



Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women

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Concluding comments of the Committee on the Elimination of Discrimination against Women: Mali

1. The Committee considered Mali's combined second, third, fourth and fifth periodic reports (CEDAW/C/MLI/2-5) at its 717th and 718th meetings, on 31 January 2006 (see CEDAW/C/SR.717 and 718). The Committee's list of issues and questions is contained in CEDAW/C/MLI/Q/2-5, and Mali's responses are contained in CEDAW/C/MLI/Q/2-5/Add.1.

Introduction

2. The Committee expresses its appreciation to the State party for its combined second, third, fourth and fifth periodic report, which, although long overdue, was in compliance with the Committee's guidelines for the preparation of periodic reports and was candid and informative.

3. The Committee commends the State party on its high-level delegation, headed by the Minister for the Advancement of Women, Children and Family and made up of representatives of different ministries with responsibility for the implementation of the Convention on the Elimination of All Forms of Discrimination against Women. It expresses appreciation to the State party for the oral presentation, which highlighted significant parts of the report, and for the written responses to the list of issues and questions raised by the pre-session working group and the further clarification to the questions orally posed by the Committee.

Positive aspects

4. The Committee notes with appreciation that the report was drafted following a participatory process involving government bodies and consulting civil society organizations. It also notes with appreciation that women's associations and non-governmental organizations participated in developing and drafting the first and second action plans for the implementation of the Beijing Declaration and Platform for Action.

5. The Committee congratulates the State party for acceding to the Optional Protocol to the Convention in December 2000 and for accepting the amendment to article 20, paragraph 1, of the Convention in June 2002, concerning the meeting time of the Committee.

6. The Committee commends the State party for the Political Parties Act, which promotes the participation of women in public life by earmarking a percentage of tax receipts (0.025 per cent) for the public funding of political parties in proportion to the number of women deputies and women councillors elected.

7. The Committee commends the State party for the significant increase in the enrolment of girls in primary schools, from 19 per cent in 1990 to 59.9 per cent in 2004.

Principal areas of concern and recommendations

8. While recalling the State party's obligation to systematically and continuously implement all the provisions of the Convention, the Committee views the concerns and recommendations identified in the present concluding comments as requiring the State party's priority attention between now and the submission of the next periodic report. Consequently, the Committee calls upon the State party to focus on those areas in its implementation activities and to report on action taken and results achieved in its next periodic report. It calls on the State party to submit the present concluding comments to all relevant ministries and to Parliament in order to ensure their full implementation.

9. While the Committee notes with satisfaction that article 116 of the Constitution provides that any treaty to which Mali is a party has precedence over national legislation from the moment that the treaty in question is published, it is concerned about the status of implementation of the Convention. In particular, the Committee is concerned that while the Convention's definition of discrimination against women is directly applicable, national legislation does not provide sanctions for acts of discrimination based on sex nor remedies for violations of the rights to non-discrimination and equality. In this connection, the Committee regrets that the State party was not able to provide the Committee with any examples of the provisions of the Convention being directly invoked in Court in the 21 years since its ratification.

10. The Committee recommends that a definition of discrimination in line with article 1 of the Convention, provisions on the equal rights of women in line with article 2 (a) of the Convention and sanctions for acts of discrimination based on sex as well as remedies for violations of the rights to non-discrimination against women and gender equality be included in the Constitution or in other appropriate legislation. It recommends the intensification of campaigns to raise awareness about the Convention aimed at the general public and especially at public officials, the judiciary and the legal profession. The Committee calls on the State party to ensure that the Convention becomes an integral part of legal education and the training of judicial officers, including judges, lawyers and prosecutors, in order that a legal culture supportive of equality and non-discrimination may be firmly established in the country.

11. The Committee is concerned about the lack of progress in revising discriminatory legislation. In particular, it expresses concern that proposed revisions of the Citizenship Code and Marriage and Guardianship Code (in the draft Personal and Family Code) and legislation on the issue of State- and privately-owned land have not been completed, thus allowing for the persistence of discriminatory provisions that deny women equal rights with men concerning issues related to the transmission of nationality, marriage and family relations and access to land. Such discriminatory provisions include: a younger marriageable age for women (15 years old) than for men (18 years old); termination of maintenance support awarded to an ex-wife on grounds of immoral behaviour; in the event of divorce, restitution to the husband of benefits given to his wife and limitations on the exercise of parental authority by a surviving mother; and discrimination against women concerning their customary land rights. The Committee also expresses concern that the proposed law reform in the area of marriage and family relations is not sufficiently comprehensive in that it does not include the abolition of polygamy or abandonment of the notion that men are the head of the household.

12. The Committee urges the State party to place high priority on implementing legislative reforms and, in particular, to complete the process needed to adopt the draft Personal and Family Code in the first quarter of 2006, as orally indicated to the Committee, in order to promptly bring the relevant provisions into line with articles 1, 2, 9 and 16 of the Convention. The Committee urges the State party to put in effect measures to discourage polygamy and to ensure that spouses have the same rights and responsibilities both during marriage and in the event of its dissolution. The Committee calls upon the State party to increase its efforts to sensitize public opinion regarding the importance of these reforms in order to achieve full compliance with their provisions.

13. The Committee is concerned about the State party's lack of clarity about the difference between temporary special measures that are aimed at accelerating de facto, substantive equality of women, as called for under article 4, paragraph 1, of the Convention, and general social policies that are adopted to implement the Convention.

14. The Committee recommends that the State party take concrete measures, including temporary special measures in accordance with article 4, paragraph 1, of the Convention and general recommendation 25, in all sectors to ensure that women enjoy de facto equality with men.

15. The Committee is concerned that, although women's access to justice is provided for by law, their ability in practice to exercise this right and to bring cases of discrimination before the courts is limited by factors such as legal costs, lack of information on their rights and lack of assistance in pursuing their rights.

16. The Committee requests the State party to remove impediments women may face in gaining access to justice. The Committee urges the State party to provide legal aid services, and sensitization about how to utilize available legal remedies against discrimination, as well as to monitor the results of such efforts.

17. The Committee is concerned about the prevalence of a patriarchal ideology with firmly entrenched stereotypes and the persistence of deep-rooted adverse

cultural norms, customs and traditions, including forced and early marriage, humiliating and degrading widowhood practices, force-feeding, levirate and sororate, that discriminate against women and constitute serious obstacles to women's enjoyment of their human rights.

18. The Committee urges the State party to view culture as a dynamic aspect of the country's social fabric and life subject, therefore, to change. It urges the intensification of measures to change stereotypical attitudes and modify or eliminate customs and cultural and traditional practices that are harmful and discriminate against women so as to promote women's full enjoyment of their human rights in conformity with articles 2 (f) and 5 (a) of the Convention. The Committee encourages the State party to undertake such efforts in collaboration with civil society organizations, women's non-governmental organizations and community leaders and to increase its efforts to implement comprehensive education and awareness-raising programmes targeting boys and girls and women and men at all levels of society, with a view to changing discriminatory social and cultural patterns of conduct about the roles and responsibilities of women and men in the family and in society. The Committee urges the State party to more vigorously address harmful cultural and traditional customs and practices, such as forced and early marriages, discriminatory widowhood practices, levirate, sororate and the use of the dowry, through effective measures aimed at their elimination, including through the conduct of national campaigns. It further calls upon the State party to periodically review the measures taken to assess their impact and to take appropriate remedial measures and to report thereon to the Committee in its next report.

19. The Committee is concerned about the prevalence of violence against women and girls, including domestic violence, which appears to be tolerated by society. The Committee is also concerned about the legislative gaps in this area, including the lack of specific legislation on domestic violence, including marital rape, and specific legislation to address sexual harassment.

20. The Committee urges the State party to accord priority attention to the adoption of comprehensive measures to address violence against women and girls in accordance with its general recommendation 19 on violence against women. 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. The Committee recommends the implementation of training for parliamentarians, the judiciary and public officials, in particular law enforcement personnel, and health-service providers so as to ensure that they are sensitized to all forms of violence against women and can provide adequate support to victims. It also recommends the establishment of counselling services for victims of violence and the organization of public awareness-raising campaigns on all forms of violence against women.

21. The Committee is concerned about the exploitation of prostitutes, the lack of information about the efforts to combat this phenomenon and the lack of

information about the extent of trafficking in women and measures taken to address this issue.

22. The Committee urges the State party to: pursue a holistic approach in order to provide women and girls with educational and economic alternatives to prostitution; facilitate the reintegration of prostitutes into society; and provide rehabilitation and economic empowerment programmes for women and girls exploited in prostitution. The Committee requests that the State party provide information on measures taken to combat this phenomenon in its next report. It requests the State party to provide detailed information on trafficking in women and measures taken, including legislation, to prevent trafficking, protect victims and punish traffickers, as well as on the impact of such measures.

23. While welcoming the establishment, in 2002, of the national programme to eradicate the practice of excision and other measures, including the prohibition of female genital mutilation from being carried out at health facilities, the training of personnel in the harmful effects of female genital mutilation and the retraining of the women who perform excisions, the Committee is concerned at the high incidence of this harmful traditional practice and the State party's reluctance to expedite the adoption of legislation aimed at eradicating this violation of a woman's human rights.

24. The Committee urges the State party to speedily enact legislation prohibiting excision and all forms of female genital mutilation to ensure that offenders are adequately prosecuted and adequately punished. It also recommends that the State party increase its efforts and develop a plan of action, including public awareness-raising campaigns, targeted at both women and men, with the support of civil society, to eliminate the practice of female genital mutilation.

25. The Committee expresses concern at how few women are represented in the National Assembly, in Government and at high levels of the administration. It is also concerned that even fewer women are mayors and municipal counsellors and that women are underrepresented in the foreign service.

26. The Committee recommends that the State party undertake measures to progressively increase the number of women in decision-making positions, in accordance with its general recommendation 23 on women in political and public life and in the foreign service. It also recommends that the State party introduce temporary special measures, in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation 25 on temporary special measures, and establish concrete goals and timetables to accelerate women's equal participation in public and political life. The Committee urges the State party to implement training programmes to encourage women to participate in public life. It also calls on the State party to implement awareness-raising campaigns to highlight the importance to society as a whole of women's full and equal participation in leadership positions at all levels of decision-making for the development of the country.

27. While acknowledging the significant progress in the area of education, the Committee is concerned that there is still a gap between males and females in the educational system and by the low rate of female literacy. The Committee is also

concerned that the success rate for girls is lower than it is for boys, that girls are more likely to drop out due to early pregnancies and that only a small proportion of teachers are women. The Committee notes that education is a key to the advancement of women and that the low level of education of women and girls remains one of the most serious obstacles to their full enjoyment of their human rights.

28. The Committee urges the State party to raise awareness about the importance of education as a fundamental human right and as a basis for the empowerment of women and to take steps to overcome traditional attitudes that constitute obstacles in this area. It also recommends that the State party prioritize efforts to improve the literacy level of girls and women and ensure equal access of girls and young women to all levels of education. The Committee further urges the State party to take measures to increase the enrolment of girls at all levels and recommends the introduction of further temporary special measures, in accordance with general recommendation 25, including incentives for parents to send girls to school.

29. The Committee expresses concern at the discrimination faced by women in employment, as reflected in hiring processes, the wage gap and occupational segregation. The Committee is concerned about the difficulties that women face in attempting to engage in viable economic activity in the formal sector, forcing them to work in the informal sector instead. It is also concerned about the vulnerability of young girls who migrate as domestics to urban areas and are subject to exploitation by their employers, including sexual abuse, as well as about the low wages or non-payment of wages for their work.

30. The Committee urges the State party to ensure equal opportunities for women and men in the labour market in accordance with article 11 of the Convention. The Committee urges the State party to intensify its efforts to ensure that all employment-generation programmes are gender-sensitive and that women can fully benefit from these programmes. It recommends that the State party pass protective legislation regarding young women domestic workers and adequately punish abusive employers. The Committee calls on the State party to provide, in its next report, detailed information about the situation of women in the field of employment, in both the formal and informal sectors, about measures taken and their impact on realizing equal opportunities for women.

31. The Committee is concerned that no specific measures have been taken to ensure that women with disabilities are not subject to discrimination, especially in the areas of education, employment, access to health care, violence and access to justice.

32. The Committee recommends that the State party take appropriate measures, including legislation, to ensure that disabled women are not subject to any form of discrimination.

33. While noting the considerable efforts made by the State party in the area of antenatal, postpartum and obstetric care, including the ten-year health and social development plan (1997), the Committee is concerned about the high maternal and infant mortality and morbidity, resulting from, inter alia, lack of appropriate care as well as lack of utilization of existing services during pregnancy and childbirth, the

limited access to adequate sexual and reproductive health services for women, especially women in rural areas, female genital mutilation, the low level of education, early marriage and unsafe abortions. The Committee is concerned about the unmet demand for family planning services and the low level of contraceptive use. The Committee is also concerned at the scant information provided about women and HIV/AIDS.

34. The Committee recommends that the State party intensify its efforts to take holistic, intersectoral measures to improve women's access to a wide range of health-care services, especially to emergency obstetric care and health-related services, and to information, in accordance with article 12 of the Convention and the Committee's general recommendation 24 on women and health. It calls upon the State party to improve the availability of sexual and reproductive health services, including family planning, also with the aim of preventing early pregnancies and clandestine abortions. It encourages the State party to enhance such services, especially for rural women. The Committee further urges the State party to study the behavioural patterns of communities, and of women in particular, that inhibit their utilization of existing services and to take appropriate action. The Committee requests the State party to provide, in its next report, detailed statistical and analytical information on the results of measures taken to improve women's access to health-related services and information, including in regard to sexual and reproductive health and family planning, and the impact of these measures. It also calls on the State party to ensure the effective implementation of its HIV/AIDS strategies and to provide detailed statistical and analytical information about women and HIV/AIDS in its next periodic report.

35. The Committee is especially concerned about the precarious situation of women in rural areas, who often lack access to adequate health services, access to education, clean water and sanitation services, access to justice and access to credit facilities. The Committee is further concerned about the harmful, traditional practices, such as forced and early marriages, levirate and sororate marriages. The Committee expresses its particular concern about the negative influences of customs, especially with regard to land access and inheritance, as well as the attribution of non-fertile land to women, which adversely affects their advancement.

36. The Committee urges the State party to pay special attention to the needs of rural women and women heads of household, ensuring that they participate in decision-making processes and have access to health, education, clean water and sanitation services, fertile land and income-generation projects. The Committee also urges the State party to take appropriate measures to eliminate all forms of discrimination against rural women with respect to ownership and inheritance as well as with respect to forced and early marriages and levirate and sororate marriages. The Committee requests the State party to include in its next report sex-disaggregated data and information on the de facto position of rural women.

37. The Committee urges the State party to utilize fully in its implementation of its obligations under the Convention, the Beijing Declaration and Platform for Action, which reinforce the provisions of the Convention, and requests the State Party to include information thereon in its next periodic report.

38. The Committee also emphasizes that a full and effective implementation of the Convention is indispensable for achieving the Millennium Development Goals (MDGs). It calls for the integration of a gender perspective and explicit reflection of the provisions of the Convention in all efforts aimed at the achievement of MDGs and requests the State party to include information thereon in its next periodic report.

39. The Committee commends the State party for having ratified the seven major international human rights instruments.¹ The Committee notes that the State party's adherence to the seven major international human rights instruments enhances the enjoyment by women of their human rights and fundamental freedoms in all aspects of life.

40. The Committee requests the wide dissemination in Mali of the present concluding comments in order to make the people, including government officials, politicians, parliamentarians and women's and human rights organizations, aware of the steps that have been taken to ensure de jure and de facto equality of women, as well as the further steps that are required in that regard. The Committee requests the State party to continue to disseminate widely, in particular to women's and human rights organizations, the Convention, its Optional Protocol, the Committee's general recommendations, the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century".

41. The Committee requests the State party to respond to the concerns expressed in the present concluding comments in its next periodic report under article 18 of the Convention. The Committee invites the State party to submit its sixth periodic report, which is due in October 2006, and its seventh periodic report, which is due in October 2010, in a combined report in 2010.

¹ The International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of the Child and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.