

ADVANCE QUESTIONS TO MALI

CANADA

- Le Code de la Famille actuel existe depuis 1962 et est désuet. Il ne reconnaît pas les droits des femmes en ce qui a trait au mariage, au divorce, au veuvage, aux droits de succession, au droit de propriété, etc. Un nouveau projet avait été approuvé par le Conseil des ministres sous le président Konaré juste avant son départ mais n'a jamais passé le stade de l'approbation à l'Assemblée. Le projet amélioré par le Ministère de la Justice en 2006-07 vient d'être examiné en commission spéciale, avec dépôt de rapport le vendredi 28 mars.

Nous apprécierions une mise-à-jour quant au statut du Code de la Famille et aux démarches entreprises par le gouvernement pour s'assurer de son adoption prochaine.

- Le Comité des Nations unies sur l'Élimination de la violence à l'égard des Femmes (CEDEF/CEDAW), en réponse au rapport du Mali présenté en janvier 2006 et portant sur la période 1990-2002, s'est inquiété du peu de progrès réalisés pour l'harmonisation de la législation nationale aux normes de la Convention. Le CEDEF a exhorté le Mali à accorder un rang de priorité élevé à la réforme de la législation afin de s'attaquer, entre autres, au problème de l'excision.

Nous apprécierions toute information sur les démarches entreprises par le gouvernement en vue de l'adoption d'une législation interdisant l'excision et toutes les formes de mutilation féminine.

- In the Concluding Observations of its 2003 Report, the Human Rights Committee stated its concern that Malian women do not enjoy rights on an equal basis with men as regards political participation and access to education and employment. In order to remedy this imbalance in civic participation, the Committee made the following recommendation:

“The State party should strengthen its efforts to promote the situation of women in the area of political participation, access to education and access to employment”.

We would be grateful for any information on steps taken by the Government to follow-up these recommendations.

- CEDAW expressed concern about the predominance of violence against women in Mali and the lack of access to justice to remedy such human rights violations. In order to rectify discrimination against women within the legal system, in its most recent Concluding Observations (Feb. 2006), CEDAW made the following recommendation:

“The Committee calls on the State party to enact legislation on domestic violence, including marital rape, sexual harassment and on all forms of sexual abuse, including sexual harassment, as soon as possible. Such legislation should ensure that: violence against women and girls constitutes a criminal offence; women and girls who are victims of violence have access to immediate means of redress and protection; and perpetrators are prosecuted and adequately punished”.

We would be grateful for any information on steps taken by the Government to follow-up these recommendations.

DENMARK

- A national family law (Code des personnes et de la famille) has been under way for several years now. When does the Malian Government expect to send this law proposal to Parliament and what is the time frame for adoption by Parliament?

GERMANY

- With regard to part 9, 1 of the compilation prepared by OHCHR (A/HRC/WG.6/2/MLI/2), Germany notes with concern that despite efforts made in strengthening the human rights protection for women according to UNICEF women continue to be the object of persistent discrimination, violence and marginalization. What measures are envisaged to be taken by the Mali Government to improve this situation ?
- Germany notes with appreciation the high number of human rights conventions ratified by Mali and the policy measures designed to improve the human rights situation in the country. Among them is the recent establishment of a national human rights institution. Are there still obstacles for this institution to fully take up its mandate ?

LATVIA

- According to the information of the Office of the UN High Commissioner for Human Rights 59 countries from different regions of the world have issued standing invitations to all special procedures of the Human Rights Council. Considering the forthcoming visit to Mali of the Special Representative of the Secretary-General on the situation of human rights defenders, agreed in principle – would your country consider extending a standing invitation to all special procedures of the Human Rights Council in the future?

NETHERLANDS

- In september 2007, at the occasion of the celebration of the 47th anniversary of the independence of Mali, President Touré expressed his will to present, as soon as possible, two draft laws to parliament on the Family Code and abolition of the death penalty. A draft law on the abolition of the death penalty has already been presented to parliament. Consultations with a broad representation of the Malian society have taken place on the draft Family Code in the first three months of this year.
- Q: When does the government intend to present the draft law on the Family Code to parliament?

- Female Genital Mutilation (FGM) is still widespread in Mali, despite all efforts and measures taken by the government.
- Q: Does the government intend to enact legislation prohibiting all forms of FGM in Mali, as recommended by organisations like HR-Committee, Committee on the Elimination of the Discrimination Against Women (CEDAW) and Committee on the Rights of the Child (CRS)?
- The actual government has shown real political will to relaunch the reform of the justice sector to improve its credibility and efficiency. One of the proposals in the reform programme is to set up centers for information and (free) assistance to citizens. A few of these centers are actually in place, often in collaboration with civil society organisations.
- Q: What is the timeschedule for putting in place such centers in the whole country as foreseen in the reform programme PRODEJ?

SWEDEN

- The constitution of Mali prohibits discrimination based on sex. Mali is party to the Convention on the Elimination of All Forms of Discrimination against Women. In its national report to the 2008 Universal Periodic Review, the government of Mali noted some of the measures it is taking to promote the rights of women, including in response to the concerns and recommendations issued by the Committee on the Elimination of Discrimination against Women in its latest consideration in 2006 of Mali. Could the government of Mali elaborate on ongoing work to draft a Personal and Family Code and on other measures it is taking to ensure full respect by the law for the human rights of women in Mali, in accordance with the said Convention?
- Malian law requires that persons deprived of their liberty be formally charged or released within 48 hours, while provisions exist allowing for prosecutors to extend that period. It has been reported, however, that the 48-hour limit is often not respected. In its latest consideration in 2003 of Mali, the Human Rights Committee recommended Mali to amend its legislation to comply, inter alia, with provisions in the International Covenant on Civil and Political Rights, to which Mali is party, that the lawfulness of detention be determined by a court without delay. What measures is the government of the Mali taking to ensure that persons are not deprived of their liberty in contradiction of international norms and standards?

UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

- Could you please elaborate further on the role civil society played in the preparation of your national report for this process?
- What steps is Mali taking to fulfil its obligations to present periodic reports to the treaty monitoring mechanisms and to implement the recommendations?

- We would like to know more about what Mali is doing to raise awareness of, and legislate against, discriminatory and harmful practices against women and girls rooted in tradition. In particular, could you elaborate on progress made to adopt legislation prohibiting and criminalising all forms of female genital mutilation, and whether Mali plans to legislate against practices such as conjugal violence, early and forced marriage, polygamy, levirate and sororate?
- Could you please tell us whether Mali plans to adopt a comprehensive national plan of action for children as recommended by the Committee on the Rights of the Child?
- Could you please elaborate further on how Mali is working to implement its strategic plan to combat HIV/AIDS with particular reference to affected children, as recommended by the Committee on the Rights of the Child?
- What steps are being taken to ensure that international obligations on freedom of expression and opinion are upheld in Mali?
- Could you please elaborate on the existence of a national human rights institution in the Republic of Mali and if it is in full compliance with the Paris principles?