



[Home](#) » [Under Secretary for Democracy and Global Affairs](#) » [Bureau of Democracy, Human Rights, and Labor](#) » [Releases](#) » [Human Rights Reports](#) » [2010 Country Reports on Human Rights Practices](#) » [Africa](#) » [Mali](#)

## 2010 Human Rights Report: Mali

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR

### 2010 Country Reports on Human Rights Practices

April 8, 2011

Mali, with a population of approximately 14.5 million, is a constitutional democracy. International and domestic observers characterized the 2007 presidential election, which resulted in the reelection of President Amadou Toumani Toure, and the 2007 legislative elections as generally free and fair; however, there were some administrative irregularities. Northern Mali experienced periodic violence involving banditry, drug trafficking, ethnic violence, and the terrorist organization al-Qaida in the Islamic Maghreb (AQIM). Security forces reported to civilian authorities, although there were instances in which elements of the security forces acted independently of civilian control.

Principal human rights problems included arbitrary or unlawful deprivation of life, police abuse of civilians, poor prison conditions, arbitrary detention, lengthy pretrial detention, prolonged trial delays, executive influence over the judiciary, lack of enforcement of court orders, restrictions on freedom of speech and assembly, official corruption and impunity, domestic violence and discrimination against women, female genital mutilation (FGM), trafficking in persons, societal discrimination against black Tamasheqs, discrimination based on sexual orientation, societal discrimination against persons with HIV/AIDS, slavery-like practices and hereditary servitude relationships between ethnic groups, and child labor.

#### RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life

The government or its agents did not commit any politically motivated killings; however, on February 22, police officers shot and killed Mamadou Coulibaly, a minibus driver in Bamako who attempted to flee a police check. In reaction to the incident, minibus drivers rioted, formed roadblocks, burned tires, threatened police officers, and pillaged the police station in the Bamako suburb of Senou. The government did not pursue disciplinary action against the police officers involved, who alleged the first shots had been fired from the minibus.

There were no developments in the July 2009 case of minibus driver Sountou Koumba Sissoko, shot and killed by National Guardsman Lassine Goita allegedly for failing to stop at a checkpoint near the town of Kita. At year's end Goita remained in prison awaiting trial. Of the 45 persons arrested for their roles in the subsequent rioting, 25 remained in prison awaiting trial at year's end.

b. Disappearance

There were no reports of politically motivated disappearances.

The terrorist organization AQIM held persons hostage during the year (see section 1.g.).

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

The constitution and law prohibit such practices; however, there were occasional reports that police abused civilians, including using excessive force to disperse a demonstration.

On August 7, a group of up to 20 gendarmes arbitrarily rounded up and physically assaulted residents in a neighborhood of Timbuktu. Allegedly angered by an attack on one of their colleagues by a neighborhood youth, the gendarmes brought residents to a local school, doused them with gasoline, and threatened to set them ablaze if the implicated youth was not turned over. Civil authorities intervened to restore calm, but by year's end, no disciplinary action had been pursued against the gendarmes.

An August 24 report stated police in Timbuktu had beaten with batons a youth who refused to heed a police order to stop his motorbike. When news of the incident spread, a large youth group marched on police headquarters and pelted it with rocks. Although civil authorities intervened to restore calm, no charges were brought against the police, who alleged the victim had been injured in a motorbike accident.

On November 12, police belonging to the Mobile Security Group (GMS) allegedly used excessive force to disperse young demonstrators who had gathered before the Court of Appeals in Bamako to protest the detention of Mossa Ag Acharatmane and Aboubacrine Ag Fadil. The two detainees were arrested on October 31 in connection with an allegedly treasonous text they had written for the founding congress of a Tuareg association, the National Movement for the Azawad. According to press reports, the GMS police used batons to disperse the demonstrators, injuring eight and arresting three, including a journalist.

Prison and Detention Center Conditions

Overall prison conditions remained poor. Prisons continued to be overcrowded. For example, as of September 28, the central prison in Bamako housed 1,794 prisoners in a facility designed to hold 400. The Sikasso Prison held close to 200 prisoners in a facility built for 50. In addition food was insufficient, and medical facilities and sanitation were inadequate, posing serious threats to health.

In Bamako men and women were placed in separate prisons, although both male and female juvenile offenders were held in the women's prison. Outside the capital, men, women, and juveniles were held in separate cells within the same prison. Arrested individuals may be held for up to 72 hours in police stations, where there are no separate holding areas for men and women. Pretrial detainees were held with convicted prisoners. Detainees had reasonable access to visitors and were permitted religious observance. Authorities permitted prisoners and detainees to submit complaints by themselves or through ombudsmen to judicial authorities without censorship and to request investigations of credible allegations of inhumane conditions, although it was not known if any prisoner had done so. The government's National Penitentiary Administration investigated and monitored prison and detention center conditions.

The government permitted prison visits by human rights monitors, and various human rights organizations conducted visits during the year. However, nongovernmental organizations (NGOs) and other monitors were required to submit a request to the prison director, who then forwarded it to the Ministry of Justice. Approvals, which took up to one week, were routinely granted, but the weeklong delay hindered the ability of monitors to ascertain if there were human rights violations, and some NGOs and the International Committee of the Red Cross (ICRC) faced temporary resistance from prison authorities. ICRC visits were conducted in accordance with its standard modalities. In some cases prison officials did not allow NGOs to interview prisoners without third parties present. Several NGOs, including the Malian Association of Human Rights and the Malian Association of Women Lawyers, visited prisoners and worked with female and juvenile prisoners to improve their conditions.

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#### d. Arbitrary Arrest or Detention

The constitution and law prohibit arbitrary arrest and detention, and the government generally respected these prohibitions; however, there were reports that arbitrary arrest and detention occurred.

There were no new developments in the case of Habitat Bank of Mali Chief Executive Officer Mamadou Baba Diawara, whose conviction for fraud was overturned by the Supreme Court in 2009 but whose release was prevented by an order of the minister of justice. By year's end, Diawara remained detained, as did prison warden Sekouba Doumbia, who had released Diawara's codefendant Ismaila Haidara on the basis of the Supreme Court order.

#### Role of the Police and Security Apparatus

Security forces include the army, air force, gendarmerie, national guard, police, and the General Directorate of State Security (DGSE). The army and air force are under the control of the civilian minister of defense. The national guard is administratively under the minister of defense; however, it is effectively under the control of the minister of internal security and civil protection. Its responsibilities include maintaining order during exceptional circumstances, such as disasters or riots. The guard also has specialized border security units. The police and gendarmerie are under the Ministry of Internal Security and Civil Protection. Police have responsibility for law enforcement and maintaining order in urban areas, while gendarmes have that responsibility in rural areas. The DGSE has authority to investigate any case and temporarily detain persons at the discretion of its director general; it usually did so only in terrorism and national security cases.

The national police force is organized into districts. Each district has a commissioner, who reports to the regional director at national headquarters. The police force was moderately effective but lacked resources and training.

#### Arrest Procedures and Treatment While in Detention

Judicial warrants are required for arrest. Bailiffs normally deliver warrants, which stipulate when a person is scheduled to appear at a police station. While persons were usually apprehended openly with warrants based on sufficient evidence and issued by a duly authorized official, there were occasions when warrants were not based on sufficient evidence.

Detainees are brought before the judiciary and have the right to a lawyer of their choice or a state-provided lawyer if they are indigent; however, an insufficient number of lawyers--particularly outside the cities of Bamako and Mopti--often prevented access to legal representation. Detainees were granted prompt access to family members.

In cases involving a monetary debt, the arrested person frequently resolved the case at the police precinct, and the police received a portion of the recovered money.

The law provides that suspects must be charged or released within 48 hours and that they are entitled to counsel; however, in practice detainees were not always charged within 48-hours. Suspects must be transferred from a police station to a prison within 72 hours after being arrested; however, in practice detainees were sometimes held longer than 72 hours. Limited rights of bail and the granting of conditional liberty exist, particularly for minor crimes and civil matters. On occasion authorities released defendants on their own recognizance.

The law stipulates charged prisoners must be tried within one year, but this limit was frequently exceeded, and lengthy pretrial detention was a problem. Lengthy trial procedures, large numbers of detainees, judicial inefficiency, corruption, and staff shortages contributed to lengthy pretrial detention. Individuals sometimes remained in prison for several years before their cases came to trial. Many individuals lacked the financial resources needed to make bail. Approximately 67 percent of the prison population consisted of persons awaiting trial. For example, on September 28, of the 1,794 prisoners held at the central prison of Bamako, a total of 1,218 were awaiting trial.

In September the judiciary extended its second ordinary session by one month to reduce the case backlog and ease prison overcrowding. The judiciary had approximately 240 cases on the docket for the session.

#### e. Denial of Fair Public Trial

The constitution and law provide for an independent judiciary; however, the executive branch continued to exert influence over the judicial system. Corruption and limited resources affected the fairness of trials. Domestic human rights groups alleged bribery and influence peddling were widespread in the courts.

There were problems enforcing court orders.

Village chiefs and government-appointed justices of the peace decided the majority of disputes in rural areas. Justices of the peace had investigative, prosecutorial, and judicial functions. In practice these systems did not provide the same rights as civil and criminal courts.

#### Trial Procedures

The constitution provides for the right to a fair trial, and a mostly independent judiciary generally enforced this right. Except in the case of minors, trials generally were public and juries were used. Defendants have the right to be present and have an attorney of their choice. Court-appointed attorneys are provided for the indigent without charge. Defendants have the right to consult with their attorney, but administrative backlogs and an insufficient number of lawyers, particularly in rural areas, often prevented prompt access. Many persons could not afford an attorney. Defendants and attorneys have access to government evidence relevant to their cases. Defendants are presumed innocent and have the right to confront witnesses, to present witnesses and evidence on their behalf, and to appeal decisions to the Supreme Court. These rights extend to all citizens and all groups.

#### Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

#### Civil Judicial Procedures and Remedies

There is an independent and impartial judiciary in civil matters, although corruption in the judicial branch was widespread and laws are biased against women. There is no separate court system for lawsuits seeking damages for, or cessation of, a human rights violation. There were reports that civil court orders were sometimes difficult to enforce.

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

The constitution and law prohibit such actions, and the government generally respected these prohibitions in practice.

g. Use of Excessive Force and Other Abuses in Internal Conflicts

Northern Mali experienced periodic violence involving bandits, smugglers, paramilitary forces, ethnic violence, and AQIM.

There were reports the paramilitary militia of Colonel Elhedji Gamou committed abuses against civilians in Kidal Region. Allegations concerned armed banditry, drug trafficking, arbitrary violence, and reprisal attacks. On April 25, Intalla ag Attaher, the traditional leader of Tuaregs in Kidal, wrote to President Amadou Toumani Toure and threatened to exile himself if Gamou's militia was not withdrawn or reined in. In response, a high-level delegation traveled to Kidal on May 2 to speak with ag Attaher about the situation. Reports indicated a moderate improvement in the militia's respect for civilians' rights in Kidal since that time.

Sporadic violence between the Ganda-Izo militia, composed of ethnic Peulh (nomadic) and Songhai (sedentary pastoralists), against neighboring Tuareg (seminomadic) factions in the area of Ansongo (Gao Region) continued. On August 2, the government organized a "Flame of Peace" disarmament ceremony in Fafa, a small village in the Ansongo area. An estimated 400 militants from all three ethnic groups participated in the disarmament, and 367 weapons were collected and burned. Notwithstanding the new effort at peace, reports continued of livestock theft and reprisal attacks between the communities.

No prosecutions were opened regarding the violent confrontations between Peulh/Songhai and Tuaregs in June and July 2009.

During the year the terrorist organization AQIM killed persons and took hostages.

On April 19, in Niger, bandits abducted French citizen Michel Germaneau and later handed him over to AQIM. On July 25, AQIM claimed it had executed Germaneau in reprisal for a French-supported Mauritanian attack on AQIM camps in Mali on July 22, although reportedly Germaneau may already have died by the time of the July 22 raid.

On September 17, elements believed to be part of AQIM abducted seven employees--five French, one Togolese, and one Malagasy--of the French firms Areva and Satom in Arlit, Niger, and transported them to AQIM camps in northern Mali.

On February 23, AQIM released French citizen Pierre Camatte who was taken hostage in Menaka in November 2009. The release occurred after courts tried and sentenced to "time served" four AQIM operatives authorities had taken into custody in April 2009.

There were developments in the case of three Spanish aid workers kidnapped in Mauritania in November 2009 and held in northern Mali by AQIM. On March 10, AQIM released Alicia Gamez. The remaining two Spanish hostages, Albert Vilalta and Roque Pascual, were released on August 22. According to media reports, the release was in exchange for ransom payments as well as the release by Mauritanian authorities of Malian AQIM member Omar Oul Sid Ahmed Ould Mama, also known as Omar the Sahroui.

On April 16, AQIM released two Italian citizens, Sergio Cicala and his wife Philomene Kaboure, who had been held hostage in Mali since their kidnapping in December 2009 in Mauritania.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The constitution and law provide for freedom of speech and of the press. While the government generally respected these rights in practice, there was a report of a journalist arrested.

The independent media were active and expressed a wide variety of views.

On November 12, Diakaridia Yossi, a journalist for the daily newspaper *L'Indépendant*, was taken into custody while covering the police dispersal of a demonstration in front of the Court of Appeals protesting the detention of Mossa Ag Acharatmane and Aboubacrine Ag Fadil. Yossi was apparently mistaken for one of the protestors and allegedly suffered several blows from police batons. According to press reports, Yossi was released from custody, and the director of the National Police, Niame Keita, in a meeting with journalist associations, expressed regret for the incident and provided 25,000 CFA francs (\$50) to offset Yossi's medical expenses.

In December 2009 Noumouke Sidibe, a journalist for Radio Kayira, a network of stations critical of the government, was arrested in Kita and charged with inciting the July 2009 Kita riots through his radio broadcasts. Sidibe, who had been highly critical of local authorities in his reporting, was released on January 6 after an investigative judge determined he had not been on the air the day he was alleged to have been inciting riots.

#### Internet Freedom

There were no government restrictions on access to the Internet or reports that the government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. There were numerous Internet cafes in Bamako, although home access in the capital was limited by cost. Outside of Bamako there were a few sites where the Internet was available for public use. According to International Telecommunication Union statistics for 2008, approximately 1.6 percent of the country's inhabitants used the Internet.

#### Academic Freedom and Cultural Events

There were no government restrictions on academic freedom or cultural events.

#### b. Freedom of Peaceful Assembly and Association

##### Freedom of Assembly

The constitution and law provide for freedom of assembly; however, at times the government did not respect this right in practice.

On March 9, police allegedly used excessive force and tear gas to disperse a protest march organized by an association representing persons dispossessed by land seizures. Local authorities attempted to ban the demonstration on March 8, but this was not effectively communicated to those involved in the demonstration. When police forces attempted to disperse the protestors, a confrontation ensued, in which six individuals were injured. Police arrested four demonstrators, who were later released.

There were no developments in the February 2009 incident of police using excessive force to disperse protesters in the Bamako neighborhood of Banconi Salembougou.

##### Freedom of Association

The constitution provides for freedom of association, although the law prohibits associations deemed immoral. The government generally respected freedom of association during the year.

#### c. Freedom of Religion

For a description of religious freedom, please see the Department of State's *2010 International Religious Freedom Report* at [www.state.gov/g/drl/irf/rpt](http://www.state.gov/g/drl/irf/rpt).

#### d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

The constitution and law provide for freedom of movement within the country, foreign travel, emigration, and repatriation, and the government generally respected these rights in practice. Police routinely stopped and checked both citizens and foreigners to restrict the movement of contraband and to verify vehicle registrations.

The government cooperated with the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, asylum seekers, and other persons of concern.

The constitution and law specifically prohibit forced exile; the government did not use it.

##### Internally Displaced Persons (IDPs)

The government provided some assistance to IDPs, allowed the International Committee of the Red Cross (ICRC) access to IDPs, and permitted IDPs to accept assistance provided by humanitarian organizations. The distances involved, difficult terrain, and land mine concerns hampered assistance efforts. The government did not attack or target IDPs or forcibly return or resettle them. Most persons internally displaced by the Tuareg rebellion in 2008-09 had returned home by the end of 2010, although few reported receiving any assistance from authorities.

##### Protection of Refugees

The laws provide for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees. In practice the government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion. A national committee in charge of refugees operated with institutional assistance from UNHCR.

The government's Office of International Migration is responsible for providing temporary protection to individuals who may not qualify as refugees and provided it to two Nepalese women in distress during the year.

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

The constitution and law provide citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage.

##### Elections and Political Participation

In 2007 voters elected President Amadou Toumani Toure to a second five-year term with 71 percent of the vote. Legislative elections were also held in 2007. Domestic and international observers characterized these elections as generally free, fair, and without evident fraud, but there were administrative irregularities.

There were developments with respect to alleged irregularities and fraud during the 2009 communal elections. An administrative tribunal annulled the results in several communes, including Yelimane, Tessalit, Bourem, and Bamako's Commune IV. The government appointed special delegations to govern the affected communes pending new elections.

Political parties generally operated without restrictions or outside interference.

There were 15 women in the 147-member National Assembly. There were six women in the 29-seat cabinet, five women--including the chairperson--on the 33-member Supreme Court, and three women on the nine-member Constitutional Court.

The National Assembly had 15 members from historically marginalized pastoralist and nomadic ethnic minorities representing the eastern and northern regions of Gao, Timbuktu, and Kidal. The cabinet also had two members from these minorities.

#### Section 4 Official Corruption and Government Transparency

The law provides criminal penalties for official corruption; however, the government did not implement the law effectively, and officials frequently engaged in corrupt practices with impunity. Officials regularly extorted money. Corruption in the judiciary was widespread. Impunity was a problem, and police were often not held accountable for corruption. The gendarmerie conducted investigations of police officers, although the number of officers disciplined for infractions was not available. Police and gendarmes frequently extorted bribes. There were reports of uniformed police directing stopped motorists to drive to dark and isolated locations, where the officers then forcibly robbed the victims.

The constitution requires the prime minister and other cabinet members to annually submit a financial statement and written declaration of their earnings to the Supreme Court. These documents were not made public.

The Malian Anticorruption Agency (CASCA) and the independent Office of the Auditor General (OAG) are responsible for combating corruption. CASCA oversees a number of smaller anticorruption units within various government ministries and reports directly to the presidency.

The OAG's report for 2009 (released in 2010) estimated that 112 billion CFA francs (\$226 million) in revenue had been lost due to fraud and mismanagement, including lost revenue in agricultural and health programs.

During the year the OAG examined 10 entities that were discussed in its 2007 report. The examination found these entities had implemented 61 percent of the auditor general's fraud prevention and financial management recommendations. In addition there was one criminal prosecution based on corruption found in a previous year's report. On January 11, six men who had worked in the government's Office du Niger were tried in Bamako's Court of Appeals for embezzling fees paid by farmers for irrigation water provided by the state. The court acquitted two of the men, sentenced two to time served, and sentenced the remaining two to five-year terms of imprisonment.

The law provides for public access to government information, and the government generally granted such access for citizens and noncitizens, including foreign media. The national budget was available to the public upon request. If an information request is refused, the person who submitted the request can appeal to an administrative court, which must address the appeal within three months.

#### Section 5 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were generally cooperative and responsive to their views.

The National Commission on Human Rights (CNDH) is part of the Ministry of Justice. The CNDH is an independent institution under the constitution, and was significantly restructured in November 2009. During the year the government provided the commission with a headquarters, small staff, and budget increase. The commission began work on two human rights reports, including one specifically devoted to prison conditions.

## Section 6 Discrimination, Societal Abuses, and Trafficking in Persons

The constitution and law prohibit discrimination based on social origin and status, color, language, gender, or race, but not disability. In spite of relevant legislation, citizens were generally reluctant to file complaints or press charges of discrimination, based largely on cultural factors. Absent complaints or lawsuits, the government did not aggressively pursue violations of these laws.

### Women

The law criminalizes rape and provides a penalty of five to 20 years' imprisonment; however, the government did not enforce the law effectively. Only a small percentage of rape cases were prosecuted, since most such cases were not reported, and victims felt social pressure not to pursue charges against aggressors who were frequently close relations. There is no law specifically prohibiting spousal rape, but law enforcement officials stated the criminal laws against rape apply to spousal rape. Police and judicial authorities were willing to pursue rape cases, but stopped if parties reached an agreement prior to trial. The Bamako Court of Appeals had 48 cases of rape on its docket for the two ordinary sessions of the year; however, information on the number of convictions was not available.

Domestic violence against women, including spousal abuse, was a problem. Most cases went unreported. Spousal abuse is a crime, but the law does not specifically prohibit domestic violence. Police were reluctant to enforce laws against or intervene in cases of domestic violence. Many women were reluctant to file complaints against their husbands because they feared such allegations would be interpreted as grounds for divorce, were unable to support themselves financially, or sought to avoid social stigma. The government's planning and statistics unit, established to track prosecutions, was not operational. Assault is punishable by prison terms of one to five years and fines of up to 500,000 CFA francs (\$1,011) or, if premeditated, up to 10 years' imprisonment.

The Ministry for the Promotion of Women, Children, and the Family distributed a guide regarding violence against women for use by health-care providers, police, lawyers, and judges.

The NGOs Action for the Defense and Promotion of Women Rights, Action for the Promotion of Household Maids, and the Association for Development and Youth operated six shelters, five in Bamako and one in Segou, for abused female domestic laborers.

The law does not prohibit sexual harassment, and it occurred frequently, including in educational establishments.

Women's ability to make decisions regarding reproduction was limited. Women faced pressure to defer responsibility to their husbands and family on reproductive issues including the number, spacing, and timing of their children and often lacked sufficient information. Women often did not have access to contraception and skilled attendance during childbirth, including essential obstetric and postpartum care. According to the UN Population Fund (UNFPA), the contraceptive prevalence rate was 8 percent, with unmet need for family planning estimated at 29 percent. Reportedly, 49 percent of births were attended by skilled health personnel. Women were equally diagnosed and treated for sexually transmitted infections, including HIV, but access to health care for both men and women was limited. According to UNFPA estimates, in 2008 the maternal mortality ratio was 830 deaths per 100,000 live births, and a woman's lifetime risk of maternal death was one in 22.

Family law and traditional practices favor men. Women are legally obligated to obey their husbands and are particularly vulnerable in cases of divorce, child custody, and inheritance. Women had very limited access to legal services due to their lack of education and information as well as the prohibitive cost.

While the law provides for equal property rights, traditional practices and ignorance of the law prevented women from taking full advantage of their rights. A community property marriage must be specified in the marriage contract. In addition if the type of marriage was not specified on the marriage certificate, judges presumed the marriage was polygynous. Traditional practice discriminated against women in inheritance matters, and men inherited most of the family wealth.

Women's access to employment and to economic and educational opportunities was limited. According to the National Center for Information on Women and Children, women constituted approximately 15.5 percent of the formal labor force. The government, the country's major formal sector employer, paid women the same as men for similar work. The Ministry for the Promotion of Women, Children, and the Family was charged with ensuring the legal rights of women. Women experienced economic discrimination due to social norms that favor men.

#### Children

Citizenship is derived from one's father. The government did not register all births immediately, particularly in rural areas. However, during the year, the government conducted an administrative census to collect biometric data and assign a unique identifying number to every citizen. The process allowed the registration of children who had not been registered at birth, although the exact number of new birth certificates assigned is unknown. Several local NGOs, including Ladilikan and the Malian Association for the Promotion of the Sahel, worked with foreign partners during the year to register children at birth and to educate parents about the benefits of registration.

The constitution provides for tuition-free universal education, and the law provides for compulsory schooling from ages seven to 16; however, many children did not attend school, and parents often had to pay for their children's education as well as provide their uniform and supplies. Girls' enrollment in school was lower than boys' at all levels due to poverty, cultural tendencies to emphasize boys' education, and the early marriage of girls. According to government statistics, 56.3 percent of girls ages six to 12 and 70.4 percent of boys ages six to 12 were enrolled in primary schools in 2009. Other factors affecting school enrollment included distance to the nearest school, lack of transportation, and shortages of teachers and instructional materials.

Members of the black Tamasheq community reported that some Tamasheq children were denied educational opportunities due to slavery-like practices.

Qur'anic masters often require students under age 10, known as "garibouts," to beg for money on the streets or work as laborers in agricultural settings (see section 7.d.).

There were no comprehensive statistics on child abuse. Most child abuse cases went unreported. Sexual exploitation of children occurred. The police and the social services department under the Ministry of Social Development, Solidarity, and the Elderly investigated and intervened in some reported cases of child abuse or neglect; however, the government provided few services for such children. The Court of Appeals of Bamako heard 35 pedophilia cases during its second ordinary session of the year; NGOs reported pedophilia cases were more likely to go to trial than rape cases because charges could be pressed by the child's guardian rather than the victim, and the anonymity of the child could be preserved, reducing the social stigma.

Female genital mutilation (FGM) was very common, particularly in rural areas, and was performed on girls between the ages of six months and six years. Approximately 92 percent of all girls and women had been subjected to FGM, although a Ministry of Health demographic study in 2006 reported that among girls and women ages 15 to 19, the rate was 85 percent. The practice was widespread in most regions with the exception of certain northern areas, occurred among most ethnic groups, was not subject to class boundaries, and was not religiously based. There are no laws specifically prohibiting FGM; however, a government decree prohibits FGM in government-funded health centers. Government

information campaigns regarding FGM reached citizens throughout the country, and human rights organizations reported that FGM decreased among children of educated parents. There were reports of Burkinabe families crossing into Mali to evade stricter FGM laws in Burkina Faso.

The marriage code allows girls under the age of 15 to marry if they have parental consent and special permission from a judge. The minimum age for girls to marry without such consent is 15. Underage marriage was a problem throughout the country, with parents in some cases arranging marriages for girls as young as nine. According to local human rights organizations, judicial officials frequently accepted false documents claiming that girls under the age of 15 were old enough to marry.

There were no developments in the case of Amadou Diallo, arrested in August 2009 for planning to marry his 12-year-old daughter to her 50-year-old cousin.

The law does not specifically address child prostitution. Authorities cited child pornography as a form of indecent assault prohibited under the criminal code. Penalties for indecent assault range from five to 20 years in prison. The country has a statutory rape law that defines 18 as the minimum age for consensual sex. The law is inconsistent with the legal minimum marriage age of 15 and was not enforced.

The National Police's Division for Protection of Children and Morals sometimes arrested child prostitutes. They were usually released a few hours after their arrest.

The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For information on international child abduction, please see the Department of State's annual report on compliance at [http://travel.state.gov/abduction/resources/congressreport/congressreport\\_4308.html](http://travel.state.gov/abduction/resources/congressreport/congressreport_4308.html).

#### Anti-Semitism

The Jewish population was estimated at fewer than 50, and there were no reports of anti-Semitic acts.

#### Trafficking in Persons

For information on trafficking in persons, please see the Department of State's annual *Trafficking in Persons Report* at [www.state.gov/g/tip](http://www.state.gov/g/tip).

#### Persons with Disabilities

There is no specific law protecting the rights of persons with physical, sensory, intellectual, or mental disabilities in employment, education, access to health care, or in the provision of other state services. There is no law mandating accessibility to public buildings. The Ministry of Social Development, Solidarity, and the Elderly is charged with the protection of the rights of persons with disabilities. The ministry sponsored activities to promote opportunities for persons with disabilities to generate income and also worked with NGOs, such as the Malian Federation of Associations for Handicapped Persons, which provided basic services. There was a school for the deaf in Bamako that ostensibly falls under government responsibility, but support and resources were practically nonexistent.

#### National/Racial/Ethnic Minorities

Societal discrimination against "black" Tamasheqs, often referred to by the label Bellah, continued. Some black Tamasheqs were deprived of civil liberties by other ethnic groups due to traditional slavery-like practices and hereditary servitude relationships between certain ethnic groups. Black Tamasheq communities in Gao and Menaka also reported systematic discrimination by local officials and others that hindered their ability to obtain identity documents or voter

registration cards, locate adequate housing, protect their animals from theft, seek legal protections, obtain education, or access development aid.

#### Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity

There were no publicly visible lesbian, gay, bisexual, and transgender (LGBT) organizations in the country. The free association of LGBT organizations was impeded by a law prohibiting association "for an immoral purpose"; in 2005 the then governor of the District of Bamako cited this law to refuse official recognition to a gay rights association. Although there was no official discrimination on the basis of sexual orientation, in practice, societal discrimination was widespread.

#### Other Societal Violence or Discrimination

Societal discrimination against persons with HIV/AIDS occurred. The government implemented campaigns to increase awareness of HIV/AIDS and reduce discrimination against those with HIV/AIDS.

#### Section 7 Worker Rights

##### a. The Right of Association

The law allows workers to form or join independent unions of their choice without previous authorization or excessive requirements, and workers exercised these rights. Only the military, the gendarmerie, and the National Guard were prohibited from forming unions. An estimated 95 percent of salaried employees were organized, including teachers, magistrates, health workers, and senior civil servants.

The law allows unions to conduct their activities without interference, and the government respected this right in practice.

Unions have the right to strike, and workers exercised this right. However, the law allows the minister of labor to order arbitration for disputes that may endanger lives, security or health, normal functioning of the economy, or involves a vital professional sector. Civil servants and workers in state-owned enterprises are required to give two weeks' notice of a planned strike and to enter into mediation and negotiations with the employer and a third party, usually the Ministry of Labor and State Reforms. The labor code prohibits retribution against strikers, and the government generally enforced these laws effectively.

##### b. The Right to Organize and Bargain Collectively

The law provides for the right to collective bargaining, and workers exercised this right freely. The law does not prohibit antiunion discrimination, but there were no reports of antiunion behavior or activities during the year.

There are no export processing zones.

##### c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, including by children; however, such practices occurred.

Most adult forced labor was found in the agricultural sector, especially rice production, domestic services, gold mining, and the informal economy. Forced child labor was seen in the same sectors, but sometimes with different tasks. In informal surface mining, for example, children were used for work in small holes where adults do not fit. Some Qur'anic school masters also require children to work longer hours than is socially acceptable.

The law prohibits the contractual use of persons without their consent; penalties include a fine and hard labor. Penalties increase to 20 years' imprisonment if a person under age 15 is involved.

Many black Tamasheqs continued to be subjected to forced labor practices and hereditary servitude relationships, particularly in the eastern and northern regions of Gao, Timbuktu, and Kidal. According to NGOs, the judiciary was reluctant to act in forced labor cases.

In January a black Tamasheq woman named Timizwaq fled to Menaka and filed a legal complaint alleging she had been held as a hereditary slave and subjected to forced labor for 15 years in Inbougaretane by Hama Hama ag Adim. With the assistance of a local NGO, she obtained an out-of-court settlement whereunder ag Adim agreed to return her two children that were under his control and provide her with 20 lambs. At year's end ag Adim had returned the two children but had not provided any of the livestock.

There were developments in the cases of Nalewat, a black Tamasheq woman in Bambara-Maounde who was held as a hereditary slave and subjected to forced labor for 14 years, and Aboubakrine ag Kamotane, who filed a legal forced labor-related complaint against a man named Afna in Timbuktu. At year's end the man who had subjected Nalewat to forced labor had only paid half of the one million CFA francs (\$2,022) out-of-court settlement agreed to in 2009 and was refusing to complete the agreement. Aboubakrine ag Kamotane withdrew his legal complaint under pressure from local authorities and the gendarmerie, who had been solicited by Afna, the defendant.

There were no developments in the 2008 forced labor-related lawsuits filed by Agiachatou walet Touka against Sagoudene ag Adime, Iddar ag Ogazide against Erzaghi ag Bayes, and Tatche walet Ekadaye against Ahmed Iknane ag Bakka.

Debt bondage occurred in the salt mines of Taoudenni, in the North. Individuals, primarily of Songhai ethnicity, including some children, worked as salt miners to pay off debts owed to businessmen in Timbuktu.

Please also see the Department of State's annual *Trafficking in Persons Report* at [www.state.gov/g/tip](http://www.state.gov/g/tip)

#### d. Prohibition of Child Labor and Minimum Age for Employment

The labor code has provisions that pertain to child labor; however, these were often ignored in practice. Child labor was a problem. Child labor was concentrated in the agricultural sector, especially rice production, domestic services, gold mining, Qur'anic schools, and the informal economy.

While the labor code sets the minimum age for employment at 14, with certain exceptions, an ordinance pertaining to children sets the minimum employment age at 15. The labor code permits children between the ages of 12 and 14 to engage in domestic or light seasonal work, and limits the number of hours they may work. No child is permitted to be employed for more than eight hours per day under any circumstances. Girls who are 16 to 18 cannot be employed for more than six hours per day. However, these regulations were not enforced in practice.

Approximately half of children between the ages of seven and 14 were economically active, and more than 40 percent of children in this age group were subjected to the worst forms of child labor. Child trafficking occurred. Children, especially girls, were used for forced domestic labor. Child labor in the mining sector, including salt mining in Taoudenni and gold mining, was also a problem. Black Tamasheq children were forced to work as domestic and agricultural laborers.

An unknown number of primary school-aged children throughout the country, mostly under age 10, attended part-time Qur'anic schools that were funded by students and their parents and taught only the Qur'an. As part of their work requirement, Qur'anic masters often required students, known as "garibouts," to beg for money on the streets or work as laborers in agricultural settings.

Authorities enforced labor code provisions, including those related to child labor, through inspectors from the Ministry of Labor and State Reforms, which conducted surprise inspections and complaint-based inspections; however, resource limitations restricted the frequency and effectiveness of oversight by the Labor Inspection Service, which operated only in the formal sector. The Ministry of Labor and State Reforms employed approximately 50 labor inspectors, up from eight in 2007.

A 43-member national committee for child labor and trafficking issues worked to develop a list of the worst forms of child labor. The committee was composed of 13 ministries as well as NGOs, and was chaired by the Ministry of Labor and State Reforms. In February 2009 the government finalized a list of hazardous occupations in which children are prohibited from working. In addition the government finished elaborating a National Action Plan to combat child labor, although it has not yet been adopted by the Council of Ministers. The government regularly acts in a supporting role for donor projects dealing with child labor.

#### e. Acceptable Conditions of Work

The national minimum wage was 28,465 CFA francs (\$58) per month, which did not provide a decent standard of living for a worker and family. The minimum wage was supplemented by a required package of benefits, including social security and health care. Persons working in the informal and subsistence sectors did not receive the minimum wage. The labor code specifies conditions of employment, including hours, wages, and social security; however, many employers either ignored or did not comply completely with the regulations. The Ministry of Labor is also responsible for enforcing the minimum wage, but it did not do so effectively.

The legal workweek is 40 hours, except for work in the agricultural sector. The legal workweek for agricultural employees ranges from 42 to 48 hours, depending on the season. The law requires a weekly 24-hour rest period. Workers have to be paid overtime for additional hours. The law limits overtime to eight hours per week. Labor inspectors usually visited work sites only after complaints were filed by labor unions. Legal standards pertaining to hours of work were not always enforced.

The law provides a broad range of legal protections against hazards in the workplace; however, authorities did not effectively enforce these standards. Workers' groups brought pressure on employers to respect sections of the regulations. With high unemployment, however, workers often were reluctant to report violations of occupational safety regulations. The Labor Inspection Service oversees these standards but limited enforcement to the formal sector. It was not effective in investigating and enforcing workers' safety and was insufficiently funded for its responsibilities. Workers had the right to remove themselves from dangerous work situations and to request an investigation by the Social Security Department, which is responsible for recommending remedial action where deemed necessary; it was not known if any worker had done so.

[Back to Top](#)