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1999 Country Reports on Human Rights Practices

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MALI

Mali is a constitutional democracy now implementing decentralization following local elections. President Alpha Oumar Konare was reelected to a second 5-year term in 1997. A collective of 12 opposition parties boycotted the 1997 presidential and legislative elections, which were administratively flawed but considered generally free and without evident fraud, and claimed that the elections were unconstitutional because the Government failed to carry out annual updates of electoral lists. However, some opposition candidates chose to participate by running as independents. The ruling Alliance for Democracy in Mali (ADEMA), led by President Konare, dominates the National Assembly, which includes representatives of opposition and ADEMA-aligned parties. Local elections took place in May and June in 682 rural communities, completing elections held in 19 urban communities the previous year. Council members elected their mayors between August 28 and September 6, and newly elected mayors took over local administration between September 9 and September 15. The Constitution provides for an independent judiciary, but in practice the Government continues to exert influence on the judiciary.

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 the Armed Forces and Veterans, as are the Gendarmerie and the National Guard. The police are under the Ministry of Territorial Administration and Security. The police and gendarmes share responsibility for internal security. The Government completed the process of integrating elements of former Tuareg rebel forces into its armed forces.

Mali is a very poor country with a market-based economy. Most of the work force is employed in the agricultural sector, particularly farming and animal husbandry. The country's principal exports are cotton, livestock, and gold. There is a very small industrial sector, largely based on the manufacture of textiles, beverages, and processed food products. The gross national product is approximately \$251 per capita, which provides most of the population with a low standard of living. The economy depends heavily upon

foreign assistance. Desertification and social limitations, including a current estimated literacy rate of roughly 20 percent and a high population growth rate, contribute to poverty. Poor infrastructure, minimal foreign investment, administrative inefficiency, and corruption are also important factors in limiting economic growth.

The Government generally respected its citizen's human rights in many areas; however, problems remained in several others. There was one incident of politically motivated disappearance. Prison conditions remained poor. Unlike the previous year, there were no instances of arbitrary arrest and detention; however, the judicial system's large case backlog resulted in long periods of pretrial detention and lengthy delays in trials. The judiciary continued to be subject to executive influence. Unlike the previous year, there were no instances in which freedom of assembly was limited. Societal discrimination against women persists, and social and cultural factors continued to limit sharply economic and educational opportunities for most women. Violence against women and children, including spousal abuse and female genital mutilation (FGM), is widespread. There were several serious incidents of societal violence related to political or ethnic tension. Political change in the country's volatile northern region was followed by sectarian violence in isolated villages. There was an incident during the June rural election in which five government officials were kidnaped and two voting stations were destroyed by a group that tried to disrupt the election. In a separate incident, clashes between Kounta and Arab communities resulted in 33 deaths and several injuries. In June and July, two violent incidents occurred between Fulani herders and Sarakole farmers in the Kayes region. A dozen persons were killed, and several were wounded. In both incidents, parliamentary and government mediation have helped in easing the tension between the communities in conflict. Small-scale traditional family-based child labor is frequently employed in agriculture and domestic areas. Malian children were trafficked sold into forced labor in Cote D'Ivoire; the Government arrested several traffickers. Hereditary servitude relationships link different ethnic groups.

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 killings by security forces during the year.

There were no developments in the 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 that the actions were unwarranted and unjustified. However, to date, the Government has taken no action to expedite the case, which remains on file at a regional court.

In the evening prior to the June 1998 municipal election in Segou, individuals seeking to disrupt the elections threw a grenade into the courtyard of the regional representative of the electoral commission, killing the deputy chief commissioner's adult daughter and wounding several other persons. Several persons were arrested and charged with assault and attempt to kill; the case is still under judicial investigation. On October 12, the detainees were released provisionally to await arraignment and trial.

b. Disappearance

In July a group of nomads in the Cercle of Menaka disrupted voting in the local elections by kidnaping five officials and destroying voting materials, citing an unfair drawing of the voting area's boundaries (see Section 3). The officials were released unharmed after the Government permitted the kidnapers to depart for a neighboring country.

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

The Constitution prohibits such practices, and the authorities generally respect these provisions.

Amnesty International (AI), in reports released in November 1997 and in October 1998, cited allegations by former detainees and an independent witness that members of the security forces had tortured them in order to extract confessions in some cases. Although senior government officials voiced skepticism about these reports, the Government invited AI to continue its monitoring and reporting activities (see Section 4). In the two cases on which AI's allegations of torture chiefly focused, the case of the 1997 election day bombing of the Bamako market and the case of military officers accused of planning a coup (see Section 1.e.), the defendants were released soon after their convictions, either because the President pardoned them or because the court imposed short sentences including the time that they already had been detained.

Some police and gendarmes extort bribes at vehicle checkpoints (see Section 2.d.).

Prison conditions are poor. Prisons continue to be characterized by overcrowding, inadequate medical facilities, and limited food supplies. They remain below minimum international standards. In Bamako juvenile offenders usually are 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. In late 1997, the Justice Minister made a fact finding tour of the prison system, which led to the closing of the colonial-era Kidal prison with its prisoners given daytime jobs in the remote northern desert town. In 1998 the Minister initiated an overall review of prison conditions. In December 1998, the Justice Minister confirmed that poor prison conditions persist; the Democracy Forum held that same month concluded that although poor, prison conditions were improving. The Judiciary Forum meeting of civil society representatives held in March concluded that prison conditions remained poor. However, the Democracy Forum in December noted that the Government had taken some steps to improve the condition of detainees, including opening separate facilities for reeducation of young offenders and education for guards in the rights of detainees. During the year, women and children initially detained in the central prison of Bamako were transferred to the new detention center inaugurated by the government in December 1998.

The Government permits prison visits by human rights monitors. Several organizations, including the Malian Association of Human Rights, the Malian Association of Women Jurists, and other nongovernmental organizations (NGO's) visited prisoners and are working with women and juvenile prisoners to improve their conditions. The International Committee of the Red Cross (ICRC) continued to visit imprisoned leading members of

the former government.

d. Arbitrary Arrest, Detention, or Exile

The Constitution provides that suspects must be charged or released within 48 hours and that they are entitled to counsel; however, in practice 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 persons to trial. In extreme cases, individuals have remained in prison for several years before coming to trial. For example Abdoulaye Diallo had been detained since 1995 prior to his conviction in March 1998 for embezzlement during his tenure as Minister of Health under the regime of General Moussa Traore, who was President until 1991. He was sentenced for crimes of bloodshed to 3 years' imprisonment, which included time spent in custody. He was absolved of economic crimes.

Judicial warrants are required for arrest. Local lawyers have estimated that about half of prison inmates are pretrial detainees. This judgment was confirmed in March during the Judiciary Forum seminar. Limited rights of bail or the granting of conditional liberty exist, particularly for minor crimes and civil matters. On occasion the authorities release defendants on their own recognizance.

In 1997 former President Traore, his wife Mariam, and former customs commissioner Douah Abraham Sissoko, who were placed under detention following the fall of the Traore regime in 1991, remained under detention and were charged with "economic crimes," including "abuse of a position of power" and "illicit enrichment." They had been convicted and sentenced to death in 1993, but President Konare commuted their sentences to prison terms in December 1997. The trial in their cases and similar cases involving five other senior officials of the Traore regime began in October 1998. Traore, his wife Mariam, and Sissoko were convicted and sentenced to death in January; they are currently serving life sentences.

The Government does not practice forced exile.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary; however, the executive branch continues to exert influence over the judicial system. The Ministry of Justice appoints and has the power to suspend judges; it supervises both law enforcement and judicial functions. 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 that 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 village chief in consultation

with the elders decides the majority of disputes in rural areas. 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.

AI in an October 1998 report described the arrest in 1996, detention in 1997, and ultimate trial and conviction in March of seven military officers, including former minister Mady Diallo, who were accused of plotting to overthrow the Government. The report concluded that there were irregularities throughout the process, that confessions were provided under duress, and that the entire process and the subsequent sentences were politically motivated. However, the prosecution described the officers' claim that they were engaged in labor union activities within the officer corps as a veiled attempt to organize a coup. The accused were released in March 1998, having already served in detention most of the prison terms to which they were sentenced. Diallo originally said that he would appeal the court's verdict, but he did not pursue the matter after release.

There were no other 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. However, security forces 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 of the press, and the Government generally respected these rights in practice.

There are approximately 40 private newspapers and journals, in French, Arabic, and local languages. There are five daily newspapers: four are privately owned, of which one is allied with the ruling party and one is government controlled.

The Government controls one television station and one of many radio stations, but all present a wide range of views, including those critical of the Government, the President, the Prime Minister, and other politicians. However, there are no private television stations that broadcast domestically produced programs. The legal framework for private television has been in place since 1992; however, the Government still is developing the fee schedules. Radio KLEDU has had an approved application on record since 1992, but it also is awaiting announcement of the fee schedules and examining its financial base before starting private television broadcasting. The Government made little progress toward private television licensing during the year.

The relative expense of newspapers and television, coupled with a low literacy rate, makes radio the most prevalent medium of mass information and communication. There are as many as 15 private radio stations in Bamako, and there are approximately 40

additional stations throughout the country.

The Government does not censor print, broadcast, or electronic media, which often offer editorials critical of the Government and opposition alike. Laws passed in 1993 regulate the press and provide for substantial criminal penalties, including imprisonment, for libel and for public injury to the Head of State, other officials, and foreign diplomats; these laws leave injury undefined and subject to judicial interpretation. However, the current Government never has prosecuted journalists on criminal libel charges. No journalists were arrested on libel charges during the year.

Domestic reception and distribution of foreign satellite and cable television is permitted and fairly widespread, especially in Bamako. Five domestic servers provide access to the Internet. Licenses to operate Internet servers are granted freely and are not prohibitively expensive.

Academic freedom generally is respected; however, in April security forces made a mass arrest of students attending a meeting on the campus of an institute of higher education (see Section 2.b.).

b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of assembly, and the Government generally respects this right in practice; however, there were a few exceptions. The law requires groups that wish to hold public meetings to obtain the mayor's permission; such permission is granted routinely. In February and March, students demonstrated on the campus of the National University to protest against the holding of exams. About a dozen of the demonstrators were detained by police, but later released without charge.

The Constitution provides for freedom of association, and the Government respects this right in practice.

c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government generally respects this right in practice; however, the Government does not officially recognize the Baha'i Faith. The law allows for religious practices that do not pose a threat to social stability and peace. The Constitution declares the country a secular state.

The Government requires that all public associations, including religious associations, register with the Government. However, registration confers no tax preference and no other legal benefits, and failure to register is not penalized in practice. The registration process is routine and is not burdensome. Traditional indigenous religious are not required to register.

In 1989 a previous government refused an application for registration submitted by a Baha'i group, although there was and still is no state law prohibiting the practice of the Baha'i Faith. The absence of official recognition does not appear to have restricted materially the practice of the Baha'i Faith in the country. Although the Government still does not officially recognize the Baha'i Faith, it does not restrict the practice of the religion either in law or in practice.

Muslims make up about 90 percent of the population, and the vast majority of Muslims are Sunni. Most of the remainder of the population practice traditional indigenous religions or no religion. There is a small Christian minority, and the Christian community is about evenly split between Catholic and Protestant denominations.

Foreign missionary groups operate in the country, and Muslims and non-Muslims may proselytize freely.

The Minister of Territorial Administration and Security can prohibit religious publications that he concludes defame another religion, but there were no reports of instances in which publications were 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 U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. A June 1998 law conforms to the provisions of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. As a follow-up to this law, in December 1998 the Government created a national committee in charge of refugees. The committee began operations in January with institutional assistance from the UNHCR. The Government provides first asylum for refugees.

According to both UNHCR and government estimates, there were 6,000 Mauritians living in western Mali at year's end. However, the UNHCR, Mauritania, and Mali have never agreed on recognition of the refugee status of these persons, who have lived in Mali for nearly a decade. Members of these pastoralist, border groups historically make cross-border migrations. Throughout 1998 the UNHCR provided some limited material assistance and incentives to pastoralists of Mauritanian origin to return to Mauritania, and this program reduced the number from approximately 10,000 at the end of 1998 to the estimated 6,000 still residing in the country. In June the UNHCR completed its assistance to such persons, which consisted of community support at their living sites as opposed to repatriation assistance. Mauritians are free to register for refugee status, although few actually do.

Mali hosted approximately 1,900 urban refugees as of November; four-fifths are from Sierra Leone and 90 percent are in Bamako. The Government opened a transit center located 120 miles from Bamako, where it hosts approximately 100 of the most vulnerable refugee and asylum applicants. The center has a capacity of approximately 300 persons, but that could be expanded to hold 900.

There were no reports of the forced return of persons to a country where they feared persecution.

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. In 1997 citizens elected President Alpha Oumar Konare to a second 5-year term by secret ballot in elections that were open to all and free of evident fraud and manipulation. Konare won 96 percent of the vote, but voter turnout was reportedly 20 to 25 percent; most opposition parties boycotted the election, citing flaws in the voter registration system. The opposition continued to charge that the Government failed to carry out constitutionally mandated annual electoral list revisions and that, therefore, the elections should be declared invalid.

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. Additionally, the President appoints other members of the Government and sets limits on their powers. He names civil servants (national directors, regional government delegates, and others) and high military officers as mandated by the Constitution. The President also promulgates laws within 15 days, following transmission to the Government of a final adopted text. He can veto and return legislation to the National Assembly for reconsideration. There is no provision for the National Assembly to override a presidential veto. The President may submit all questions of national interest to referendum after consultation with the Constitutional Court. He exercises the power of pardon and can grant amnesty. The President may dissolve the National Assembly and call for new elections, although not in the year following legislative elections. Theoretically, he can declare a state of emergency and rule by decree, although President Konare has never done so.

National Assembly members were elected in 1992 and 1997. The Constitutional Court cancelled the results of the initial 1997 legislative elections, citing flaws in the electoral process. These elections were repeated later in 1997, and the results were implemented. Citing problems in the voter registration process, a collective of 18 opposition parties boycotted these elections, which, although administratively flawed, were considered by most independent observers to be generally free and without evident fraud. ADEMA holds 130 of 147 seats in the National Assembly, with 12 held by allied parties and 5 held by opposition parties.

The Government instituted far-reaching administrative reforms during the year. As of September 16, governing authority is shared by elected mayors in the 701 communes (including the 19 cities), and appointed officials ("commissaire du gouvernement") who are the representatives of the central Government in the District of Bamako, the regions and the cercles (districts roughly equivalent to counties). Local governments benefit from central government subsidies, but they also are able to collect local taxes to support their operations. Decentralization is still a controversial issue. The process has changed traditional power relationships between government and governed and has relieved formerly powerful civil servants of their authority. The new administrators often are inexperienced and undereducated. Despite governmental pressure to move ahead with decentralization, the nonparliamentary opposition says that the Government is moving too fast, and should implement the process step by step as administrators lack adequate funding to govern effectively. After local elections in June 1998, held to choose council members for the 19 urban communities, the long-awaited rural elections were carried out in May and June. Several opposition parties that had boycotted earlier elections

participated in the rural elections, with considerable success. On election day, a group of nomads in the Cercle of Menaka disrupted the voting by kidnaping five officials and destroying voting materials, citing an unfair drawing of the voting area boundaries (see Section 1.b.). In two communities (Kidal and Bourem), council members could not elect a mayor due to intercommunity disputes. There are no restrictions, legal or otherwise, on voting by women or minorities; however, women are underrepresented in politics. A total of 18 women hold seats in the 147-member National Assembly, compared with 3 elected in 1992. Six cabinet members are women. Members of historically marginalized pastoralist ethnic minorities, including the Fulani and the Tauregs, occupy seats in both the Cabinet and National Assembly. The President of the Assembly is Fulani (see Section 5).

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 (AI)--operate openly and without interference from the Government. The ICRC has offices in Bamako, Timbuktu, and Gao.

Since 1994 the Government has held an annual Democracy and Human Rights Forum in December to which it invited citizens to voice discontent and grievances against the Government publicly in the presence of the media and international human rights observers. The events are well attended by local citizens from all walks of life and discussion is free and open. Held on December 10, the Democracy Forum convened to review the previous year's work and to make recommendations to the Government. The topics for discussion included judicial reform, access to education, and violence against women. The Forum called on the Government to make these issues a priority in the coming year.

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

Violence against women, including wife beating, is tolerated and common.

Women's access to jobs in the professions and government, and to economic and educational opportunities traditionally has been limited. A 1995-96 national demographic and health survey found that 81 percent of women (compared with 69.3 percent of men) between the ages of 15 and 49 received no education. Women constitute 15 percent of the labor force. The Government, the country's major employer, pays women the same as men for similar work. Women often live under harsh conditions, especially in rural areas, where they perform difficult farm work and do most of the childbearing. 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 1996

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. Despite its initial 4-year mandate, the plan is not close to completion; however, it continues to influence government project development.

Traditional practice discriminates against women in inheritance matters.

There are numerous active women's groups that promote the rights of women and children. 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

Although by law primary education is compulsory through the sixth grade, only 50 percent of children receive a basic education. Literacy rates among females remain low due to a low degree of adherence to this requirement, a lack of primary schools, cultural tendencies to place less emphasis on education for girls, and the fact that most of the population live in rural areas.

There is no constitutional or legal provision to protect the interests and rights of children, and there is no juvenile court system. However, the Malian Social Services Department investigates and intervenes in cases of reported child abuse or neglect. According to local human rights organizations, reported cases are rare; however, statistics are unreliable.

There were credible reports that children were sold into forced labor in Cote d'Ivoire (see Section 6.c.).

Female genital mutilation, 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 a 1995-96 national demographic and health survey, at least 93.7 percent of adult women have undergone this mutilation. The Government has not proposed legislation prohibiting FGM. The Government is pursuing a program of public awareness rather than legal prosecution of women involved in the practice. It supports educational efforts to eliminate the practice through seminars and conferences and provides media access to proponents of its elimination. In 1997 the Ministry for the Promotion of Women created a National Committee Against Violence Towards Women that links all the NGO's active in preventing FGM. Throughout the year, various NGO's campaigned against FGM and in October 1998, the National Committee adopted a draft action plan against sexual mutilation for submission to the Ministerial Council and after further revision was presented early in the year. The Ministerial Council accepted the recommendations and the Government instituted a two-phased plan to eliminate excision by 2008. The first phase, scheduled for 1999-2004, is one of education and dissemination of information. The second phase, scheduled for 2004-08 is projected to adopt legislation and legally enforce such ordinances.

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; however, the Government has not taken special provision for the disabled in these areas. There is no societal discrimination against the disabled; however, in view of the high unemployment rate, the physically disabled are often unable to find work.

National/Racial/Ethnic Minorities

The population of about 10 million is ethnically, culturally, and regionally diverse. Major ethnic-cultural groups include: the Mande, concentrated in the southwest, which constitutes about half the population and includes the Bambara ethnic group; the Malinke; the Voltaic, concentrated in the south and comprising the Bobo and Senoufo groups; the Sudanic, concentrated in the central regions and comprising the Sarakole, Songhai, Dogon, and Bozo groups; and the pastoralist, comprising the Tuaregs and Moors of the northeast and the Peul (or Fulani) of the central region.

Longstanding tensions between the long-marginalized Moor and Tuareg pastoralist groups and the more populous nonpastoralist groups have been a leading source of political instability and violence, including the Tuareg rebellions of the early 1990's. In June and July, there were two violent incidents between Fulani herders and Sarakole farmers in the western region of Kayes bordering Senegal and Mauritania, over natural resource management. A dozen persons were killed and several were wounded. Clashes between Arab and Kounta communities resulted in the death of 33 persons, with several others wounded. In both cases, traditional and parliamentary mediators have negotiated peace between the parties in conflict.

No single ethnic group predominates in either the private sector or the public sector. All three presidents since independence have been affiliated with the Bambara group, which accounts for roughly half of the country's population, but no ethnic group holds disproportionate numbers of government positions or predominates in the military or civil service. Political parties, by and large, do not have readily identifiable ethnic bases, but some reflect regional constituencies.

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 umbrella union, UNTM, held a warning strike on July 20-21. Subsequently, government workers received a 7 percent salary increase.

There are two major labor federations, the UNTM and the Syndicated Confederation of Malian Workers (CSTM). The UNTM, formerly the only major labor body, split in late

1997, dividing the country's 12 labor organizations into 2 federations.

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.

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. However, wages and salaries for 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. The 1997 split in the UNTM did not change the basic procedures of these negotiations.

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, including that performed by children; however, Malian children were sold into forced labor in Cote d'Ivoire by organized traffickers (see Section 6.f.).

Although there have been no other reports of forced or bonded child labor in Mali, apprenticeship, often in a family member's or a parent's vocation, begins at an early age, especially for children unable to attend school.

There were some reports that the de facto slavery long reported to have existed in northern salt mining communities has evolved toward wage labor in recent years; however, reliable current evidence about labor conditions in those remote facilities remained unavailable. Hereditary servitude relationships link different ethnic groups, particularly in the north. For example there is a hereditary service relationship between members of the Bellah ethnic group and Tuareg populations.

d. Status of Child Labor Practices and Minimum Age for Employment

The 1996 Labor Code has specific policies that pertain to child labor. The Labor Code prohibits forced or bonded child labor; however, Malian children were sold into forced labor abroad by organized traffickers, and apprenticeship begins at an early age (see Sections 6.c. and 6.f.). The authorities enforce the Labor Code provisions through the use

of labor inspectors. Inspectors from the Ministry of Employment, Public Service, and Labor conduct surprise inspections and complaint-based inspections. However, resource limitations restrict the frequency and effectiveness of oversight by the Labor Inspection Service and the Service operates only in the modern sector.

The Labor Code permits children between the ages of 12 and 14 to work up to 2 hours per day during school vacations with parental approval. Children between the ages of 14 and 16 may work up to 4 1/2 hours per day with the permission of a labor inspector, but not during nights, holidays, or Sundays. Children between the ages of 16 and 18 may work in jobs that are not physically demanding; males may work up to 8 hours per day and females up to 6 hours per day.

These regulations often are ignored in practice. Moreover, the Labor Code 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, for example, as street vendors. These children are not protected by laws against unjust compensation, excessive hours, or capricious discharge.

Education is free and in principle is open to all, although the majority of students leave school by the age of 12. While primary school is compulsory, it is only available to one-half of the children. Child labor predominates in the agricultural sector and, to a lesser degree, in crafts and trades apprenticeships, and cottage industries.

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 1994, is approximately \$40 (21,000 CFA francs) per month. Workers must be paid overtime for additional hours. The minimum wage does not provide a decent standard of living for a worker and family. 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 (45 hours for agricultural employees), 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. However, with high unemployment, workers often are 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.

Trafficking in Persons

The law prohibits trafficking in persons. There were instances of Malian children sold into forced labor in Cote d'Ivoire. For example children recruited by Malians in the border

town of Sikasso were promised jobs in Cote d'Ivoire, transported across the border, and then sold for approximately \$20 to \$40 (10,000 to 20,000 CFA francs) to Malians and Ivorians who brokered them throughout the plantations of north-central Cote d'Ivoire. The Government is taking steps to halt this trafficking and repatriate the children to Mali. In August five children were returned to their families from Cote d'Ivoire. However, there were no arrests or prosecutions of traffickers in these cases.

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[1999 Report Africa Index](#) | [1999 Report Table of Contents](#) | [1999 Report Homepage](#) | [Human Rights Reports Index](#)