

MINISTRY FOR THE ADVANCEMENT OF WOMEN,
CHILDREN AND THE FAMILY

Republic of Mali
One People, One Goal, One Faith

OFFICE OF THE SECRETARYnGENERAL

REPLIES BY THE GOVERNMENT OF MALI TO THE LIST OF QUESTIONS
CONCERNING THE INITIAL REPORT OF MALI (CRC/C/3/Add.53)

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I. GENERAL MEASURES OF IMPLEMENTATION (articles 4, 42 and 44, paragraph 6)

Question 1

Please provide information on the status of the Convention in domestic law. Further, please describe the role of customary law in Malian society and indicate whether there are any inconsistencies between customary law and the Convention. Additionally, in light of information provided in paragraph 8 of the report, please provide an update as to the status of the National Code on the Wellbeing and Protection of Children.

Reply

Status of the Convention in domestic law and the role of customary law in society: according to the Constitution of Mali, article 116, the Convention ranks higher than domestic law; customary law has an important role in society insofar as it applies to inheritance and property matters, two areas where the Malian legislature has introduced little legislation.

There is a difference of interpretation between certain provisions of the Convention and customary law, for example, concerning inequality between girls and boys with regard to inheritance; and as regards adoption. The provisions of the draft Code on the Wellbeing of Children have been incorporated into the Code of General Social Protection currently being adopted by the Government.

Question 2

With respect to information provided in paragraphs 9n12 of the report, please indicate whether the activities proposed have been undertaken by the InterMinisterial Commission for the Implementation of the National Plan of Action on the Survival, Development and Protection of Children (1992n2000). Please provide information on the level of resources (including financial, human and technical) allocated for the functioning of the Commission. Further, please indicate whether nongovernmental organizations (NGOs) are represented on or actively involved in the work of the Commission.

Reply

The Inter-Ministerial Commission for the Implementation of the National Plan of Action has basically focused on the preparation of the initial and periodic reports and annual and mid-term reviews of the programmes for children. To that end, the planning and statistics offices established within the Ministries of Health and Education were responsible for monitoring the indicators in collaboration with the Department of Statistics and Information, which is responsible for monitoring the indicators from the World Summit for Children.

Select committees made up of representatives of the ministerial departments that chair the three sub-commissions (survival, development and protection), of NGOs and of United Nations agencies have been established to oversee the drafting of reports on the implementation of the Convention.

The funding of the Plan of Action, which is a State plan, falls within the annual programming of the various technical sectors and services. Funding for the Commission's activities comes from the programmed budgets of those services. No resources have been allocated specifically to the Commission.

NGOs are represented on the Commission as partners in development. They have been actively involved in all the Commission's work.

The main challenge facing the Commission is to coordinate the programmes of the various ministerial departments and other organizations involved in the implementation of the National Plan of Action on the Survival, Development and Protection of Children. Its task was made easier by the creation of the Ministry for the Advancement of Women, Children and the Family, by Decree No. 97N220NPMNRM, of 6 October 1997. The Ministry's main mission is:

To prepare and implement measures to ensure the well-being of women, children and the family;

To improve women's and children's economic, social and cultural integration, bearing in mind their specific needs;

To ensure that the family continues to provide a framework for balanced social relations;

To ensure the promotion and implementation of the rights of the child.

A National Department for the Advancement of Children and the Family, as well as regional offices, have been created by the Ministry in order to carry out these missions relating specifically to children.

The National Department for the Advancement of Children and the Family is responsible for preparing national policy on the protection of children and the wellbeing of the family. It is also responsible for the coordination and technical supervision of the work of related regional and subregional services and of NGOs and associations collaborating in policy implementation. Technical services are already in operation to monitor the implementation of the Convention, the National Plan of Action and the sectoral plans for children.

Question 3

In light of information provided in paragraph 22 of the report, please describe the measures taken and/or envisaged to facilitate greater monitoring and coordination at the community level.

Reply

The Commission has not made provision for monitoring or coordination at the community level. That is done by dispersed and decentralized State services and civil society. The establishment of regional and local offices for the advancement of children will make monitoring easier.

Question 4

Please indicate whether an independent monitoring body has been established in Mali to handle complaints of children whose rights have been violated and, if so, please provide examples of its work in this regard. Additionally, please describe the measures taken and/or foreseen to increase awareness, particularly among children, about the availability and use of this complaints mechanism.

Reply

Mali has not established an independent monitoring body as such to handle complaints of children whose rights have been violated. Such channels do, however, exist in practice, in the form of associations and organizations of a basically nonpolitical, independent nature, which work for the defence and protection of children. These associations and organizations receive complaints from children of beatings or other abuses. Examples include the Association for the Defence of Women's Rights, the Committee for Action on Children's and Women's Rights, the Kanuya Association, Defence for Children International (Mali Section), the legal consultancy of the Association of

Women Jurists and the Children's and Women's Rights Observatory. They are preparing an information and awareness campaign directed at children and their parents.

Question 5

Please indicate whether indicators have been developed and disaggregated data collected on the status of children, especially the most vulnerable groups, such as children victims of abuse or ill-treatment, child domestic workers, orphans, students, children living in remote rural areas, children born out of wedlock, children with disabilities, child brides, children working and/or living on the streets, children living in institutions, refugee children, and Tuareg children. Further, please describe the extent to which these indicators and data are used in the formulation of policies and programmes for the effective implementation of the Convention.

Reply

A subsystem of social information including specific indicators on vulnerable and deprived groups of children has been prepared, but is not yet in operation. Special protection indicators have, however, been prepared on the basis of sectoral studies on the situation of vulnerable groups in some areas of Mali: Bamako, Mopti, Ségou and Kayes. These indicators relate to the following groups:

- Street children;
- Beggar children;
- Working children;
- Children affected/infected by HIV/AIDS;
- Children in conflict with the law;
- Children subjected to sexual exploitation and violence;
- Children of poor parents living in urban and peri-urban areas;
 - School dropouts;
 - Neglected children;
 - Disabled children;
 - Children in special institutions.

Mention may be made in this connection of a study on child labour in Mali carried out as part of the activities preparatory to the implementation of the National Programme to Combat Child Labour in Mali. The data from the

study made it possible to devise a coherent national policy to combat child labour by preparing a programme based on the concerns of the Convention on the Rights of the Child.

A study of the situation of children and women in Mali, carried out in 1996-1997, was the first systematic attempt to use rights as a frame of reference for any situation in Mali. Those rights are set forth in the legal and legislative framework of the international conventions relating specifically to children and women: the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women. The study made it possible to identify the most pressing problems in the human rights areas covered by those Conventions and to prepare the multisectoral programmes on survival, development and protection. These programmes have been in operation since 1998, as part of the Mali-UNICEF Cooperation Programme 1998-2002.

Question 6

In light of article 4 of the Convention, please specify the percentage of the national budget allocated to children's programmes, including in the health and education sectors, and indicate whether there is an intention to increase the allocation to the maximum extent of ... available resources.

Reply

Percentage of the national budget allocated to health: in financial terms, between 1990 and 1995, the State's share in total health expenditure increased from 4.1 per cent to 7.26 per cent (1995 annual report). However, the implementation of the Bamako Initiative and, with it, the cost-recovery system, made it possible to maintain all health services in operation and make noticeable improvements to the quality of care.

Table 1

Health budget as a proportion of the national budget

(thousands of CFA francs)

The sharp decrease observed in 1997, 1998 and 1999 is attributable to the decline in external financing due to the fact that the majority of the programmes and projects being implemented had reached the end of a cycle or was entering the formulation stage.

The State share in the basic education budget (education expenditure review n CPSNMEB, June 1999): in financial terms, the State allocates a significant portion of its operating budget to education expenditure, which amounted to 20 per cent in 1994, 21 per cent in 1995, 22.53 per cent in 1996 and 24.09 per cent in 1998. The State share of budget expenditure on national education is 11.34 per cent. In 1998, 58.1 per cent of the education budget was allocated to basic education.

Table 2

Distribution of the basic education budget

The funding policy for recurring costs and investment and capital expenditure of the TenYear Education Programme will be part of the macroeconomic policy framework, of which a priority component will be human resources development. The TenYear Programme will require increased, sustained funding from the State, from decentralized organizations, communities, the private sector and technical and financial partners. The resources will be distributed among the different sectors of education in accordance with the following options:

Raise the State budget allocation for education from 22.53 per cent in 1996 to 27 per cent in 1999 and then maintain it;

Allocate a minimum of 20 per cent of local education budgets to financing recurring costs and investment expenditure;

Redistribute recurring expenditures among the educational sectors, prioritizing basic education (59 per cent in 2008) and vocational training (14 per cent in 2008). The budget allocation for teaching materials will rise to 19 per cent in 2008.

In terms of fundraising, the emphasis has been on drawing up education funding contracts between the State, decentralized bodies, communities, NGOS and the private sector; negotiating and implementing development projects for the education sector in collaboration with the partners; and fully involving the private sector in funding.

Question 7

Please provide additional information on the measures taken and/or envisaged to ensure that the principles and provisions of the Convention on the Rights of the Child are disseminated at all levels of society,

particularly within the school system and in rural communities. With reference to paragraph 25 of the report, please indicate whether the proposed training on the principles and provisions of the Convention has been provided for professionals working with and for children, including teachers, judges, lawyers, law enforcement officials, health personnel, and social workers. Further, please also indicate the measures taken and/or envisaged to include the media more fully and encourage their involvement in promoting and disseminating the principles and provisions of the Convention.

Reply

A number of measures have been taken to promote the Convention.

(a) Information and awareness activities

Between August 1996 and June 1999, more than 50,000 items (posters, booklets, calendars, leaflets, brochures and T-shirts) on the Convention were distributed in schools, to members of Parliament, to members of the Government, to regional administrations' technical services and to civil society. As regards printed matter, for example, 8,000 calendars relating to the Convention were produced in 1996 and 5,000 more in 1997, and 3,000 copies of the Convention in cartoon strip form were distributed in 1997.

Audiovisual publicity has included a number of television programmes on the following subjects: child labour, girls' education, children's status in the world and street children. Sketches, plays and songs on those subjects have also been broadcast.

Local radio stations have prepared weekly programmes on the 54 articles of the Convention.

Mali has a Children's Parliament, which provides a forum for consensus-building between its members and other citizens of Mali; a forum in which children can express their opinions; a forum for consensus-building and discussion in the areas of protection, survival, development and participation of children; a medium for informing different groups about the implementation of the Convention and for awareness-raising. The Parliament is involved in monitoring the implementation of conventions on children's rights, in particular the Convention on the Rights of the Child, adopted on 20 November 1989; the African Charter on the Rights and Welfare of the Child; and the Convention on the Elimination of All Forms of Discrimination against Women, and prepares its programme of activity accordingly.

(b) Training

Training in the spirit and philosophy of the Convention for 344 production executives from 40 radio stations in 1996 and 70 in 1997, and for 51 local radio administrators;

Discussion days on the Convention for 55 persons (45 actors and 10 Agriots@ (travelling poetnmusicians));

Information days for 150 young members of Parliament on the Convention, between 1996 and 1998;

Establishment of a competition to find the best radio programme broadcast on the International Children's Day of Broadcasting;

A competition for the best newspaper article on child labour;

Training workshops for 30 officials of the public health, education, water and sanitation services;

Training for 30 lawn enforcement officers and social workers working with children.

A training programme on the Convention was started in 1999 and the following activities have already been carried out: preparation of a manual for Convention trainers; training for 18 Convention trainers; establishment of regional and national teams of trainers.

The Convention has been incorporated into teachern training college curricula and the civic and moral education syllabuses of primary schools.

A number of initiatives are currently being developed to incorporate the Convention into community schools' curricula.

II. DEFINITION OF THE CHILD (article 1 of the Convention)

Question 8

With regard to information provided in paragraphs 26-32 of the report, please indicate the minimum ages for legal and medical counselling without parental consent and for giving testimony before a court. Further, please indicate whether the State party envisages increasing the legal minimum age for marriage for girls to the equivalent of that for boys.

Reply

Apart from abortion, which is strictly prohibited, there is no minimum age for medical counselling. As regards giving testimony before a court, a child under the age of 18 is heard only for information purposes. The current

revision of the various codes (Family Relations, Marriage and Guardianship) governing family life proposes that the minimum age for marriage for girls should be brought into line with that for boys (18 years).

III. GENERAL PRINCIPLES (articles 2, 3, 6 and 12)

Question 9

Please provide further information on specific measures taken and/or envisaged to ensure that the principles of non-discrimination (art. 2), the best interests of the child (art. 3), the right to life, survival and development (art. 6), and respect for the views of the child (art. 12) are reflected in legislation and customary law as well as actions taken by social welfare institutions, courts of law and administrative authorities. Please also provide some examples of implementation of these principles by courts as well as administrative or other bodies.

Reply

1. The principles of non-discrimination, the best interests of the child and the right to life, survival and development are embodied in the Social Welfare Code (Title 1), which provides for health and social welfare benefits in kind, assistance to mothers and infants in the form of prenatal subsidies, a maternity benefit and family allowances. The Government is in the process of revising the Penal Code, the Code of Criminal Procedure and the act on the criminal responsibility of minors and on the establishment of juvenile courts, with particular attention to the concept of the best interests of the child.
2. However, as regards the problems involved in providing education for girls, with a view to non-discrimination, major efforts are currently being made to correct disparities particularly through the creation of a girls' education unit in the Ministry of Basic Education, the establishment of a Support Fund for Women's Activities (FAAF ALAYIDOU@), the introduction of programmes and projects to support the promotion of women in collaboration with the United Nations Development Programme, the United Nations Children's Fund, the United Nations Fund for Population Activities, the United Nations Industrial Development Organization, the World Bank, the Netherlands, the United States, the International Labour Office and Coopération française. Mention should also be made of the Section for the Promotion of Women in the National Functional Literacy and Applied Linguistics Department (DNAFLA) and the National Programme to Combat Practices Harmful to the Health of Women and Children.

Since 1996, the Government has submitted the following bills to the National Assembly for amendment:

Act No. 87-98/ANRM of 9 February 1987 on the criminal responsibility of minors and the establishment of juvenile courts;

The Penal Code and the Code of Criminal Procedure.

There are three innovations in the first of these bills:

1. The extension of the jurisdiction of juvenile courts to children in conflict with the law and children in moral danger;
2. Collegiality in decision-making, whereby judges will henceforth be assisted by advisers when they take decisions concerning children; a social welfare office will be attached to each juvenile court. Such offices will conduct investigations and enforce court orders.

The amendment of the Penal Code and the Code of Criminal Procedure is aimed at improving the rules of law relating to justice for the entire population, including children, i.e. the administration of juvenile justice and the protection of mothers in prison.

3. The adoption of a bill on general principles of education, which recommends free, compulsory primary education.

Question 10

In light of the principle of non-discrimination (art. 2), please provide additional information on the legislation, policies and programmes implemented and/or foreseen to ensure non-discrimination of girls, children with disabilities, children born out of wedlock, child domestic workers, *Agaribou/garibus*@students, children living in remote rural areas, child brides, children working and/or living on the streets, children living in institutions, refugee children and Tuareg children.

Reply

In the light of the principle of non-discrimination against children, article 18 of the Constitution of Mali recognizes *A*every citizen's right to education. Public education is compulsory, free and secular@
Decree No. 314/PG-RM of 26 November 1981 on regulations for compulsory schooling gives effect to this decision.

Disabled children in Mali are educated in seven special education establishments. This education is, however, extremely expensive. The special education policy adopted in 1996 placed particular emphasis on allninclusive schools. In order to reach as many disabled children as possible, special

classes for children with hearing disabilities were set up in the Sacré Coeur School in Bamako, while children with visual handicaps were integrated in the Mamadou Konate basic school in Bamako.

Starting in secondary school, integration is automatic.

In all cases, Mali's laws provide for means of protecting the best interests of the child (see the Family Relations Code and the Marriage and Guardianship Code). There has been definite progress in activities involving the care, monitoring, guidance and accommodation of children with social problems throughout the country. Several centres exist:

3 shelters in Bamako

1 observation and rehabilitation centre in Bamako

9 monitoring centres (6 in Bamako, 2 in Mopti, 1 in Ségou).

Educational activities in open institutions are carried out by several associations, especially in Bamako, Ségou and Mopti.

Mali has no categories of children who are vulnerable because of their ethnic, racial, cultural or religious origins.

Question 11

Please describe the ways in which the principle of respect for the views of the child is reflected in practice within the family, in schools as well as in other institutions, and generally within society. Further, please outline the measures taken and/or foreseen to sensitize public opinion, including in traditional communities, on the participatory rights of children and to further encourage children to exercise their right to freely express their views, in light of article 12 of the Convention.

Reply

The participation of children and their freedom of expression are reflected in a number of practices, such as the children's parliament at the regional and national levels and various organized and independent children's groups. Age groups or Atons are traditional forms of organization which offer children opportunities to express themselves.

These independent groups prepare questions for ministerial departments in charge of children and employment on the situation of girl servants and child workers, parents and decision-makers in general.

IV. CIVIL RIGHTS AND FREEDOMS (articles 7n8, 13n17,
37 (a) and 39 of the Convention)

Question 12

In light of article 7 of the Convention, please outline the measures taken and/or envisaged to improve birth registration and ensure that all children are registered at birth, particularly those living in remote rural communities.

Reply

The implementation of a comprehensive policy for the decentralization of the national territory through the municipal elections for 702 communes will help improve birth registration as a result of the increase in the number of civil registry centres, particularly in rural areas.

In addition to the implementation of this decentralization policy, the Ministry of Territorial Administration and Security has undertaken to improve and facilitate birth registration systems, particularly in remote areas, by means of a registry office project.

Question 13

In light of article 17 of the Convention, please indicate whether steps have been taken to ensure that all children are allowed adequate access to information. In this regard, please provide information on the number and distribution of libraries for children throughout the State party. Further, please provide additional information on the limitations faced by the National Film Censorship Committee in introducing alternative measures to protect children from harmful information, including violence and pornography and explain whether this committee is competent with regard to television programmes and video productions.

Reply

As a result of twinning operations between Malian towns and towns in other countries, children's libraries have been set up. There is a National Library for Children in Bamako and six reading and cultural activity centres for children. Following the strengthening of the activities of the Public Reading Operation, moreover, children have adequate access to information. This operation has established travelling libraries along railway lines.

Children's associations and organized groups have also created publications which they run themselves. Some students' associations in the universities organize lectures and discussions on the rights of the child and

awareness programmes are being carried out in holiday resorts, for example, by the Ménaka students' association in the Gao region and the trade union Aton@ association of students in the Faculty of Letters and Science.

The National Film Censorship Committee has become dormant as a result of the privatization of cinemas and the disorderly way in which video cassettes have been entering the national market. The Committee is being restructured so that it can be adapted to new situations. The Government has already submitted a bill.

Programmes of the national television broadcasting company intended for the public at large are shown on the government channel.

Question 14

With respect to the information provided in paragraph 167 of the report and in light of article 37 (a) of the Convention, please provide information on the measures implemented and/or foreseen to prevent and prohibit acts of torture or other cruel, inhuman or degrading treatment or punishment of children. Further, in light of article 39 of the Convention, please also provide information oWPCèääÁáÁä+ää