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Mali: Violence committed against minors by family members (parents, grandparents, stepparents, uncles, aunts); protection available from government authorities and from non-governmental organizations; possibility of adoption by a family member (September 2005)

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According to a communiqué posted on the Website of the Ministry of Justice of Mali,

[translation]

a child is generally defined as an individual who has not yet reached the age of majority, which is 18 years of age in Mali, though an individual can also become an adult through marriage. In other words, a boy or girl who is a minor automatically becomes an adult upon marriage (Mali 8 Sept. 2004).

During a 6 September 2005 telephone interview, the president of the Association for the Promotion of Women and Children in Mali (Association pour la promotion de la femme et de l'enfant au Mali, APROFEM) said that within the Malian family, the main forms of violence committed against children are excision, early marriage, child trafficking and forced labour.

Excision is widely practised, especially in rural areas, and is usually carried out on underage girls (APROFEM 6 Sept. 2005). In general, the mother or the grandmother decides when the excision will be performed and by whom (ibid.).

Early marriages are decreasing in urban centres but are still common in rural areas, where parents, driven by poverty and the prospect of a dowry, do not hesitate to marry off an underage daughter to an often much older man (ibid.).

According to the president of APROFEM, child trafficking and forced labour in Mali are a [translation] "terrible scourge" (ibid.). She explained that national and international traffickers often benefit from the parents' complicity, especially the father's, since they are unaware of the fate awaiting their children (ibid.). Traffickers promise to find work for the children, who are mostly minors, entrusted to them (ibid.). In reality, however, the children end up doing forced labour or becoming domestic servants or sex slaves in large cities in Mali, in neighbouring countries, or even in Europe (ibid.; see also *Trafficking in Persons Report 2005* 3 June 2005).

According to the minister for women, children and the family, cited in a United Nations (UN) article, [UN English version] "[i]n Mali, the two forms of human rights abuses most widely faced by children are early marriage and excision" (UN 14 June 2005). According to the same article, both practices [UN English version] "are part of the cultural emphasis on the importance of family" (ibid.). Foremost among the reasons prompting parents to marry their daughters off as early as possible are eagerness to [UN English version] "receive the traditional dowry from the bridegroom" and "to have one less mouth to feed" (ibid.).

Protection and services offered by the state and by non-governmental organizations (NGOs)

Malian law prohibits excision and early marriage (UN 14 June 2005). A person found guilty of instigating a forced marriage may be sentenced to a prison term of one to five years, whereas sentences in cases involving a girl younger than fifteen can be as long as twenty years imprisonment, including 10 years' hard labour (ibid.). However, [UN English version] "enforcing the law is difficult as family members are complicit in the [marriage] arrangements" (ibid.).

In terms of female genital mutilation (FGM) [which includes excision], [UN English version] "the government has taken a softly-softly approach to tackling [it], backing information and sensitisation campaigns, but falling short of outlawing the practice" (ibid.).

Anyone convicted of child trafficking faces a prison term of five to twenty years under Malian law (*Trafficking in Persons Report 2005* 3 June 2005). In 2004, "[t]he government worked closely with neighboring countries, international organizations, and NGOs to coordinate the repatriation and reintegration of trafficking victims" (ibid.).

The president of APROFEM stated that although the government authorities say they oppose excision, in practice, they are [translation] "reluctant" to punish individuals who perform it, preferring instead to focus on promoting awareness (APROFEM 6 Sept. 2005). Despite the stiff sentences for forced or early marriage, government authorities likewise lean toward awareness-raising and education rather than strict enforcement of the law (ibid.).

As regards the many NGOs whose focus is child welfare, the president of APROFEM indicated that their activities consist mainly of raising awareness about children's rights and of leading and mobilizing Malians to support those rights rather than direct involvement in child care (ibid.).

When asked about the possibility of a family member adopting an abused child, the president of APROFEM explained that, in Mali, legal adoption applies only to children who have been abandoned by their parents and are already in government-run children's centres (ibid.). In non-abuse cases, particularly those when a child is orphaned or the parents are deemed unfit, the child is cared for by the most closely related family member (ibid.). The APROFEM president stated that she had never seen or heard of a case of an abused child being legally adopted by a family member (ibid.).

For more information on the adoption process in Mali, see the attached Malian *Code de la parenté*, especially Chapter III, Section II, Articles 56-70.

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of additional sources consulted in researching this Information Request.

References

Association pour le promotion de la femme et de l'enfant au Mali (APROFEM). 6 September 2005. Telephone interview with the president.

Mali. 8 September 2004. Ministry of Justice. Journal Indépendant No. 1057. "Convention et codes de la protection des enfants." <<http://www.justicemali.org/divers283.htm>> [Accessed 6 Sept. 2005]

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Additional Sources Consulted

Publications: *Africa Confidential*, *Africa Research Bulletin*, Resource Centre country file.

Internet sites, including: AllAfrica, Amnesty International, ECOI.net, Famafrique, Human Rights Watch, Integrated Regional Information Networks (IRIN), Norwegian Council for Africa, UNICEF, UNIFEM, United States Department of State, Women Living Under Muslim Laws.

Attachment

Mali. 31 July 1973. Ministry of Justice. *Code de la parenté: Ordonnance no 73-036 du 31 juillet 1973*. "Chapitre III, section II, articles 56-70." <<http://www.justicemali.org/pdf/03-parente.pdf>> [Accessed 6 Sept. 2005]

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