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U.S. Department of State

Mali Country Report on Human Rights Practices for 1996

Released by the Bureau of Democracy, Human Rights, and Labor, January 30, 1997.

MALI

Mali is a constitutional democracy. The Government is headed by Prime Minister Ibrahim Boubacar Keita. In the country's first democratic elections in 1992, which were judged to be free and fair by international observers, citizens ratified a new constitution, elected the National Assembly, and chose President Alpha Oumar Konare as Head of State. These elections completed a 14-month transition following the 1991 overthrow of the Moussa Traore regime. The peace agreement reached with Tuareg and Maur rebel groups in 1995 remained in force. At a ceremony in March, the Government officially celebrated the end of the rebellion, and the majority of rebel movements formally dissolved themselves.

Security forces are composed of the army, air force, Gendarmerie, the National Guard, and the police. The army and air force are under the control of the civilian Minister of Defense, as are the Gendarmerie and the National Guard. The police are under the Ministry of Territorial Administration. The police and gendarmes share responsibility for internal security.

Mali is a very poor country. Its economy is based primarily on farming and animal husbandry, making it highly dependent on adequate rainfall for its economic well-being. The Government continues to make progress in implementing reforms aimed at modernizing the economy. Nevertheless, Mali continues to be beset by economic problems, including a poor infrastructure, the lack of an industrial sector, and heavy dependence on foreign assistance. Social ills, including a literacy rate of only 23 percent and a high population growth rate, also contribute to Mali's poverty.

The Government generally respected constitutional provisions for freedom of speech, press, assembly, association, and religion. However, prison conditions are poor, and the judicial system's large case backlog results in long periods of pretrial detention. The executive branch retains influence over the judiciary. Social and cultural factors continued to sharply limit economic and educational opportunities for most women. Societal violence against women and children, including spousal abuse and female genital mutilation, is widespread.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political and Other Extrajudicial Killing

There were no reports of political or other extrajudicial killings.

There were no developments in the October 1994 deaths of the Swiss Cooperation Mission director and his two Malian colleagues, who were killed by an army patrol in Niafunke. A Government mission of inquiry into their deaths determined in December 1994 that the patrol's actions were unwarranted and unjustified. However, to date, the Government has neither identified publicly the responsible parties, nor made attempts to expedite the case, which remains on file at the regional court in Mopti.

b. Disappearance

There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits such practices, and there were no reports that officials employed them.

Prison conditions continue to be characterized by overcrowding, inadequate medical facilities, and limited food supplies. They remain below minimum international standards. Several organizations, including the Malian Association of Human Rights, and the Malian Association of Women Jurists, visited prisoners in 1996 and are working with women and juvenile prisoners to improve their conditions. The International Committee of the Red Cross (ICRC) continued to visit detainees held in connection with the tensions in the north, as well as the leading members of the former government. In Bamako juvenile offenders are usually held in the same prison as adult offenders but are kept in separate cells. Women are housed in the same prison facility as men but live in a separate compound. In regional prisons outside the capital, men and women are housed in the same building but in separate cells. In these facilities, children share cells with adult prisoners of the same sex.

d. Arbitrary Arrest, Detention, or Exile

The Constitution provides that suspects must be charged or released within 48 hours and are entitled to counsel. In practice, however, detainees are not always charged within the 48-hour period. Moreover, administrative backlogs and insufficient lawyers, judges, and courts often cause lengthy delays in bringing people to trial. In extreme cases, individuals have remained several years in prison before coming to trial. Judicial warrants are required for arrest. Local lawyers have estimated that about half of prison inmates are pretrial detainees. Bail does not exist. On occasion the authorities release defendants on their own recognizance.

The Government does not practice forced exile.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary, but the executive branch continues to exert considerable influence over the judicial system. The Ministry of Justice appoints judges and supervises both law enforcement and judicial functions, and the President heads the Superior Judicial Council, which oversees judicial activity.

The Supreme Court has both judicial and administrative powers. The Constitution established a separate Constitutional Court which oversees issues of constitutionality and acts as an election arbiter. The Constitution also provides for the convening of a High Court of Justice with the power to try senior government officials in cases of treason.

Except in the case of minors, trials are public, and defendants have the right to be present and have an attorney of their choice. Defendants are presumed innocent and have the right to confront witnesses and to appeal decisions to the Supreme Court. Court-appointed attorneys are provided for the indigent without charge. The majority of disputes in rural areas are decided by the village chief in consultation with the elders. If these decisions are challenged in court, only those found to have legal merit are upheld.

Women and minorities are not discriminated against in courts, but traditional practice discriminates against women in inheritance matters.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution provides for the inviolability of the home, and the Government respects this right in practice. Police searches are infrequent and require judicial warrants. Security forces do, however, maintain physical and technical surveillance of individuals and groups believed to be threats to internal security, including surveillance of telephone and written correspondence of individuals deemed to be a threat to national security.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and the press, and the Government respects these rights in practice. There are approximately 40 independent newspapers and journals, in French, Arabic, and local languages. There are three daily newspapers: two are independent; one is government controlled.

The Government controls one television station and one of many radio stations, but all operate on a semi-independent basis and present a wide range of views, including those critical of the Government, the President, the Prime Minister, and other politicians.

Fifteen independent radio stations exist in Bamako, and there are approximately 40 additional stations throughout the country. Two private television companies rebroadcast French, British, South African, and American television programs, including news bulletins. The Government made little progress toward private television licensing during the year.

Laws passed in 1993 regulate the press and provide for substantial penalties, including imprisonment, for slander and for public injury to the Head of State, other officials, and foreign diplomats; these laws leave injury undefined and subject to judicial interpretation.

Academic freedom is respected.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for these rights, and the Government respects them in practice. The Government does not interfere with political meetings, which take place openly.

c. Freedom of Religion

The Constitution provides for freedom of religion and declares Mali to be a secular state. The Government does not discriminate on religious grounds, and citizens are free to practice their faiths. Although legal restrictions on the Baha'i faith still exist, the Government does not enforce them, and Baha'i worship freely. The Minister of Territorial Administration can prohibit religious publications that he concludes defame another religion, but there were no known instances of publications being prohibited.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides for these rights, and the Government generally respects them in practice. The Government generally does not restrict internal movement, and does not restrict international travel. However, police routinely stop and check both citizens and foreigners to restrict the movement of contraband and to verify vehicle registrations. Some police and gendarmes use the occasion to extort bribes.

The Government cooperates with the Office of the United Nations High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. Although Mali has no legislation regarding refugee asylum and resettlement, the Government, in practice, provides first asylum for refugees. Those granted refugee status by the UNHCR are permitted to remain, albeit in a legal vacuum due to the absence of resettlement legislation. There were no reports of forced return of persons to a country where they feared persecution.

Of the estimated 120,000 Taureg and Maur Malian refugees who fled to neighboring countries during the 1990-95 Taureg-Maur rebellion, approximately 87,000 remain in neighboring countries. In July the UNHCR appealed to the international community to fund its program for repatriating the remaining Malian refugees. With the consolidation of peace in northern Mali, both UNHCR-assisted and spontaneous refugee repatriations continued throughout the year. The Government asserts that there are approximately 16,700 Mauritanian Peuhl refugees residing in Mali. Some expatriates who work in the development and refugee fields believe that the figure is lower.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Citizens have the right to change their government and did so for the first time in 1992, voting by secret ballot in elections that were generally free, fair, and broad based, despite some irregularities. Twenty-one political parties participated in the elections, and 11 are represented in the National Assembly. The President's party, the Association for Democracy in Mali, holds the majority of the seats in the Assembly.

Under the Constitution, the President is Chief of State and Commander-in-Chief of the armed forces and is elected for a term of 5 years with a limit of two terms. The President appoints the Prime Minister.

There are no restrictions on voting, legal or otherwise, for women or minorities. However, women are underrepresented in politics. Only 3 women hold seats in the 116-member National Assembly, and 2 cabinet ministers are women. A third woman, the Secretary for the Promotion of Women, holds ministerial rank. Nomadic peoples, including Fulani and Taureg, are represented in both the Cabinet and National Assembly. The President of the Assembly is Fulani.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Independent human rights organizations--including the Malian Association for Human Rights (AMDH), a smaller Malian League of Human Rights, and a local chapter of Amnesty International-- operate openly and without interference from the Government. Since 1994 the Government has held an annual democratic forum in December to which it invited citizens to voice discontent and grievances against the Government publicly in the presence of international human rights observers. The events are well attended by local citizens from all walks of life who speak freely. International media and human rights observers were present at the forum. The ICRC has an office in Bamako and has strengthened its presence in the north by opening offices in Timbuktu and Gao.

Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution prohibits discrimination based on social origin, color, language, sex, or race, and the Government respects these provisions in practice. However, social and cultural factors give men a dominant role.

Women

Although the Constitution prohibits discrimination based on sex and provides for the basic rights of all persons, violence against women, including wife beating, is tolerated and common.

Women's access to jobs in the professions and government is limited, as are their economic and educational opportunities. For example, a 1995-96 national demographic and health survey found that 81 percent of women between the ages of 15 and 49 received no education (compared with 69.3 percent of men). Women comprise 15 percent of the labor force. The Government, the major employer, pays women the same as men for similar work. Women often live under harsh conditions, especially in the rural areas, where they perform hard farm work and do most of the childrearing. Despite legislation giving women equal rights regarding property, traditional practice and ignorance of the law prevent women from taking full advantage of this reform. In March the Government launched a 4-year national plan of action for the promotion of women. The plan, financed by national, regional, and local community budgets, seeks to reduce inequalities between men and women in six target areas, including education, health, and legal rights.

There are numerous active women's groups that promote the rights of women and children, and the female head of the Commission for the Promotion of Women enjoys the rank of minister. Women have very limited access to legal services. They are particularly vulnerable in cases of divorce, child custody, and inheritance rights, as well as in the general protection of civil rights.

Children

Only one in five children receives basic education. There is no constitutional or legal provision to protect the interests and rights of children, and no juvenile court system. However, the Malian Social Services Department investigates and intervenes in cases of reported child abuse or neglect.

Female genital mutilation (FGM), which is widely condemned by international health experts as damaging to both physical and psychological health, is still common, especially in rural areas, and is performed on girls at an early age. According to the 1995-96 national demographic and health survey, at least 93.7 percent of women have undergone this mutilation. The Government has not proposed legislation prohibiting FGM. However, it supports educational efforts to eliminate the practice through seminars and conferences and provides media access to proponents of its elimination.

People with Disabilities

There is no specific legislation protecting the rights of the physically or mentally disabled, nor mandating accessibility. The Government does not discriminate against the physically disabled in regard to employment, education, and other state services. Given the high unemployment rate, however, the physically disabled are often unable to find work.

Section 6 Worker Rights

a. The Right of Association

The Constitution and the Labor Code specifically provide for the freedom of workers to form or join unions and protect freedom of association. Only the military, the Gendarmerie, and the National Guard are excluded from forming unions. Virtually all salaried employees are organized. Workers have established independent unions for teachers, magistrates, health workers, and senior civil servants, and most are affiliated with the National Union of Malian workers (UNTM) confederation. The UNTM has maintained its autonomy from the Government.

The Constitution provides for the right to strike, although there are restrictions in some areas. For example, civil servants and workers in state-owned enterprises must give 2 weeks' notice of a planned strike and must enter into negotiations with the employer and a third party, usually the Ministry of Labor. The Labor Code prohibits retribution against strikers, and the Government respects this requirement in practice. Workers at the privately owned Syama gold mine in Sikasso region went on strike in January and March to demand a pay increase and a reduction in working hours. In June, 6 of the 12 UNTM unions staged a legal 2-day walkout to support demands for increased wages.

Unions are free to associate with and participate in international bodies.

b. The Right to Organize and Bargain Collectively

The growth of independent unions has led to more direct bargaining between these unions and their employers. Wages and salaries, however, for those workers belonging to the UNTM unions are set by tripartite negotiations between the Ministry of Labor, labor unions, and representatives of the federation of employers of the sector to which the wages apply. These negotiations usually set the pattern for unions outside the UNTM. The Ministry of Labor acts as a mediator in labor disputes.

Neither the Constitution nor the Labor Code addresses the question of antiunion discrimination, but there have been no reports or complaints of antiunion behavior or activities. If the parties cannot come to agreement, the dispute goes to the Labor Court for decision.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The Constitution prohibits forced or compulsory labor. Slavery persists, however, throughout the North. Expatriate health, development, and refugee workers report that traditional enslavement of members of the Bellah ethnic group by Taureg factions remains widespread throughout the North. Rumors persist of slavery in the remote salt mining communities of Taoudeni north of Timbuktu. These rumors are difficult to verify, and other reports indicate that the members of the Bellah ethnic group who work the mines now receive wages, however meager.

d. Minimum Age for Employment of Children

The minimum legal age for employment is 14 years, but children may work with parental permission as apprentices at the age of 12. This regulation is often ignored in practice. Moreover, it has no effect on the vast number of children who work in rural areas, helping with family farms and herds, and in the informal sector, e.g., street vending. These children are not protected by laws against unjust compensation, excessive hours, or capricious discharge. The Labor Inspection Service of the Ministry of Labor is responsible for, and reasonably effective in, enforcement of child labor laws, but only in the modern sector.

e. Acceptable Conditions of Work

The Labor Code specifies conditions of employment, including hours, wages, and social security, but in practice many employers either ignore or do not comply completely with the regulations. The national minimum wage rate, set in October 1994, is approximately \$40 (cfa 21,000) per month. Workers must be paid overtime for additional hours. The minimum wage is supplemented by a required package of benefits, including social security and health care. While this total package could provide a minimum standard of living for one person, in practice most wage earners support large extended families and must supplement their income by some subsistence farming or work in the informal sector.

The normal legal workweek is 40 hours, with a requirement for at least one 24-hour rest period. The Social Security Code provides a broad range of legal protection against hazards in the workplace, and workers' groups have brought pressure on employers to respect parts of the regulations, particularly those affecting personal hygiene. With unemployment high, however, workers are often reluctant to report violations of occupational safety regulations. The Labor Inspection Service of the Ministry of Labor oversees these standards but limits enforcement to the modern, formal sector. Workers have the right to remove themselves from dangerous work situations and request an investigation by the Social Security Department, which is responsible for recommending remedial action where deemed necessary.

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