

MALI

CCPR A/36/40 (1981)

227. The Committee considered the initial report (CCPR/C/1/Add.49) submitted by the Government of Mali at its 283rd, 284th and 289th meetings held on 7 and 19 April 1981 (CCPR/C/SR.283, 284 and 289).

228. The report was introduced by the representative of the State party who stated that his country had a combination of a presidential system and a party system; that the single party system had been chosen because of Mali's colonial history and in order to avoid the kind of self-seeking practices engaged in by large and small parties both in Africa and elsewhere; that the Party's goal was to pursue the mobilization of the resources of all the people and to bring about a national planned economy for the benefit of all citizens; that since February 1981 the Party had been democratized to make it open to all citizens and all schools of thought; that the Party was the co-ordinating organ for the three branches of Government; that despite the Constitution provisions concerning exceptional powers, state of siege and state of emergency, the President's actions were limited by the Constitution and by the Party which prohibited the holding of multiple offices; that the Electoral Code had been revised to eliminate incompatibilities between certain offices and to enable citizens outside the country to vote; that Mali had a range of decision-making organs, including the administration, the Party, the army and popular monitoring organizations, including the National Union of Women, the National Union of Youth and the National Trade Union; and that soldiers were party workers who played an important role in development.

229. The representative also stated that all citizens enjoyed fundamental rights under the Constitution; that Islam, Christianity and Animism were equal before the law; that there were no political prisoners and no discrimination of any kind; that the death penalty was imposed only for offences under the ordinary law; and that a Judicial Council guaranteed the freedom and independence of the judges.

230. Members of the Committee expressed appreciation for the background provided by the representative of the State party. Noting the brevity of the report, they stressed that in order to satisfy the requirements of article 40 of the Covenant, States parties were required to include in their reports adequate information regarding implementation of the provisions of the Covenant, and to indicate the factors and difficulties affecting that implementation and the measures they had taken to overcome the difficulties. The view was expressed that the report of Mali could not be judged in absolute terms or on the same basis as a report from a developed country; that although the Committee must adopt an objective approach in seeking to ascertain whether a State party was safeguarding the rights set forth in the Covenant, it should bear in mind that civil and political rights on the one hand and economic, social and cultural rights on the other, were interdependent, that the economic circumstances of a Sahelian country like Mali could not be overlooked when considering its report; and that it was particularly important to understand the background and the conditions prevailing in the country concerned. It was further suggested that, since the Covenant represented a compromise between various approaches to the question of human rights, it could lend itself to different interpretations; and that it would have been useful for the State party to indicate its own approach to human rights and to indicate the attitude to the steps being taken by African countries

to draw up a human rights charter within the framework of the Organization of Africa Unity.

231. It was pointed out, however, that although both categories of human rights, namely civil and political rights and economic, social and cultural rights, were admittedly interrelated and interdependent and that the concept of civil and political rights could be interpreted with some flexibility, there were nevertheless limits to latitude in interpretation, and the obligations under the Covenant on Economic, Social and Cultural Rights could not be used as a pretext for avoiding or ignoring obligations under the Covenant on Civil and Political Rights. It was also observed that, unless a State party could show why certain norms should not apply to it, it was bound by its international obligations; that in interpreting the Covenant, the Committee could take account of factors and difficulties affecting the implementation of Covenant rights. In this connection, it was observed that, in the case of Mali, a country that had enjoyed the right to self-determination provided for in article 1 of the Covenant and had thus achieved statehood, it would have been useful, for instance, to know how the two-fold burden of drought and inflation as well as the geographic situation of Mali had affected the exercise of civil and political rights provided for in the Covenant.

232. Commenting on article 2 of the Covenant, members asked whether, in the light of articles 62 and 64 of the Constitution, the Covenant had been ratified by special legislation and had primacy over other laws and whether its provisions had been directly incorporated in national law; whether an individual could invoke the provisions of the Covenant or initiate proceedings before the courts and administrative authorities if he considered that a law was not in conformity with the requirements of the Covenant or that his rights under the Covenant had been infringed; whether the Covenant had ever been invoked before the courts and whether complaints were remedied if the courts found that an individual's right had in fact been infringed; how the Supreme Court operated to guarantee the protection of human rights; and what effective means of redress were available to an individual who felt that his rights under the Covenant had been violated by public officials. In this connection it was asked whether the planned economy of Mali had any adverse impact on the enjoyment of civil and political rights by individuals; whether individuals, or their legal advisers, were aware of their rights under the Covenant; and whether the Covenant had been published and was available in the national languages of Mali.

233. As regards article 3 of the Covenant, information was requested on the implementation of equality between men and women in the enjoyment of all civil and political rights set forth in the Covenant, and particularly on the percentage of girls in school as compared to boys, the percentage of women in Parliament, in the administration and the judiciary; and on whether women were paid the same salary as their male counterparts with the same qualifications.

234. In connection with article 4 of the Covenant, it was pointed out that the Covenant set out permissible limitations in given circumstances on certain rights and freedoms; that it allowed for no restrictions, however, on the subjects referred to in articles 6, 7, 8 (1), 8 (2), 11, 15, 16 and 18 even if a State party declared a state of emergency; and that the Committee needed to satisfy itself that, despite the often necessarily strong measures a Government felt bound to take in order to protect the State, the obligations it had assumed under the Covenant were being fulfilled. In this connection, it was asked what the difference was between a state of emergency and a state of siege; whether any such state was currently in force and, if so, since what date; whether the Constitution was now being fully applied or was suspended in part; whether there had been any derogations from human rights

and, if so, from which ones and for what reasons; and how the Constitution guaranteed observance of the rules laid down in article 4 of the Covenant concerning a state of emergency.

235. In relation to article 6 of the Covenant, it was asked what provisions the Government had enacted to improve public health; what specific crimes could be punished by the death penalty; whether the death penalty was still imposed in cases of conspiracy between civil servants and soldiers and of assault on civil servants and, if so, what constituted "conspiracy" and "assault", and why they were considered so serious as to warrant the death penalty. Information was requested on the kinds of offences to which the death penalty had been applied since the Covenant had come into force in 1976. Noting that the ultimate aim of the Covenant was to prevail upon countries to abandon the death penalty and that article 6, paragraph 5, prohibited the imposition of this penalty on persons below 18 years of age or carrying it out on pregnant women, members sought clarifications from the representative of Mali as to whether the death penalty could be imposed on a person below 18 years of age even if he acted with cognizance or could be carried out on a woman even after confinement, account being taken of the needs of the infant. In this connection, it was asked whether any consideration had been given in Mali to the abolition of the death penalty.

236. With reference to articles 7 and 10 of the Covenant, it was observed that, although certain measures were necessary to maintain public order, such measures had to be reasonable and proportionate to the circumstances. It was asked whether there were any laws, regulations or instructions to implement the provisions of article 7 of the Covenant; whether any official investigations had been made into any violation of that article by police or security officers against demonstrators or detainees and, if so, when, under what circumstances, what the results of the investigations were and whether any steps had been taken to ensure that police actions and measures conformed with the Covenant. It was also asked to what extent detention places and prisons, including the re-education centre in the Sahara, as well as the juvenile rehabilitation camp referred to in the report complied with the provisions of article 10 of the Covenant; and whether the Government applied the Standard Minimum Rules for the Treatment of Prisoners. Information was requested on solitary confinement and on whether detainees and prisoners were allowed to maintain contact with their families and lawyers and on the remedies available to persons who felt that their rights under articles 7 and 10 of the Covenant had been violated.

237. As regards article 9 of the Covenant, it was asked what laws existed in Mali governing deprivation of liberty, and the implementation of the requirements of this article, particularly, whether the 1966 laws on house arrest, banning and expulsion were still in effect, and, if so, to what extent they were consistent with the Covenant; whether there were political detainees and, if so, whether they were held incommunicado; what was the maximum period of time a person could be detained pending trial; and whether a person who had been illegally arrested or detained had the right to compensation and, if so, in what form compensation was made and subject to what limitation.

238. In connection with article 14 of the Covenant, information was sought on the implementation of all the provisions of this article and it was asked particularly how the independence and impartiality of the judges were ensured, how they were appointed or elected, whether they could be removed, whether they were afforded immunity from prosecution as in the case of Party members; how the judiciary and the legal profession actually operated and what arrangements had been made

to provide further legal education and to train judges; whether citizens had sufficient confidence in the judiciary to appear before a magistrate; and what guarantees of fair hearing were there in proceedings before the State Security Court.

239. Commenting on the rights and freedoms provided for in articles 18, 19, 21, 22 and 25 of the Covenant, members noted the existence in Mali of a political system in which supreme authority lay with a single party, the establishment of which had been considered necessary by the Malian authorities to achieve political stability, and they asked how under that system the rights and freedoms provided for in these articles were ensured. Noting as well the slogan "everything for the people and by the people", they asked what guarantees of protection against religious discrimination existed and whether they were legislative or customary in nature; what practical arrangements had been made to ensure freedom of expression and freedom to disseminate information and how access to the mass media was ensured for all the people, particularly for those who opposed the Party's policies or who held different opinions; how the right to peaceful assembly and the freedom of association were guaranteed and protected and what remedies were available against the dissolution of students' and teachers' organizations; and whether Mali had ratified and various ILO Conventions on trade union rights, particularly the right to organize. It was also asked what "democratic centralism" meant in the Malian context; what qualifications were required for admission to public office; whether any political opposition or independent movement was allowed; whether there had been one or several lists of candidates for election to the Assembly; to what extent could citizens who were not members of the Party exercise freedom of choice; whether some members of the Assembly could be appointed and, if so, by whom; what conditions governed candidatures for the elections and what role trade unions and the Party played in the electoral process; whether any of the people holding key Government positions were not members of the Party; and whether the existence of a single party system might contribute to inequality to the extent that, in certain circumstances, some individuals might be above the law.

240. Regarding article 23 of the Covenant, it was asked what measures had been taken to implement this article with particular reference to forced marriages which might take place as a result of traditional or religious practices; whether law or custom recognized parental authority as the privilege of the father, the mother or both parents; and whether in the event of divorce there were guarantees for women.

241. As to article 27 of the Covenant, information was requested on the provisions in force for the protection of the rights of the various religious and ethnic groups in the country and on the steps taken to publicize the Covenant in their languages.

242. Replying to the questions raised by members of the Committee, the representative of Mali pointed out that the reason why his Government's report had been so brief was that his country had undergone economic, political and social difficulties since 1974 and had suffered a serious drought. In this connection, he pointed out that there had been a temporary provision in the Constitution which came into force in 1974 under which certain parts had been suspended, particularly those relating to the President of the Republic, the Government and the National Assembly; that the army had retained power from 1974 to 1979 when elections were held and civilian institutions and government were established, and that the Constitution had, however, been in force continuously since 1974. He stressed that his Government would attempt to meet the reporting requirements of

the Covenant and the Committee's guidelines.

243. As regards questions raised under article 2 of the Covenant, he explained that all international agreements were studied carefully by the Legal Division of the Ministry of Foreign Affairs, the Supreme Court, the Council of Ministers, the Secretary-General of the Party and the National Assembly and that, if all agreed, the President then issued a decree ratifying the instrument in question, that it was then disseminated by the news media in all the languages of the country and, finally, its provisions were incorporated in national law. Any citizen could invoke the international agreements to which Mali was a party. In connection with questions on the Supreme Court, the representative explained that if, for instance, a person who felt that there had been Party influence in an election, he could bring the case to the Supreme Court.

244. In reply to questions raised under article 3 of the Covenant, the representative stated that all citizens were treated equally irrespective of sex, and it could be assumed that any reference to Malians included both men and women; that they all receive equal pay for equal work; that women were working in many fields, including the diplomatic corps, the Government, the National Assembly and in both public and private sectors.

245. Regarding article 4 of the Covenant, he informed the Committee that a state of siege or emergency had never been declared in Mali, although the drought of 1975 had caused the Government to declare certain areas disaster areas.

246. Replying to questions raised under article 6 of the Covenant, he explained that medical treatment was available at various levels, ranging from the national and regional hospitals to the rural clinics and the traditional birth attendants and first-aid nurses who had become a feature of every village. He pointed out that the death penalty was implemented only in cases of serious crimes such as human sacrifices and genocide; and that it could be imposed, as indeed had been the case in a number of cases, on an official whose economic crimes exceeded the equivalent of \$100,000, in accordance with legislation enacted in 1977 to deal with corruption. He agreed that the death penalty imposed for attacks on Government officials, in accordance with a law enacted to deal with the uprising by the Tuareg tribes in the north of the country during the period 1964-1967, could now be revoked since the problem no longer existed. He also informed the Committee that persons under 18 years of age were given a maximum of 20 years' imprisonment and could not receive the death penalty; that neither pregnant women nor mothers were ever executed in his country; and that while there was no movement in the country to abolish the death penalty, it was an exceptional penalty and Mali would follow the decisions on the matter taken at the regional level in Africa.

247. Replying to questions raised under articles 7, 9 and 10 of the Covenant, the representative stated that he did not know of any proven cases of torture practiced against detainees; that the police were well trained in specific academies and, although they were not always gentle in dealing with offenders, their conduct remained nevertheless within the law; that there was no banishment as such, although prisoners considered dangerous were sent for up to three months at a time to camps, usually in the north, where the climate and régime were often rigorous; that such prisoners were often put to work in the salt mines or in the education of the northern tribes as part of an effort to integrate those tribes into the mainstream of the life of the country; that the right of visit was granted to political detainees at any time during the day and evening; that prisoners held in the north received

visits from persons transported by special convoy; and that the new Bolé centre for juvenile delinquency was rehabilitating prisoners with a view to their employment after release.

248. With respect to questions raised under article 14 of the Covenant, he indicated that candidates for the judiciary were selected only on the basis of moral and technical competence; that judges acted according to established penal and civil procedures; that a citizen had the right to appeal within 14 days; that all officials working in the legal profession were highly trained, initially at the National School of Administration followed by training inside Mali and abroad.

249. Replying questions raised in connection with the rights and freedoms provided for in articles 18, 19, 21, 22 and 25 of the Covenant, the representative stated that every citizen was free to practice his or her religion and that there was never any problem about either Christians or Animists attending their respective religious or family ceremonies; that the mass media were State-owned, but access to them was available to all citizens; and that the Government made wide use of radio programmes to keep the public abreast of its policies, both national and international. He maintained that, within the single party system, individuals were necessarily given all political freedoms with no discrimination of any sort; that the Party was the channel for all communications; that a person must first address himself to his local committee, and that such expressions of political will were passed upwards through the political infrastructure to reach the highest levels. He indicated that, under the terms of its Constitution, Mali did not need to ratify the ILO Convention on trade union freedom; that the whole political system was based on "democratic centralism" and the President seized every opportunity to make clear that the Party was not just one person, but, rather, the people as a whole; that any citizen had the right to become President, so long as he or she was of sufficiently high moral character and had the necessary qualifications; and that there was no discrimination on the ground of sex or otherwise concerning access to the civil service, the standard criteria with respect to qualifications, moral character and health.

250. Responding to questions raised under article 23 of the Covenant, the representative stated that for marriage purposes the age of majority was 21, but a girl of at least 16 years of age or a boy of at least 18 could marry with her or his parents' consent, if that consent was proclaimed before a civil authority; that the husband was always the head of the family and no woman would think of contesting that fact; that children were increasingly contesting parental authority although that was less common in those areas where there had been least penetration of European civilization; that in the raising of their children and with respect to property there was equality between husband and wife. He informed the Committee that, in Mali, a man was entitled to have up to four wives, but the taking of more than one wife depended on the consent of those he already had, that this arrangement had to be acceptable to the families concerned and sometimes even the neighbours and that the man had to prove that he had sufficient income to support all his wives.

251. In connection with questions raised under article 27 of the Covenant, he stated that Malian nationality was the overriding criterion for equality of rights without discrimination.

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

CCPR A/58/40 (2003)

81. Mali

(1) The Human Rights Committee considered the second periodic report of Mali (CCPR/C/MLI/2003/2) at its 2083rd and 2084th meetings, held on 24 and 25 March 2003 (CCPR/C/SR.2083 and 2084). It adopted the following concluding observations at its 2095th and 2096th meetings (CCPR/C/SR.2095 and 2096), held on 2 and 3 April 2003.

Introduction

(2) The Committee welcomes the submission of the second periodic report of Mali and the opportunity thus afforded to resume its dialogue with the State party after an interval of more than 20 years. In the view of the Committee, non-submission of a report over such a lengthy period reflects a failure on the part of Mali to discharge its obligations under article 40 of the Covenant and an obstacle to in-depth consideration of the measures to be taken to ensure satisfactory implementation of the Covenant. The Committee invites the State party to submit its reports henceforth in accordance with the reporting interval established by the Committee.

(3) The Committee welcomes the information provided on political and constitutional developments in the State party as well as on the constitutional and legal framework created by the democratic renewal since 1990. Nevertheless, it regrets the formalistic nature of the second periodic report, which is not in accordance with the Committee's guidelines: the report contains very little information on the day-to-day implementation of the Covenant or on factors and difficulties encountered. The Committee notes with regret that the report does not address the issues transmitted to the State party in advance. It regrets that the delegation was unable to reply in depth to the questions and concerns raised in the list of issues as well as during consideration of the report.

Positive aspects

(4) The Committee welcomes Mali's transition to democracy in the early 1990s. It notes the efforts made by the State party to ensure greater respect for human rights and establish a State governed by the rule of law through the initiation of wide-ranging programmes of legislative reform, settlement of the conflict in the north and establishment of the position of ombudsman. The Committee notes that these efforts have been made despite the meagre resources available to the State party and the difficulties facing it.

(5) The Committee welcomes the moratorium on the application of the death penalty in force in Mali since 1979, and the current trend towards the abolition of capital punishment.

(6) The Committee commends the State party on the measures it has taken to combat the trafficking of Malian children to other countries.

Principal subjects of concern and recommendations

(7) The Committee notes that under the Constitution treaties take precedence over legislation and that, according to information supplied by the delegation, the Covenant can be invoked directly before national courts. It regrets, however, that specific instances in which the Covenant has been directly invoked, or in which the Constitutional Court has considered the compatibility of national legislation with the Covenant, have not been brought to its attention.

The State party must ensure that judges, lawyers and court officers, including those already in service, are trained in the content of the Covenant and the other international human rights instruments ratified by Mali. The Committee wishes to be provided with more comprehensive information on the effective remedies available to individuals in the event of violation of the rights set forth in the Covenant, as well as instances in which courts or tribunals have invoked the provisions of the Covenant.

(8) The Committee notes with concern that the National Advisory Commission on Human Rights, established in 1996, has yet to meet.

The State party should take appropriate measures to allow the National Advisory Commission on Human Rights to function, in accordance with the Principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), as set forth in General Assembly resolution 48/134.

(9) The Committee, while welcoming the conclusion in 1992 of the National Pact between the Government and the rebel movement in the north of the country, regrets that it has not been provided with adequate information on the status of implementation of the peace agreements.

The Committee wishes to receive more detailed information in this regard, in particular on the repatriation of Malian refugees, economic and social development in the north, and the effects of the policy of decentralization on pacification and the situation of human rights in that region.

(10) While welcoming the establishment of a Ministry for the Advancement of Women, Children and the Family, the Committee expresses its grave concern at the continued existence in Mali of legislation which discriminates against women, in particular with regard to marriage, divorce, and inheritance and succession, and of discriminatory customary rules relating to property ownership. The Committee, while appreciating that adoption of a Family Code requires wide-ranging consultations, notes with concern that the proposed reform, ongoing since 1998, has not yet concluded. The Committee is also concerned about information that the practice of the levirate, a practice whereby a widow is inherited by the deceased husband's brother or cousin, is said to persist in Mali (articles 3, 16 and 23 of the Covenant).

(a) The State party should expedite the adoption of the Family Code; the Committee recommends that the Code comply with the provisions of articles 3, 23 and 26 of the Covenant, in particular with regard to the respective rights of spouses in the context of marriage and divorce. In this connection, the Committee draws the attention of Mali to its

general comment No. 28 on equality of rights between men and women, in particular with regard to polygamy, a practice that violates the dignity of women and constitutes unacceptable discrimination against women. The State party should abolish polygamy once and for all.

(b) Particular attention should be paid to the question of early marriage by girls, a widespread phenomenon. The State party should raise the minimum legal age for marriage by girls to the same age as for boys.

(c) The State party should establish a succession regime that does not discriminate against women: equality of heirs without discrimination on the basis of sex should be guaranteed, and the State should ensure better guarantees of the rights of widows and that upon succession there is a fair distribution of assets.

(d) The State party should abolish the levirate once and for all and apply appropriate penalties against those engaging in the practice, and take appropriate measures to protect and support women, especially widows.

(11) The Committee notes with concern that a very high percentage of women in Mali have reportedly been subjected to genital mutilation. The Committee welcomes the programmes already implemented by the authorities and non-governmental organizations to combat the practice, but regrets that there is no specific legal prohibition. The State party, moreover, has not been able to provide precise information on the specific results produced by the actions already taken (articles 3 and 7 of the Covenant).

The State party should prohibit and criminalize the practice of female genital mutilation so as to send a clear and strong signal to those concerned. The State party should strengthen its awareness-raising and education programmes in that regard and inform the Committee, in its next periodic report, of efforts made, results obtained and difficulties encountered.

(12) The Committee is concerned about reports of domestic violence in Mali and the failure by the authorities to prosecute the perpetrators of these acts and to take care of the victims. Bearing in mind the delegation's reply, to the effect that domestic violence is punishable under the current provisions of the Penal Code, the Committee stresses the need for special legislation to deal with such violence, given its specific nature (articles 3 and 7 of the Covenant).

The State party should adopt specific legislation expressly prohibiting and punishing domestic violence. Victims should be properly protected. The State party should adopt a policy of prosecuting and punishing such violence, including by issuing clear directives to that effect to its police and through appropriate awareness-raising and training measures for its officials.

(13) The Committee states its concern about reports that women do not enjoy rights on an equal basis with men as regards political participation and access to education and employment.

The State party should strengthen its efforts to promote the situation of women in the areas

of political participation, access to education and access to employment. The State party is invited to give information, in its next report, on the action it has taken and the results obtained.

(14) While noting the considerable efforts made by the State party, the Committee remains concerned at the high maternal and infant mortality rate in Mali, due in particular to the relative inaccessibility of health and family planning services, the poor quality of health care provided, the low educational level and the practice of clandestine abortions (article 6 of the Covenant).

So as to guarantee the right to life, the State party should strengthen its efforts in that regard, in particular in ensuring the accessibility of health services, including emergency obstetric care. The State party should ensure that its health workers receive adequate training. It should help women avoid unwanted pregnancies, including by strengthening its family planning and sex education programmes, and ensure that they are not forced to undergo clandestine abortions, which endanger their lives. In particular, attention should be given to the effect on women's health of the restrictive abortion law.

(15) The Committee is concerned by reports of cases of torture and extrajudicial executions, allegedly committed by soldiers in 2000 following the murder of three tourists in Kidal. The Committee finds it difficult to accept the view of the delegation that there were no extrajudicial executions, even though no inquiry has been conducted by the State party. The Committee is also seriously concerned about the delegation's statement that no inquiries have been conducted into the complaints of torture and inhuman or degrading treatment made by members of opposition parties arrested in 1997, because of the national reconciliation process and the need to protect public order (articles 6 and 7).

The State party should avoid the growth of a culture of impunity for the perpetrators of human rights violations and should ensure that systematic inquiries are conducted into allegations of violence against life and limb by its officials.

(16) The Committee regrets that the State party has not given a clear response to the reports of slavery-like practices and hereditary servitude in the north of the country. While domestic law does not authorize such practices, the Committee is seriously concerned about their possible survival among the descendants of slaves and the descendants of slave-owners. The Committee stresses that the lack of complaints about such practices cannot be adduced as proof that the practices themselves do not exist (article 8).

The State party should conduct a careful study of the relations between the descendants of slaves and the descendants of slave-owners in the north of the country, with a view to determining whether slavery-like practices and hereditary servitude still continue and, if so, to inform the Committee of measures taken in response.

(17) Recalling the efforts undertaken by the State party in this regard, the Committee remains concerned about the trafficking of Malian children to other countries in the region, in particular Côte d'Ivoire, and their subjection to slavery and forced labour (article 8).

The State party should take action to eradicate this phenomenon. Information on measures taken by the authorities to prosecute the perpetrators of this traffic, as well as more precise details of the numbers of victims and of children benefiting from protection, repatriation and reintegration measures, should be provided in the next periodic report.

(18) While welcoming the various programmes adopted by the State party, the Committee is very concerned about the situation of migrant girls leaving the countryside for the towns to work as domestic servants and who, according to some reports, work an average of 16 hours a day for very low or non-existent wages, are often the victims of rape and ill-treatment, and may be forced into prostitution (article 8).

The State party should intensify its efforts to punish those responsible for the exploitation of these migrant girls. The State party should adopt and develop appropriate complaint and protection mechanisms and is urged to provide information on the number of girls subjected to such exploitation, the number of those benefiting from protection and reintegration measures, and the content of its labour legislation and criminal law in this area.

(19) The Committee notes that, under Malian law, police custody may be extended beyond 48 hours and that such extensions are authorized by the public prosecutor.

The State party should: (a) supplement its legislation to conform to the provisions of article 9, paragraph 4, of the Covenant, which requires that a court must decide without delay on the lawfulness of detention in custody; and (b) supervise the conditions of such custody, in accordance with article 9 of the Covenant. Precise information about the rights of persons in custody, measures to uphold these rights in practice and the methods of supervising conditions under which people are held in custody should be provided in the next periodic report.

(20) The Committee is concerned about reports of the hardship suffered by some 6,000 Mauritanian refugees who, for the last 10 years, have been living in the west of the country (Kayes region), are not registered, possess no identity papers, have the de facto status of stateless persons and whose right to physical security is not sufficiently protected.

The State party should enter into discussions with the Office of the United Nations High Commissioner for Refugees (UNHCR), with a view to improving the status and conditions of these persons.

(21) The Committee sets 1 April 2005 as the date of submission of Mali's third periodic report. It requests that the text of the State party's second periodic report and its present concluding observations be published and widely disseminated throughout the country and that the third periodic report be brought to the attention of civil society and non-governmental organizations working in Mali.

(22) In accordance with rule 70, paragraph 5, of the Committee's rules of procedure, the State party should within one year provide information on its response to the Committee's recommendations contained in paragraphs (10) (a) and (d), (11) and (12). The Committee requests the State party to

provide in its next report information on the other recommendations made and on the implementation of the Covenant as a whole.