entrances and in all publicity material concerning the film.

## **III. GENERAL PRINCIPLES**

### **A. Non-discrimination (art. 2)**

#### ***Place of the principle of non-discrimination in Malian law***

121. Article 2 of the Malian Constitution provides that "all Malians are born free and equal in terms of rights and duties. All discrimination on grounds of social origin, colour, language, race, sex, religion and political opinion shall be prohibited".

122. In addition, the Child Protection Code sets out clearly, in its articles 23 to 36, the principle of non-discrimination as regards, inter alia, access to services, occupation and use of accommodation, legal capacity to conclude housing contracts, treatment, employment and membership of a trade union or commercial association.

#### ***Measures taken against discrimination***

123. The perpetrators of any direct or indirect infringement of a right recognized by the CRC incur civil responsibility and may also be liable to prosecution.

124. All acts conducive to infringement of a right recognized by the CRC are punishable by a fine of 30,000 F to 300,000 F and, in the event of their repetition, by imprisonment for 2 to 6 months



125. Notwithstanding the laws and regulations, there is discrimination against some categories of children (fewer girls in school, little access for handicapped children to education, less access to essential social services for the poorest children and children from rural areas, etc.).

***Measures to reduce economic, social and geographical differences***

126. The principal goals of the ongoing process of administrative decentralization are a substantial reduction of poverty and the enhancement of living conditions. These goals are to be achieved by means, on the one hand, of improved resource management through the exercise of management authority and, on the other, of selective investment by the central Government in the poorest communes. The process has expanded considerably since 1996, with the number of communes concerned rising from 19 to 703 (684 rural and 19 urban communes).

127. Despite the pursuit of a selective approach with the aim of reducing differentials, funding allocations do not always match the pattern of poverty.

128. Following an extensive participatory process that began in 2000, the Government adopted the final document of the Strategic Framework for Combating Poverty (CSLP) on 29 May 2002. The Framework brings together sectoral programmes and State management around the objective of reducing the incidence of poverty from 63.8% in 2002 to 47.5% in 2006.

129. The CSLP seeks to tackle economic and social differences through efforts in three areas:

- (1) Improvement of governance and participation;
- (2) Development of human resources and access to basic social services;
- (3) Development of infrastructure and support for productive sectors.

130. Included within each area are specific efforts on behalf of the poor, in particular increases in spending to combat poverty and the drawing-up of medium-term spending frameworks to ensure better coordination of spending in the education and health sectors.

131. Two years after the introduction of the CSLP, progress has been made, but shortcomings persist. The improvements include a marked increase in budgetary allocations to the education and health sectors. Allocations to essential social services rose strongly over the period 2001-2003: basic education accounted for 6.7% of the budget in 2001 and 10%, or some 50% more, in 2003; the corresponding figures for health were 6.3% in 2001 and 7.1%, or 12.7% more, in 2003.

132. The Malian Poverty Assessment Survey (EMEP 2001) found that poverty was still widespread. In 2001, poor living conditions or mass poverty (inadequate water, electricity, education, health, employment opportunities, housing, etc.) affected 63.8% of the total population, as against 64.2% in 1999 (National Report on Sustainable Human Development, 2000). EMEP showed that mass poverty was more prevalent in rural areas (76%) than rural areas (30%) and among women than among men but that it affected a smaller proportion of children aged under 15 (47%) than of adults (53%).

133. There remains much to be done, therefore, to improve access for the poorest and most vulnerable sectors of the population to basic social services.

134. With respect to the reduction of social differences, the 1992 revision of the Commercial Code eliminated the requirement that the husband must give permission for his wife to work as a vendor. As a result, more women have become involved in economic activity. In addition to the Women's Activities Support Fund (FAAF LAYIDU) established in 1995 for the socio-economic advancement of women



(beneficiaries between 1995 and 2004: 5,000 women's groups, 42,000 women) there are the Women's Credit System (SYCREF) and women's support programmes and projects in cooperation with UNDP, UNFPA, UNIDO, the World Bank, the African Development Bank, the Netherlands, the United States of America, ILO and France.

*Measures taken to combat discrimination against girls*

135. The Malian Constitution provides for equality between girls and boys in its article 18. The Education Ministry has a section that deals with school enrolment for girls and whose mission is to increase the number of girls in educational establishments. In addition, school enrolment projects aimed at girls have been carried out in three of the country's regions with the lowest school enrolment rates and the greatest differences between those rates for girls and boys.

136. In the case of basic education, the enrolment rate for girls rose from 33.4% in 1995-1996 to 59.9% in 2003-2004. The corresponding figures for boys were 51.3% in 1995-1996 and 81.3% in 2003-2004.

137. Despite the positive trend, the gap between the sexes is still large. There are also substantial differences from one region to another: whereas the capital, Bamako, had a gross school enrolment rate in 2002-2003 of 121.3%, the rates in Mopti and Kidal were 45.6% and 31.5% respectively.

TABLE 5  
Gross school enrolment rates, 1995-2004  
(percentages)

<i>School year</i>	<i>Boys</i>	<i>Girls</i>	<i>Total</i>
1995-96	51.3	33.4	42.3
1996-97	57	36.5	46.7
1999-2000	64.19	44.50	54.20
2000-2001	72.4	49.9	61
2001-2002	75.3	53.6	64.3
2002-2003	77.9	56.4	67
2003-2004	81.3	59.9	70.5

*Source:* Planning and Statistics Unit (CPS), Ministry of Education

138. Indicators of the efficiency of the school system continue to give cause for concern. In 1994-1995, 6.1% of girls, as against 5.3% of boys, dropped out of the first stage of basic education. In 2002/03 and 2003/04, the boys' dropout rate declined to 2.81% whereas the girls' dropout rate rose to 10.07%.



TABLE 6

**Gross school enrolment rates by sex and level of education, 1994-2004 (including *medersas*)**  
(percentages)

<i>Level of education.</i>	<i>Sex</i>	<i>1994-95</i>	<i>1997-98</i>	<i>1999-00</i>	<i>2000-01</i>	<i>2001-02</i>	<i>2002-03</i>	<i>2003-04</i>
Basic, first stage	Girls	31.3	40.3	44.50	50	53.7	56.4	59.9
	Boys	46.9	59.9	64.19	72.5	75.3	77.9	81.3
Basic, second stage	Girls	9.30	12.3	16.11	17.61	19.9	21.7	25.4
	Boys	18	23.4	28.33	31.24	35.7	38.5	43.7
General secondary	Girls	2.60	3.9	4.96	3.64	4.7	5.2	Not available
	Boys	4.80	8.9	11.13	14	14.5	15.6	
Technical and vocational secondary	Girls	1.5	1.6	2.78	2.99	3.5	3.8	Not available
	Boys	3.70	3.2	4.88	5.19	5.4	5.4	
Higher	Girls	0.50	0.8	1.04	Not available	Not available	Not available	Not available
	Boys	2.60	3.40	4.13				

Source: CPS, Ministry of Education.

139. As the above table shows, there is an imbalance between boys and girls at all levels of education. The number of girls, which is already low at the basic level, declines at the secondary level and is almost negligible at the post-secondary level.

140. Activities in support of the advancement of females include those of the National Centre for Resources and Non-formal Education and the functional literacy campaigns conducted by representatives of civil society.

141. While the efforts made are substantial, the level of education of women and girls remains very low and lower than that of males. The Integrated Light Household Survey (ELIM 2003) found that 69% of the population (64% of males and 75% of females) aged 6 years or more had never attended school.

142. The difference was the same in 2001 (EDS-III), when 77% of females and 66% of males had had no education.

***Measures taken to collect statistics differentiating between boys and girls***

143. Ministerial departments' planning and statistics units have set up systems for breaking down data by sex. Major surveys such as the EDS surveys (EDS II in 1995 and EDS III in 2001) and EMEP (2001) furnish data disaggregated by sex.

144. Data collection media have been designed for the establishment of a system for providing information on the most vulnerable children. However, given the current state of data collection in Mali, no reliable information can be obtained on the following groups: children born out of wedlock; foreign children; migrant children; child refugees or asylum seekers; children living and/or working in the streets; children with disabilities.

***Measures to prevent and eliminate behaviour and prejudices harmful to children***

145. The basic education syllabus includes education in civics, family life and population issues.



***Measures to protect children against all forms of discrimination or punishment on the basis of their parents' status, activities or opinions***

146. Article 9 of the Constitution provides that legal penalties are personal. Consequently, a child can neither be called to account for, nor, a fortiori, suffer the consequences of its parents' acts.

***The principal difficulties encountered in applying article 2***

147. Malian society is heavily influenced by cultural considerations that are not without adverse consequences for women's and children's health.

148. The National Action Committee on the Eradication of Practices Harmful to Women's and Children's Health (CNAPN) was set up within the ministerial department responsible for women and children by Decree No. 99-157/PM-RM of 16 June 1999. The Committee is responsible for proposing strategies and action against practices harmful to women and children's health.

149. Social and cultural investigations carried out by the Committee in pursuit of the National Programme for Combating the Practice of Excision (CNAPN/PNLE) have identified 16 practices harmful to women's and children's health.

150. Mali regards the following 16 practices as harmful to the health of women and children:

- Excision;
- Scarification;
- Filing of teeth;
- Cionectomy;
- Tattooing;
- Bloodletting;
- The use of aphrodisiacs by women;
- Depigmentation;
- Forced marriage and/or marriage at a very young age;
- Levirate and sororate marriages
- Nutritional taboos;
- Forced feeding;
- Starvation diet prior to marriage;
- The killing of babies that are orphans or are born outside wedlock;
- Practices that humiliate women during difficult deliveries;
- Physical violence against women.

151. CNAPN/PNLE makes proposals and suggestions in the following areas:

- Information and awareness-raising for the population;
- Production of audiovisual teaching aids;
- Training;
- Promotion of research;
- Changes to the law;
- Support for associations and NGOs;
- Encouragement of positive practices.

152. In fighting these harmful practices, special emphasis is placed on excision. Excision contributes significantly to increasing mother and child mortality and morbidity rates, is a prime



cause of difficulties in childbirth, and often produces irreversible disabilities (vesico-vaginal fistulas).

153. Excision is a very ancient practice and according to EDS III, which was carried out in 2001, 92% of girls and women had been excised. Excision mostly takes place during infancy. It is least common in the north of the country (34%) and most common in Mopti (88%), Kayes (98%) and Bamako (93%).

154. The National Programme for Combating the Practice of Excision (PNLE) was set up by Ordinance No. 02-053/P-RM of 4 June 2002. It has as its objectives:

- Coordination of all action against excision;
- Conduct of studies and research into excision;
- Development of an information, education and communication strategy directed at individuals, social groups and local authorities with a view to gaining their support for the national policy of ensuring an end to excision;
- Design of nationwide programmes with all relevant partners;
- Assessment and monitoring of field activities against excision;
- Creation of a data bank on excision;
- Support for the development of relevant curricula and their introduction in training schools for health and education professionals.

155. There is no specific law that penalizes excision.

### **B. The best interests of the child (art. 3)**

#### ***The best interests of the child in the Constitution and laws and regulations***

156. The preamble to the Constitution refers expressly to the defence of women's and children's rights. A number of legal instruments emphasise the safeguarding of the best interests of the child.

157. Article 7 of the Child Protection Code provides that "all decisions must aim at maintaining the child in its family environment and avoiding separating it from its parents unless a judicial authority is of the opinion that such separation is necessary in order to protect the child's best interests. Any decision to that effect must guarantee the child the right to continue to enjoy living conditions and services suited to its needs and age and compatible with its normal family environment".

158. In accordance with article 3 of the Convention, articles 12, 86, 87 and 91 of the Marriage and Guardianship Code provide for the protection and safeguarding of the child's best interests in all circumstances:



- "In the event of disagreement between divorced or separated parents, the administrative authority shall rule in the interests of the child" (op. cit., art. 12);
- "Custody of children shall be awarded to the spouse who obtained the divorce unless, in the light of the information collected pursuant to article 65 above, the court or the public prosecutor's office orders for the children's benefit that all or some of them shall be entrusted to the care of the other spouse or of a third party" (ibid., art. 86).

159. In addition, the Criminal Code, the Code of Criminal Procedure and the Act concerning the age of criminal responsibility and the establishment of juvenile courts pay special attention to the concept of the best interests of the child. These provisions notwithstanding, there remain problems of application.

***Attention paid to the best interests of the child by the courts, administrative authorities, legislative organs and public or private social welfare institutions***

160. Article 3 of the Child Protection Code provides that "in all actions concerning children taken by the courts, administrative authorities or public or private social welfare institutions, the best interests of the child shall be the primary consideration. Together with its emotional and physical needs, account must be taken of the child's age, health and family environment and the other aspects of its situation".

161. Article 94 of the Code provides that "educational assistance costs shall in all cases be payable by solvent parents from whom maintenance may be claimed. When one of the parents exercises a profession or is an employee, notification of the juvenile judge's or juvenile court's decision to the employer or remunerating entity shall have the effect of an order for distraint and create an obligation of payment directly to the person or institution providing the educational, medical or psychoeducational assistance".

162. Several provisions of the Kinship Code, the law regulating civil status and the draft Individuals and Family Code stress the concept of the best interests of the child, inter alia as regards filiation, civil status, etc.

163. Article 9, paragraph 1, of the Social Welfare Code provides that "children who have been declared to the civil registry authorities and are supported by the beneficiary qualify for family allowances".

164. There remain difficulties in applying these laws and procedures. In particular, the juvenile court system has yet to be properly established and various procedures are not followed.

***The best interests of the child in family, social and school life***

165. Although Malian law provides for the child's best interests to be safeguarded, problems in applying it persist:

- The number of dependent minor children a person has is taken into account in allocating social housing, but the needs in this respect are still enormous;
- Problems in providing school transport are a factor of the high school dropout and failure rates;
- Few people are able to receive family allowances.



***Legislative and administrative measures taken to ensure children the protection and care necessary for their well-being***

166. Action in the areas of health and education gives priority to the interests of the child (for example, the Expanded Programme on Immunization and the programmes for the development of public health services, the protection of infants and mothers and family placements).

167. Access to social services nonetheless remains inadequate, particularly for the poorest members of the population and people in rural areas.

***Measures taken to establish appropriate standards for all institutions, services and public and private establishments responsible for the care of children***

168. Decrees No. 99-450/P-RM of 31 December 1999 and 02-067/P-RM of 12 February 2002 set the conditions for the establishment and operation of private reception and placement centres for children and private reception, listening, counselling and accommodation centres for children respectively.

169. Socio-educational institutions are regulated by Act No. 87-41/AN-RM authorizing the private exercise of social welfare occupations.

170. The Bollé Specialized Detention and Rehabilitation Centre for Women established by Order No. 99-006/P-RM of 31 March 1999 houses delinquent girls and adult female offenders.

171. The Bollé Specialized Detention and Rehabilitation Centre for Minors established by Order No. 99-007/P-RM of 31 March 1999 houses delinquent boys.

172. These two centres, which are the only ones in Mali, come under the Ministry of Justice. This raises the problem of the separation of minors and adults in prisons.

173. The introduction of standards has yielded benefits including: better control over the establishment of institutions; permanent monitoring; an end to the haphazard reception, placement and adoption of children; more attentiveness to, and better counselling for children; improved understanding of the problem of street children.

174. There are, however, continuing difficulties, including:

- The shortage of centres;
- The shortage of qualified staff;
- The huge number of children;
- The shortage and unsuitability of premises;
- The lack of equipment and funds;
- Popular disapproval of the centres.



***Main problems concerning the best interests of the child***

175. Because of traditional attitudes, excision and other practices harmful to children's health continue and the economic exploitation of children and the numbers of child beggars and street children are increasing. This is despite the measures taken to protect children.

176. In addition, girls are lagging further behind boys in the area of school enrolment and maternal and infant mortality rates remain very high.

***The best interests of the child and the training of staff***

177. Since 1999, the Ministry for the Advancement of Women, the Child and the Family, the Ministry of Justice and COMADE, an NGO coalition, have, using guides for trainers, been providing training for field workers concerning the Convention, the Child Protection Code, child labour and juvenile justice.

**C. The right to life, survival and development (art. 6)**

***Measures taken expressly to guarantee children's right to life and to create an environment conducive to their survival and development***

178. Article 1 of the Malian Constitution provides that "the human person is sacred and inviolable. All individuals have the right to life, liberty, and security and integrity of person".

179. Article 169 of the Child Protection Code prohibits sentencing children to death and a number of other laws set out and protect the child's right to life in greater detail. For example, the Criminal Code protects children from all action against their life or survival. Severe penalties exist for infanticide, the abandonment of children and the withholding of food or care from a child. The law even protects children from the time of conception by penalising abortion.

180. One of the fundamental objectives of the Child Protection Code is to prepare the child "for a free and responsible life in a solidary civil society that is based on the inseparability of the awareness of rights and of duties and in which the values of equity, tolerance, participation, justice and peace hold sway".

181. The Ten-year Social and Health Programme (PRODESS) provides for measures to reduce infant mortality. The Accelerated Child Survival and Development strategy (SASDE) began in 2002 in 6 *cercles* and the assessment made in 2003 showed that basic health coverage for children could be substantially improved by inexpensive action involving households. SASDE now covers 32 *cercles* out of the total of 49.

182. Care for children affected or infected by HIV/AIDS is seriously inadequate. Treatment to prevent mother-child transmission only began in 2002 and there is virtually no data concerning it or AIDS orphans. In 2001, infant and child mortality was 229‰. There must be no letup in effort.

***Measures taken to ensure registration of child deaths and their causes***

183. Registration of births, marriages and deaths is far from systematic in Mali, particularly where children are concerned. The reasons for this include cultural factors, the remoteness of



some regions and the fact that the great majority of their inhabitants (along, in some instances, with registration officials) are ignorant of the law.

183. Since decentralization and implementation of the sectoral health policy began in the 1990s, some of the registration problems have been resolved as registration centres are now nearer the target populations. There is regular registration of deaths occurring in health centres.

185. It remains the case that only 4% of deaths are officially registered (source: National Directorate of Internal Affairs, 2004).

#### **D. Respect for the views of the child (art. 12)**

##### ***Legislation on children's right to express their views freely***

186. Article 4 of the Constitution provides that "Everyone has the right to freedom of thought, conscience, religion, worship, opinion, expression and creation in compliance with the law".

187. In family and social matters, children's freedom of expression is still limited. As a rule, children are not consulted about their being placed in the care of Koranic teachers; in addition, some girls are not consulted concerning their marriage.

188. Thanks to the circulation of information and campaigns to increase awareness of children's rights, the situation regarding children's freedom of expression is improving somewhat.

##### ***Measures taken to safeguard children's rights to express their views and to be heard in judicial and administrative proceedings***

189. Article 9 of the Child Protection Code provides that "every child has the right freely to express its opinions, which must be taken into account in accordance with the child's age and maturity. To that end, children shall be given a special opportunity to express their opinions and to be heard in all judicial proceedings and regarding all welfare and educational measures concerning their situation". The child's opinion must be sought concerning all action having to do with placement and every application for its adoption.

190. The Code provides for a number of means for children's expression of their opinions (/juvenile court system; child protection officers; special minors' division; assize court for minors). However, those means are not yet in operation.

##### ***Organs within which children have the right to participate in decision-making***

191. To enable children to participate in public life, Decree No. 96-172/PM-RM of 13 June 1996 established a Children's Parliament. Through this organ, which has regional and local offshoots, children can make known their views on matters of importance to the country.

192. The Children's Parliament is:

- A place for dialogue between its members and the other citizens of the country;
- A place where children can state their views;



- A place for dialogue and advocacy concerning the protection, survival, development of children and their role in national life;
- A means for providing information about and promoting popular support for implementation of the Convention.

193. After each biannual session, the Parliament submits to the authorities a report on its concerns about the situation of children in Mali and the action it expects from the Government.

194. The Children's Parliament deserves to be more widely known and to be given more resources to ensure its autonomy, effectiveness and democratic nature.

195. The setting-up in some schools of children's governments has shown that children have a great role to play in the running of schools and the encouragement of higher school attendance.

***Measures to create greater awareness among families and the public of the need to encourage children to exercise their rights and express their opinions; child-development courses for members of some professions; inclusion in the educational curriculum of courses concerning the Convention***

196. Since 1999, training about the Convention has been provided for judges, lawyers, social workers, security service personnel, teachers, journalists and presenters from the public and private written, audio and audiovisual media, traditional artists and communicators. The impact of this training is not yet sufficiently apparent. Assessment is needed.

197. There is no module specifically devoted to the Convention in the curricula of higher educational establishments, but there is instruction in the rudiments of human rights and in child psychology.

198. The curriculum of the National Training Institute for Social Workers includes a module on children and young people.

***Legislative, judicial and political decisions to take account of children's opinions***

199. Under the Child Protection Code (arts. 73 and 74), it is obligatory to report on violence against and to help children. A number of structures and associations (APAF-Muso Danbé, APDF, COMADE, DNPEF, etc.) have received and dealt with individual and collective complaints from children.

200. The taking into account and even the making of children's complaints are hampered by the social and cultural context and failure to apply appropriate judicial penalties.



#### **IV. CIVIL RIGHTS AND FREEDOMS (arts. 7, 8, 13-17 and 37 (a))**

##### **A. Name and nationality (art. 7)**

###### ***Measures to ensure that children's freedoms and civil rights are recognized and respected***

201. A number of codes and other laws contain provisions concerning the civil status of children. They include:

- The Kinship Code;
- The Nationality Code;
- The Marriage and Guardianship Code;
- Act No. 87-27/AN-RM of 16 March 1987 regulating civil status;
- The Child Protection Code;
- Act No. 01-081 of 24 August 2001 on the criminal responsibility of minors and the establishment of juvenile courts.

###### ***Measures taken to ensure that every child is registered at birth***

202. All these pieces of legislation contain provisions that guarantee that the child has a name and nationality. Every birth must be declared, regardless of the place of birth, and this declaration must be made within 30 days (Act No. 87-27/AN-RM regulating the civil status, arts. 74 and 79):

“The birth of any child born live in the territory of the Republic of Mali must be declared to the civil registry office of the place of the birth, even where the foreign parents have declared this birth to the consular authorities of their country.

Any birth during travel by road, rail, river or air shall be declared to the civil registry centre of the first stopover place” (op. cit., art. 75).

203. The national birth registration rate was 48% in 2001 (EDS-III) and has not risen significantly since then. There are marked differences between rural areas (41%) and urban areas (71%) and between the poorest people (33%) and the richest (80%).

204. By making it easier for rural dwellers to get medical assistance during childbirth, the decentralization policy (with the establishment of 703 communes) and the building of several community health centres (CSCOM) have also made it easier to register births.

205. Problems remain, however: the national survey carried out in 2004 identified the remoteness of registration centres and registration officers' unfamiliarity with registration procedures as major obstacles to the registration of children at birth.



206. Steps are being taken to remedy the situation: training for civil registry officers, awareness-raising in communities, revision of the law on civil status, projects to encourage registration at birth, and writing of a guide for birth-registration trainers.

207. A 2004-2008 action plan to improve registration of civil status (Plan for the Civil Status Consolidation Support Mission (Plan de la Mission d'Appui à la Consolidation de l'Etat Civil, MACEC) is being prepared in order to bring civil registry services nearer to the population.

***Improving the population's awareness and acceptance of the need to register children at birth***

208. In 2003, the central theme for the celebration of African Children's Day in Mali was the right to be registered at birth. Awareness of this right was promoted through means including round tables, lectures with question and answer sessions, microprogrammes, songs, sketches and displays of folklore.

209. To make it easier to register children at birth, training has been provided for community-level civil registry officials. Efforts are needed to overcome the obstacles to wider use of the birth registration service. Those obstacles include illiteracy; unawareness of the benefits of and procedures for registration; uncertainty about the cost of making a declaration and obtaining a birth certificate; the weight of tradition; discrimination against women who wish to make a declaration, and unhelpful attitudes in health centres.

***Elements of the child's identity taken into account and measures adopted to protect the child against all forms of degrading or discriminatory treatment***

210. A child's identity comprises: its family name and forename(s); its parents' family names, forenames and occupations; the date (day, month, year), hour and place of its birth (Act No. 87-27/AN-RM of 16 March 1987 regulating civil status, arts. 74-79).

211. Article 4 of the Child Protection Code states that "every child has the right to an identity from birth and to registration of its birth. A child's identity consists of its forename, family name, date of birth and nationality".

***The child's right to know its parents and to be brought up by them***

212. Act No. 87-27/AN-RM of 16 March 1987 regulating civil status and the Kinship Code (Order No. 73-036 of 31 July 1973) take this right into account.

213. Article 7 of the Child Protection Code provides that "all decisions must aim at maintaining the child in its family environment and avoiding separating it from its parents unless a judicial authority is of the opinion that such separation is necessary in order to protect the child's best interests. Any decision to that effect must guarantee the child the right to continue to enjoy living conditions and services suited to its needs and age and compatible with its normal family environment".

214. Some children separated from their parents (children of divorced parents, child beggars, foundlings) are cared for by other members of the family or by institutions. Many of them, however, are either not cared for (street children) or are cared for in harmful conditions (children entrusted to marabouts, who force them to beg or to work outside their periods of instruction. Such children are known as "garibous", or beggars).



215. The complex problem of children separated from their parents, which is caused by multiple factors including poverty, modernization and the call of the city, is the subject of studies and recommendations aimed at bringing about the abandonment or adjustment of certain practices that divide children from their immediate families (fostering (*confiage*), education by itinerant marabouts).

***Measures to ensure the child's right to a nationality***

216. Nationality is regulated by Act No. 62-18/AN-RM of 3 June 1962 on the Nationality Code. The Code is sufficiently flexible to cover the situation of all children in Mali. It sets out flexible procedures under which every child in Malian territory can be granted Malian nationality, thus preventing cases of statelessness.

217. Article 4 of the Child Protection Code states that “every child has the right to an identity from birth and to registration of its birth. A child's identity consists of its forename, family name, date of birth and nationality”.

218. The measures taken under Mali's decentralization policy to correct shortcomings in the process of registering children at birth will enhance observance of the child's right to a nationality.

**B. Preservation of identity (art. 8)**

***Measures taken to preserve the child's identity***

219. The name a person is given cannot be changed except by operation of the law. A change of name can be made only by specific legal procedures designed to protect identity (Act No. 089-06-AN-RM of 18 January 1989 concerning the changing of family names).

**C. Freedom of expression (art. 13)**

***Measures taken to ensure the child's right to freedom of expression***

220. Exercise of the right to freedom of expression is recognized by article 4 of the Constitution and article 9 of the Child Protection Code.

221. As already indicated in paragraphs 186-188 and 191-195 above, the Children's Parliament, children's governments in schools, cultural centres and radio programmes for and by children provide children with means to express themselves, but their freedom of expression is limited by the family and social context.

222. Currently, access to modern means of communication and information (the Internet) is developing strongly, without restrictions to preserve national security or public order, health or morals.

**D. Freedom of thought, conscience and religion (art. 14)**

***Children's exercise of the right to freedom of thought, conscience and religion***

223. Article 4 of the Constitution formally recognises this right and protects its exercise: "Everyone has the right to freedom of thought, conscience, religion, worship, opinion, expression



and creation in compliance with the law". Malian law does not refer specifically to the situation of children. By tradition, parents keep a close watch on their children's exercise of these freedoms and do not leave them much room for manoeuvre.

***Measures taken to ensure the freedom of children, including children from minorities and indigenous groups, to manifest their religion or beliefs***

224. In practice, there are no restrictions on this freedom so long as the child remains within the bounds of its family religion and parental guidance.

**E. Freedom of association and peaceful assembly (art. 15)**

***Measures taken to ensure the child's right to freedom of association and peaceful assembly***

225. Article 5 of the Constitution provides that "Under the terms set by law, the State recognizes and guarantees freedom of movement, free choice of residence and freedom of association, assembly and demonstration".

226. The traditional groupings of children based on age cohorts have always played an important role in the social life of village communities, which encourage their activities. New types of association, such as the Children's Parliament and its regional and local offshoots, the children's governments in some schools and children's clubs in urban centres, are becoming more common.

227. The traditional groupings by age cohorts are being weakened by the ongoing cultural changes and new forms of support for young people's collective activities are needed to take their place.

**F. Protection of privacy (art. 16)**

***Measures taken to prevent any arbitrary or unlawful interference in the child's private life***

228. Article 6 of the Constitution provides that "The home, the private and family sphere, and the secrecy of correspondence and communications shall be inviolable. They may be interfered with only as provided for by law". The law places limits on the exercise of these rights by allowing parents, in the exercise of their parental duties, to supervise the company their children keep and censor their correspondence. The courts also have full freedom to adopt any measures designed to safeguard the best interests of the child.

229. Article 5 of the Child Protection Code states that "Every child has the right to respect for its private life, without prejudice to the rights and responsibilities that attach by law to its parents or the persons who have care of it".

230. Article 20 of the Code protects the child "against all publication or dissemination of its image that would violate its integrity, honour or privacy".

231. As regards children in conflict with the law, article 11 of the Code provides that "Every child who contravenes the law is entitled to treatment that will preserve its honour and person". Article 38, paragraph 4, of the Code defines the penalties applicable in the event of action conducive to infringement of any of the rights recognized by the Code.



232. As regards judicial proceedings against minors, article 115 of the Code provides that "No information capable of leading to identification of the minor may be published". Article 116 of the Code provides that "Decisions concerning minors aged 13 years may not be entered in the national criminal record".

233. Article 120 of the Code provides that " In cases against children, the publication in books or the press, on radio, in cinema films, on television or by any other means of the records of preliminary investigations or judicial hearings and the publication of verdicts are prohibited. The publication by any of the aforementioned means of any text or illustration concerning the minors' identities or personalities is also prohibited. Breaches of these provisions shall be punishable by a fine of 30,000 to 300,000 francs and, in the event of repetition of the offence, by imprisonment for 2 months to 2 years".

#### **G. Access to appropriate information (art. 17)**

##### ***Measures taken to guarantee children access to national and international sources of information and to protect them against information detrimental to their well-being***

234. Regarding school textbooks and children's book caravans, action is taken through the national education system.

235. Malian law regulates children's access to information so as to protect young people against corruption and moral danger.

236. Consequently, the showing to children of violent, sexual, erotic or pornographic films or of obscene or pornographic publications and the production for children of obscene publications are prohibited. Compliance with the law on the protection of children's sexual and moral integrity is ensured through the National Film Censorship Board.

237. In addition, Mali has ratified, by Order No. 01-047/P-RM of 20 September 2001, the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography.

#### **H. The right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment (art. 37 (a))**

##### ***Measures taken against torture and other cruel, inhuman or degrading treatment of children***

238. Article 3 of the Constitution provides that "No one shall be subjected to torture or inhuman, degrading or humiliating treatment or punishment. Any person and any government official guilty of such acts, whether committed on his or her own initiative or on orders, shall be punished in accordance with the law".

239. Several texts protect children against violation of this constitutional provision. Persons who commit violations are prosecuted and parents' responsibility is engaged in the event of severe shortcomings or negligence in their supervision of their children:

- Circular letter No. 674/DEFA of 23 September 1969 from the Director-General of Basic Education and Literacy prohibits corporal punishment in schools and calls on all teachers to observe that ban;



- Circular letter No. 0019/MSSPA/SG of 7 January 1999 prohibits excision in health centres;
- Orders No. 94 4856/MEB CAB of 8 April 1994 and No. 94 4999/ MEB CAB and No. 94 5000/ MEB CAB of 15 April 1994 from the Ministry of Basic Education concern the rules applicable in basic schools, special educational institutions and kindergartens respectively. They prohibit corporal punishment, insults, theft, blows and violent games and the carrying of pointed, sharp or other dangerous objects;
- Various provisions of the Criminal Code protect children: article 209 concerning torture; article 210 concerning unintentional injury; article 213 concerning trial treatments and other practices harmful to health; articles 219, 220 and 221 concerning abandonment of incapacitated persons and non-assistance to persons in danger; article 226 concerning rape; article 227 concerning customary sexual intercourse, and article 244, which criminalizes trafficking of children.

240. To ensure that action can be taken in all cases where a child's health or physical or moral integrity is threatened or at risk because of the environment in which the child lives, the child's activities or acts or ill-treatment of the child, article 66 of the Child Protection Code provides for the appointment of a Child Protection Officer within the office of each regional governor and in the District of Bamako. Article 173 of the Code provides for probation, whereby a delinquent juvenile is left at liberty under the supervision of a specialist, the Probation Officer, appointed by a juvenile court. However, these two types of officer have yet to be appointed.

241. The situation of minors is also supervised independently of the judicial authorities by:

- Civil-society organizations (for example, legal clinics, the Forum for Democratic Challenges (*Espace d'interpellation démocratique*), Amnesty International and AMDH, the Malian Human Rights Association), which question the authorities about cases of ill-treatment;
- The independent media, through reports in the press and on local radio;
- Individuals who comply with the reporting obligations in the Child Protection Code.

242. Awareness of children's rights is promoted through training for teachers, security personnel, social workers, judges, etc., concerning juvenile justice and the Convention and through campaigns against excision.

243. There are no formal arrangements to care for children who are victims of torture or ill-treatment in their families or elsewhere. Few cases are reported; most are resolved through social mediation and the perpetrators of violence are rarely prosecuted.



**V. FAMILY ENVIRONMENT AND ALTERNATIVE CARE**  
(arts. 5, 18, paras. 1 and 2, 9-11, 19-21, 25, 27, para. 4, and 39)

**A. Parental guidance (art. 5)**

*Measures taken to ensure respect of the parents' or extended family's responsibilities, rights and duties concerning guidance of the child*

244. The traditional Malian family was weakened by the colonization of the country, which brought with it other forms of social organization and hierarchization. It is being weakened still further by globalization. Nonetheless, the fundamentals of family structure and operation remain in place and heads of household and elders are therefore still the dominant figures.

245. Regardless of the ethnic group or social background concerned, the traditional Malian family can be defined as a group of persons who acknowledge themselves as having a common ancestor. Such a family may comprise several dozen people living together in the same *concession*, or communal residence.

246. In modern usage, “family” refers to a “household”, i.e. a group of persons who live in the same dwelling unit, share their resources and communal expenses and recognise the authority of a head of household or family.

247. Kinship [*parenté*] results from a blood relationship, marriage or adoption. Article 16 of the Kinship Code states that persons bound by kinship form the social family, which may be made up of one or more conjugal families comprising a father, a mother and their children.

248. Family authority is characterized by the unity of the family and by mutual respect and solidarity among the family members. The parents are responsible for a child's education throughout its minority. They decide on the child's upbringing and schooling, and sometimes on the occupation it is to take up. Parental authority involves the right to care for, guide and watch over the child.

249. The family, whether traditional or modern, constitutes the child's first level of education and socialization. It provides the child with protection and security from birth. It is the first environment for the exercise of the child's rights.

250. Outside the family, it is society as a whole that socializes the child. The family is not only a social necessity, but also a legal entity, even if family life lies very largely in the extralegal sphere, being more a matter of customs and habits.

251. The body of law regulating the family comprises:

- Act No. 62-17 AN/RP of 3 February 1962 containing the Marriage and Guardianship Code, as amended by the Act of 25 January 1963 and supplemented by Order No. 26 of 10 March 1975;
- Ordinance No. 36 CMLN of 31 July 1973 containing the Kinship Code and Act 89-06 of 18 January 1989 concerning the changing of family names;
- Act No. 87-27 of 16 March 1987 governing civil status, as supplemented by Act No. 88-37 of 5 April 1988;
- Act No. 62-18 of 3 February 1962 containing the Nationality Code, as amended by Act No. 95-70 of 25 August 1995;
- Ordinance No. 02-062 of 5 June 2002 containing the Child Protection Code;



- Act No. 99-041 of 12 August 1999 containing the Social Welfare Code;
- Ordinance No. 79-7 of 18 May 1979 governing the pension system for civil servants and persons assimilated to civil servants.

252. The reform of family law begun in 1996 led to the adoption by the Government in May 2002 of a draft Individuals and Family Code. This instrument will shortly be submitted to the National Assembly.

253. Families' supervision of children is complicated by a variety of factors, both endogenous (poverty, illiteracy, urbanization, social and cultural constraints, discrimination against women, parents' absence from the home, etc.) and exogenous (globalization, the adverse effects of the media, and so on), leading to the weakening of family ties and a lack of proper guidance for the children.

***Family counselling services and education and awareness-raising programmes for parents***

254. The Government has undertaken a series of political and legal reforms in support of families. Chief among them are:

- The Declaration on National Social Protection Policy (April 2002);
- The Strategic Plan for the Advancement of Women, the Child and the Family (May 2002);
- The draft Individuals and Family Code (May 2002);
- The Child Protection Code (June 2002);
- The National Policy Declaration on Fighting HIV/AIDS (April 2003).

255. The existing social mechanisms and the above political and legal reforms enable parents or, as the case may be, the extended family, guardians or the other persons legally responsible for a child to ensure, with assistance from the State, the harmonious development of the child's personality. The aim is that children should be brought up in a spirit of peace, dignity, tolerance, freedom, equality and solidarity.

256. A number of education and awareness-raising programmes are under way for parents. They include:

- The education in family life and population issues project;
- The family planning project (AMPPF);
- The awareness-raising campaigns in connection with the Expanded Programme on Immunization and the reproductive health action plan;
- The project for the registration of births;
- The plan of action for the Civil Status Consolidation Support Mission (MACEC).



257. Efforts to educate parents must be continued, including through the pursuit of innovative strategies taking into account the positive aspects of culture and of community support mechanisms.

***Measures adopted to ensure respect for the principles of the Convention***

258. Malian law gives precedence to the best interests of the child (CPE, art. 3) and the principle of non-discrimination (ibid, arts. 22-38 and 39-49). Because of the country's vast size and high illiteracy rate, and despite the efforts made in 2003 to print and disseminate more than 4,000 copies of the Convention, the law is still little known.

259. In order to promote greater familiarity with the Convention and other texts concerning the rights of the child, the Government is having these instruments translated into the main national languages (Bamanakan, Soninke, Sonrhail, Peulh, Dogon and Tamacheck) and social workers, town councillors, judges, judicial police officers, artists and media workers trained in applying them. The intention is to produce 10,000 copies.

**B. Parental responsibilities (art. 18, paras. 1 and 2)**

***Parental responsibility and the law***

260. In traditional Malian society, parental authority (*puissance paternelle*) is exercised by the entire community, which has a say in the development of the child's personality. Every adult is responsible for children's upbringing, regardless of their degree of kinship.

261. Under article 82 of the Kinship Code, "parental authority (*puissance paternelle*) is the set of rights and duties of a mother and a father towards the person and property of their unemancipated minor children". Article 33 of the Marriage and Guardianship Code provides that, as a result of marriage, the spouses "have an obligation to ensure the moral and material guidance of the family, to feed, maintain and raise their children and to prepare them to be independent".

262. Article 84 of the Kinship Code entitles parents to monitor their children's education, supervise their relationships and correspondence and place problem children in the appropriate institutions.

263. In the draft Individuals and Family Code, the term "*puissance paternelle*" has been replaced by the term "*responsabilité parentale*" (parental responsibility). The concept of parental responsibility is also referred to in article 6 of the Child Protection Code: "In all measures taken regarding a child, preventive action within the family must be a prime consideration in order to safeguard the role of the family and to consolidate, by the protection necessary to its natural development, the responsibility with respect to the upbringing, schooling and supervision of the child that lies with the parents or guardian".

264. The weakening of the system of traditional education has undermined parental authority. In addition, there are many children whose parents cannot afford to educate them and send them to school. Parents' growing inability to discharge their parental duties is worrying. It is *inter alia* the reason for the rise in the number of street children.



***Measures adopted to render appropriate assistance to parents and guardians***

265. Act No. 99-041 of 12 August 1999 containing the Social Welfare Code establishes a system of family benefits aimed at giving families the information and resources to improve their children's' conditions of life and education. The benefits include pregnancy allowances for certain public service workers, prenatal and maternity allowances, family allowances (0-14 years) and medical coverage for children. The system only covers a small number of children (family allowances have been paid in respect of some 200,000 children).

266. Various forms of aid are available for disadvantaged families:

- Social assistance from the Government and local authorities on the basis of the issue of certificates of indigence;
- The establishment of school canteens in poor areas;
- Activities of civil-society and private-sector organizations in the form of support for the education of children from poor families, sponsorship and facilitation of access to medical care;
- Help for children having the status of wards of the nation under Act No. 00-039 of 7 July 2000 on Wards of Mali (all minors whose father, mother or family provider died in the service of the country, whether in the performance of his/her normal duties or in the performance of some exceptional act). The help includes: payment of medical expenses; payment of the costs of schooling, apprenticeship and training; award of full scholarships for secondary or higher education; when necessary, placement in a specialized institution.

267. Provision of such aid is, however, complicated by:

- The ambiguity of some legal instruments (e.g., the question when children whose parents die performing exceptional acts qualify as wards of the nation);
- The country's lack of money;
- The poor public image of the state of indigence.

***Data concerning children who have received assistance***

268. Numerous children have received aid from the Government, civil-society organizations, the private sector and international agencies in connection with, for example, the beginning of the school year, the month of solidarity (October), the end-of-year festivities or the anti-HIV/AIDS campaign month.

269. The social information system now being installed is not capable of providing either general or disaggregated data on children who have received public assistance.



### **C. Separation from parents (art. 9)**

#### ***Measures adopted to ensure that children are not separated from their parents***

270. As has already been said, children have traditionally been regarded in Mali as being everyone's children and the idea of separation of parents and children is new. However, several types of such separation can now occur:

- Court-ordered separation, whereby, in the child's interest, custody is given to one of the parents. In this event, contacts with the parents are not broken off completely;
- Separation because biological parents entrust the care of their child to a third party, who may be an uncle, an aunt, a brother, a friend of the family or a marabout. This sometimes leads to economic exploitation of the child;
- Separation as a result of the death of the parents: orphans are automatically taken in by the other members of the extended family or at worst (in urban areas) are entrusted to the social welfare authorities and may subsequently be adopted;
- Separation as a result of a child's imprisonment. Given Malian law, this is exceptional.

271. In all these instances, Malian law provides (through the Kinship Code, the Marriage and Guardianship Code and the law on civil status) for the protection of the child's best interests.

272. The Kinship Code, which was adopted by Ordinance No. 73-036 of 31 July 1973, deals with the issues of names, acquisition of filiation by birth, adoption for protection, adoption for filiation, the effects of kinship and the obligation to provide children with food.

273. The efforts that Mali has made since it ratified the Convention to adjust its law to provide better protection for children temporarily or permanently deprived of their family environment are not yet complete. The Kinship Code says nothing about international adoption. The legal lacunae will be filled by the Individuals and Family Code.

274. Protection of the rights of children separated from their parents has been strengthened by the adoption in 2002 of the Child Protection Code, which provides that the child's best interests must be taken into account in any decision about separation from its parents or family (art. 3), that the child has a right to remain in regular contact and maintain personal relations with its parents (art. 10), and that the child is entitled to protection of its health and physical and moral integrity and to social and educational assistance (art. 14).

275. In addition, civil-society organizations are increasingly involved in providing reception, listening, lodging and training services for children who have broken with their families. Separation from their parents often leads to situations in which children are at risk of economic exploitation, violence and deviant practices. This is particularly the case of children entrusted to marabouts and of girls who work as domestic servants. The current machinery is not able to protect them.



***Opportunities for the child to participate in proceedings concerning decisions on separation***

276. Pursuant to articles 8, 9, 85, 87 and 104 of the Child Protection Code, the child has the opportunity to participate in all proceedings concerning its situation and to make known its views.

***Measures adopted to enable children separated from their parents to maintain personal relations and direct contact with them***

277. Article 10 of the Child Protection Code provides that "Unless the competent court decides otherwise in the best interests of the child, every child separated from one or both of its parents has the right to remain in regular contact and to maintain personal relations with them both and with the other members of its family".

278. The National Commission for Refugees, which was set up by Decree No. 98-354/P-RM of 28 October 1998, and reports to the Minister for Regional and Local Government, deals with children separated from their parents. For care, it refers them to structures such as the Association of Former United Nations Volunteers (AVENU) and the International Committee of the Red Cross.

***Measures adopted to ensure that when a child is separated from its parents the State provides the essential information concerning their whereabouts***

279. The situations in question are governed by the Marriage and Guardianship Code, the Kinship Code and the Child Protection Code.

280. Bodies, in particular the National Commission for Refugees and the International Committee of the Red Cross, exist to deal with the cases of children separated from their parents.

***Information given in cases of detention, imprisonment, exile, deportation or death***

281. In cases of detention, imprisonment, exile, deportation or death, information is provided by the National Police Directorate through the Vice Squad. It is not, however, exhaustive.

**D. Family reunification (art. 10)**

***Measures adopted to ensure that the State deals humanely and expeditiously with all applications by a child or its parents to enter or leave the country for the purpose of family reunification***

282. Subregional conflicts are currently swelling the numbers of children seeking asylum. Some of these children are unaccompanied. Children from Mali, Burkina Faso, Guinea and other countries have been given shelter and returned to their families.

283. Under bilateral agreements with neighbouring countries, Mali has pledged to take in and shelter foreign children and return them to their families. In the period 2003-2004, the NGO Caritas-Mali, and the governmental authorities responsible for children together returned 140 children to their families. Local bodies (municipal councils, associations and NGOs) share with NGOs from neighbouring countries in returning children to their families.



284. Reunification is hampered by the potential beneficiaries' ignorance of these arrangements, and by a shortage of resources.

***Compliance with the Convention in considering cases of family reunification, child asylum seekers and unaccompanied children***

285. Thanks to an active partnership between government authorities and civil society, children awaiting return to their families now enjoy better conditions: all, without distinction, receive a sympathetic hearing and the necessary support (lodging, clothing, medical care, education, etc.).

***Measures taken to ensure the right of the child whose parents live in a different country to maintain personal relations with them on a regular basis***

286. Municipal and civil protection authorities and NGOs try to contact parents in the countries of origin. However, such initiatives are not very active, despite the existence of inter-State agreements.

***Measures taken to ensure the rights of the child and its parents to leave any country, including their own, and to enter their own country***

287. Under bilateral agreements with its neighbours, Mali has pledged to take in and shelter foreign children and return them to their families. The signing of bilateral agreements with neighbouring countries on the combating of transboundary trafficking of children, the repatriations and returns to families under the action plan against such trafficking and the training provided in connection with family reunification are evidence of progress. Nonetheless, more needs to be done.

**E. Illicit transfer and non-return (art. 11)**

***Measures taken to prevent the illicit transfer and non-return of children abroad***

288. As part of its action against child-trafficking, Mali has taken a series of steps to prevent illicit transfer and non-return:

- Regulatory and administrative measures through the adoption of the Decree establishing a travel document to serve as evidence of permission for children from zero to 18 years of age to leave the country;
- The signing with Côte d'Ivoire, Burkina Faso and Senegal of bilateral agreements on combating the transboundary trafficking of children (see para. 24 above) and the conclusion, now in hand, of a similar agreement with Guinea;
- Prevention and awareness-raising through the establishment of more than 120 community surveillance units in the frontier zones of Sikasso, Ségou, Mopti and Koulikoro;
- The training of security service personnel responsible for issuing travel documents and monitoring borders;
- The signing of agreements with carriers' associations in the Sikasso region.



#### **F. Recovery of maintenance for the child (art. 27, para. 4)**

289. In Mali, the question of child maintenance is governed by Ordinance No. 73-036 of 31 July 1973 containing the Kinship Code. Article 81 of that Code provides that "Parents' rights are those associated with parental authority and with parents' obligations regarding the maintenance and education of children". Articles 102 to 116 of the Code define the means for discharging the obligation to provide maintenance:

- The person having the obligation is required to provide the beneficiaries of the obligation with the wherewithal to obtain food, housing, clothing and medical care;
- The obligation exists between blood relations or relatives by marriage in direct line of descent and between brothers and sisters born of the same parents or of the same father or mother;
- It also exists towards single mothers and children born out of wedlock;
- It is normally discharged through payment in cash or kind by the person having the obligation to the beneficiary.

290. Maintenance for a child is recovered in several ways:

- In the context of social assistance, by State welfare services at the request of destitute parents. Recovery by this means is very uncertain because of the welfare services' limited resources;
- Through the charitable action of religious bodies;
- By associations, NGOs or foundations.

291. Recovery is not systematic. In addition, the country's economic difficulties and severe poverty prevent many heads of households from fulfilling their maintenance obligations.

#### **G. Children deprived of their family environment (art. 20)**

##### ***Measures taken to ensure special protection and assistance for children temporarily or permanently deprived of their families***

292. The establishment of the function of Child Protection Officer (Child Protection Code, art. 66) and of the obligation to report threats to children's well-being (ibid, art. 73) will help to ensure better care and protection for children deprived of their family environment. Articles 85 and 86 of the Code provide for judicial means of ensuring the greatest possible security for such children.

293. The precise numbers of children and young people living outside their families cannot be calculated because insufficient data is available on the numbers of children who are being housed and educated outside their families or have left home.



294. The Government continues to promote private and community initiatives. Consequently, efforts are made to encourage families and individuals to develop solidarity networks for children. In order better to protect children in general and children deprived of their family environment in particular against deviant practices such as exploitation, kidnapping and trafficking, Mali has adopted regulations on the placement, reception and housing of and guidance for children. Decrees Nos. 99-450 of 31 December 1999 and 02-067 of 12 February 2002 lay down the conditions for the establishment and operation of private reception, listening, counselling and accommodation centres for children.

295. As regards protection of the child, all Mali's social or judicial protection measures have the effect of promoting the prevention and correction of unacceptable treatment of children. They are measures aimed at physical or psychological rehabilitation or re-education and at children's reintegration in society and their families.

296. Among these measures, preference is given to those based on keeping the child in its family. Placement of a child outside its family is an exceptional measure and must be no more than temporary. In addition, the parents must contribute to the cost of the child's education, a requirement that stems from the desire to maintain the relations between the child and the family.

#### *Orphans and abandoned children*

297. Thanks to the traditional forms of solidarity in Mali, orphaned and abandoned children are often taken in by their extended family. In urban areas, where the traditional solidarity does not work well, orphans, abandoned children or children whose parents are mentally ill are taken in by the social services and receive the necessary protection. In 2003, the La Pouponnière reception and family placement centre in Bamako, whose initial capacity was for 120 children, was expanded: new buildings were put up by the Government and vehicles were acquired. The centre takes in an average of 300 children a year.

#### *Students in Koranic schools*

298. The table below shows the results, broken down by age group, for the District of Bamako of a census made by the NGO Mali Enjeu of children entrusted to marabouts in order to be trained in Koranic schools.

TABLE 7

**Students in Koranic schools, by age group**

<i>Age (years)</i>	<i>4-6</i>	<i>7-14</i>	<i>15-18</i>	<i>&gt; 18</i>	<i>Total</i>
Number	1 624	3 408	629	406	6 067
Percentage	26.77	56.17	10.37	6.69	100

*Source* : Final report, "Mendicité" (Begging), Mali - Enjeu /GARFO 99.



*Street children*

TABLE 8  
Vagrant children in the District of Bamako, October 2002

Age (years)	Boys		Girls		Total	
	Number	%	Number	%	Number	%
< 11	775	21	131	18	906	21
11-15	2 135	59	498	68	2 633	61
15-17	704	20	105	14	809	18
Total	3 614		734		4 348	

Source: DNPEF/SAMU Social, Census of vagrant children, district of Bamako, 2002

***Observance in the application of protective measures of the child's right to education and to the expression of its ethnic, religious, cultural and linguistic origin, and data on the categories of children to whom protective measures are applied***

299. Articles 50 to 65 of the Child Protection Code define the categories of children who can be considered as deprived of their family environment:

- School-age children who move in order to continue their schooling in villages or communes other than their own or in cities and who receive no State scholarship or maintenance;
- Children who are entrusted to marabouts for the purpose of religious training and who wander about, in towns in particular, and live by begging;
- Children whose labour is abused in the informal sector (in particular, girls employed as domestic servants);
- Street children in large urban centres such as Bamako;
- Orphans, abandoned children and foundlings, who receive particular attention when living in family placement establishments.

300. No more detailed information is available on the continuity of children's education or on respect for their religions or ethnic origins. It is certain, however, that more needs to be done to respect children's cultural identities.

***Progress and problems***

301. The setting of standards for placement institutions, the new juvenile courts, the increase in the number of child-care centres and the commencement of the collection of data on the above categories of children constitute major progress. Nonetheless, substantial efforts are still needed in the areas of application and monitoring of the new rules.



## H. Adoption (art. 21)

### *Measures taken to ensure that the child's best interests are taken into account when the State authorises adoption*

302. Pursuant to the Kinship Code, adoption for filiation establishes as between the adoptive parents and their adopted children the same rights and duties as exist between biological parents and their children and gives the adoptive parents the powers that biological parents have over their children. Only children aged less than five years who have been abandoned or whose parents are unknown or have died without leaving relatives capable of taking in their offspring are eligible for adoption for filiation. The adoption will only be authorized if it is beneficial for the child and takes account of the child's best interests (op. cit., art. 68).

303. Adoption for protection (ibid, art. 58) is subject, however many children are involved, to the customary rules; the only condition is that the adopter does indeed take the children into his or her care. Children are eligible for such adoption whether or not they are orphans and regardless of filiation, race, religion or nationality. Adoption for protection entails for the adopter the obligation to feed, maintain and raise the children and to prepare them to be independent. For a decision on either kind of adoption to be valid, it must be given in open court following an investigation and discussion in chambers and after hearing the opinion of a representative of the Public Prosecutor's Office.

### *Measures taken regarding international adoption*

304. International adoption is not authorized until it has been checked that the child's best interests are the prime consideration (Child Protection Code, art. 19, para. 3).

305. The main problems regarding adoption are:

- Inadequate administrative follow-up of children after adoption because the adoptive parents live too far away;
- Ignorance of the laws and regulations on the part of biological parents, who sometimes allow their children to be adopted because they cannot afford to bring them up.

TABLE 9

#### **Adoptions, 2000-2003**

<i>Year</i>	<i>Boys</i>	<i>Girls</i>	<i>National</i>	<i>International</i>	<i>Total</i>
2000	38	27	2	63	65
2001	37	42	3	76	79
2002	49	67	3	113	116
2003	71	64	1	134	135
TOTAL	195	200	9	386	395



306. It will be seen from the above table that international options are more numerous than national adoptions. This is proof that Malians do not often think about offering children for adoption in the modern sense of the term: fostering (*confiage*) and *kafalah* under Islamic law are more common.

***Measures taken to promote article 21 of the 1993 Hague Convention***

307. In acceding to the 1993 Hague Convention by Decree No. 01-391 PRM of 6 September 2001, Mali undertook to make adoption reforms. These have been included in articles 419-423 of the draft Individuals and Family Code.

308. The country now has a central body responsible for adoption matters, the National Directorate for the Promotion of the Child and the Family. The Directorate is the one and only body authorized to transmit the files on adoption cases to the presidents of courts, a restriction forming part of the action against child-trafficking.

309. The adoption of the new rules (the above-mentioned Decrees Nos. 99-450 and 02-067) the information campaigns and the other support measures have helped to make the international placement and adoption of children less risky.

310. Under article 244 of the 2001 Criminal Code, trafficking of children for the purposes of, inter alia, adoption is punishable by imprisonment for 5 to 20 years.

**I. Periodic review of placement (art. 25)**

***Measures taken to ensure the right of children who have been placed to receive care, protection or appropriate treatment***

311. Chapters II and III of the Child Protection Code give Child Protection Officers specific powers regarding placement, monitoring of placement, and care. Under article 14 of the Code, children placed in protective or rehabilitatory educational institutions or a place of detention are entitled to protection of their health and their physical and moral integrity. They are further entitled to social and educational help, due account being taken of their age, sex, potential and personality. Children in pre-trial detention or serving a sentence are entitled to periodic limited release (inter alia, to receive medical care); such release is granted according to the rules of the institution in question (ibid, art. 15).

***Authorities having competence in matters of child placement, frequency of placement review and compliance with the principles of the Convention***

312. Children who have no father, mother or older relative who can be called on to help them or who have been totally abandoned by their parents or older relatives are placed under the responsibility of the competent government authorities, which provide for their education and care (Child Protection Code, art. 19). A number of civil-society organizations are also active with regard to the placement of children (e.g., SOS Children's Villages).

313. Apart from the public protective or rehabilitatory educational institutions, children may be entrusted to families or, failing that, admitted to private protective or rehabilitatory educational institutions.



314. Pursuant to articles 85-88 of the Child Protection Code, it is juvenile court judges who have competence in matters of child placement and the review of placement. They may order, for a specified period, one or other of the following measures:

- Keeping of the child in its family under parental responsibility;
- Keeping of the child in its family, subject to monitoring of the child and support and guidance of the family by a Child Protection Officer;
- Medical or psychological examination of the child and/or placement of the child in a medical or psychoeducational establishment;
- Entrusting of the child to a guardian, a family, a public or private specialized educational institution or an appropriate protective or rehabilitatory educational institution;
- Placement of the child in an appropriate training centre or educational establishment;
- In the case of a child declared to have been abandoned, delegation of parental authority to anyone willing to take an interest in the child or to an educational institution;
- In the case of a foundling, after consultation of public or private institutions and of the persons who found the child, provisional measures for its care and protection.

315. The term "protective or rehabilitatory educational institutions" as used in the Child Protection Code refers to reception and placement institutions for children, institutions that provide listening, counselling and/or housing services for children and correctional education institutions. Such institutions are governed by Decrees No. 99-450 of 31 December 1999 and No. 02-067 of 12 February 2002.

316. There are four reception institutions for orphaned and abandoned children under the age of 5 years. They are under the authority of the National Directorate for the Promotion of the Child and the Family and are: the La Pouponnière reception and family placement centre in Bamako, two SOS Children's Villages, one in Sanakaroba (in the Koulikoro region) and the other in Sévaré (Mopti region), and a community centre in Bamako.

317. Since 2002, a development project has been under way at the reception and family placement centre in Bamako, the benchmark institution for family placement. Thanks to the more than 150 million CFA francs which the State and its partners have invested in the project, the centre's infrastructure has been reorganized, new equipment has been acquired and more staff have been recruited.

#### *Review and monitoring of placement*

318. Decree No. 99-450 limits the time that a child aged between 0 and 5 years may spend in a private or public reception and placement centre to a maximum of three years. The centre is responsible for all the expenses associated with the child's stay. If a paediatrician certifies that the child needs special care, the maximum period of stay may be extended by not more than six



months. Thereafter, children who are not returned to their families or adopted go to a State-run or State-approved reception centre.

319. Private reception and placement centres for children have to submit regular reports to the public child-welfare authorities, which keep the children's health and the conditions in which they are received and housed under constant review.

320. Subject to explanation of the reasons for the decision, the Minister responsible for promotion of the child may order of the temporary or permanent closure of an establishment or institution if major failings are found in its performance (Decree No. 99-450, art. 17).

TABLE 10  
**Children deprived of their family environment placed in reception  
and placement institutions, 2002-2003**

<i>Institutions</i>	<i>Place</i>	<i>Number</i>	<i>Status</i>	<i>Category of children</i>	<i>Remarks</i>
Family reception and placement centre	Bamako	296	State-run	Foundlings, orphans, children of mentally ill or defective mothers	Some children are placed in families
Bollé Observation and Rehabilitation Centre	Bamako	28	State-run	Juvenile delinquents	
Kanuya Centre	Kalabancoro (Koulikoro)	40	Private	Street children	
CARITAS Home	Bamako	50	Private	Street children	
Fondation pour l'Enfance home	Sévaré (Mopti)	15	Private	Street children	
SOS Children's Village	Sanankoroba (Koulikoro)	123	Private	Foundlings, orphans, social cases	
SOS Children's Village	Sokoura (Mopti)	60	Private	Foundlings, orphans, social cases	
Fondation pour l'Enfance listening centre	Mopti	100	Private	Street children	
Fondation pour l'Enfance home	Ségou	22	Private	Street children	
Fondation pour l'Enfance orphanage	Mopti		Private		
CARITAS listening centre	Bamako	489	Private	Street children	
Reception and Guidance Centre for Children	Bamako	1 484	State-run	Lost children, street children, child workers, idle children	Presence of a team of community educators together with NGOs
<b>TOTAL</b>		<b>2 411</b>			

Source: DNPEF, 2004.



**J. Abuse and neglect (art. 19), including physical and psychological recovery and social reintegration (art. 39)**

*Measures taken to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment or exploitation, including sexual abuse*

*Criminal law*

321. The question of ill-treatment of children is dealt with in the Child Protection Code and the Criminal Code. Articles 219, 225, 226 and 228 of the Criminal Code establish penalties for:

- Neglect of children such that their fate is left to chance;
- Indecent assault of minors aged between 15 and 21 years;
- Rape of children aged less than 15 years;
- Paedophilia, which is classed as a crime.

322. Paedophilia is defined as any act of sexual penetration or sexual contact of any kind committed against the person of a minor aged less than 13 years or any display or use for the purposes of trade or tourism of pornographic photographs, films or drawings showing one or more minors aged less than 13 years. Such action does not constitute the crime of paedophilia if there is less than five years' difference between the ages of the perpetrator and the victim.

*Measures taken by the authorities*

323. Action to promote physical and psychological recovery and social reintegration is action to remedy the effects of ill-treatment. In Mali, legislative, administrative, social and educational measures are taken to protect the child from all forms of violence while it is in the care of its parents or other people. Articles 73 to 76 of the Child Protection Code make it obligatory to report threats to children's well-being and, by providing that "no one may be sought, arrested or prosecuted for having in good faith discharged the [ said ] duty", protect people who make such reports.

324. Provisions exist in criminal and/or family law to ensure the efficacy of the prohibition of all forms of violence against children, including corporal punishment and humiliation within the family, foster family or public or private institutions such as penal establishments, schools or health services.

325. There are legal remedies available to children, and article 73, paragraph 2, of the Child Protection Code states that "any child may report its own situation or that of any other child to a child protection officer". Article 78 of the Code provides for the submission of cases to a juvenile judge. Judicial protection of children is ensured by the juvenile courts (see the Act concerning the age of criminal responsibility and the CPE).

326. Means have been established of identifying victims and perpetrators through reports, investigations and obligatory reporting by members of the public or aid agencies, to which children may talk confidentially. These arrangements are intended to ensure action and



appropriate judicial proceedings concerning breaches of the law (CPE, arts. 81 and 82). They are supplemented by training, information and awareness-raising programmes concerning the machinery for physical and psychological recovery and social reintegration and all the other means of prevention and disclosure available to help children and those who look after them.

327. Special training is available for the staff of the institutions that assist children. There are information and awareness-raising campaigns for people who have the direct care of children and for the public at large; they aim at preventing situations of violence by promoting positive forms of discipline and non-violent treatment and encouraging people to report cases of ill-treatment of children of which they become aware.

328. Public information, education and communication campaigns concerning harmful practices such as excision are being expanded with the support of civil society.

#### *Excision as a form of violence*

329. Although the practice of excision is not illegal in Mali, it is recognized as a form of violence of which children are victims. Pursuant to various provisions of the Criminal Code, it can be considered an offence equivalent to wounding with intent. Article 207 of the Code provides that "anyone who voluntarily strikes blows, causes wounds or commits any other violence or assault shall, if the result is sickness or inability to work for more than 20 days, be punishable by imprisonment for 1 to 5 years and a fine of 20,000 to 500,000 francs... When the violence, wounds or blows result in mutilation, amputation, loss of the use of a member or sense, blindness, loss of an eye or other disability or disorder, the penalty shall be 5 to 10 years' imprisonment".

330. As indicated in paragraph 154 above, the National Programme for Combating the Practice of Excision is in the process of being implemented.

#### *Problems*

331. Despite Mali's efforts to put in place laws and regulations enabling it better to combat violence and abuse against children, structural problems persist and constitute potential obstacles to children's exercise of their rights. The problems are:

- The low levels of education and literacy;
- Socio-demographic factors;
- The shortage of technical bodies to assist parents and families;
- The lack of independent remedies;
- The modest level of State support, and the priority given to modern forms;
- The inadequacies of training programmes;
- The inadequacies of the placement-monitoring machinery.



**VI. BASIC HEALTH AND WELFARE**  
**(arts. 6, 18, para. 3, 23, 24, 26 and 27, paras. 1-3)**

**A. Children with disabilities (art. 23)**

***The situation of mentally and physically handicapped children***

332. The basic study of specialized education undertaken by the Ministry of Education in 1996 put the number of persons with disabilities in Mali at 1,161,088, of whom 214,801 were aged between 0 and 19 years. There are large numbers of what are termed "children in difficult situations" in urban centres.

333. Pregnancy-related diseases, infectious diseases, micronutrient (iodine and vitamin A) deficiencies and, to a lesser extent, household accidents are the main causes of disabilities in Malian children.

**Status of special measures in support of children with disabilities**

**Institutional aspects**

334. Children with disabilities are cared for by:

- (a) The State, through the central and decentralized units of several ministerial departments:
  - The Ministry of Social Development, Solidarity and the Elderly, in particular through special-purpose missions of the National Directorate of Social Development, which was established by Ordinance No. 062/P-RM of 29 September 2000;
  - The Ministry of National Education, whose National Directorate for Basic Education includes the Division for Preschool and Special Education, established by Act No. 085 of 26 December 2000;
  - The Ministry of Justice, which deals with legal protection through its specialized juvenile courts and rehabilitation institutions;
- (b) Voluntary associations and NGOs:
  - The voluntary sector, governed by Ordinance No. 41 PCG of 28 March 1959, plays an important part in the care of disabled children. In addition to their information and awareness-raising activities, voluntary associations have been at the origin of the establishment of several special education and social reinsertion institutions. The State supports the voluntary sector through various forms of subsidy (staff, funding, etc.). The most active associations include:  
  
Handicap International;  
Handicap sans Frontières;



The Malian Association to Combat Mental Deficiency in Children (AMALDEME);  
The Malian Union for the Blind;  
The Malian Association for the Physically Handicapped (AMPHP);  
The Malian Association for the Mentally Ill (de);  
The Malian Federation for the Handicapped (FEMAPH);  
Action Disability and Development (ADD).

335. As contributions towards the successful school integration of handicapped children:

- Associations of parents of handicapped children (APEH) have been set up in each of the six communes of the District of Bamako to promote the schooling of such children;
- A total of 96 officers of the associations have been trained in promoting handicapped children's educational rights;
- To enable them to do more for their children's needs, 1,100 parents of handicapped children have been taught about handicaps and handicapped children's rights;
- Training in special educational needs (UNESCO modules) has been given to 1,010 teachers, educational advisers and school principals.

#### **International and domestic law**

##### **(a) International agreements and treaties**

336. The treaties ratified by Mali include:

- The Convention on the Rights of the Child (ratified by Act No. 90-72/ANRM of 4 August 1993);
- ILO Convention No. 159 concerning the employment of disabled persons (ratified by Act No. 93-037 of 4 August 1993);
- The Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction (ratified by Ordinance No. 98-009/P-RM of 3 April 1998).

##### **(b) Domestic law**

337. Article 17 of the Malian Constitution states that education, instruction, training, work, housing, leisure, health and social protection are recognized rights.

338. The particular rules that apply to handicapped children are set out in the Child Protection Code:

- In addition to the rights recognized to children in general, handicapped children are entitled to protection and medical care and to teaching and training that will increase



their ability to function independently and facilitate their active participation in the life of society (art. 16);

- "Handicap" means the presumed or real current or earlier existence of one of the following:
  - Any degree of physical disability, infirmity, malformation or disfigurement due to a bodily lesion, a congenital anomaly or an illness, including, in particular, sugar diabetes, epilepsy, any degree of paralysis, an amputation, motor incoordination, blindness or visual impairment, deafness or hearing impairment, dumbness or speech impairment, or the need to use a guide, a wheelchair or other corrective apparatus or device;
  - A state of mental deficiency or impairment;
  - A lesion or disability necessitating constant care;
  - A mental disturbance;
  - A learning difficulty, speech dysfunction or dysfunction of one or more of the processes of understanding or of the use of symbols (art. 22);
- All children are entitled to equal treatment as regards services, possessions or facilities, without discrimination on the basis of race, place of origin, colour, social origin, citizenship, belief, sex, age, matrimonial status, family status or handicap (art. 23);
- No child, whatever its physical or moral state, may constitute a reason for discriminating against its parents as regards occupation of a dwelling (art. 24);
- A dwelling occupier's children have the right to live in the dwelling without being harassed by the dwelling owner, the owner's representative or an occupant of the building in question for reasons based on race, place of origin, colour, social origin, citizenship, belief, age, matrimonial status, family status, level of social assistance or handicap (art. 25).

### **Special measures**

339. Special measures have been taken to make access to education easier for young people with disabilities:

- Disabilities are now considered to be an important criterion for awarding scholarships to pupils and students;
- The age limits for scholarships, guidance and examinations are raised for disabled pupils who so request.

340. There is genuine public support for people, especially children, with disabilities, as evidenced by:



- The annual celebration of October as the Month of Solidarity and Struggle against Exclusion;
- The holding of cultural, artistic and sporting competitions in aid of the handicapped;
- The declaration of 8 March 1998 as the Day of Integration of Handicapped Women in the Development Process.

### **Programmes in support of children with disabilities**

341. A number of national programmes developed by Mali in conjunction with international organizations such as UNICEF, WHO and the Organization for Coordination and Cooperation in the Control of Major Endemic Diseases or with voluntary associations and NGOs include aspects relating to the prevention of handicaps and the rehabilitation and social reintegration of children with disabilities. They include:

- The Expanded Programme on Immunization;
- The national programme against vitamin A deficiency;
- The national programme against iodine deficiency;
- The national programme against blindness and blinding diseases;
- The social mobilization for health programme;
- The 10-year plan for community-based rehabilitation;
- The Mali-UNICEF Cooperation Programme for the period 2003-2007.

342. A social information subsystem including specific indicators for people with disabilities is being developed to monitor these programmes. With respect to data collection, it should be noted that the latest General Population and Housing Census (RGPH 1998) included provision for the counting of people with disabilities by type of handicap.

343. A community-based rehabilitation programme began in 1994. The schooling of handicapped children is among its priorities: thanks to awareness-raising and training for the education system's stakeholders, schools are open to children with disabilities. In the 2000/01 school year, the program resulted in the integration of 364 handicapped children, including 272 with a mental handicap.

344. Each year, the medico-psycho-educational centre (CMPE) of the Malian Association to Combat Mental Deficiency in Children (AMALDEME) takes in 50 young people aged between 16 and 18 years. The centre offers social, cultural, sporting and educational activities for all the children there, as well as vocational training and activities.

345. The Malian Federation of Sport for the Disabled was set up in 1994 and has achieved encouraging results both nationally and internationally. Members participating in international



competitions won a respectable total of 160 medals and 10 trophies over the period from September 1994 to January 2001.

346. Underlying the above programmes are activities by specialized institutions such as:

- The medico-psycho-educational centre (CMPE) of the Malian Association to Combat Mental Deficiency in Children (AMALDEME);
- The National Institute for the Blind (INAM) in Bamako, the Regional Institute for Blind Youth (IRJA) in Gao and the Malian Union for the Blind (UMAV);
- The rehabilitation centres for persons with physical handicaps (CHRP) in Bamako, Ségou and Gao and the Malian Association for the Physically Handicapped (AMPHP);
- The School for the Hard of Hearing (EDA) on the left bank of the Niger in Bamako, the Jigiya Kalanso school for the deaf on the right bank of the Niger in Bamako and the Kita School for the Deaf set up by AMAM;
- The Torokorobougou Centre for Deaf and Deaf and Dumb Children (Bamako);
- The Malian National Centre for Orthopaedic Appliances (CNAOM);
- The School for Deaf and Deaf and Dumb Young People set up by the Malian Association for the Advancement of the Deaf and Deaf and Dumb (AMPSOM) and the Ministry of Basic Education;
- The Soundiata Centre, Commune III, Bamako.

347. Several of these institutions -- CMPE, CPRH, UMAV, IRJA, EDA, Jigiya Kalanso -- devote much of their work to the integration of children with disabilities.

348. Catering for the needs of children with disabilities is complicated by:

- The high cost of equipment and prostheses (tricycles, hearing aids, etc.);
- The children's problems of adjustment in inclusive schools;
- The difficulties of social integration;
- The high cost of medical care.

349. Desirable improvements would therefore include:

- Subsidization of equipment and prostheses;
- Strengthening of the capacity of the specialized institutions and the associations concerned with disabilities.



## **B. Health and health services (art. 24)**

### ***Measures to give effect to the child's right to the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health***

350. Regarding child survival, the Government has made substantial efforts to reduce the high rates of maternal and infantile mortality through its pursuit of policies such as the reproductive health policy and the national malaria-control policy.

351. These policies have been devised on the basis of part I of the Ten-year Social and Health Programme (PRODESS). The first concern in this respect has been to bring reproductive health services closer to the public by increasing the numbers of contact points and making medicines and contraceptives available at all levels.

352. Implementation of the policies has prompted the establishment of new divisions and programmes within the National Health Directorate:

- The Reproductive Health Division, established in 2000 in place of the Family and Community Health Division;
- The National Malaria Control Programme;
- The National Schistosomiasis and Geohelminthiasis Control Programme;
- The National Oral Infections Control Programme;
- The National Blindness Control Programme within the Disease Prevention and Control Division;
- The Nutrition Division.

353. These divisions and programmes focus on:

- The elaboration and application of standards and procedures in the areas of reproductive health, nutrition and oral health, uncomplicated and severe malaria and the strategic plan for combating blindness;
- The integrated coverage of childhood diseases (PCIME);
- The Accelerated Child Survival and Development strategy (SASDE);
- The prevention of mother-child transmission of HIV/AIDS;
- New approaches to the reduction of maternal and neonatal mortality, as developed as part of Vision 2010 (the Millennium Goals);
- Organization of evacuation referral at 28 out of 58 referral health centres;
- Identification of unmet obstetrical needs;
- Identification of emergency obstetrical care, given that, while Mali has 26 full emergency obstetrical care units (i.e. 1.2 per 500,000 inhabitants) as against the 22 required by the standards, it has a severe shortage of basic emergency obstetrical



care units, having only 15 such units (i.e., 0.7 per 500,000 inhabitants) out of the 86 required by the standards;

- Prevention of post-partum haemorrhaging;
- Implementation of the SAFE (surgery, antibiotics, facial cleanliness, environmental changes) strategy as part of Vision 2020: contribute to the elimination of blinding trachoma worldwide by 2020;
- Improvement of abortion law by review of the Criminal Code;
- Strengthening of the capacity of NGOs, associations, the profit-making private sector and denominational institutions by putting resources at their disposal and familiarizing them with the new standards and procedures concerning reproductive health, malaria, etc.;
- Determination of the methods for subsidization of non-State actors in the field of reproductive health;
- Improving coordination of the efforts of non-State actors by establishing machinery for dialogue and the circulation of information;
- Production and distribution of information on reproductive health in national languages;
- Making of targeted studies to improve knowledge of health practices.

### ***Medical services***

#### **(a) First-contact health centres**

354. Pursuant to PRODESS, 300 community health centres have been established; 347 existing such centres have been renovated and 56 new centres have been equipped. In addition, 31 first-level health centres have been built and/or renovated in the north of the country. In December 2003, Mali had a total of 660 community health centres.

TABLE 11

**Distribution of community health centres by region in 2003**

<i>Region</i>	<i>Health centres (CSCOM)</i>	<i>Region</i>	<i>Health centres (CSCOM)</i>
Kayes	94	Bamako	50
Koulikoro	85	Tombouctou	31
Sikasso	141	Kidal	5
Ségou	123	Gao	37
Mopti	94	TOTAL	660

Source: SLIS Yearbook (2003, DNS).



355. The above total does not include former neighbourhood health centres that have not yet been revitalized or rural clinics and maternity units.

**(b) The other first-contact bodies**

356. To ensure better health coverage through expansion of the Minimum Activity Package, PRODESS provides for encouragement and support for the setting up of private establishments and the conclusion of contracts with private religious and other institutions.

357. As a result of the liberalization of the health sector, there were 686 private health establishments in 2003. This total includes 290 dispensing pharmacies, 155 pharmaceuticals stores, 155 health offices, 39 clinics and 29 denominational medical care establishments.

358. In addition, there are the rural doctors, itinerant practitioners each of whom covers several villages and hamlets.

TABLE 12  
Private health establishments in Mali, January 2003

Establishments	Region										Total	
	Kayes	Koulikoro	Sikasso	Ségou	Mopti	Tombouctou	Gao	Kidal	Bamako	No address		
Offices												
State midwives	0	1	0	0	0	0	0	0	7	-	8	
Nurses	3	5	12	3	8		2	0	0	35	68	
Dentists	0	0	2	0	0		0	0	0	15	17	
Doctors	0	1	10	0	0		0	0	0	50	61	
Clinics												
Medical	1	0	0	0	0		0	0	0	16	17	
Surgical	1	0	0	0	0		0	0	0	18	19	
Maternity	0	0	0	0	0		0	0	0	1	1	
Polyclinics	0	0	0	0	0		0	0	0	2	2	
Private hospitals	0	0	0	0	0		0	0	0	2	2	
Dispensing pharmacies	21	24	30	22	8		1	3	0	181	290	
Pharmaceuticals stores	20	30	27	43	17		4	3	0	0	11	155
Wholesale pharmacies	0	0	1	0	1		0	0	0	11	13	
Laboratories	0	0	0	0	0		0	0	0	4	4	
Denominational establishments	5	4	6	7	5		0	1	0	1	29	
Total	51	65	88	75	39		7	7	0	343	11	686

Source: Health Inspectorate, January 2003.



**(c) Health referral organs**

359. The referral organs are: at the *cercle* level, the referral health centres, which make first referrals; at the regional and national levels, the public hospitals, which make second and third referrals:

- In all, there are 58 Referral Health Centres; 28 of them able to make evacuation referrals. As part of the efforts to set up the evacuation referral system, there has been renovation work and new equipment has been installed at most of the referral health centres at the *cercle* level. Rehabilitation and upgrading of the technical facilities are complete or in hand at some of these centres;
- There are 11 public hospitals, including four in Bamako (the Point G and Gabriel Touré Hospitals, the National Centre for Odontostomatology and the African Institute of Tropical Ophthalmology), 1 in Kati and 6 in the regions (Kayes, Ségou, Mopti, Tombouctou, Gao, Sikasso). There is also a specialized national institution, the National Disease Control Support Centre;
- The secondary regional hospitals number four and are located in Nioro, Markala, San and Diré.

***Availability of essential medicines and use of services***

**(a) Availability of essential medicines**

360. With the implementation in accordance with the current national pharmaceutical policy of the Master Plan for the Supply of Essential Medicines, all first-level and first-referral health centres now have a sales point for Common International Denomination essential medicines and a distribution point for their *cercle* (*dépôt répartiteur de cercle*, DRC). Restocking is ensured through the cost recovery scheme instituted under PRODESS.

361. A further effect of the Master Plan is that each hospital now has its own pharmacy, with a cost-recovery system for inpatients.

362. The period 1992-2002 saw the opening of more than 559 pharmaceuticals stores, as well as of 10 hospital pharmacies (6 at the regional level and 4 at the national level), 59 sales points at referral health centres, 59 DRCs, 6 regional outlets of the Pharmacie Populaire du Mali (PPM) and, in the three northern regions, three outlets jointly managed by the regional health directorates and PPM.

363. Mali adopted its national pharmaceutical policy in 1998. The policy's overall objective is to make high-quality essential medicines geographically and financially accessible to the population. The strategic framework that has been built in order to achieve that objective calls for:

- The elaboration of laws and regulations that will both permit the development of a free market and provide protection for the public in terms of pharmaceutical security and affordability;
- The development of a system for the supply of high-quality essential medicines;
- The training of prescribers and distributors to prescribe and distribute essential medicines better;



- The development for prescribers, distributors and the public of a system to provide information on the use of the medicines.

364. It has become apparent from application of the policy that, despite their relatively low cost, CID products are little used because of the large quantities of medicines sold by non-professional itinerant vendors and by sidewalk pharmacies.

**(b) Use of services**

365. Despite the efforts made under PRODESS, health accessibility and cover are still inadequate. As of 31 December 2003, Mali had 660 community health centres (CSCOM), or first-level health points offering the Minimum Activity Package: prenatal consultations, assisted childbirth, family planning, vaccination, postnatal consultations and promotional activities under the forward-looking strategy.

366. In 2003, only 69% of the population were within 15 km of a CSCOM and only 46% within 5 km.

367. Except in the case of vaccination, the level of preventive cover is generally low. That is true of pre- and post-natal consultations, contraceptive prevalence and assisted childbirth.

368. Data from EDS III show that the frequent pregnancies and high fertility consequent on the high rates of infant, juvenile and maternal mortality are attributable to the low contraceptive prevalence, which is 8.4% for women in general and 8.1% for women in union. Contraceptive prevalence is 23.5% in Bamako, 12.7% in the country's other cities and only 4.9% in rural areas. On the other hand, according to the Local Health Information System (SLIS), the rate of assisted childbirth rose from 52% in 2001 to 59% in 2003.

369. A further constraint is the difficulty of accessing health services because of the country's economic problems, especially the fact that incomes are low in general and particularly so in rural areas.

TABLE 13  
Rates of use of health services, 2003

	<i>Curative care</i>	<i>Prenatal consultation</i>	<i>Assisted childbirth</i>	<i>Family planning</i>	<i>DTCP, 3 &lt; 12 months</i>
Mali	0.19	59.00	42.00	2.43	79.00
Bamako	0.30	90.00	93.00	3.08	109.00
Kayes	0.23	48.00	26.00	1.37	59.00
Koulikoro	0.12	51.00	38.00	3.12	72.00
Sikasso	0.20	64.00	53.00	3.08	91.00
Ségou	0.19	74.00	39.00	2.26	86.00
Mopti	0.14	48.00	29.00	2.76	80.00
Tombouctou	0.16	31.00	15.00	0.60	42.00
Gao	0.11	34.00	15.00	0.28	48.00
Kidal	0.25	29.00	14.00	1.37	18.00

Source: SLIS Yearbook, 2003.



## Vaccination

370. The Expanded Programme on Immunization (EPI) is having a noticeable effect on children's health: prevalence of most of the diseases targeted by the Programme has been markedly reduced. Under the Vaccine Independence Initiative, national-budget allocations for the acquisition of vaccines were 168 million CFA francs in 1996 (actual amount disbursed: 368 million CFA francs), 328 million CFA francs in 1997 and 628,700,000 CFA francs in 1998; as such, they covered all the annual needs under the EPI. In addition, National Vaccination Days instituted as part of the poliomyelitis eradication programme covered 2,480,621 children in 1988, 2,926,569 children in 2000 and 3,269,961 children in 2001. Vaccination during these events is increasingly combined with the administration of vitamin A and the Days are now synchronized throughout the ECOWAS countries, with a new strategy of blanket "door-to-door" coverage of families, thereby reaching the maximum number of children.

371. The routine data reporting via the SLIS has shown that the efforts made have yielded substantial progress, especially since the year 2000, progress coinciding with the commencement of the performance contracts signed between communities and the authorities with a view to vaccinating as many children under the age of 1 year as possible. CSCOMs now have high rates of vaccine coverage, sometimes exceeding 80% under the vaccination calendar for children aged less than 1 year.

TABLE 14

**Vaccination coverage for country as a whole of children aged less than one year**  
(percentages)

<i>Vaccines</i>	<i>1996</i>	<i>1997</i>	<i>1998</i>	<i>1999</i>	<i>2000</i>	<i>2001</i>	<i>2002</i>	<i>2003</i>
BCG	79	76.41	90.00	69.00	73.00	90.00	94.00	85.00
DTP1P1	79	74.13	90.00	69.00	76.00	92.00	97.00	100.00
DTP3P3	53	52.42	65.00	50.00	52.00	68.00	74.00	79.00
Measles vaccines	57	56.36	70.00	51.00	53.00	68.00	64.00	72.00

*Source:* SLIS Yearbooks, 1996-2003.

TABLE 15

**Vaccine status of children aged from 0 to 59 months**

	<i>BCG</i>	<i>DTP1</i>	<i>DTP3</i>	<i>Polio 1</i>	<i>Polio 3</i>	<i>MEASLES</i>
Vaccinated at any age before survey (Information from vaccination card, mother's statements)	69.0	61.0	39.6	73.9	39.4	48.7
Vaccinated before the age of 12 months	63.7	55.9	33.9	68.0	33.9	36.2

*Source:* EDS III, 2001.

372. Information from EDS II and III also shows that children's vaccine status has improved whatever their age and whatever the antigen:



- 49% of the mothers of children born in the past five years received at least one dose of antitetanus vaccine during pregnancy, as against 51.2% in 1995-1996;
- 56.0% of the mothers having reached at least the secondary-education level use vaccination services during pregnancy, as against 28.8% of the mothers with no formal education;
- 54.1% of the mothers living in urban areas are vaccinated more often, as against 25.0% of those living in rural areas;
- 96% of the mothers having reached at least the secondary-education level attend prenatal consultations, as against 77% of the mothers with primary education and only 52% of the mothers with no formal education;
- 57% of prenatal consultations are given by qualified staff;
- 60% of women aged less than 20 years have used prenatal consultation services more often in the past three years;
- The proportion of women receiving delivery assistance rose from 40% in 1995 (EDS II, 1995-96) 241% in 2001.

373. According to EDS III, foreseeable Caesareans represent 2% of expected births. The referral health structures perform only 2% of these Caesareans. In 2002, therefore, unmet obstetrical needs (UON) were still high, at 44.71%, as compared with 55.40% in 2001. Despite the efforts within the framework of the IPE there have been cases of poliomyelitis.

### Availability of human resources

374. Welfare and health-care personnel are unevenly distributed through the country and their numbers are generally insufficient. The following table gives some indicative ratios for 2001:

TABLE 16

**Indicative ratios of welfare and health-care personnel**  
(inhabitants per health worker)

	<i>Ratios, 1992</i>	<i>Ratios, 2001</i>	<i>WHO standards</i>
Doctors	23 154	13 478	10 000
State nurses	12 120	10 022	5 000
State midwives	24 524	21 329	5 000
First-cycle nurse	9 020	9 276	1 000

*Source:* Activity report, Ministry of Health (June 1992-May 2000).

### Changes since 1997

375. The health sector's share of government spending rose from 7.19% in 1997 to 7.40% in 2004.



TABLE 17

**Health budget as a share of the national budget**  
(thousands of CFA francs)

<i>Year</i>	<i>Budgets</i>				<i>Financing</i>	
	<i>Health</i>	<i>National</i>	<i>Health/National (%)</i>	<i>Ratios</i>	<i>Internal</i>	<i>External (Special investment budget)</i>
1992	11 474 613	217 147 699	5.28	-	5 147 613	6 327 000
1993	9 649 678	200 474 564	4.81	-	5 201 678	4 448 000
1994	17 423 072	371 674 431	4.69	-	9 601 072	7 822 000
1995	25 683 090	353 960 000	7.26	8.01	9 624 090	16 059 000
1996	31 352 837	380 325 000	8.24	8.33	10 318 837	21 034 000
1997	28 777 080	400 323 000	7.19	9.57	12 129 080	16 648 000
1998	27 065 754	433 712 000	6.24	10.01	14 439 754	12 626 000
1999	24 787 365	476 113 000	5.21	10.76	16 046 365	8 741 000
2000	34 580 607	522 537 000	6.62	9.64	16 242 607	18 338 000
2001	36 943 517	556 881 000	6.63	10.01	20 813 517	15 930 000
2002	39 577 529	594 458 529	6.51	10.70	25 814 500	18 950 000
2003	51 322 941	754 385 000	7.06	10.23	28 915 000	20 840 000
2004	51 834 459	806 219 159	7.40	11.09	30 850 000	22 750 000
Total	390 412 542	6 068 210 382			205 144 113	190 513 000

*Source:* CPS/DAF, Ministry of Health.

***Measures taken to reduce infant and juvenile mortality***

376. According to information from EDS III, the health situation in the years 1997-2001 was a share in the paragraphs below.

**Morbidity**

377. With respect to malnutrition and micronutrient deficiencies:

- 26% of newborns weigh less than 2,500 g at birth;
- Malnutrition is a factor in over 50% of deaths before the age of five years (57%) because weakened children are susceptible to infection;
- 23% of children suffer from severe malnutrition (weight/height) as manifested by emaciation;
- 30% of children aged less than 3 years suffer from chronic malnutrition;



- In terms of height for age, 38% of children aged less than 5 years suffer from chronic malnutrition and 19% from severe chronic malnutrition.

378. These proportions are extremely high, given that the levels in a well-nourished population in good health are of the order of 2.3%. A further point is that 46% of children whose mother does not live in the home suffer from chronic malnutrition, as against 38% of children whose mother does live in the home.

379. The proportion of children with retarded growth rises very steadily and rapidly with age: in this respect, malnutrition affects 6% of children aged less than 6 months, but three times as many of those aged between 6 and 11 months (20%) and almost every second child aged over 12 months (45% from 12 to 23 months and 49% from 24 to 35 months). The severe form of this type of malnutrition affects 7% of children aged between 6 and 11 months and almost 20% of those aged 12-23 months. The situation is particularly worrying as regards this last age category, because statural growth deficits mostly develop before age 2 and cannot be caught up beyond it.

380. Chronic malnutrition affects boys more than girls (39% as against 37%). In addition, there is a gradual rise in malnutrition with birth rank, although the differences are minimal (36% for children in rank 1 and 39% for those in rank 6).

381. Slightly under 11% of children suffer from severe malnutrition (weight/height) and approximately a tenth of them suffer from the severe form of emaciation

382. The mother's level of education is a factor of strong differences in children's nutritional status. Growth deficits are twice as prevalent in children of mothers with no education as in children of mothers with a secondary or higher education (32% and 15% respectively). The level of malnutrition in the areas of food self-sufficiency suggests that there is a link between poor nutritional status and eating and behavioural habits.

383. Only 26% of children aged less than 6 months are exclusively breast-fed.

384. Only 30% of mothers practice exclusive breastfeeding up to the age of 4 months; 32.4% of children aged between 6 and 9 months receive other forms of food as well. This is despite the fact that the breastfeeding and complementary foods promotion programme is still under way. To date, 10 hospitals meet the "baby-friendly hospital" criteria; they are awaiting formal designation as baby-friendly by the international committee for baby-friendly hospitals.

385. Studies have shown vitamin A deficiency in the mother and child to be a cause of permanent night blindness in 4 to 12% of children. According to the same studies, approximately 9.5 % of children have received vitamin A. However, EDS III found, on the basis of children's vaccination cards, that only 38% of children aged less than 3 years had received at least one dose of vitamin A.

386. Iodine deficiency is common in Mali and it is estimated that some 80% of the population is at risk of it and that the overall prevalence of goitre exceeds 30%. In 2001, the rate of use of iodized salt was estimated at 74%. In January 1998, all the parties with an interest in salt (government departments, importers, vendors, consumers, NGOs and development partners) met in Bamako for a roundtable discussion and identified the steps needed to implement the law calling for iodized salt to be made available nationwide. Final work is in hand on a



communication plan for the promotion of iodized salt and an action plan for combating the problems caused by iodine deficiency was drawn up in 2003.

387. A woman's nutritional status directly affects both her ability to overcome a number of perinatal complications and the nutritional status of her unborn child. It is estimated that 6 in every 10 women are anaemic. According to EDS III, 74% of children under the age of 5 years live in households that use salt containing some amount of iodine, but there are marked regional disparities for this indicator: 27% in the regions of Gao, Tombouctou and Kidal and 94% in the District of Bamako.

388. To counter the adverse effects of malnutrition on vulnerable groups, action is being taken to promote the production of weaning foods. In view of the very disturbing situation described above and of the country's poverty, the need to combat malnutrition remains a real one.

### **Mortality rates**

389. According to the findings of EDS III, the rates of child and maternal mortality over the five years prior to the survey were:

- Infant mortality: 113.4‰;
- Infanto-juvenile mortality: 229.1‰;
- Juvenile mortality: 130.6‰;
- Maternal mortality: 588 per 100,000.

#### **(a) Infanto-juvenile mortality**

390. The results of EDS III show that infant mortality went from 122.5‰ for the period 1991-1995 to 113.4‰ for the period 1996-2000. Child mortality is higher in rural than in urban areas.

TABLE 18

**Infant and juvenile mortality, 1991-1995 and 1996-2000 (‰)**

<i>Period</i>	<i>Neonatal mortality</i>	<i>Infant mortality</i>	<i>Juvenile mortality</i>	<i>Infanto-juvenile mortality</i>
1991-1995	60.4	122.5	131.1	237.5
1996-2000	57.1	113.4	130.5	229.1

*Source:* EDS II (1996) and EDS III (2001).



TABLE 19  
The causes of infanto-juvenile morbidity in 2003

	<i>% of causes of consultation for children under 1 year (0 - 11 months)</i>	<i>% of causes of consultation for children under 5 years (0-4 years)</i>
Fever (presumed malaria)	33	39
ARI, lower	20	16
Diarrhoeal disorders without dehydration	12	10
ARI, upper	10	8
Injuries, wounds and burns	4	6
Protein-calorie malnutrition	2	3
Eye infections	2	2
Measles	0.04	0.05
Oral infections (mouth and teeth)	2	2
Meningitis	0.04	0.05
Other	14.92	13.90
TOTAL	100	100

Source: SLIS Yearbook, 2003.

391. The above 10 disorders together accounted for 85.1% of consultations for children aged less than 1 year and 86.1% of those for children aged less than 5 years. Malaria, ARI and diarrhoeal disorders predominated.

TABLE 20  
The causes of infanto-juvenile mortality in 2003  
(% of all causes of child deaths by age group)

	<i>Children under 1 year (0 – 11 months)</i>	<i>Children under 5 years (0-4 years), inc. 0-11 months</i>
Fever (presumed malaria)	54	60
ARI, lower	18	9
Measles	0	1
Diarrhoeal disorders without dehydration	6	4
Meningitis	3	2
Protein-calorie malnutrition	4	2
Tetanus	5	0
Injuries, wounds and burns	1	1
ARI, upper	0.2	2
Tuberculosis (cough > 15 days)	0	0
Other	9	19
TOTAL	100	100

Source: SLIS Yearbook, 2003.



392. The above 10 causes accounted for 91% of deaths of children aged from 0 to 11 months and 81% of those of children aged less than 5 years who visited a health unit.

**(b) Maternal mortality**

393. According to the results of EDSM III, maternal mortality was 582 per 100,000 live births. In other words, in Mali a woman has a 1 in 24 risk of dying during pregnancy or delivery. Despite the unbroken decline in infant mortality over the past two decades and the improvements in prenatal care during the past five years, maternal mortality remains high in Mali, as it does in the other countries of the subregion. It is particularly high among women aged 15-20 years or over 35 years.

394. The main identified causes of maternal mortality are: haemorrhage, infectious complications, hypertension in pregnancy, uterine rupture, and abortion. The alarming rise in sexually transmissible diseases and AIDS in the population in general and among women in particular is a major factor of mortality and handicaps in women and children.

395. An analysis of the reproductive health situation in 2002 showed that the needs were still substantial, despite the efforts made. Because of the low use of reproductive health services on the one hand and the inadequate access to health services on the other, morbidity and mortality remain high, particularly among mothers and infants.

**Determinants of child health**

**(a) Availability of drinking water and sanitation**

396. Despite considerable progress, the level of access to drinking water remains low. Figures from EDS III show that water supply is by internal tap for 8% of dwellings, by standpipe for 18.8% and by protected well for 12.5%.

397. In households using tap water, 18% of the children have a growth deficit; in other households, the proportion is over 26%. EDS III showed the distribution of toilet types to be:

- Modern WCs: 5.6%;
- Improved latrines: 9.5%;
- Rudimentary pits: 61.6%.

398. Liquid and solid waste disposal and air pollution are among the principal causes of environmental degradation in both urban and rural areas.

399. The Council of Ministers adopted a national public health policy document in January 1996. As part of the efforts to improve sanitation, the National Directorate for Sanitation and Pollution and Nuisance Control was established by Order No. 98-027/P-RM of 25 August 1998.

400. The Directorate's responsibilities are to:

- Ensure that environmental issues are included in sectoral policies and development plans and programmes, and monitor action to address those issues;
- Supervise and evaluate the procedures for environmental impact assessments;



- Draw up and enforce national sanitation, pollution and nuisance standards;
- Monitor and enforce sanitation, pollution and nuisance law and standards;
- Ensure that the public is sensitive to and informed about problems of hygiene, pollution and nuisances.

**(b) Demographic factors**

401. The main demographic factors determining mother and child mortality are pregnancies following one another at short intervals and high fertility:

- Adolescent girls aged 15-19 contribute some 18.5% to the total fertility of women;
- Nearly 49.3% of adolescent girls (aged 15-19) in rural areas are already mothers or expecting their first child as against 27.9% in urban areas;
- Of uneducated adolescent girls, 46.8% have already had a child or are pregnant as against 15.9% of those who have reached at least secondary education;
- The fertility rate by age in urban areas is 129% for girls aged 15-19 and 218% in rural areas for the same age group;
- As regards the synthetic fertility rate, for women who have received no education the level is 7.1%, for those with primary education it is 6.6%, and for those with secondary education it is 4.1%.

TABLE 21

**Adolescent fertility: Percentage of adolescents aged 15-19 who have already had a child or are expecting their first child**

<i>Characteristic</i>		<i>Adolescents (%) who are:</i>	
		<i>Mothers</i>	<i>Pregnant with their first child</i>
Age:	15 years	7.6	3.7
	16 years	16.2	6.0
	17 years	29.9	8.0
	18 years	52.1	9.0
	19 years	61.4	7.3
Residential environment:	Urban	22.5	5.4
	Rural	41.3	8.0
Educational level:	None	39.0	7.8
	Primary	26.4	5.5
	Secondary or higher	12.1	3.8
	Entire country	33.5	6.9

Source: DHS III.



402. It should be mentioned that in Mali women marry at a rather young age; 25% of those aged 15 cohabit with someone even though there has been a drop in the number of early marriages (24.1% of women aged 45-49 were already married at 15, as opposed to 19.4% of those aged 15-19 at the time of the EDSM survey).

**(c) Behavioural and cultural factors**

403. The main factors having an adverse effect on the health of mothers and children are sexual behaviour (high risk of STD/AIDS), female genital mutilation (excision) and nutritional prohibitions (taboos during pregnancy and for an infant during certain illnesses).

***Prevalence rate of HIV/AIDS infection***

404. DHS III gives a prevalence rate of HIV/AIDS of 1.7% among the population as a whole, with an estimate of 170,000 persons living with HIV, 45,000 orphans and 10,304 cases of AIDS reported between 1985 and 2002. Disaggregated data on mother-to-child transmission of HIV/AIDS) (MCTP) and on AIDS orphans are not available for the time being. Women are more severely affected, with a rate of 2% as opposed to 1.3% among men. The Bamako district has the highest prevalence rate at 2.5%, followed by the Kayes, Ségou and Koulikoro regions (1.9% each).

405. With those seroprevalence rates, AIDS is a priority public health problem in Mali. Measures to combat the pandemic, including care of children affected and infected by the virus, are grossly inadequate. Treatment for prevention of mother-to-child transmission only really took off in 2000.

406. A policy declaration on the fight against HIV/AIDS in Mali was adopted in April 2004. It established the High National Council for Combating HIV/AIDS (HCNLS) under the aegis of the Office of the President of the Republic. Its purpose is to translate into concrete actions the objectives of the policy declaration, which echoes those of the National Programme to Combat AIDS (PNLS) established in 1999 to:

- Prevent transmission among the population as a whole, with particular emphasis on the most vulnerable population groups and mother-to-child transmission;
- To improve the quality of life of persons living with HIV and lighten the burden of the impact on affected families and on the community;
- Reduce the burden on the health services;
- Create an ethical and juridical environment favourable to respect for the rights of individuals.

407. Free medical care and antiretrovirals (ARV) for all patients without distinction has been in force since 2004. It also provides for specific actions in connection with the MCTP .

408. The MCTP programme, which started out in August 2000 in the Bamako district, showed a seroprevalence of 3.6% after eight months of implementation among pregnant women examined in prenatal consultations. Currently, 50 children are being cared for by the Malian Initiative for Access to Antiretrovirals (IMAARV) and, since May 2002, 18 mother-and-child pairs are being looked after at the Counselling, Support and Assistance Centre (CESAC).



409. Organization of solidarity as part of the fight against AIDS is reflected in Mali in the creation of listening and counselling centres for informing and sensitizing persons living with HIV, treatment of opportunistic diseases among AIDS sufferers, and treatment of sexually transmitted diseases (STDs), with CID essential medicines for seropositives.

410. The HIV/AIDS epidemic in Mali is exacerbating the precarious situation of children; in other words, a highly impoverished child-health service, in which the infant mortality rate is one of the highest in the world and in which malnutrition and the low level of school attendance render young people highly vulnerable to infection. The epidemic highlights social distortions, developmental limitations and cultural constraints.

411. In Mali there is no cartography that makes it possible to locate the areas of concentration of AIDS orphans. International studies show that the regions with the highest percentages of AIDS orphans are those where the prevalence rate is highest. Although not certain, it is probable that AIDS orphans are more numerous in urban areas. In parallel, it is also evident that, with the illness or death of parents, affected/infected children are often dispatched to rural areas.

### ***Measures taken to abolish traditional practices prejudicial to children's health***

#### *Forced and early marriage*

412. The Marriage Code and the CPE prohibit forced and early marriages. However, in practice, many ethnic groups continue to marry off their daughters before they are 14.

#### *Action taken to promote the cessation of female genital mutilation (FGM)*

##### *(a) By the authorities*

413. As mentioned above in connection with paragraphs 147-155 and 289-291 above, female genital mutilation (FGM) is a very widespread traditional practice in Mali. It is carried out very early: 8% of women claimed to have undergone FGM between the age of 0 and 1 year, and 7% between 2 and 4 (DHS III). Unlike all the other countries of the region, Mali has still not adopted specific legislation prohibiting this practice.

414. Nevertheless, FGM has been recognized as harmful to the health of women and children, and a number of mechanisms have been put in place by the Malian authorities to put an end to the practice. They include:

- The National Programme to Combat the Practice of Female Genital Mutilation (Order N 02-053/P-RM of 4 July 2002). The CNAPN has also carried out activities relating to IEC, advocacy and training on the harmful effects of FGM.
- Adoption of the Act on reproductive health (Act N 02-044 of 24 June 2002) by the National Assembly and the consideration of FGM in the context of reproductive health (care in the event of complications);
- Dissemination of circular letter No. 0019/MSPAS-S-G.07/0199 prohibiting FGM genital mutilation in any medical environment.



(c) *By civil society*

415. More than 50 non-governmental organizations (NGOs) and associations are fighting female excision in Mali. These various actors use strategies and tools such as: IEC, advocacy, round table talks, cinema shows, theatre, etc. These actions have yielded some results, including the fact that FGM is no longer a taboo subject and that some religious and political leaders have undertaken to see it abolished.

416. The actions are beginning to bear fruit: traditional practitioners are gradually abandoning the practice, especially in the Bamako and Kayes regions, and are integrating into other sectors and activities with the assistance of the Government and civil society partners.

***Activities and programmes implemented for the exercise of children's right to health***

*Programmes implemented*

417. A project on education for family life implemented jointly by the Ministries of Health and National Education has made it possible to develop and integrate ten modules on training, hygiene and sanitation in schools, in addition to modules on reproductive health. In the context of adolescent girls' reproductive health, two projects have been implemented with a view to helping to strengthen their autonomy, participation and well-being through access to information and high-quality reproductive health services.

418. In order to ensure follow-up of all these programmes and the progress achieved in implementing the plan of action for children, a directing diagram for the national health and social information system was adopted in 1998 and is currently being implemented. The diagram serves to identify follow-up indicators relating to survival and protection.

*Social mobilization and IEC activities*

419. All the health and social action programmes implemented in Mali are supported by social mobilization and IEC activities with the participation of children (radio and television micro-programmes, production and distribution of posters and brochures on health, popular theatre, printed press, IEC meetings in health centres and among communities through community health associations, women's groups, and so on).

420. The NGOs and associations also play an active part in implementing these various programmes. Their activities mainly cover the following areas:

- Information, sensitization and social mobilization concerning health;
- Of health and social infrastructure;
- In programme follow-up/evaluation.

421. In the area of health, NGOs are coordinated by the group Pivot Santé Population, the NGO Action Coordination Committee (CCA-ONG) and the NGO Coordination Secretariat (SECO-ONG). There are also the National Federation of Community Health Associations (FENASCOM), the Technical Union for Mutual Aid (UTM) and the Malian Coalition for the Rights of the Child (COMADE).



*Financial resources*

422. The State's contribution to total health expenditure rose from 4.1% in 1990 to 11% in 2003.

423. But the universalization of the Bamako Initiative concerning the use of CID essential medicines and, through it, the cost-recovery system, has made it possible to maintain the functioning of all health services and considerably improve the quality of services. But a great deal remains to be done where the quality of care is concerned. Regarding financial assistance through international cooperation, the table below summarizes the main projects and programmes implemented since 1986, in collaboration with international organizations.

TABLE 22

**Summary of social health programmes and projects implemented by financing agencies in 1997**

<i>Order</i>	<i>Projects – Programmes and duration</i>	<i>Agreement amount</i>	<i>Financing agencies</i>
1	Health, Population and Rural Water Supply Project 1992-1997/1998	52 794 000.	IDA, UNICEF, FED KFW, FAC, Belgium, State, Communities
2	Project for Renovation of four(4) Rural Health Establishments in the 6 <sup>th</sup> and 7 <sup>th</sup> Regions 1994-1996	10 414 620	FAD, State
3	Project for Rebuilding of the Point G Hospital 1993-1996	1 300 000	FAC, State
4	Project for setting up an HGT Emergency Service 1992-1996	850 000	CFD, State
5	National Immunization Programme 1992-1997	2 945 000	UNDP – UNICEF
6	Family and Community Health Project 1993-1998	38 441 328	UNICEF, UNFPA, USAID (PSPHR) USAID (BASICS) WFO, State
7	National Programme for the Fight against AIDS 1993-2002	8 293 050	UNICEF, WHO, World Bank, USAID, FED, FAC, UNDP, State
8	National Programme for the Eradication of Dracunculosis 1990-1995	15 805 302	USAID, WHO, JICA IMPACT-UNDP, UNICEF, Malian State, Global 2000,
9	National Programme to Combat Onchocerciasis 1986-1998	660 000	OCP (France) Sight-Savers (BG) State
10	Project for Development of Health Infrastructures in the Mopti, Gao and Timbuktu regions 1993-1996	3 765 300	IDB, State
11	Social Action and Diversification of Health Offers 1993-1996	1 200 000	FAC, State
12	Decentralized integrated care system (PSPHR regions) 1993-1998	2 034 768	UNICEF, State
13	Integrated care systems in the north 1993-1998	916 482	UNICEF, State



<i>Order</i>	<i>Projects – Programmes and duration</i>	<i>Agreement amount</i>	<i>Financing agencies</i>
14	Project for Institutional Strengthening of the health sub-sector 1992-1995	485 736	FAD/BAD, State
15	WHO Health Action Cooperative Programmes 1994-1997	2 369 736	WHO, State
16	Project for Strengthening of the Health Infrastructures in Timbuktu 1982-1996	5 597 403	FAD, State
17	Project for Strengthening the Health Infrastructures in Koulikoro, Nara and Niafunké 1987-1996	8 972 607	FAD, State
18	Project for Support to the SSPs in the Koutiala and Yorosso <i>cercles</i> (Sikasso Region) 1995-1998	2 180 742	Netherlands Share, State and Population
19	National Programme to Combat schistosomiasis (post-project phase) 1993-1996	1 000 000	GTZ, State
20	Household improvement projects DNAS/GTZ1988-1997	2 154 000	GTZ, State
21	Project for the Promotion of Local Initiatives (PRODILO) 1995-1999	640 000	GTZ, State
22	SSP in the Bandiagara <i>cercle</i> 1991-1996	3 500 000	GTZ, State
23	National Programme to Combat Tuberculosis 1995-2000	2 756 450	KNCV(Dutch NGO) FAC, State
24	Hygiene and Sanitation Education Programme 1993-1998	790 000	UNICEF, State
25	Project to Support the SSPs in the Ségou Region (Phase IV) 1995-2000	2 935 116	Netherlands, State
26	Project to Support Decentralized Public-Health Activities (Koulikoro Region) 1995-1996	200 000	FAC, State
27	Project to Support the health development programme in the Dioïla and Kangaba <i>cercles</i> (PAP/DK) Phase III 1994-1998	374 068	Netherlands, State
28	National Programme to Combat Malaria	51 422 790	Belgian Coop., WHO, GTZ (in Bandiagara); commitment (not estimated) by UNICEF, FED, USAID, Save the Children USA, State
29	Health Support Programme/Switzerland (Sikasso Region) 1994-1998	2 004 214	Swiss Share, State, Population

424. The noticeable drop in 1997 is explained by the fact that most of the programmes and projects reached the end of their implementation period. Some of these projects and programmes



were also reformulated in 1998 for incorporation into the implementation of PRODESS. In the HIV/AIDS area, activities already undertaken in connection with the PNLs have been reinforced since 2004 with the establishment of a multisectoral project in support of the fight against HIV/AIDS at a cost of US\$ 25 million with World Bank financing.

425. This HIV/AIDS MAP project will make it possible to prepare:

- The new institutional mechanism for the fight against AIDS in Mali
- The national policy declaration on the fight against HIV/AIDS in accordance with the new multisectoral approach
- The five-year sectoral plans of action (2004-2008) for certain ministerial departments and the global national plan of action (First report on the implementation of the Millennium Development Goals, September 2004)

**C. Social security and childcare services and facilities**  
**(arts. 26 and 18, para. 3)**

***Children's right to social security***

*Measures taken by the authorities*

426. Although article 17 of the Malian Constitution recognizes the right of everyone to social welfare, existing structures and mechanisms are reserved for certain socio-professional categories: wage-earners in the private and quasi-public sectors covered by the National Social Welfare Institute (INPS), State officials covered by the State budget and retirees covered by the Malian pension fund (CRM). Even those who benefit from the scheme are only partially covered.

427. Although there is no universal social security system in Mali, PRODESS intends to create alternative health financing mechanisms:

- Compulsory health insurance;
- Mutual fund system;
- Medical care funds for coverage of the poorest.

428. Act No. 96-022 of 21 February 1996 governing mutual aid funds in the Republic of Mali provides that “mutual aid funds are non-profit-making groups which, essentially through payments by their members, are intended to provide welfare, solidarity and assistance to those persons or of their families”. Mutual aid funds therefore provide:

- Prevention of social risks connected with the person and compensation for their consequences;
- Protection of children, the family, the elderly and the disabled;
- The cultural, moral, intellectual and physical development of their members.



429. INPS has set up a network of 15 inter-enterprise medical centres and assists 70 enterprise clinics and 38 rural dispensaries. INPS members have at their disposal three mother-and-child protection centres and a children's dental centre.

430. Article 5 of Act No. 99-041 of 12 August 1999 establishing the Social Welfare Code of the Republic of Mali provides that the family benefits scheme must aim to spread among families ideas and ways of improving children's living and educational conditions. All workers benefit from the following:

- Health and social welfare benefits in kind;
- Assistance to mothers and nursing babies in the form of prenatal and maternity allowances;
- Family allowances;
- Maternity leave.

431. Under article 20 of the Child Protection Code, a child has the right to:

- Immunization against diseases included in the expanded vaccination programme. This obligation, the implementation modalities of which would be stipulated by regulation, is the responsibility of parents and of the State (paragraph (c));
- Protection against any publication or dissemination of his or her image that does not respect her or his integrity, honour and private life (paragraph (d));

432. Also, "all employees under 18 have the right to be protected from any harassment at work by their employers or their representatives or any other employee for reasons based on sex, race, place of origin, colour, social origin, citizenship, belief, age, matrimonial status, family status or disability." (art. 31).

#### *Childcare services and facilities*

433. As part of the regulation of private sector activities, Mali has adopted:

- Decree No. 99-450/P-RM of 31 December 1999 setting out the conditions for the creation and modalities for the functioning of private reception and placement establishments for children;
- Decree No. 02-067/P-RM of 12 February 2002 determining the conditions for the creation of and modalities for the functioning of private reception, listening, guidance and accommodation establishments for children.

434. The former of these decrees concerns children aged 0-5, and the latter those aged 5-18.

435. In addition to the private sector activities, there is a public establishment responsible for receiving and providing lodging and finding homes for children. It is called the Reception and Family Placement Centre and was created by Order No. 90-37/P-RM of 5 June 1990. Its aims are to look after and place orphan and abandoned children and mentally ill mothers.



**D, Right of the child to an adequate standard of living  
(art. 27, paras. 1-3)**

*Measures taken by the authorities*

436. In addition to its activities, the National Directorate of Statistics and Information Technology (DNSI) publishes an annual bulletin on the status of children and women in Mali and conducts regular surveys on household consumption budgets and price trends.

437. As part of the fight against poverty, the Malian Government set up a Sustainable Human Development Observatory (ODHD) in January 1997, which each year publishes a report indicating the level of poverty of the population.

438. Through INPS and the Malian pension fund, the authorities have established a mechanism for supporting parents, especially through family allowances and other benefits. Some 200,000 children benefited from family allowances between 1999 and 2004. The department responsible for social development has set up a care system by category of children of destitute parents (see table below).

TABLE 23

**Disadvantaged vulnerable children**

<i>Indicators</i>	<i>Year 2003</i>	<i>Year 2004</i>
No. of monitored children in difficult situations	1 242	2 178
No. of children of children of destitute parents that attended school and in possession of a poverty certificate	2 579	2 897
No. of children of destitute parents that attended school and registered as affected by AIDS	122	152
No. of monitored children of destitute parents attending school and infected and affected by HIV/AIDS and monitored	144	137
<b>TOTAL</b>	<b>4 087</b>	<b>6 364</b>

<i>Indicators</i>	<i>Year 2003</i>	<i>Year 2004</i>
No. of disabled children attending school	644	1 791
No. of class rooms adapted for disabled children	12	01
No. of re-educated disabled children	503	316
<b>TOTAL (children)</b>	<b>1 147</b>	<b>2 107</b>



## VII. EDUCATION, LEISURE AND CULTURAL ACTIVITIES (arts. 28, 29 and 31)

### A, Education, including vocational training

#### *Steps taken to recognize and protect the right to education*

439. This chapter is concerned with the Malian educational system and describes the laws and principles on which it is based, as well as its structure and infrastructure. The right to education is enshrined in article 17 of the Constitution. The educational measures adopted are contained in the Education Orientation Act (Act No. 99-046) adopted by the National Assembly on 16 December 1999 and promulgated by the President of the Republic on 28 December 1999.

440. The Ministry of National Education (MEN) comprises the following departments:

#### **The National Directorate of Basic Education (DNEB)** responsible for:

- Drawing up the elements of national policy on development of basic education in cooperation with the other technical directorates of the Ministry;
- Implementing all components of the national basic education policy (pre-school, basic education, special education, national education, *medersas*, literacy and CEDs (centres for education in support of development) in a unified framework;
- Coordination, technical control and monitoring of subordinate units and personalized bodies.

#### **The National Directorate of Technical and Vocational Education (DNETP)** responsible for:

- Preparing and monitoring implementation of the components of national policy on:
  - Definition and creation of streams in accordance with the requirements of the economy;
  - Preparation of pupils for working life;
  - Preparation of pupils for higher studies;
  - Strengthening the establishments' reception and management capacities;
  - Involvement of the private sector;
  - Control of flows;
- Coordination and control of technical and regional services, subsidiary units and personalized bodies.

#### **The National Directorate of General Secondary Education (DNESG)** responsible for:

- Preparing and monitoring implementation of the components of national policy on:
  - Preparation of pupils for higher studies;
  - Strengthening establishments' reception and management capacities;
  - Involving the private sector;
  - Flow control;



- Coordination and control of technical and regional services, subsidiary units and personalized bodies.

**The National Directorate of Higher Education and Scientific Research (DNESRS)** responsible for:

- Drawing up and implementing policy on training and research;
- Coordination and technical control of regional services, subsidiary services and personalized bodies.

**The National Centre for Evaluation of Scholarships, Examinations and Competitions (CNEBEC)** responsible for:

- Preparation and monitoring of the implementation of the components of national policy on:
  - Pedagogical activity and supervision;
  - Programme;
  - Preparation and holding of examinations and competitions;
  - Definition and implementation of criteria for the award of scholarships;
  - Improving university study conditions.
- Coordination and monitoring of regional technical services, subsidiary services and personalized bodies.

**The Centre for Planning and Statistics (CPS)** responsible for:

- Follow-up of applications for financing and technical cooperation;
- Evaluating sectoral projects and programmes;
- Coordinating, together with DAF, the planning and statistics training programme;
- Identifying and formulating statistical and basic-study needs;
- Drawing up the components of the schools map;
- Coordinating the production of statistical and basic-study information with a view to their dissemination;
- Ensuring respect for school infrastructure standards;
- Drawing up the education sector's communication policy;
- Drawing up the school infrastructure policy.

**The Directorate of Financial and Administrative Affairs (DAF)** responsible for:

- Drawing up and coordinating the components of departmental policy in the areas of personnel, equipment and financial resources;



- Participating in the preparation and implementation of government policy in the same areas.

**The National Education Centre (CNE) responsible for:**

- Preparing education programmes for pre-school education, non-formal education, basic education, general secondary education, technical and vocational education, and teacher training, in accordance with the new purposes assigned to the education system;
- Preparing the technical and pedagogical specification manuals and school textbooks for the aforementioned levels of education;
- Monitoring the drafting and publication of school textbooks for the private sector;
- Monitoring the implementation of the schoolbooks policy;
- Drawing up policy on teaching methods and innovations.

441. In addition to the above-mentioned central directorates and services, there are also the steering committee of the Ten-year Education Programme (PRODEC), the University of Mali, the Institute of Languages and the National Non-Formal Education Resource Centre.

442. A sustained improvement in the standard of living of the Malian population, including the poorest, requires a special effort to strengthen the human resources and promote universal access to basic social services. These two areas for development were identified in the Prospective Study “Mali Vision 2025” as the fundamental social issues on which resolute action can and should be taken in order to attain the goal of accelerated growth and poverty eradication.

443. Significant and sustained poverty reduction cannot be achieved without improved education, training and literacy work. There is proof of a positive correlation among education, economic growth and poverty reduction, notably through improved productivity and redistribution of incomes. A prerequisite of poverty eradication through education is implementation of a strategy that consists in expanding poor people’s access to education and training, as well as in improving the quality and relevance of education and apprenticeships so as to increase their chances of making the most of opportunities offered them.

444. The reforms targeted by the Ten-year Education Programme (PRODEC) launched in 1998 are centred on the link between school and community. Mother tongues must be used and school management must be decentralized in order to move as quickly as possible towards universal education. This relatively simple concept has served as an analytical tool for developing the components of the Education Sector Development and Investment Programme (PISE) corresponding to the first five-year phase of PRODEC.

445. There are four of these components:

- 1) access to education;
- 2) quality of education;
- 3) decentralized management and planning of the education system’
- 4) cross-cutting thematic issues (relating to gender/STD/HIV/AIDS).



446. PISE, adopted in 2000, was officially launched in September 2001 and is financed jointly from the State budget and by Mali's technical and financial partners (TFPs). Preparation of the Medium-Term Expenditure Framework (MTEF) for the education sector in May 2004 should make for increased PRODEC pilot capacity, in collaboration with the target objectives of the Strategic Framework for Combating Poverty (CSLP) and the Millennium Development Goals. This framework should contribute, in principle, to better coordination of the activities of the TFPs and thus pave the way for a pooling of resources in order to improve the sector's absorption capacities.<sup>1</sup>

***Measures taken to ensure respect for the general principles of the Convention, particularly with a view to reducing existing inequalities***

447. The measures cited above form part of PRODEC, through the Education Sector Development and Investment Programme (PISE):

**Regarding school enrolment of girls:**

- Restructuring of the MEN "girls' school enrolment" unit;
- Strengthening of those responsible for girls' enrolment in the education academies (AEs) and educational outreach centres (CAPs);
- Establishment of a strategy for girls' school enrolment. A strategy for speeding up the enrolment of girls is in course of preparation;
- Parity in first-year registration;
- Abolition of all education fees for girls in rural communities;
- Reduction of school drop-out by girls, through a series of measures applied in school and in the community (construction of classrooms in order to bring the school nearer to the learners, abolition of any educational expenditure for girls in rural communities, not expelling girls because they are pregnant, lightening of the tasks of mothers in income-generating activities, remedial and catch-up classes, etc.);
- Systematic introduction of gender training and the issue of girls' schooling in initial teacher training (in teacher training colleges and in training sessions for teachers on contract);
- Equality in elections to the committees of parents' associations (APEs);
- Development of schools friendly to children and friendly to girls, based on the rights of the child and on the essential dimensions of access, quality, health and hygiene, protection, non-discrimination and participation;
- Development of children's governments, which constitute a formidable tool in the promotion of girls at school level (extension to the national level by 2007).

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<sup>1</sup> First report on follow-up of Mali's implementation of the Millennium Development Goals (MDGs), September 2004, p. 14.



**Non-formal education:**

- Creation of the National Centre for Non-Formal Education Resources;
- Creation of Women's Apprenticeship Centres;
- Centres for education in support of development (CEDs);
- Koranic schools.

*For the development of CEDs:*

- The community must be deeply involved, which would facilitate their proper functioning;
- There is need of a synergy of activities among communities, decentralized collectivities, the State and all partners.

*For the development of Koranic schools:*

- The environment and premises must conform to the standards required;
- There is need for a fruitful partnership between the CAPs, all partners and the other Koranic schools. Koranic schools must, in addition to their age-old role of teaching children the rudiments of the Koran and the rules of religion, become modern Koranic schools in which other subjects taught in ordinary schools can be learned (mathematics, French, etc.).

**Special education:**

- Increase in apprenticeship centres for disabled children;
  - Medical-Psychological-Educational Centre (CMPE) of the Malian Association to Combat Mental Deficiencies (AMALDEME);
  - Rehabilitation Centre for the Physically Disabled (CRHP), in Bamako, Ségou and Gao, of the Malian Association for the Physically Disabled (AMPHP);
  - School for the Hard of Hearing (EDA) Bamako left bank, JIGIYA KALANSO in Bamako right bank, and the School for the Deaf in Kita, created by INAM;
  - Centre for Young Deaf and Deaf-Mute Persons in Torokorobougou (Bamako);
  - Mali National Centre for Orthopaedic Devices (CNAOM);
  - School for Young Deaf and Deaf-Mute Persons, created by AMPSOM (Malian Association for the Advancement of the Deaf and Deaf-Mute, in collaboration with the Ministry of Basic Education);
  - "Sundiata" Centre of Commune III, Bamako, a sewing centre for physical disabled persons;
- Increase of community counselling centres.

**Allocation of funds for education:**

- Allocation of funds for the highly indebted poor countries (HIPC);



- Introduction of the Medium-Term Expenditure Framework (MTEF) in the education sector.

## Indicators

### (a) Quantitative indicators

448. The tables below give a general idea of the progress achieved in Mali in the field of education for all since the Jomtien Declaration.

TABLE 24

#### Evolution of numbers and the pre-primary enrolment rate

<i>School years</i>	<i>Numbers in the second cycle</i>			<i>Gross Pre-primary enrolment rate (%)</i>		
	<i>Boys</i>	<i>Girls</i>	<i>Total</i>	<i>Boys</i>	<i>Girls</i>	<i>Total</i>
1994/95	8 298	7 610	15 908	1.30	1.15	1.22
1995/96	8 954	8 211	17 165	1.38	1.22	1.30
1996/97	10 378	9 944	20 322	1.58	1.46	1.52
1997/98	11 910	11 638	23 548	1.80	1.69	1.74
1998/99	10 424	10 982	21 406	1.54	1.59	1.57
1999/00	10 854	10 960	21 814	1.57	1.55	1.56
2000/01	11 498	11 249	22 747	1.62	1.56	1.59

Source: CPS MEN.

449. We note a considerable change in the registration of girls at the pre-primary level because the number for 2000-01 shows that there is no great disparity between the sexes (11,498 boys to 11,249 girls). However, the same was true of the pre-primary enrolment rate in 2000-01 (1.62% boys to 1.56% girls).

TABLE 25

#### Evolution of numbers, gross admission rate for the first cycle of basic education

<i>School years</i>	<i>Numbers in the first cycle</i>			<i>Gross admission rate (%)</i>		
	<i>Boys</i>	<i>Girls</i>	<i>Total</i>	<i>Boys</i>	<i>Girls</i>	<i>Total</i>
1992/93	308 527	186 054	494 581	46.7	32.3	39.5
1993/94	343 454	212 630	556 084	43	31.5	37.2
1994/95	367 257	245 172	612 469	42.6	31.8	37.1
1995/96	414 268	268 895	683 163	48.5	33.6	40.9
1996/97	472 561	305 889	778 450	60.5	41.1	50.6



<i>School years</i>	<i>Numbers in the first cycle</i>			<i>Gross admission rate (%)</i>		
	<i>Boys</i>	<i>Girls</i>	<i>Total</i>	<i>Boys</i>	<i>Girls</i>	<i>Total</i>
1997/98	512 344	350 530	862 874	60.4	43.4	51.7
1998/99	565 743	393 192	958 935	55.5	43.5	40.6
1999/00	593 476	422 003	1 015 479	57.8	43.8	50.8
2000/01	657 188	469 176	1 126 364	63	46	54.3
2001/02	699 474	512 515	1 211 989	65.5	51.2	58.2
2002/03	742 087	552 585	1 294 672	67.4	53.8	60.5
2003 /04	794 535	602 256	1 396 791	71	56.6	63.7

Source : CPS MEN.

450. The gross admission rate (GAR) had been showing a positive development in the first cycle of basic education for more than 10 years. From 1992-93 to 2003-04 GARs have gradually improved for boys (46.7% to 71%) and for girls (32.3% to 56.6%), but the increase has been much faster for boys than for girls. Hence, the gaps between boys and girls are considerable.

TABLE 26

**Evolution of numbers, gross admission rate for the second cycle of basic education**

<i>School years</i>	<i>Numbers in the second cycle of basic education</i>			<i>Gross admission rate (%)</i>		
	<i>Boys</i>	<i>Girls</i>	<i>Total</i>	<i>Boys</i>	<i>Girls</i>	<i>Total</i>
1992/93	51 171	26 563	77 734	13.10	6.50	9.80
1993/94	56 522	29 220	85 742	14.20	6.70	10.40
1994/95	61 320	32 297	93 617	14.40	7.30	10,90
1995/96	66 502	34 340	100 842	16.30	7.80	12
1996/97	72 572	37 061	109 633	19.90	10	15
1997/98	82 192	42 628	124 820	23.50	12.70	18.10
1998/99	94 542	49 699	144 241	25.50	13.82	19.62
1999/00	100 150	58 330	158 480	30.65	18.70	24.59
2000/01	115 859	67 125	182 984	31.48	17.02	24.14
2001/02	135 889	77 631	213 620	33.25	19.07	26.07
2002/03	150 448	86 850	237 298	40.20	22.70	31.30
2003/04	175 134	104 690	279 824	46.2	27	36.5

Source : CPS MEN.



451. At this level, statistical analysis shows, first and foremost, the low rates compared with the first cycle of basic education, then the substantial difference between the gross admission rates for boys and those for girls, always in favour of boys.

452. The table below gives the male-female breakdown of illiteracy rates among persons aged six years and over, the proportion of uneducated persons by residential environment according to the two Malian Demographic and Health Surveys.

TABLE 27

**Evolution of the illiteracy rate by sex according to EDS II and III**

<i>Residential environment</i>	<i>EDS II (1995/96)</i>		<i>EDS III (2000/01)</i>	
	<i>Women (%)</i>	<i>Men (%)</i>	<i>Women (%)</i>	<i>Men (%)</i>
Bamako	53,1	37,6	44,4	29,3
Other cities	66,3	52,4	67,8	52,2
All urban areas	60,7	46,3	55,7	40,4
Rural	89,8	81,6	85,1	76
Entire country	80,9	70,7	77	66

Source : EDS II and III.

TABLE 28

**Evolution of the education budget from 1995 to 2002**

<i>Years</i>	<i>95</i>	<i>96</i>	<i>97</i>	<i>98</i>	<i>99</i>	<i>2000</i>	<i>2001</i>	<i>2002</i>
Share of the education budget in the State budget (%)	21,2	22,7	23,4	24,09	26,6	26,13	26,62	29,96
Share of the basic education budget in the education budget (%)	40	43	41	39,02	56	55,90	61,32	64,20

Source : DAF/MEN.

TABLE 29

**Evolution of regional education budgets from 2001 to 2003**

<i>Years</i>	<i>2001</i>	<i>2002</i>	<i>2003</i>	<i>Total</i>
Building/Maintenance	2 045 256	2 249 779	2 318 000	6 614 035
Operation	86 933 926	94 127 177	93 243 574	274 204 677
Transport	32 925 314	51 535 162	53 041 333	137 501 809
Personnel	639 481 142	627 135 535	613 350 312	1 879 966 989

Source : DAF/MEN.



TABLE 30

## Geographical distribution of school indicators (2003)

<i>Regions</i>	<i>GER in primary (%)</i>	<i>NER in primary (%)</i>	<i>GER in general secondary (%)</i>	<i>GER in technical secondary (%)</i>
Kayes	53	40		
Koulikoro	71	56		
Sikasso	53	43		
Ségou	54	44		
Mopti	43	38		
Timbuktu	53	47		
Gao	63	55		
Kidal	30	24		
Bamako	111	109		
Entire country	67	46	10	4

*Source:* EDS-II and EDS-III.

453. Regarding level of access, except for the Koulikoro region and the Bamako district, the gross school enrolment ratio (GSER) in the other regions is below the national average. It is therefore necessary to correct these disparities by allocating more budgetary resources and recruiting additional teachers for regions that are relatively backward when it comes to school enrolment.

**(b) Qualitative indicators<sup>2</sup>**

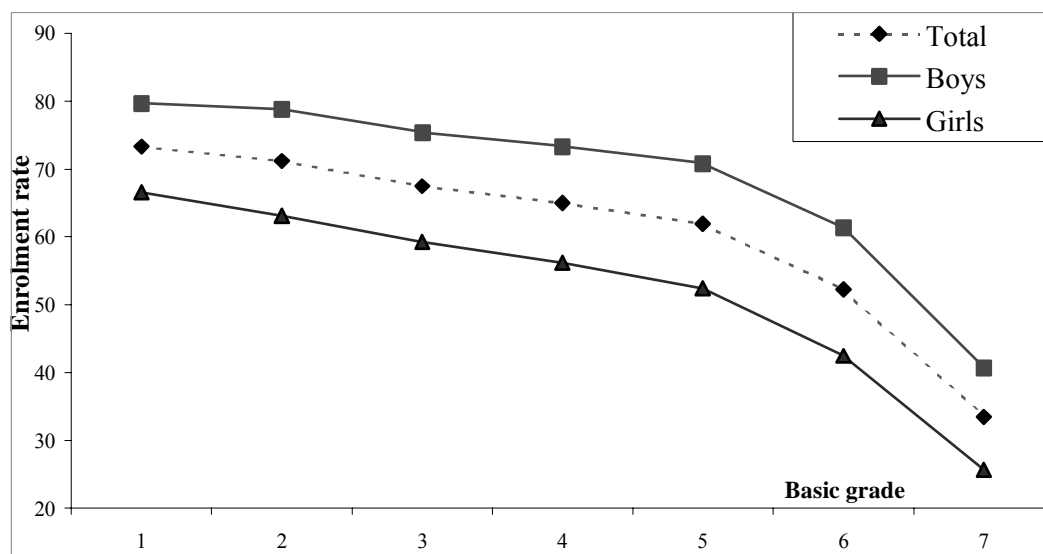
*Internal effectiveness*

454. The enrolment rate is certainly an important indicator of the education sector's capacities, but it can obscure differing internal situations. Hence, a system with a high repetition rate can show a high enrolment rate without being accompanied by a high level of actual access. Moreover, given the high illiteracy levels in Mali, the education sector's concern should be to take as many pupils as possible to the end of the first cycle. The net enrolment rate at the end of primary is the access indicator that takes these different concerns into account. It stands at 46.3%, which means that less than one half of Malian children complete the first cycle of basic education, with all that that entails in terms of loss of public resources and perpetuation of illiteracy. This situation is more dramatic for girls, for whom the rate is 37.5%. In addition, the school-registration profile shows a deepening of gender inequality per education year in basic, which could be explained by the considerable number of girls who drop out.

<sup>2</sup> CDMT, April 2004.



FIGURE 2  
Schooling profile by sex, 2002



455. Repetition rates in the Malian education system are high at all levels and are the focus of special attention under PISE. For primary, the average repetition rate between the 2000/1 and 2001/2 school years was 19.4%. This rate is down on the previous decade. The repetition rate is higher among girls (20%) and in public schools (23.9%). At the same time, implementation of the measures imposed (tutorials, regulation, literacy and IEC work with mothers and children) in PISE has been painfully slow.

456. The performance of Mali's schools in terms of continuation is above the subregional average. Indeed, the survival rate in fifth grade in 2001/02 was 76.2% (62.2% in sixth grade). It should be pointed out that there are considerable disparities between the sexes (the gap between boys and girls is 10 points in favour of boys), between socio-economic groups (children of farmers (7.9%), workers in the informal sector (6.2%), and independent workers (6.9%) have the highest drop-out rates), between regions (drop-out is highest in the Kidal and Mopti regions) and between residential environments, rural areas being more severely affected than urban areas. PISE provides for the drafting of a national policy to combat dropping out of school. In this context, special attention must be paid to demand, since a high percentage of the reasons given for dropping out that are linked to work, costs, external inefficiency and social characteristics. At the same time, consideration must be given to the way supply is handled.

457. The internal effectiveness system is not fantastic because of the shortfall in qualified staff, lack of software that deals with and provides reliable information, and the lack of adequate infrastructure.

#### *Quality of the education system*

458. Strengthening of the quality of the education system is one of the priorities of PRODEC and the major component of PISE. The actions identified are designed to:



- Revise curricula, taking into account convergent pedagogy<sup>3</sup> and changes in mentalities;
- Improving the teaching personnel by strengthening professional training, developing continuing education and supplying educational materials;
- Providing school textbooks, teaching kits and reading books with the introduction of corners in basic education classrooms and the building of libraries at the higher levels;
- Building and equipment of laboratories and computer rooms in post-primary establishments;
- Consolidation of teaching assessment with the overhaul of the examinations system, the establishment and strengthening of the capacities of the mechanisms in charge of inspection, and assumption of responsibility of school and CAP heads for educational monitoring;
- Improvement of the school environment with the development of non-formal education and partnership with APEs, AMEs and NGOs;
- Strengthening of scientific research geared to development issues.

Few data are available for analysing the vital factors in the pupils' acquisition of knowledge. The latest survey on acquisition dates back to 1999; it had been carried out in connection with the MLA project. The main lessons drawn from this survey are:

- In reading and writing, vocabulary counted for 85%<sup>4</sup>, 57% for comprehension, 43.5% for grammar, and 45.3% for written expression;
- In mathematics the score was 34.1% for arithmetical problems, 49.9% for measurement (metric system) and 48% for geometry.
- In day-to-day life, 56.2% was awarded for health, 58.1% for civic affairs/environment, and 55.6% for know-how.

459. On the question of factors that affect quality, the current situation is characterized by: (i) a dramatic increase in class size from 44.1 to 74 pupils per teacher between 1990 and 2002, with important spatial differences; (ii) poor supply of text books for children, but this is being rectified through recent purchases and acquisitions of teaching materials; (iii) deficiencies in the teacher monitoring and evaluation. This situation is corroborated by the data in the recent EMEP, which shows that the main reasons for dissatisfaction with schools concern: books and equipment with 61.4%, shortage of teachers with 36.2%, and quality of teaching with 22.4%.

460. The other educational levels are also characterized by: (i) large and growing class size; (ii) short supply of books and lack of any policy in this area; (iii) shortage of teachers for certain

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<sup>3</sup> Use of mother tongues on an equal basis as French in formal education.

<sup>4</sup> The percentages correspond to the percentages of success at the various tests among the whole sample population.



areas, especially technical and vocational training; (iv) limited infrastructure development (libraries, laboratories and computer rooms), and (v) institutional weaknesses in pedagogical monitoring, inspection and evaluation.

#### *External effectiveness*

461. PRODEC has set itself the target of strengthening the external effectiveness of the system by developing a demand-led approach, especially in technical and vocational training and in higher education, by establishing partnership arrangements with the private sector and introducing courses that are more flexible and better suited to the needs of the economy (short courses in higher education, and apprenticeships in technical and vocational training).

462. Progress on implementation is limited. Moreover, the employment market information system does not permit regular updates on key variables: occupation and unemployment by level and type of training, remuneration per year of training and work experience. It does not allow one to determine economic profitability and the average time required to obtain the first job, and so on.

#### *Institutional management*

463. In the institutional area, PRODEC has set itself the following objectives:

- Strengthening of policy coordination capacities and sectoral programmes, putting in place appropriate structures (national consultation committee, steering committee) and developing tools for analysis, budgetary programming, assistance coordination, programme monitoring and evaluation, and focusing on national executives' adoption of those instruments;
- Deepening of decentralization and devolution through strengthening of the material and human resources of the education academies (AEs) and educational outreach centres (CAPs) that will benefit from an effective transfer of technical and financial responsibilities, preparation of regional programmes and *cercle* programmes for the development of the sector, the transfer of powers to local communities, the establishment of management committees and the institution at the central level of the Centre for Support of Devolution and Decentralization of Education (CADDE) in order to boost the process;
- Promotion of private participation, especially in the development of infants and at post-primary levels with simplified entrance procedures, competitive placement of pupils in secondary education, co-management of services in higher education and involvement of operators in the choice of subjects and in research programmes;
- Encouragement of civil society involvement in schools;
- Consolidation of mechanisms for coordination with the TFPs through regular preparation on joint reviews and the production of periodic reports on technical and financial implementation of PISE;
- Strengthening of the dialogue around the programme, through a sustained effort of communication with the various partners involved in the implementation and supply of pertinent information to them.



464. Since the implementation of PRODEC, significant progress had been made with: (i) setting up of the steering committee and the CADDE; (ii) effective regional budgetary devolution; (iii) transfer of powers to local communities for the employment of contract teachers; (iv) adoption of the regulatory framework for the management committees of the establishments; and (v) the recent holding of the mid-term review. Delays have also been noted in: (i) setting up the consultation committees, (ii) preparing the regional programmes, and (iii) implementing the communication strategy, with negative effects on the realization of the measures envisaged during the first phase of PISE, particularly in higher education.

465. As regards management of the system, the central structures appear to have good mastery of the tools of forecasting, sector performance analysis, and review of public expenditure. All the same, the information system remains weak, with the virtual absence of reliable data on levels other than basic education, on pupils' learning progress and the tracking of public expenditure. The regional and local levels have benefited from training programmes for reinforcing their system management skills. However, stability of the AE and CAP directors in their functions leave something to be desired.

***Measures adopted in order to provide free and compulsory primary education***

466. The various policy mechanisms are:

- Determining the child's leaning (science or arts);
- The child's choice supported by the parent's view;
- The child's age;
- The child's schooling.

467. The measures making education compulsory are governed by the provisions of Act No. 99-046 of 28 December 1999, establishing the Education Policy Act (arts. 4-10). It stipulates that:

- 1) The education system in the Republic of Mali comprises the following levels:
  - pre-primary education;
  - primary education;
  - secondary education;
  - higher education.
- 2) The education system in the Republic of Mali comprises the following types of education:
  - non-formal education;
  - special education;
  - teacher training;
  - technical and vocational training.

***Pre-primary education***

468. The purpose of pre-primary education is to develop children's physical, moral and intellectual capacities in order to facilitate their socialization and their integration into the world



of school. It is designed for children age 0-6. It is dispensed in special institutions, the conditions for whose establishment, opening and operational methods are established by regulation.

#### *Basic education*

469. The purpose of basic education is to inculcate in pupils basic learning that will contribute to the progressive development of their intellectual, physical and moral autonomy so as to enable them to pursue their studies or enter the world of work.

470. Basic education occupies a single nine-year bloc. It receives children from the age of six and is rewarded with the diploma of basic education (DEF). The organization and modalities of operation of basic education are determined by decree of the Council of Ministers.

#### *General secondary and technical education*

471. The aim of general secondary and technical education is for pupils to acquire general and technical, theoretical and practical knowledge, and modes and ways of thinking that constitute the shared basis of various specialities of knowledge, with a view to their pursuit of higher studies or their integration into the world of work.

472. General secondary and technical education is dispensed in high schools. It is rewarded with the baccalaureate. The organization and operational modalities of this level of education are determined by decree of the Council of Ministers.

#### *Higher education*

473. Higher education prepares students for all branches of national activity performed by highly qualified specialists and researchers capable of doing creative work in all fields of science and technology. It prepares for the diplomas of the first and second cycles of higher education and the postgraduate diploma. Higher education is dispensed in institutes, faculties and “grandes ecoles”.

474. The organization and operational modalities of higher education are determined by decree of the Council of Ministers.

#### *Non-formal education*

475. The purpose of non-formal education is to implement any appropriate form of education of young people who have not attended or no longer attend school so as to ensure their social, cultural and economic advancement.

476. It is dispensed through centres for education in support of development (CEDs), the women’s learning centres (CAFes), functional literacy centres (CAFs), literacy centres (CAs) and rural activity centres (CARs).

477. The institution of the centres for education in support of development (CED) was based on the experience of grass-roots communities and as part of a national policy in keeping with the importance assigned to basic education. Educational strategies in the CEDs and those of formal education must be mutually enriching so as to permit the emergence of an endogenous education anchored in the sociocultural and economic realities of grass-roots communities.



478. The organization and operational modalities of non-formal education are determined by decree of the Council of Ministers.

*Special education*

479. The purpose of special education is to provide appropriate educational attention to disabled children and adolescents so as to enable them to gain or recover intellectual, physical and moral autonomy and to integrate harmoniously into the social context. It is intended for persons with major disabilities. The organization and operational modalities of special education are determined by decree of the Council of Ministers.

*Teacher training*

480. The purpose of teacher training is to train teachers for pre-primary and basic education. It is dispensed in institutions specializing in the training of teachers. The organization and operational modalities of teacher training are determined by decree of the Council of Ministers.

*Technical and vocational training*

481. The purpose of technical and vocational training is to develop the skills required to perform a job or trade. It is dispensed in training centres, institutes and firms. The organization and operational modalities of technical and vocational training are determined by decree of the Council of Ministers.

*Informal education*

482. Owing to the considerable influence of informal education on the individual, social groups and the population as a whole, the State, with the assistance of the family unit and social groups, controls the channels for its dissemination and the messages disseminated so as to ensure that the social and cultural values of society are respected.

*Common provisions of the education system*

483. The modalities for the award of diplomas, degrees and certificates at the end of study of the various levels and types of education are governed by regulations.

484. Persons with minor disabilities are admitted in the various levels and types of education. They receive the same education as their non-disabled colleagues at the same time as they benefit from special educational attention.

485. The design, publication and distribution of school and university text books are organized under a national policy in order to ensure that they are available.

486. Pupils generally receive guidance as to their choice, whether they hold the DEF or the baccalaureate. These choices are made with the assistance of guidance counsellors, the pupils' parents, and teachers.

*Management of school and university spaces*

487. Schools and universities are spaces that offer pupils and students the educational services provided for by law. A management body is established within each school or university.



488. The organization and operational modalities for schools and universities and the management bodies are determined by decision of the Minister of Education.

489. The posts of principal of an establishment, pedagogical adviser, inspector and director of an educational outreach centre (CAP) are awarded through competition. The modalities for the organization of competitions are determined by decision of the Minister of Education.

#### *Partnership*

490. A forum for consultation has been established and brings together all the actors involved in education (parents' associations, school management committees, pupils' associations, teachers' unions, and associations and NGOs involved in education, among others). Its aims are to:

- Create a network of exchanges among educational partners so as to promote sound circulation of information and contribute to sound decision-making;
- Establish a synergy of all the potential for school development.

491. The functioning of such partnerships, and the roles and responsibilities of the various partners, are determined by agreement.

#### *The Higher Council for Education (CSE)*

492. The Higher Council for Education was created to report directly to the Minister of Education and has the following functions:

- To advise and formulate proposals on the broad outlines of national education and training policy;
- To advise and proffer suggestions on all matters of national interest relating to education and training and on the regulation of such matters;
- To deliberate on all matters submitted to it by the Minister of Education.

493. The membership, organization and modalities for the functioning of the Higher Council for Education are determined by decree of the Council of Ministers.

#### ***Categories of children who do not enjoy the right to free compulsory primary education***

**A child may be excluded from school as a result of inadequate work or termination of his or her schooling.**

#### *Girls*

494. Despite their greater numbers within the school-age population and the existence of a Constitution that stipulates the right to education and of Decree No. 3114/PG-RM of 21 November 1981, which emphasizes the compulsory aspect of school attendance for all Malian children, girls' school attendance is relatively low (the net enrolment rate for girls in 2002-2003 was 43.2%). The following innovations have been introduced in order to remedy that situation:

- Introduction of home economics in first-cycle establishments;



- Keeping pregnant girls in school;
- Respect for parity between girls and boys;
- Access of girls to schools reserved for children of members of the armed forces;
- A bonus point for girls in the scholarship award criteria;
- When a boy and girl are equally qualified, the girl is given priority.

495. The reasons for poor registration of girls are:

- Sociocultural (early marriages, discrepancy between the values taught in school and those of the girls' original environment);
- Socio-economic (direct costs and opportunity costs);
- Institutional (inadequacy and poor quality of reception structures, syllabuses and timetables unsuited to local realities).

***School disciplinary measures compatible with the dignity of the child***

496. The ambition of Malian schools is to educate children in republican principles with a view to their moral, physical and intellectual preparation for their future role as citizens aware of their rights and duties.

497. Their proper functioning requires the effective participation of the partners: teachers, pupils, parents and other social partners individually or in associations recognized by the State.

***The aims of the internal regulations***

498. The internal regulations elaborated by the Ministry of Education and applicable to all are aimed at:

- Instilling discipline, order, propriety, factors of a good working atmosphere into the school institution;
- Obtaining more active participation by the various parties involved in education;
- Preventing accidents and reducing their causes.

499. Teachers and pupils are responsible for maintaining discipline in the school under the supervision of the head teacher, the overall supervisor and the master of the week. Corporal punishment is formally prohibited. Pupils must attend school in proper and decent attire that does not clash with the culture of the environment. They must respect one another, and be obedient and respectful to the teachers.

500. The teachers' behaviour is critical to the maintenance of discipline. In that connection, they must display self-respect, as well as respect for their pupils, colleagues and superiors. Swearing, fighting and violent games are banned at school. There is also a ban on carrying objects with



sharp points or cutting edges or any others considered dangerous. Any dispute between pupils or between a teacher or teachers and a pupil or pupils must be reported to the school authority.

501. Cheating or attempted cheating shall be punished. Cases of serious indiscipline are referred to a disciplinary board. Any trading contrary to the mission assigned to the school is strictly prohibited. Newspapers and any other non-educational documents are banned on school premises.

502. Any pupil who is ill may register in the medical-visit log or on a special form for that purpose. Any sick leave for a teacher or pupil is valid only when it is issued or countersigned by the head of the medical dispensary or the doctor-in-charge of a health centre.

*In the framework of secondary education establishments*

503. Relations among the pupils themselves, between pupils and teachers, between pupils and service staff, and between pupils and senior staff members must be absolutely correct regarding their words, action and attitudes. Politeness and courtesy are required at all costs. Pupils must accept discipline from and politeness towards their teachers and institutional staff. In no case may the moral or physical integrity of the staff be attacked.

*First-degree punishments*

504. These punishments take the form of minus points in the conduct report and are handed out for the following misdemeanours:

- Lateness ( - 2);
- Absence without an excuse (- 5);
- Disobedience (- 10);
- Bad attitude (- 10);
- Writing on walls, doors and windows (-10);
- Smoking on school premises (-10);
- Indecent attire (-10);
- Possession in school of a publication or other printed matter that, by its content, constitutes a breach of morality or discipline (-5);
- Setting off devices in front of classrooms during class hours (-5).

*Severe punishments*

505. Such punishment is inflicted for serious misdemeanours, such as:

- Conduct mark of zero out of twenty (0/20);
- Collective refusal to perform a written test or homework;
- Theft;
- Vandalism or destruction of equipment;
- Incitement to collective movements of revolt and disobedience;
- Assault and battery;
- Posting of tracts,
- Writing of obscenities on walls, blackboards, etc.

506. The following severe punishments may be proposed by the disciplinary board:



- Reprimand with an entry on the pupil's file;
- Suspension of up to one month;
- Expulsion;
- Cessation of grant.

### *Disciplinary Board*

#### 507. Procedure:

- The overall supervisor investigates the disciplinary case and files a detailed report;
- The Board hears the pupil and his or her witnesses;
- The principal, as President, chairs the Board's deliberations and orders any action required to clarify events for the Disciplinary Board;
- The deliberations of the Disciplinary Board are secret;
- The Disciplinary Board rules by absolute majority of its members and by secret ballot. In the event of a tie, the ruling is in the pupil's favour.

#### 508. Collective movements shall be subject to the following punishments:

- Notified warning to the parents and the parents' association with an entry in the pupil's file;
- A zero for each pupil in the event of collective refusal to perform a task or written test;
- Appearance of the identified ringleaders before a Disciplinary Board;
- The authority may envisage any other measures the circumstances may require.

509. Marks are awarded for conduct on a monthly basis by the overall supervisor, and the quarterly or half-yearly average is entered in the general report. Any pupil sanctioned by the Disciplinary Board automatically receives a zero for conduct for the term or semester.

510. The establishment's equipment entrusted to pupils must be returned at the end of the year. Any refusal to return this equipment shall be deemed a serious misdemeanour. No document (registration certificate, diploma certificate) shall be delivered to pupils about to leave the school for good until they have returned the equipment. A list with their names will be circulated at the end of the year to all the national departments of general secondary schools, technical and vocational schools and higher education establishments.

### *International cooperation for education*

511. The Education Policy Act created made a provision for consultation bringing together all actors involved in education. The operation of this partnership, and the roles and responsibilities of the various partners, are determined by agreement. The purpose of the partnership is to:



- Create a network of exchanges among education partners so as to promote sound circulation of information and contribute to the taking of relevant pertinent decisions;
- Establish a synergy of all the potential for school development.

The operation of this partnership and the roles and responsibilities of the various partners are determined by agreement.

512. Mali is a member of various subregional and regional organizations working to combat ignorance and illiteracy. In addition, like the international community, it has undertaken to achieve education for all by 2015. The Malian education system benefits from many forms of assistance, particularly in the area of investments, initial and continuing training, and non-formal education. The investments are essentially financed by the technical and financial partners (TFPs) and account for 78.7% of capital expenditure. The table below shows the execution rate of expenditures financed by the TFPs in 2002:

TABLE 31

<i>TFPs</i>	<i>Quality</i>	<i>Access</i>	<i>Management</i>	<i>Total</i>	<i>Executed</i>	<i>%Real./Bud</i>
IDA	7 625	7 916	660	16 201	647	3.99
FR Fund	81	-	10	90	68	75.00
Netherlands and Sweden	2 100	1 093	157	3 350	2 199	65.63
CIDA	1 001	400	172	1 573	1 173	74.59
IDB	64	-	44	107	107	100.00
ADB III	123	867	125	1 115	660	59.17
Japan	-	1 283	-	1 283	1 283	100.00
US-AID	1 194	395	296	1 885	255	13.53
AFD, German Coop.	39	1 525	64	1 627	-	-
UNDP-NORAD	564	191	246	1 000	1 000	100.00
Belgian Coop.	630	1 050	420	2 100	-	-
OPEC	59	1 276	279	1 613	11	0.68
Overall Total	13 478	15 994	2,470	31,941	7,401	23.17

Source : RDP2002/DAF-MEN.

### ***Bilateral and regional activities with target groups***

513. Bilateral and regional projects with child beneficiary target groups include:

- The “School, the friend of children, friend of girls” project, piloted by UNICEF and implemented with the collaboration of MEN and several local NGOs;
- The school projects for the physically, visually and mentally disabled and deaf-mutes (see paragraph 106);



- The community counselling centres for street children, implemented by the ENDA Third World NGO, among others;
- Assistance projects for children in conflict with the law, implemented by, among others, the Swiss and French cooperation agencies, UNICEF, Enda Third World, the Legal Clinic, and the *Fondation pour l'enfance*;
- Assistance projects for migrant girls, implemented by, among others, UNICEF, World Vision and the APAF Muso Danbé NGO.

## **B. The aims of education**

### ***Mali's objectives for education compatible with human rights***

514. The Strategic Framework for Combating Poverty (CSLP) adopted by the Government of Mali on 29 May 2002 comprises three main lines of action:

- To ensure the institutional development and improvement of governance and participation;
- To develop human resources and access to basic social services;
- To develop basic infrastructures and support the productive sectors.

515. The second main line of action of the CSLP takes account of the objectives of education, including an education system that aims to form patriotic citizens who are patriotic and builders of a democratic society, actors of development deeply rooted in their culture and open to universal civilization, mastering local lore and capable of absorbing knowledge and skills linked to scientific and technological progress and to modern technology.

### ***General aims of the Malian education system***<sup>5</sup>

516. The aims of the education system are defined by the major thrusts of PRODEC (education policy letter) and are to:

- Inculcate in learners, at each educational level, skills that enable them to integrate into working life or pursue their studies;
- Provide learners with instruments of expression and spoken, written, graphic and symbolic expression; develop their capacity for comprehension, formal reasoning and problem-solving;
- Guide learners towards analysis, appreciation and use of their country's history and culture, the main features of its political, social and economic organization, and make them aware of the development potential and prospects in a globalization context;
- Develop pupils' skills in planning and organizing their learning and cultural education by providing them with the basic tools for their own independent intellectual work;

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<sup>5</sup> PRODEC orientation guide.



- Instil in pupils, through the practice of active, participatory methods and dialogue and the organization of classes and social life, the benefits of coexistence, teamwork and cooperation;
- Train pupils to recognize and practice both their prerogatives and obligations as active members of a democratic society that respects peace and the fundamental rights of persons and citizens;
- Make pupils attentive and sensitive to the values of personal commitment and family and social solidarity, parental responsibility, preservation of the health of others and protection of the environment;
- Create and stimulate initiative and enterprise in pupils;
- Provide pupils, throughout their schooling, especially in the final years of each level or type of education, with all information likely to help and guide them regarding possible work scenarios so that they can make informed and responsible choices regarding their future activities;
- Respond to the country's needs for personnel with high levels of know-how, expertise and scientific and technological research.

517. The aim is that the GER should reach 95% by 2010, including 90% for girls.

### ***Teacher training***

518. Investments have also been made in the field of teacher recruitment and training and in the design and production of teaching materials.

519. Innovations: curriculum application at three levels. Level 1 already applied, level II still to be applied, and level III still to be devised. These innovations are as follows:

- Convergent pedagogy;
- PAGEN, project for the improvement and universalization of environmental education;
- EVF/EMP, Education for Family Life and Population Issues;
- OPO, operational pedagogical objectives.

520. As part of the Fourth Education Project, whose aim is high-quality education for all, at the teacher-training level, a training centre has been built and is in operation at the National Education Centre (CNE) and has trained all head-teachers and most teachers in operational pedagogical objectives (OPOs) and the use of teaching equipment. Textbooks exist in most schools and are used by class teachers. Teachers are increasingly better monitored by CAP directors.

521. Initial teacher training is provided in:

- Teacher-training institutes (IFMs);



- The Institute for the Training of Trainers in Technical and Vocational Education (IFF-ETP);
- The University, through its appropriate bodies and branches.

The supervision bodies responsible for continuing training comprise, in addition to the IFMs, the IFF-ETP and the University,

- Schools (the main venue of continuing training);
- Educational outreach centres (CAPs);
- Women's learning centres (CAFes).

***Freedom to set up teaching establishments in accordance with the laws***

522. The modalities for the creation, management and conduct of teaching establishments must respect Acts No. 94-010 of 24 March 1994 on the reorganization of education in the Republic of Mali, and No.94-032 of 25 July 1995 establishing the statute of private education, and Decree No. 94-276/P-RM of 15 August 1994 determining the modalities for enforcement of the Act on the statute of private education.

523. The freedom to establish, open and direct a private educational establishment is limited only in the following cases:

- No one may be a director if he or she does not hold at least one of the diplomas required for teaching, as well as certified teaching experience;
- If a person is not physically able, in particular if he or she is not recognized as free from or definitively cured of any contagious disease or mental illness;
- If a person is working in the service of the public administration or a semi-public body.

***Mechanisms of monitoring respect for human rights in educational establishments***

524. The Council for Higher Education, the General Inspectorates of Secondary and Higher Education, the Educational Academies and the pedagogical activity centres are responsible for monitoring implementation of the objectives contained in the Convention on the Rights of the Child.

525. As mentioned above, article 2 of the Constitution of Mali prohibits any form of discrimination. Act No. 99-046 of 28 December 1999 establishing the Educational Policy Act confirms that “the right to attend school shall be exercised without discrimination based on sex, social origin, race or religion.” Effective implementation of this provision sometimes comes up against problems relating to cultural realities and economic development. Substantial efforts are currently being made to rectify, in particular, disparities in access to schooling (see measures taken in favour of school enrolment for girls, described in paragraph 106).



***Progress achieved, difficulties encountered and aims fixed by the State for the future***

526. The effectiveness of the strategy, the plan and the programmes of Education for All in Mali has been beset by the following problems:

- Structural adjustment programme;
- Devaluation of the CFA franc;
- Sectoral claims by trade union organizations and democratic associations;
- Inadequacy of human, material and financial resources;
- School and student crises;
- Reluctance on the part of population groups with regard to the reorganization of the education system;
- Low level of communication for awareness-raising among population groups.

***Concerning the restructuring and institutional adjustment needed for the reorganization of the education system***

527. In order to be coherent and effective, the education policy must tie in with the other sectors concerned in development in Mali. Practical translation of that policy into democratic schools in a decentralized context can be achieved only if communities and community groups are genuinely involved in educational matters.

528. The current state of Malian education and the new decentralization policy show that management of the education system now needs State services to be restructured in order to strengthen the capacities of educational services into decentralized management of education. This could be achieved by:

- Giving the communities and local collectivities responsibility for the management of the system;
- Redefining the various missions at each level in keeping with the new aims of the education system;
- Instituting the resulting delegation of responsibilities to the decentralized education bodies;
- Putting in place mechanisms and instruments for the monitoring, evaluation and redirection of programme activities.

529. The institutional plan devised in connection with PRODEC aims to pass management of the education system to decentralized State bodies, communities and collectivities. It basically comprises:

- The school, possessing a pedagogical committee and an operational management body;



- The educational outreach centre (CAP), a local PRODEC implementation body responsible for monitoring the improvement of the quality of teaching in schools;
- The Educational Regional Directorate (DAE), a regional body for implementing the Department's policy.

530. In addition, central State bodies basically responsible for guidance, regulation, monitoring and evaluation include:

- The National Directorates;
- The Connected Services;
- The African Academy of Languages;
- The PRODEC steering committee;
- The National Centre for Non-formal Education Resources.

*Concerning the need for a sustained, balanced, rational financing policy in keeping with the decentralization of the education system*

531. There is need for a 2006-2008 budgetary framework that shows the financial contributions made by the Malian State and technical and financial partners (TFPs), by component, sub-component and educational level, reflecting the priorities of PISE II and in keeping with the Medium-term Expenditure Framework (CDMT) and the CSLP and with the multiyear budgetary frameworks for the regions and the Bamako district. It would be advisable to dovetail annual operational planning and budgetary planning and ensure that financial reports are published within the deadlines set, while improving the quality of monitoring instruments; the mechanisms for the transfer of resources to the communes and resources from sectoral programmes to the decentralized local authorities must be made operational.

532. The financing and growth of the education system, in terms of investment and functioning, must not constitute an obstacle. The international community's commitments to financing education (World Education Forum, Dakar 2000) must be susceptible of implementation within a sound education policy with clear objectives and strategies.

533. The finalization and approval of the CDMT is urgent and necessary for soliciting new funds. The search for additional funds, especially with the Fast Track initiative, is vital for ensuring continued growth and improvement of the quality of the Malian education system. And yet, specific responses must be found to the causes of the weak capacity to adopt available resources (administrative and financial capabilities, procedures, etc.). Lastly, stages for consultation between the Government and the PTFs must be included in the planning of PISE II so as clearly to determine their respective financial commitments and the modalities for its operation.

*Concerning the existing school-related partnership*

534. The expanded consultation and dialogue have confirmed the existence of reliable partners who are prepared to contribute to the development of Malian schools but whose capabilities are



not wisely utilized because there is no structured framework. The question, then, is to use the decentralization policy to reorganize the school-related partnership, relying on the necessary complementarity of all the partners. The consultation space thus created will have the threefold advantage of establishing synergy among all potentials for school development, clarifying the partners' roles and responsibilities, taking into account their skills and the specific characteristics of their action, implementing vital priority activities such as the preparation of terms of reference of partnership tasks and reinforcing logistical, financial and material capabilities.

*Concerning school-related communication policy*

535. The participatory approach adopted throughout the preparation of PRODEC has largely made it possible to take account of everyone's major concerns. More particularly, it has placed the accent on permanent dialogue at each preparation phase.

536. As a result of this experiment, five strategy groups were selected for the successful implementation of PRODEC. Their roles are to:

- Establish and foster ongoing dialogue with and among partners at each programme phase;
- Contribute to the success of the programme through information, communication and mobilization;
- Bring all up-to-date prior to implementation of the programme and ensure social mobilization throughout the implementation period;
- Put in place the mechanisms needed for passing on information from the base to the top and communication in both directions;
- Strengthen and redirect the programme components, on the basis of the results of the communication strategy.

*Concerning the management of educational data*

537. An operational system for the management of educational data is also now in place and provides access to exhaustive and reliable data on the output of the Malian education system.

*Concerning school building*

538. Thanks to the Basic Education Support Fund (FAEF), applications made by communities for the construction of schools continue to increase and more significant efforts have been made to meet the requests.

*Concerning teacher training*

539. The chronic teacher deficit at all educational levels calls for the establishment of a clear and vigorous teacher-training policy, which in turn calls for the redefinition of teacher profiles and special emphasis on closely monitored and practical initial training, as well as monitored and effective continuing training.



*Concerning school equipment*

540. The inadequacy of existing school equipment at the pre-school level, the lack of manuals and teaching equipment in primary and secondary education establishments, the inadequacy, not to say absence, of documentation centres, libraries and documentation at all education levels, have signalled the urgent need of an appropriate policy for textbook design, publication and distribution.

541. In order to make good these deficiencies, the Department plans to:

- Set up a national (scientific and multidisciplinary) schoolbook committee that would be responsible for selecting manuscripts prepared and submitted for its evaluation by both CNE staff and other private individuals;
- Develop national skills in the fields of design, publication, printing and distribution of textbooks.

542. In accordance with CLSP and with the Millennium Development Goals (MDGs), PRODEC has set the following objectives by the year 2008:

(a) *To ensure high-quality basic education for all, based essentially on:*

- A clear pre-school education policy and the inclusion of all learning institutions in the non-formal education development policy;
- Creation of an effective educational monitoring and follow-up system for pre-school educational establishments;
- Reinforcement of the use of mother tongues in pre-school education and in the early years of basic education;
- Restructuring of basic education into a single compulsory bloc of nine (9) years for all, centred partly on the training of citizens and development actors capable of integrating into working life on leaving that type of education and of moving on to secondary education;
- Recruitment of sufficient numbers of qualified teachers;
- Increased and adequately equipped infrastructure so as to raise the gross school enrolment ratio to at least 75% by 2008, while reducing disparities among regions and between the sexes;
- Adjustment of syllabuses to meet the new aims of the system;
- Improvement of the content of apprenticeship and literacy programmes;
- Substantial increase in the gross school enrolment ratio for girls (from 34% to 74%) and in women's education (from 7% to 40%) by inclusion in syllabuses of specific characteristics of girls and women, the creation of an environment conducive to their full development, better safety arrangements for girls and, above all, continuous sensitization and mobilization of the inhabitants with regard to girls' school enrolment and women's education.



(b) *Vocational education suited to the needs of the economy*, which could only be developed with substantial private-sector involvement, hence the need to:

- Refocus training towards subjects likely to lead to employment (mining, food production, etc.);
- Establish a better balance of educational cycles in favour of short courses of the vocational skills certificate type.
- Create new vocational training structures in order to integrate 24% of those admitted to the DEF into this sub-sector by 2008;
- Increased supply of training for girls;
- Creation and perpetuation of a synergy between school and business, which would also make it possible to provide vocational training for school-leavers who have not received a basic education or general secondary education diploma.

(c) *Renewed and effective general secondary and technical education* which, while providing general education of the quality necessary for the pursuit of higher education, will also aim to form productive citizens equipped with skills useful for working life. To that end PRODEC envisages:

- Eventually, guidance for 39% of pupils admitted to the DEF in general secondary and technical education;
- Development of skills useful for entry into the world of work, thus reinforcing the terminal nature of this type of education;
- Consolidation and deepening of the knowledge acquired in basic education with a view to satisfactory pursuit of higher studies through the application of the four-year cycle by 2008, while avoiding premature specialization;
- Readjustment of the “Human sciences” series with a view to the gradual transfer of the “Technical-Economics” series in general-education high schools.

d) *High-quality higher education* adapted to priority needs and controlled costs, based for the most part on a radical transformation of the system, already begun with the progressive implementation of the university project. To that end, PRODEC plans to undertake:

- Adaptation of curricula and subjects to the employment market and creation of short-course structures;
- Reinforcement of the capacities of the structures responsible for initial training, lifelong training, and research (university research and development research) and engineering skills (civil engineering, food-production engineering and health-related engineering);
- Organization and mobilization of synergies between the statutory missions of the university system;



- Subregional integration with a view, among other things, to integrating the University of Mali into the African Virtual University.
- Improvement of study conditions through the creation of the university library and university residence.

e) *Use of mother tongues in formal education on an equal footing with French.* The use of national languages in formal education, as the expression of the desire to affirm cultural and national identity, aims to adapt schools to sociocultural and economic realities and to accord importance to the mother tongue in the learning process. To that end, PRODEC intends to undertake:

- The drawing up of a map of the use of national languages;
- The preparation of adequate teaching material;
- Teacher training;
- Sustained awareness-raising and mobilization to support the introduction of mother tongues through a wide-ranging communication programme.

f) *A book and operational teaching material policy.* The unsuitability of existing materials in pre-school education, the lack of textbooks and teaching equipment in basic schools and in secondary schools and the insufficiency – not to say lack – of documentation centres, libraries and documentation sources at all levels of education have highlighted the need for a national policy for the design of school-books,

### **C. Leisure, recreation and cultural activities**

#### ***Measures taken to recognize and guarantee children's right to rest, leisure and participation in cultural life***

543. The legal texts governing leisure in Mali are as follows:

- Act No. 01-079 of 20 August 2001 establishing the Penal Code, articles 186-189 of which prohibit games of chance on public roads and gaming parlours (except when authorized by law, which determines the necessary conditions);
- Act No. 86-84/AN-RM of 12 September 1986 governing the profession of tourism organizer;
- Act No. 88-63/AN-RM of 5 August governing the profession of show producer;
- Decision No. 2110/MJSAS-CAB of 30 May 1979 using and organizing biennials and regional and local weeks;
- The internal regulations of school establishments in chapter V, article 18, stipulate that: “cultural and sporting activities form integral parts of the life of the establishment. Hence all pupils must participate therein.”;



- Decree N0. 92 073/ P-CTSP promulgating the Constitution states in its article 17 that: education, instruction, training, work, housing, leisure, health and social protection care are recognized rights;
- Decree No. 03-269/P-RM of 7 July 2003 establishing the regulations for educational collectivities in the Republic of Mali.

***On the right to rest, leisure and participation in cultural life***

544. In our situation as a developing country where the inhabitants are faced with economic problems, and problems of employment, housing, health, education and poverty, it is difficult to speak of leisure. However, it must be said that leisure occupies an important place in Malian culture.

545. In fact, a traditional sector and a modern sector of leisure exist side by side.

a) *In the traditional sector*, leisure is closely linked to everyday life, gender and age groups

- Events organized on the occasion of births, circumcisions, marriages, deaths, ritual events and occasions for rejoicing;
- Leisure activities linked to economic life: collective fishing and hunting expeditions, agricultural fairs (sowing, crops and harvests, threshing);
- Leisure connected with sport: wrestling; horse, camel and canoe racing; folklore music shows;
- Gender- and age-related leisure activities: “bilakoro” games and sports (N’Tomo-Yogoro), (“tegere tilo” for girls).

Traditional leisure activities follow a ritual and are organized in accordance with a timetable known to all and sundry. They are not supported by any legislative or organizational text. Their practice is strictly linked to voluntary acceptance of a customary unwritten code and of local habits and customs. They are supervised by volunteers, former practitioners, and ministers of the church.

b) *In the modern sector* there are all forms of leisure activities inherited through contact with the West which may be linked to culture, sports, age, gender (cinema, concerts, children’s holiday camps, balls, sports, tourism, exploration trips, riding classes, etc.). Modern leisure activities have the advantage of universal codification. They follow a certain logic of organization and economic viability depending on their type. Practice of those activities usually depends on membership, knowledge of the ground rules, specific training, the existence of costly infrastructure and equipment such as stadiums, theatres, specialized supervision (Ministry of Youth and Sports, Ministry of Culture, Ministry of Tourism, Ministry of Communication, New Technologies and Information, Ministry of National Education, Ministry of Environment (zoos and botanical gardens), declared associations, and the private sector.

546. The agents for implementing these legislative measures are:



- The authorities:
  - Ministry for the Advancement of Women, Children and the Family
  - Ministry of Health
  - Ministry of Social Development, Solidarity and the Elderly
  - Ministry of National Education
  - Ministry of Culture
  - Ministry of Communication, New Technologies and Information
  - Ministry of Youth and Sports
- Non-governmental organizations and associations (COMADE, CAFO, APDF, etc.)

547. The State leisure institutions are:

a) *The youth institutions*: Foundations, Children's Parliament, the Children's City, Community Counselling Centres, *Carrefours des jeunes*, youth meeting-places and hostels. The *Carrefours des jeunes*, meeting-places and hostels are institutions for the training, education, information and entertainment of young people and are open to all, without distinction of race, sex or religious, political or philosophical persuasion. They are organized in the form of activity circles led by permanent and non-permanent agents: arts, sports, technical, reading, study, literacy, educational games, photography, cinema, DIY and exchange circles. In addition, there are:

- Leisure centres that do not provide lodgings;
  - Accompanied visits for children;
  - Libraries as part of "Operation Public Reading";
  - Six child-reading and activity centres (CLAEC) in Bamako, used by 612 children aged 3-12;
  - A children's library in Bamako;
  - Sports and cultural competitions;
  - End-of-year prize-giving and festivities;
  - Training of personnel for vacation and leisure centres;
  - Preparation of statutes governing vacation and leisure centres (functioning and health and medical requirements).
- b) *Youth weeks and artistic, cultural and sports biennials*. The aims of the above are:
- Reinforcement of young people as a unit, and increased national awareness of young people;
  - Full development of young people in the areas of sport, arts and culture.



The activities take the form of games and festivals and constitute an ideal framework for our people's cultural affirmation. They contribute to respect for the country's art forms, the promotion of a living and authentic national culture, and the early detection of a sporting elite.

c) *Youth sites and exchanges aimed at:*

- Helping young people get to know their country better;
- Enabling young people to make better use of their cultural heritage;
- Encouraging cooperation between the young people of Mali and those of the rest of the world;
- Organizing young people with a view to more efficient integration into the country's economic and social life;

d) *Athletics meetings aimed at:*

- Promoting athleticism in villages and the region;
- Enabling the Malian Athletics Federation to bring together large numbers of athletes from the country's clubs so as better to prepare for the various subregional, regional and international competitions.

These meetings enable young people to mingle with one another and encourage fruitful exchanges.

*Youth education movements*

548. Since the March 1991 revolution, the national pioneers movement has given way to the following associations:

- The pioneers association;
- Catholic scouts;
- Non-sectarian scouts.

549. It should be pointed out that these associations are very recent and do not as yet cover the regions; they are still at the organizational stage in Bamako alone. However, there are manifest constraints caused by the inadequacy of the resources allocated to the Department of Youth and Sports for this sector.



### **VIII. SPECIAL PROTECTION MEASURES** **(arts. 22, 38, 39, 40, 37 (b), (c), (d) and 32-36)**

550. Under this heading the aim is to analyse the situation of children regarding the category of rights relating to special protection measures. According to the analysis based on a rights-of-the-child approach, as interpreted in the planning outline, the right to special protection measures is intended to correct dysfunctions noted in the implementation of other categories of rights, namely “health and well-being”, “education, leisure and cultural activities”, “civil rights and freedoms” and “children and families”. To that end, the State, parents and, where appropriate, the extended family, guardians or other persons legally responsible for a child are obliged to set up the legal and social mechanisms designed to prevent the dysfunctions noted in the application of the other rights, and reparation for subsequent prejudice (physical, psychological recovery and social reintegration) for children in need of special protection measures.

551. The inadequacy of formal, family and community education and the high poverty rate have doubtless encouraged the emergence and development of new social phenomena in the country: street children in towns, child victims of abuse, neglect, economic exploitation (sexual, trafficking, begging, etc.) and children in conflict with the law, all of whom are currently difficult to identify. It is apparent, therefore, that the prevalence of the phenomenon of children in need of special protection measures is becoming a new development issue linked to needs hitherto largely or entirely ignored and in which behavioural aspects also come into play.

552. Because of their intersectoral nature, special protection measures are not enshrined in the texts governing justice, the family, employment, education, health, drugs, solidarity, social-work training, research and so on. Instead there are the Convention on the Rights of the Child, CEDEF, CADBE, ILO Convention No. 182 on the Worst Forms of Child Labour, ILO Convention No. 138 on the Minimum age for Admission to Employment, and the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-personnel Mines and on Their Destruction, etc.

553. At the national level, the State party’s efforts have consisted in adopting the Child Protection Code, which effectively translates the spirit of the Convention. This innovation harmonizes national legislation with the terms of the conventions and other pertinent treaties, with a view to guaranteeing the progressive exercise of children’s rights.

554. The training<sup>6</sup> has targeted security agents and social workers involved with children (30), magistrates, audio-production animators (414), local radio administrators (51), cultural actors (45 comedians and 10 “*griots*” (traditional poets)), employees of the public service (30: health, education, water and sanitation) and persons providing instruction on the Convention (18).

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<sup>6</sup> Source: PAN Evaluation Report 1992-2000 – July 2001.



## **A. Children in situations of emergency**

### **1. Refugee children (art. 22)**

***Measures adopted to ensure that a child seeking refugee status or who is already a refugee receives the necessary humanitarian protection and assistance, and domestic legislation and international procedures applicable to children considered to be refugees***

555. National legislation on protection of refugees on national territory is explicit regarding the care of children. Article 13 of Act No. 98-040 of 18 May 1998 establishing the Status of refugee provides that a person enjoying refugee status shall receive the same treatment as a national with regard to access to medical care, the labour market, social security and education, including registration fees and university studies. This legal provision is reinforced by the ratification of international conventions, particularly:

- The Geneva Convention relating to the Status of Refugees of 28 July 1949, supplemented by the Protocol relating to the Status of Refugees of 31 January 1967;
- The OAU Convention of 10 September 1969 governing the Specific Aspects of Refugee Problems in Africa of 10 September 1969;
- The 1981 African Charter on Human and Peoples' Rights;
- The 1990 African Charter on the Rights and Welfare of the Child;
- The International Bill of Human Rights (Universal Declaration of Human Rights, and the International Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights).

556. State bodies and civil society have conducted activities through the Support for the Promotion and Protection of Human Rights in Mali project, financed by Mali and UNDP. The project funds an NGO that informs refugees in Bougouni of their human rights.

557. The political events in Côte d'Ivoire were followed by a great surge of national solidarity in favour of foreign population groups and of Malians who returned to Mali. The activities centred on identifying and welcoming population groups fleeing the conflict, especially children. A national committee for the return of Malians was set up and is led by a Malian economic operator.

558. Regarding the situation of unaccompanied children, it has been observed that there was a lack of professional expertise for identifying these cases and providing the necessary social assistance. Therefore, the Government, together with UNICEF, developed a training module concerning unaccompanied children separated from their parents. Training was provided for 30 trainers involved in the reception of forcibly returned (*refoulés*), refugee or displaced population groups.

559. Order No. 02-062 of 5 June 2002 establishing the Child Protection Code also reinforces the legislative mechanism in its article 20, which provides "protection against any publication or dissemination of pictures of children that would constitute a failure to respect their integrity, their honour and their private life."



560. Decree No. 03 054/P-RM of 28 October 1998 institutes a National Commission for Refugees (CNCR), whose aim is to help the Government implement its refugee management policy on national territory. To that end, it is responsible for:

- Giving an informed opinion on all matters relating to admission, administration, management of and assistance to refugees;
- Coordinating and monitoring activities relating to the management of refugees;
- Preparing the paperwork relating to refugee status;
- Ensuring the protection of refugees.

561. Concerning the measures adopted to ensure dissemination of information and training, especially for official working in the target fields, a seminar on international protection of refugees was held in Bamako in 2004 and was attended by participants from Senegal, Guinea-Bissau and Mali. A Refugee Guide was published.

562. Collaboration among the Government, UNHCR and IOM has served as a valuable contribution to the care provided for population groups from Côte d'Ivoire. According to estimates of the National Commission for Refugees, the number of child refugees between 1998 and March 2005 was: 395 children 0-4 years of age and 996 children from 5-17 years of age.

***Measures taken to protect and assist refugee children and find the family members of all child refugees***

563. The Commission has two transit centres for refugee housing and care, including children. It works closely with ICRC and FUNVA in catering to refugee children in the areas of health, schooling, clothing, food, etc.

***Evaluation mechanism***

564. An annual report on the situation of refugees is submitted to UNHCR in Geneva.

**2. Children affected by armed conflict (art. 38), indicating, in particular, the measures taken for physical and psychological recovery and social reintegration (art. 39)**

565. Mali has not been in a situation of armed conflict since 1998. There is, however, a normative mechanism for confronting the situation that could be faced by children in cases of armed conflict. Malian legislation systematically prohibits the enlistment of children in armed conflict or in armed groups. Thus, the CPE (art. 17) stipulates that: "a child shall benefit from all the guarantees of humanitarian law cited in the conventions ratified. It is prohibited to make a child participate in or involve a child in armed conflict or to enlist children in armed forces or groups before the age of 18."

566. Article 19 of the above Code prohibits the exploitation of children in the various forms organized crime, including inculcating in them fanaticism and hatred and inciting them to commit acts of violence and terror."



## **B. Children in conflict with the law**

567. The notion of children in conflict with the law comprises the administration of juvenile justice; the treatment meted out to children deprived of their liberty, including children in any form of detention, imprisonment or placement in a monitored establishment; the sentences handed down to minors, and their physical and psychological recovery and social reintegration.

568. A manual on juvenile justice, that includes the provisions of the Convention, CADBE and CEDEF, has been published and is currently in use.

### **Measures taken to protect all children involved in the justice system**

#### *Protection of children through the courts*

569. The recent reforms carried out in the justice sector have integrated the provisions of the Riyadh Guidelines and the Beijing Rules into the new laws on criminal responsibility of minors, the Penal Code, the Code of Criminal Procedure and the Child Protection Code, constituting an advance in juvenile justice and the fight against trafficking in children.

570. Act No. 01-081 of 24 August 2001 on the age of criminal responsibility and the establishment of youth courts, and Order No. 02-062 P-RM of 5 June 2002 establishing the Child Protection Code (CPE) are the pieces of legislation that regulate the administration of juvenile justice. The CPE makes provision for two mechanisms for the protection of children in danger: the one community-based and the other judicial. Judicial protection is necessary in order to remedy possible limitations and deficiencies in community-based prevention. It offers the children concerned the possibility to choose between two modes of protection for children in danger, depending on the circumstances, it being understood that both modes have possible advantages and drawbacks.

571. Unlike those foreseen in the context of community-based protection, the measures taken by the courts are not consensual even if the parties are consulted. They may never therefore be subject to any protests by the parties and are binding regardless of any appeal.

#### *System for the protection of child offenders*

572. The system for the protection of child offenders comprises four components:

- (a) Criminal responsibility and youth courts;
- (b) Establishment of a process limiting and supplementing prosecutions;
- (c) Safeguarding of children's specific rights and interests;
- (d) Matching of sanctions to offences.

#### *Criminal responsibility and youth courts*

573. The Code establishes the age of criminal responsibility at 18 years. This means, in principle, that children under the age of 18 are considered to be minors in penal law. Hence they cannot be held criminally responsible for any crimes they may have committed.



574. However, in order to guarantee society the right to protect itself from criminal acts committed by children, the Code establishes a form of criminal responsibility of a child before it reaches the established age of criminal responsibility. Therefore, children could be declared criminally responsible before reaching the age of 18.

575. Such responsibility is regulated in the following manner:

– *Firstly*, a child under 13 years of age cannot, in any circumstances, be held criminally responsible. This is an unchallengeable presumption; in other words, it cannot be subject to any exception or limitation. The CPE establishes *an unchallengeable presumption of innocence* in favour of children under 13;

– *Secondly*, criminal responsibility may be declared from the age of 13 upwards. But this declaration of responsibility is subject to a major condition: namely, that the child acted with due discernment at the time the crime was committed. The existence of this condition is evaluated by the court on the basis of subjective and objective criteria.

576. However, when it transpires that the child has acted without due discernment, despite being 13 years of age, he or she cannot be prosecuted. This involves *a simple presumption of innocence* which stands despite evidence to the contrary.

577. In short, the Code establishes two essential rules:

- (1) The non-imputability of criminal acts to children under 13 and to children over 13 acting without discernment.
- (2) The imputability of criminal acts to children aged 13 and over who act with discernment.

578. In reality, criminal responsibility before the age of 18 is the exception, the rule being lack of responsibility.

579. It is important to point out that children, in cases of lack of responsibility, instead of being prosecuted are returned to their parents or placed in an specialized educational institution for a period of time which may not last beyond the date on which they become criminally responsible.

#### *Specialization of the courts*

580. The Code establishes special courts for children, called youth courts. In the interest of respect for the principle of dual jurisdiction, the minors' courts are divided into courts of first and second instance. They are designated the children's judge, the youth court itself, the special division for minors in the appeal court, and the youth assize court.

581. These courts are required to specialize as follows:

- (a) Specialization by subject: monopoly of prosecutions of juvenile offenders;
- (b) Specialization in terms of procedure: exceptions to the procedures in general legislation.



- (c) Specialization in terms of personnel: qualification or profile of personnel, involving familiarity with matters relating to the rights of the child.

*A process limiting and supplementing prosecutions*

582. Protection of a juvenile offender involves a mechanism that limits the scope of prosecutions and a mechanism designed to put an end to prosecutions. The former involves referral to the correctional courts and the second involves mediation.

*Referral to correctional courts*

583. Referral to correctional courts is a process whereby serious crimes (at the top of the crime pyramid) are commuted into lesser crimes, more precisely into *délits* (serious offences) (which are situated at a lower level of the pyramid), with the result that the punishment will be less severe. It constitutes a favour in the form of a lighter sentence.

584. All serious crimes may be commuted except those involving a person's death. *An example: theft is an offence. Committed by a group at night, it becomes a crime. The court will ignore the aggravating circumstance and try the person for simple theft.*

*Mediation*

585. Mediation is a mechanism that enables the parties (victims and perpetrators) to put an end to prosecutions, by mutual agreement, through conciliation between the juvenile offender and the victim or between their respective representatives.

586. Mediation is subject to a number of conditions:

- The existence of sufficient evidence to justify prosecution;
- The perpetrator's recognition of his or her responsibility;
- A lack of danger in the mediation for the young person and society;
- Consultation and acceptance of the victims or their representatives.

587. The exercise is carried out under the direction of a mediator in criminal matters and is broad in scope. Mediation is debarred only in three specific cases: crimes, sex offences and offences against public property.

*Safeguarding of children's specific rights and interests*

588. Throughout the penal process, a juvenile offender enjoys specific rights and special guarantees for ensuring the exercise of those rights. More precisely, specific rights and their guarantees exist at all stages of the judicial process. This starts from the moment the person is charged and goes right up to judgement and the execution of sanctions.

589. The foregoing relates to the conditions of deprivation of liberty, fairness of the trial and the preservation of the child's interests and specific needs. *An example: police custody and pre-trial detention are regulated in a highly restrictive manner..*



590. Hence, *police custody* is prohibited for a child under 15 years of age in non-criminal matters, while it is subject to restrictions for a minor over 15. Likewise, *pre-trial detention* of children aged 13 and over is subject to very strict conditions.

591. Dissuasive sanctions are provided for punishing failure to respect those rights. They may take the form of administrative sanctions, nullification of the procedure, a fine and/or imprisonment. These sanctions guarantee respect for rights.

#### *Matching of sanctions to offences*

#### *The institution of social or alternative measures in cases not involving crimes*

592. In cases not involving crimes there is an option between penal sentencing and alternative measures. In the case of a contravention or offence, the sanctions may be social or judicial. This remains at the discretion of the judicial body.

593. The alternative measures foreseen have the effect of favouring correction of unacceptable behaviour in a child. They are rehabilitation measures or measures of physical or psychological readjustment or re-education and social reintegration.

594. They are as follows: reprimand, return to the parents, remand to an institution, placement in a medical or medical-pedagogical institution, freedom under supervision or probation and, for a child aged 16-18, community service (TIG).

595. Social or alternative measures must be given preference over criminal sentences.

#### *Commutation of sentences*

596. For time-limited sentences: *commutation involves a reduction of the normal sentence. The child is sentenced to half the normal penalty at most. This is the situation both for crimes and for offences not ranking as crimes.*

597. Sentences without a time limit exist only for crimes. They are the capital punishment and life imprisonment.

598. In no circumstances may a juvenile offender be sentenced to death, and life imprisonment is commuted to 10-12 years in prison.

#### ***Guarantee for children to benefit from legal or other assistance for the preparation of their defence: right to a fair hearing; right to appeal; right to be provided with an interpreter free of charge***

599. As soon as minors are apprehended, they must be informed of their right to the assistance of a lawyer. Act No. 01-082 of 24 August 2001 concerning legal assistance enables children to exercise their right to justice.

#### ***Range of provisions relating to care, guidance, supervision, counsel, family placement, and general and vocational education programmes***

#### ***Training activities organized for professionals working in the administration of juvenile justice and in immigration and for social workers***



600. Despite the fact that assistance to children is organized and ensured through article 19, 20 and 21 of the new Act on criminal responsibility, its enforcement is still hypothetical owing to the inadequacy of independent monitoring and follow-up mechanisms, the lack of information among inhabitants and professionals, the inadequacy and malfunctioning of children's tribunals and judges, and the lack of specialized detention centres in the regions. It is still difficult to assess the impact of the measures taken by public structures to provide physical and psychological recovery and social reintegration.

**2. Treatment meted out to children deprived of their liberty, including children subjected to any form of detention, imprisonment or placement in a supervised establishment (art. 37 (b), (c) and (d))**

***Measures taken to ensure that no child is arbitrarily deprived of his or her liberty***

601. The CPE provides that children under 15 may not be placed in police custody (art. 106), that children over 15 may be placed in police custody if there are serious and concordant indications of their guilt (art. 106), but that parents must be informed (art. 105) and that the children must be separated from adults (art. 107); minors aged over 13 may not be held in a prison, unless there are exceptional circumstances, in which case they must be held in special minors' quarters (art. 108).

602. Nonetheless, these provisions are not strictly enforced for several reasons, including the difficulty of contacting parents or guardians, and the lack of premises for minors.

603. At the prosecution level, a case may simply be filed or referred for penal mediation. At the punishment level, there is sentencing to community service and the sentence of suspended imprisonment.

***Measures that prevent asylum-seekers and refugees from being deprived of their liberty***

604. Act No. 98-040 of 20 July 1998 establishing the status of refugee makes provision for the decree establishing the modalities for its enforcement. The decree is No. 98-354 P-RM of 28 October 1998 creating the National Commission for Refugees. One of that body's main missions is to ensure the protection of refugees. In carrying out its functions, the Commission may not permit any imprisonment or arrest based on the status of asylum-seeker or refugee.

**Number of children deprived of their liberty**

605. According to the 2004 report of the National Documentation and Information Centre on Women and Children relating to the situation of Malian children, 72 children were placed under a committal order and 44 under order of placement in the Bollé Centre (see 2003 Activity Report of the CSDR on Minors in Bollé).

***Guarantees of respectful treatment of children deprived of their liberty, and measures taken so that such children may be separated from adults, remain in contact with their families, and receive education and health care.***

606. Under article 108 of the CPE, minors shall be detained in special quarters and must be separated from adults at night-time. Minors have the right to receive adequate health care and assistance from the social, education and protection services. Article 109 states that any breach of those provisions exposes the guilty party to administrative sanctions.



***Right to prompt access to legal assistance***

607. By virtue of article 104 of the CPE, once minors have been apprehended, they must be promptly informed in detail of the charge against them, of the right to legal assistance and of the right to have a parent or guardian present.

***Percentage of cases in which legal assistance has been provided***

608. The competent authorities haven statistics available.

***Progress achieved in the implementation of art. 37 (b), (c) and (d) of the Convention, and difficulties encountered***

609. Article 104 of the Malian CPE contains provisions for the implementation of article 37 (b), (c) and (d) of the Convention. There is no difficulty at present in implementing them.

**3. Sentences imposed on minors, particularly prohibition of the capital punishment and life imprisonment (art. 37 (a))**

610. Article 50 of the Act concerning minority for penal purposes stipulates that minors over 13 and under 18 years of age who have acted with discernment:

- 1) If liable to a sentence of capital punishment or life imprisonment, may be sentenced to 10 to 20 years' imprisonment;
- 2) If liable to sentence of a prison term, may be sentenced to a term equivalent at least to not more than half of the sentence they would have received had they been over 18.

An analysis of article 50 of the Act establishing minority for penal purposes shows that capital punishment and life imprisonment are prohibited for minors.

***Progress made in the implementation of art. 37 (a) of the Convention, and difficulties encountered***

611. Article 104 of the Malian CPE contains provisions for the implementation of article 37 (a) of the Convention. There is no difficulty at present in implementing them.

**4. Physical and psychological recovery and social reintegration (art. 39)**

***Measures taken to facilitate the physical and psychological recovery and social reintegration of all children involved with the juvenile justice system***

612. The measures for the physical and psychological recovery and social reintegration of children in force in Mali consist essentially of the following:

- a. reprimand;
- b. return to their parents;
- c. placement in an institution;
- d. supervised freedom or probation for a minor, and community service for a child aged 16-18.



613. As a general rule, these measures are preferable to penal sentences. They favour correction of unacceptable conduct in a child. Where provision for the child's physical and psychological recovery and social reintegration is concerned, there is a legal vacuum relating to the definition of the role of the State, other actors, standards for care provision, and follow-up and monitoring mechanisms.

614. However, the reality is that that service is only partially provided. The development of care structures for children needing special protection measures falls to the associations, NGOs and foundations with support from the State and the technical and financial partners. There are 32 reception and guidance centres<sup>7</sup> and accommodation and non-formal education centres catering to over 6,101 children with a view to their physical and psychological recovery and social reintegration. The commitment of civil society is hampered by the lack of professional training and its dependence on external financing, rendering its assistance and their role in bringing child-rights violators to book doubtful.

### ***Difficulties in the implementation of art. 39 of the Convention***

615. Although childcare is organized and provided through articles 18, 20 and 21 of the new Act establishing minority for penal purposes, its provision is quite hypothetical owing to the inadequacy of independent follow-up and monitoring mechanisms, the lack of information among inhabitants and professionals, the inadequacy of youth courts and magistrates (11 magistrates in 2001), the inadequacy and malfunctioning of youth courts, and the lack of specialized detention centres in the regions. It is as yet difficult to assess the impact of efforts at physical and psychological recovery and social reintegration expended by the Malian State.

## **C. Children in situations of exploitation, including their physical and psychological recovery and their social reintegration**

### **1. Economic exploitation, especially child labour (art. 32)**

#### ***Measures taken to recognize and guarantee the right of the child to be protected from economic exploitation***

616. Child labour in Mali is governed by:

- Act No. 92/020 of 23 September 1992 establishing the Labour Code;
- Decree No. 96/178P/RM of 13 June 1996 establishing the modalities for and enforcement of the provisions of the Labour Code;
- Order No. 02-062/P-RM of 5 June 2002 establishing the Child Protection Code;
- Ratification by Mali of the basic ILO conventions, especially Conventions No. 138 concerning Minimum Age for Admission to Employment in 2002, and No. 182 on the Worst Forms of Child Labour in 2000;

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<sup>7</sup> Annex – List of NGOs, Associations and Bodies.



- The choice of the fight against child labour as the theme for the start of the 2004/05 school year, and the teaching of a model lesson on that subject on the first day of the school year at the basic level;
- Withdrawal, reintegration, rehabilitation and school enrolment of children working in the informal economy.

***Definition of activities considered to pose risk to or likely to jeopardize children's schooling or to damage their health and development***

617. The decrees implementing the Labour Code target such activities through the following articles:

- Article D.189-21: It is prohibited to employ children in the garment industry, and in the handling and sale of written and printed works, posters, drawings, engravings, paintings, emblems, pictures or any other object whose sale, supply, exhibition, display or distribution are likely to undermine their morals or have an adverse effect on them.
- Article D.189-28: It is prohibited to employ children in the use and handling of explosives.
- Article D.189-30: It is prohibited to employ children below 16 years of age in public shows put on in theatres, cinemas, cafés, concerts or circuses to perform dangerous manoeuvres or contortionism.

618. The information, awareness and education campaigns have focused on the following activities:

- On the occasion of celebrations of World Day against Child Labour, child workers themselves had the opportunity to take the floor and express what they saw as pressing concerns they considered on which emphasis needed to be placed in the fight against the worst forms of child labour.

619. The Mali 2002 African Nations Cup provided the occasion for an awareness and information campaign on the living conditions of child workers, under the name "Red card to child labour".

620. This campaign was launched on the occasion of the twenty-third series of the Africa Cup of Nations (ACN) for football, held in Mali in 2002. It was organized in collaboration with the African Football Confederation (AFC) and the Organizing Committee for the African Nations Cup (COCAN), a huge awareness campaign centred on the fight against the worst forms of child labour. The purpose of the campaign was to use ACN 2002 to sensitize the public at large to this reality and rally all and sundry to respect for the basic principles set forth in the ILO Convention No. 182. The campaign achieved the following results:

- Broad awareness of all layers of the population: political leaders, journalists and officials of the various government departments. Over 2 million Malians have participated directly or indirectly in the campaign;



- The campaign provided allowed child workers to speak for themselves and express what they saw as pressing concerns on which emphasis needed to be placed in the fight against the worst forms of child labour;
- The idea of the red card would henceforth be associated with all sporting activities in the country in order to support activities on the ground.

621. As part of the ILO/IPEC project, in April 2004 the Minister of Labour and Public Administration and the Minister for the Advancement of Women, Children and the Family signed in Bamako the international appeal in support of the Global March against Child Labour.

622. With that signing, the ministers undertook, on behalf of the Government, to support the “Red Card to Child Labour” campaign and to implement ILO Conventions No. 138 and No. 182 and call the international community’s attention to the child labour issue.

623. Thus, ILO/IPEC, in collaboration with the Ministry of National Education and the Teachers’ Union, launched in 2003 a new initiative, entitled “SCREAM, Stop Child Labour!”, focusing on education and social mobilization to combat child labour. This campaign is intended to help educators the world over to reinforce young people’s understanding of and sensitization to child labour.

624. The SCREAM campaign and the model lessons recognise that the school has been and still is the sturdiest bulwark against the early placement of children in employment and the most effective alternative possible in terms of the socio-economic integration of children removed from the worst forms of labour.

625. The SIMPOC programme (Programme for Statistics and Monitoring of Child Labour) for Mali is in operation and has the following aims:

- Collection, application and dissemination of gross quantitative and qualitative data useful for studying the extent, distribution, characteristics, causes and consequences of child labour;
- Establishment of a basis for the analysis of data on child labour with a view to planning, designing and implementing multisectoral integrated activities, monitoring implementation, and assessing the impact of policies and programmes.

626. We should also observe that the Malian Government created in 2004 a “child and labour” unit in the Ministry of Labour so as better to coordinate and evaluate actions for combating child labour for purposes of exploitation.

627. Where statistics are concerned, it should be noted that:

- The number of children who have directly benefited from the programme of action stands at 7,011: 2804 boys and 4207 girls;
- The number of children who have indirectly benefited from the programme of action stands at 25,000, with girls accounting for 60% of that number.
- The number of children reached by the awareness campaigns stands at 25,000.



628. Despite the efforts of the Malian Government to impart more information about child labour, make for more awareness of national actors, more activities for withdrawing children from work and reintegrating them, there is still resistance in certain quarters, especially in rural areas, to excluding children from certain dangerous and difficult jobs. Hence, efforts must be made to adopt a methodological approach and provide geographical and sectoral coverage. In response to these deficiencies, Mali, with the support of the SIMPOC programme, would like to conduct a comprehensive nationwide survey, based on the new ILO methodologies for surveys on child labour, in order to secure reliable, up-to-date data on child labour in Mali.

629. The implementation of the National Programme to Combat Child Labour and the elaboration and implementation of an emergency national plan of action to fight cross-border trafficking in children (2000-2001) are an indication of the efforts made to put an end to this scourge. It was in this context that 413 child victims of cross-border trafficking were repatriated.

630. Since 2002, Mali has also benefited from the Project supporting the application of the ILO Declaration on Fundamental Principles and Rights at Work (PAMODEC MALI). Its purpose is to help States that so request to improve their country's application of the basic ILO conventions and, by extension, the application of international labour standards. This project has contributed to improved knowledge of the ILO child-labour conventions.

631. In conclusion, Mali is a member of the Organization for the Harmonization of Business Law in Africa (OHADA) created in 1993 by the Port-Louis Treaty, article 2 of which deals specifically with child labour, in particular with the elimination of all forms of compulsory forced labour, the effective abolition of child labour, and the elimination of discrimination in employment and choice of occupation.

632. However, this legal instrument has not been used as a legal expedient against child labour.

***Minimum age for admission to employment and appropriate measures for its effective application***

633. Under the Labour Code, the minimum age for admission to employment in Mali is 14 years. However, with Mali's ratification of ILO Convention No. 138, Minimum Age Convention, that age must be raised to 15 in order to bring the minimum age into line with that Convention. Article L.185 of the Labour Code stipulates that "in any type of establishment ... it is prohibited to employ children under 18 years of age of either sex for work that is beyond their strength, that may be dangerous or that, by its very nature and the conditions in which it is performed, is likely to corrupt their morals."

634. The Labour Code also prohibits:

- Night work by children in industry;
- The employment of children for more than eight hours a day;
- Night work by children under 18 years of age between 9 p.m. and 5 a.m.;
- The employment of children on legally recognized holidays, even for workshop arrangement ;
- Work on Sundays by children of either sex who are in apprenticeship.



635. Likewise, article 20 of the CPE provides that any child has the right to:

- Attend school for a minimum of nine years;
- Employment from the age of 15, in accordance with the relevant provisions of the Labour Code and its subsequent texts.

636. It must, however, be recognized that economic and sociocultural realities make it difficult to enforce these provisions. Moreover, the provisions of the Labour Code are applicable only in the formal sector of the national economy, while most children who work do so in the informal sector, which explains the lack of appropriate sanctions in this area.

***International conventions and other applicable instruments, national prevention policies, cooperation programmes and coordination and monitoring mechanisms***

637. Mali has ratified the two basic ILO conventions on the subject:

- Convention No. 138 concerning Minimum Age for Admission to Employment, ratified in 2002;
- Convention No. 182 on the Worst Forms of Child Labour, ratified in 2000.

638. These two conventions are implemented under the ILO/IPEC National Programme on the Elimination of Child Labour. The programme has a National Steering Committee made up of representatives of 12 ministries, 8 associations and NGOs, COMADE and the United Nations agencies. The Committee meets once a quarter and validates any programme or project executed under the National Programme. It also serves as coordinator.

639. As part of the Mali-United States cooperation effort, World Vision and Care International have been implementing a programme to combat the economic exploitation of children and trafficking in children since 2003 in the Ségou and Mopti regions, and in the Bamako district. The programme of the NGO Winrock International has been in operation in the Sikasso and Ségou regions since 2004.

640. So far no national child labour indicators have been devised in connection with the Government's development policies and programmes. The total number of child workers is not known. A national survey is under way to and is to be finalized in 2005.

***Measures against the illegal use of drugs and psychotropic substances***

641. Act No. 01-078 of 18 July 2001 on control of drugs and precursors prohibits - and punishes by fines or imprisonment - any person who supplies products categorized as drugs or precursors to a minor child. It should be pointed out that this 2001 Act adopts the various categories of products appended to the 1961 United Nations Single Convention on Narcotic Drugs, the 1971 Convention on Psychotropic Substances and the 1988 Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances.

642. This 2001 Act was drawn up in conformity with the relevant provisions of the United Nations conventions cited in paragraph 641 above. It replaces and updates Act No. 83-94 AN-RM of 1 September 1983 relating to the suppression of offences relating to poisonous substances and narcotic drugs.



643. The NGO Caritas has opened a rural centre (30 km from Bamako) to receive children who use drugs. The purpose is to cure the children and train them in crop-farming and stock-rearing. Some 30 children have been taken in.

644. Since 1996 Mali has had a National Commission on Narcotic Drugs responsible for drawing up national policy and preparing Government decisions at the national and international levels regarding the fight against drug production, trafficking and consumption and, more generally, all matters relating to the fight against drug abuse. It is also responsible for coordinating the actions of the various State services regarding narcotic drugs and psychotropic substances. The National Commission often receives technical and financial assistance from the United Nations International Drug Control Programme (UNDCP).

***Applicable international conventions and instruments***

645. A number of conventions are applicable, including:

- The 1961 United Nations Single Convention on Narcotic Drugs;
- The 1971 United Nations Convention on Psychotropic Substances;
- The 1988 United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances.

***Measures to prevent children from consuming alcohol, tobacco and other substances***

646. Regarding tobacco consumption, the Government has adopted a decree to ban smoking in public places and to limit tobacco advertising. There is an association called SOS Smoking, which carries out information and awareness activities concerning the ill effects of tobacco, and encourages the inhabitants to stop smoking.

647. Where alcohol consumption is concerned, it is prohibited for any bar proprietor or manager to serve a minor with alcohol either for consumption on the spot or to be taken away.

**3. Sexual exploitation and sexual abuse (art. 34)**

***Protection measures***

648. Protection measures relating to sexual exploitation and sexual abuse are applied through:

- The Child Protection Code, especially its articles 32, 33, 35, 50, 56 and 57;
- Articles 226, 227 and 228 of Act No. 01-079 of 20 August 2001 establishing the Penal Code.

649. In the CPE, persons responsible for the protection of children, the state prosecutors, youth courts and the officers and agents of the judicial police each play, within their remit, the role of protector of child victims of sexual abuse and exploitation.



### ***Information and awareness campaigns***

650. Information and awareness campaigns are carried out to target public-service personnel (magistrates, the police, *gendarmes*, community leaders (district chiefs), religious leaders (Muslim, Christians) and members of civil society (modern communicators, traditional communicators, associations and NGOs involved in children's issues. The campaigns cover:

- The Convention on the Rights of the Child;
- The CADBE;
- The Child Protection Code.

### **4. Sale, trafficking in and abduction of children (art. 35)**

651. Where the fight against the traffic in children is concerned, Mali has drawn up an emergency national plan of action 2000-2001 and a national plan of action to combat the traffic in children 2002-2006. These undertakings have resulted in the reduction of traffic and a public that is better informed about the traffic as a flagrant human-rights violation. The following stages have been initiated.

652. Knowledge of the phenomenon of cross-border traffic in children needs to be improved by means of the following measures:

- Between October 1999 and February 2000, the Ministry for the Advancement of Women, Children and the Family and UNICEF conducted a forward-looking survey in Sikasso, Ségou and Mopti regions, with technical support from Save the Children Canada and Anti-Slavery International of London;
- Two other surveys carried out by ILO/IPEC and Terre des Hommes Germany have shed light on the phenomenon;
- The mechanism for isolated repatriations put in place has in turned enabled those concerned also to grasp the ins-and-outs of this new dimension of their work;
- The preparation and implementation of the Emergency National Plan of Action against Cross-border Traffic in Children 2000-2001.

653. The Government of Mali, after adopting the Libreville (Gabon) 200 Common Platform, decided to prepare an emergency plan of action against the traffic in children. A limited inter-ministerial committee of eight ministers was appointed to support the Ministry for the Advancement of Women, Children and the Family. It is composed of:

- The Minister for the Advancement of Women, Children and the Family;
- The Minister for Social Development, Solidarity and the Elderly;
- The Minister for Employment and Vocational Training;
- The Minister of Justice, Keeper of the Seals;
- The Minister for Territorial Administration and Local Communities;
- The Minister for Internal Security and Civil Protection;
- The Minister for Foreign Affairs and Malians Living Abroad.



655. The National Plan of Action against Trafficking was adopted by the Council of Ministers on 26 May 2000.

### **Some results achieved**

656. International collaboration in the fight against the traffic in children includes the following:

- Signing of the Cooperation Agreement with the Republic of Côte d’Ivoire concerning cross-border trafficking in children in Bouaké on 1 September 2000;
- Signing of the Cooperation Agreement with Burkina Faso concerning cross-border trafficking in children on 25 June 2004;
- Signing of the Cooperation Agreement with the Republic of Senegal concerning cross-border trafficking in children on 22 July 2004;
- Repatriation of children;
- Surveillance by mobile security brigade patrols of the borders with Burkina Faso, Côte d’Ivoire and Senegal, and the creation of 130 neighbourhood-watch bodies;
- Continuation of repatriation of children; 700 children have been returned to their families.

657. Collaboration at the national level on the fight against trafficking in children includes:

- The signing of a protocol of understanding between Save the Children Canada and the Sikasso Drivers’ Union in order to prevent trafficking in children;
- The creation of 130 neighbourhood-watch bodies (SCS) in the Koulikoro, Sikasso, Ségou and Mopti regions.

658. An average of 1,500 persons as social workers (or community brigadiers) are working, for instance, to:

- Identify children and possible child traffickers;
- Alert the security forces to suspicious persons;
- Inform parents and children of the modalities for travelling outside the country (official travel documents).

### **Appeal and awareness-raising - Communication**

659. The communication programme includes:

- Information, education and communication campaigns are organized throughout the regions concerned during the celebration of special events (Day of the African Child, Universal Children’s Day, International Children’s Day of Broadcasting, etc).
- Production and broadcast of an audiovisual documentary by ORTM;



- Production of posters (giant placards, hoardings, banners, etc.
- Press conferences by some NGOs (AEC, Soroptimists);
- Advocacy (visit of the President of the *Fondation partage* to Sikasso);
- Days of awareness promotion and advocacy intended for members of the legislature and the Economic, Social and Cultural Council;
- Journalist training;
- Press articles and independent reports in the national and international press;
- Song production (audio cassettes and video clips;
- Giant hoardings in the Bamako district
- Production of “Top Etoile” broadcasts;
- Production and dissemination of 500 leaflets.

#### **Legal and administrative mechanisms**

660. As part of the implementation of the plan of action to combat trafficking in children, several international conventions have been ratified and the national legislation has been brought into line with those conventions:

- ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour
- ILO Convention No. 138 concerning Minimum Age for Admission to Employment
- The Hague Convention on Protection of Children and Co-operation in respect of Intercountry Adoption
- The optional protocol to the Convention on the Rights of the Child concerning the involvement of children in armed conflict and the sale of children, child prostitution and pornography using children, adopted on 25 May 2000 by the General Assembly of the United Nations:
- The United Nations Convention against Transnational Organized Crime and its Additional Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children
- Adoption of the Child Protection Code (Order No. 02-062/P.RM of 5 June 2002)

661. At the national level, the legal and administrative provisions concern:

- Criminalization of trafficking in children in the new Penal Code (art. 244, raising the penalty from 5 to 20 years in prison and the payment of fines by any person found to have been involved in the trafficking of children);



- The adoption of the decree establishing the travel document constituting authority for children aged 0-18 years to leave the country, and its enforcement mechanism;
- Elaboration of the Child Protection Code (CPE);
- Preparation of the strategic plan for the promotion of children 2002-2006, comprising the national policy and plan of action for the promotion of children.

662. Actions taken to rehabilitate and reintegrate child victims of trafficking include:

- Return of children to their families: 100% of repatriated children have rejoined their families;
- Creation of three reception and transit centres for child victims of trafficking in Sikasso, Ségou and Mopti by the partner non-governmental organizations Save the Children Canada and Mali Enjeu;
- Training of public service and NGO personnel in childcare techniques;
- Joint reintegration and rehabilitation programme for child victims of trafficking was conducted, with the International Organization for Migration (IOM) as executing agency. The project is funded by the Malian Government, UNICEF and ILO.

663. Regarding coordination and follow-up, attention should be drawn to:

- The establishment of the National Committee for coordination and monitoring of the emergency national plan of action against cross-border trafficking in children;
- The establishment of regional committees for the fight against cross-border trafficking in children;
- The establishment of the Standing National Committee for Follow-up of the Cooperation Agreement on the fight against cross-border trafficking in children;
- Supervision in the regions of Mopti, Ségou, Sikasso and Koulikoro;
- Institutional support for the services responsible for issuing travel documents.

### **Partnership in the fight against trafficking in children**

664. As part of the partnership and the establishment of synergies, the following programmes and projects were prepared with the support of the National Directorate for the Promotion of the Child and the Family.

Programme Protection of children against all forms of violence, abuse, exploitation and negligence 2003-2007 Programme Promotion of a culture of rights 2003-2007	UNICEF Mali Cooperation Programme 2003-2007 (under way)
Project to fight child labour and trafficking in children (2 years)	German Cooperation (launched in 2004)
Subregional project on the fight against trafficking in children	Save the Children Canada (launched in 2004)



Project on the fight against trafficking in children through education	World Vision and Care Mali (launched 4 <sup>th</sup> quarter 2003)
Project on the fight against trafficking in children through the media (radio series)	Population Media Center (launched 4 <sup>th</sup> quarter 2003)
Project on the fight against the trafficking of children through education (CIRCLE)	Winwork International (launched 4 <sup>th</sup> quarter 2003)
Project on the fight against domestic and transnational child beggary	<i>Fondation pour l'enfance</i> (under discussion)
National Programme for the Fight against Child Labour	IPEC/ILO (under way)
Project to Fight Trafficking in Children (LUTRENA)	IPEC/ILO (under way)
Project of Support for the integration of 2000 Malian families repatriated from Côte d'Ivoire	IOM –Dakar/search for financing under way in close collaboration with DNDS to be responsible for the project

### **Strengthening of capacities of service providers**

665. Training sessions have been organized for the various categories of personnel involved (80 army and security officers) in the issue of travel documents. In 2003, three (3) information and awareness-raising workshops for public administration personnel were held in Bamako and Mopti on national and international legal mechanisms concerning the fight against trafficking in children, in collaboration with IPEC/ILO/LUTRENA.

### **Promotion of the rights of adolescent girls**

666. The project for the development of the rights of adolescent girls is an innovation that forms part of the integrated development programme of the United Nations system. In partnership with UNICEF, UNFPA and UNDP, the Government has developed this initiative, which aims to develop the rights of adolescent girls, a considerable and vulnerable stratum of society because of their great numbers among the under-18 age group. The aims of the project include:

- Information and awareness (topic chosen according to the specificities of each sociocultural environment) in reproductive health of adolescent girls (SRA) and in the risks involved in early marriages;
- Training for citizenship, lobbying and establishing of internal and external networks of migrant girls;
- Introduction of micro-financing with literate migrant girls;
- Information/training of migrant girls on their rights (especially the right to have a family and the right to work) to serve as social communicators in their living environment.

667. In terms of results, the adolescent dimension has been taken into account with the continued implementation of the Project on the Development and Promotion of their Participation in the Environment (PDAP).



668. In addition to the permanent organization of literacy courses for 4,000 migrant and marginalized adolescent girls, there are 386 social communicators trained and retrained in reproductive health, lobbying and citizenship. Information and awareness sessions have been held on the reproductive health in literacy centres. The First National Adolescent Girls' Day, held in San, brought together over 800 persons, including some 500 adolescent girls from all regions of the country. As part of the activities for Anti-HIV/AIDS Month (December 2003), briefings on the pandemic were organized with the participation of adolescent girls from all the regions.

669. An integrated vision for the development of adolescent girls (VIDA) has been devised and is intended to ensure that the rights of adolescents are taken into account in decision-making.

670. The training courses<sup>8</sup> were attended by security agents and social workers working with children (30), magistrates, audio-production animators (414), local radio administrators (51), cultural agents (45 actors and 10 “*griots*” (traditional poets), public service officials (30: health, education, water and sanitation) and trainers in the Convention (18).

671. Despite these training and awareness-raising activities, efforts to familiarize the population with children's rights have not yielded the expected results. The vast majority of the population, including some senior officials, are unaware of these conventions and other pertinent treaties. This fact gives rise to a number of problems, namely: training offered exclusively in cities and to professionals, the lack of a follow-up plan for the agents trained, the failure to take into account in the various training programme the real actors - the parents and children themselves – and the relevance of training strategies.

### **Other forms of exploitation (art. 36)**

#### ***Measures taken to protect children from all other forms of exploitation harmful to any aspect of their well-being***

672. Malian legislation, through the new Penal Code, provides broad protection for child victims of exploitation. This Code protects minors against incitement to beg (art. 183), women and girls against debauchery and procurement (art. 229), children under 13 years of age against paedophilia (art. 228) and children below 15 years of age against indecent assault (art. 225), rape (art. 226) and abduction (art. 241). These crimes carry heavy sentences ranging, for instance, from 5 to 20 years in prison for the perpetrators.

### **Begging**

673. The activities carried out as part of the fight against begging include:

- A survey on Koranic schools and pupils in the Bamako District conducted by Mali Enjeu in 1999. This survey revealed the existence of 1,404 children (boys) aged under 18 forced to resort to begging in order to feed and clothe themselves and to be able to continue their Koranic education;
- Training of Koranic teachers in the content of the Convention in areas where begging is rife (Bamako, Ségou, Sikasso and Mopti);
- Training of Koranic pupils in a trade in order to reduce the time they spend begging.

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<sup>8</sup> Source: PAN evaluation report 1992-2000 – July 2001



## Sexual exploitation of children

674. This phenomenon is a fact of life. Following Mali's participation in the Arab-African Conference for the Prevention of Commercial Sexual Exploitation of Children, held in Rabat in December 2004, the authorities intend to devise a national plan to combat this problem.

### REPLIES TO THE COMMITTEE'S OBSERVATIONS AND RECOMMENDATIONS

<i>Concerns expressed by the Committee</i>	<i>Replies to the following paragraphs</i>	<i>Remarks</i>
8. Withdrawal of the reservation to art.16 of the Convention on the Rights of the Child	17-21	
9. Harmonization of legislation concerning social protection	427-436	CPE adopted but general code of social protection not yet adopted
10. Inadequacy of the resources allocated to the committee responsible for implementing the PAN and the decentralization of activities and programmes	68-77	Through PRODEJ PRODESS PRODEC, coordinated by CSLP
11. Independent mechanism for receiving complaints from children in the event of violence	238-243	
12. Inadequacy of the data-collection mechanism	45-62	
13. Inadequacy of the resources allocated to actions in favour of children	68-77	
14. Insufficient awareness-raising with regard to the terms and rights of the Convention	83-84	
15. Raising the age of marriage for girls from 15 to 18	97-99	
16. Problem regarding incorporating the general principles contained in the Convention into national legislation	22-25	
17. Problem of respect for the key principles of the Convention	26-27	
19. Problem concerning registration of births	202-211	
20. Protection of children against harmful information	234-237	
21. Inadequacy of the mechanism for protection against ill-treatment	238-243	
22. Weakness of system of care for children deprived of a family environment	292-298	
23. Weakness of the measures governing domestic and inter-country adoption	302- 310	
24. Weakness of the mechanisms and measures against violence, abuse, exploitation and negligence (VAEN) of children	321-331	
25. Concern regarding society's negative traditional	238-243	



<i>Concerns expressed by the Committee</i>	<i>Replies to the following paragraphs</i>	<i>Remarks</i>
attitudes that encourage corporal punishment		
26. Problem of improving the health situation of children	350-411	
27. Concern at the health situation of adolescents, lack of data and resources	376-403	
28. Problem of the persistence of female genital mutilation and other practices harmful to girls' health	412-417	
29. Absence of legal protection, and insufficiency of appropriate programmes, centres and services for disabled children, especially the mentally handicapped	332-349	
30. Concern at the problem of the school system as a whole (overcrowding, large-scale wastage, illiteracy, repetition rate, aging infrastructure, and low school attendance rate, especially among girls)	440-526	
31. Lack of a legislative framework for the protection of refugee and asylum-seeking children	556-565	
32. Concern regarding child labour and economic exploitation of children	617-641	
33. Concern that children are incited to beg and that they are exploited	212-215	
34. Problem of the growing incidence of the use of drugs and other harmful substances, and the limited number of medical and psychosocial services and programmes	642-645	Adoption Act N° 01- 07 of July 2001; Establishment in 1996 of the National Commission on Narcotic Drugs.
35. Inadequacy of data on sexual exploitation of children and of adequate legal measures relating to it	649-651	Arts. 32, 33, 35, 50, 56 and 57 of CPE; Arts. 226, 227, 228 and 229 of the Penal Code
36. Problem of the sale of cross-border sale of and trafficking in children and lack of adequate legal measures in this field	652-665	Adoption CPE on 5/06/02 and review of the Penal Code in 2001; Elaboration et implementation of the PAN against drug trafficking in May 2000; Establishment of a travel document for children aged 0-18 years
37. Weakness of the juvenile justice system	570-599	
38. Problem of the wide dissemination of the report, documents and the Committee's concluding observations	85-87	



## CONCLUSION

675. As already pointed out in the introduction, this periodic report is the first that Mali has submitted to the Committee on the Rights of the Child in accordance with article 44 of the Convention and covers the implementation of the Convention during the period 1999-2004. This report endeavours to respond to the various issues set forth in the general guidelines regarding the form and content of the periodic reports that States are required to submit to the Committee on the Rights of the Child through the Secretary-General of the United Nations.

676. Thus, the various situations have been presented in terms of achievements, accompanied for the most part by problems or obstacles encountered in the implementation of the Convention. For instance, the report shows that the Malian State has expended enormous efforts on the preparation of regulations: be they on ratification of numerous conventions connected with implementation of the Convention on the Rights of the Child or on the preparation of national laws on the same subject.

677. However, on analysis it becomes apparent that the effective implementation of certain provisions of these texts gives rise to problems.

678. In Mali, implementation of the Convention takes the form of a number of measures, as described above. In accordance with the Committee's guidelines, many tasks remain to be done in order to achieve effective exercise of children's rights in Mali. As we have pointed out, the difficulties encountered are sociocultural and economic and constitute urgent calls for us to mobilize resources and initiatives so that we can attenuate or reduce these various factors.

679. As things stand, therefore, the problem Mali faces in the implementation of the Convention is mostly a problem of law enforcement. This challenge must be met as far as possible so that respect for the rights of the child, which is already a reality in our country, should be further strengthened.