

# MALI 2012 HUMAN RIGHTS REPORT

## EXECUTIVE SUMMARY

A transitional military government ruled Mali following a coup d'état on March 22. On that date the armed forces overthrew the civilian government of President Amadou Toumani Toure, who was elected in 2007 in an election considered free and fair, albeit with some administrative irregularities. An attempted countercoup on April 30 did not succeed. In April an agreement brokered by the Economic Community of West African States (ECOWAS) resulted in the installation of an interim government. On December 10, security forces loyal to coup leader Captain Amadou Sanogo abducted the interim prime minister, Cheick Modibo Diarra, forced him to resign, and dissolved his cabinet. Within a week, a new interim prime minister, Django Cissoko, and a new cabinet were announced. As the year closed, a triumvirate comprised of the junta, interim President Dioncounda Traore, and interim prime minister Cissoko governed the country. While military forces nominally reported to civilian leaders, the interim prime minister's forced resignation indicated that the junta remained a potent force in the country's governance.

Prior to the coup, heavily armed Tuareg rebel groups, proclaiming an independent state of Azawad in northern Mali, launched a series of offensives against government military outposts in the North. The rebel groups, aided in some cases by extremists, took advantage of the postcoup political chaos in the capital, Bamako, to capture northern towns and cities and effectively gain control over northern Mali. Another armed group, Ansar al Dine, also began to establish Sharia law. Extremist groups, such as al-Qaida in the Islamic Maghreb (AQIM) and the Movement for Unity and Jihad in West Africa (MUJAO), joined forces with Ansar al Dine, but the groups subsequently contended with one another for territory. At year's end all of northern Mali, which constitutes approximately two-thirds of the country's territory but contains roughly 10 percent of its population, was under the extremists' control. By December over 230,000 inhabitants were internally displaced and more than 155,000 others were refugees in the neighboring countries of Mauritania, Niger, Burkina Faso, and Algeria.

Junta soldiers reportedly committed arbitrary arrests and detention, threats, beatings, and torture. Women continued to face domestic violence and a culture that condoned female genital mutilation/cutting (FGM/C). Human trafficking and exploitative labor relationships, including child labor, were problems.

Other human rights problems included arbitrary deprivation of life; harsh prison conditions; judicial inefficiency; limitations on press freedom; official corruption and impunity; rape and domestic violence against women; societal discrimination against black Tamasheqs, who were subjected to slavery-related practices; discrimination based on sexual orientation; and discrimination against persons with HIV/AIDS. Workers' rights to organize, strike, bargain collectively, and benefit from fair labor standards were often disregarded.

The government did not take steps to prosecute or punish officials who committed abuses, and impunity was a problem.

Extremists and some rebel groups in the North committed serious human rights abuses, including sexual violence, summary execution, use of child soldiers, amputation of hands and feet of suspected thieves, intimidation of journalists, and destruction of ancient monuments. The extremist groups included AQIM, MUJAO, and the National Movement for the Liberation of Azawad (MNLA).

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

### **a. Arbitrary or Unlawful Deprivation of Life**

There were several reports that the government or its agents committed arbitrary or unlawful killings.

For example, on September 8, soldiers at a checkpoint in the town of Diabali shot and killed 16 unarmed Malian and Mauritanian clerics on their way to a religious conference in Bamako. At year's end the government stated that an investigation of the incident was under way but provided no further information.

On August 19, several hours after police detained him and his brother as suspects in an assault a few days earlier that resulted in the death of a police officer, Fousseynou Ouattara was pronounced dead on arrival at a hospital where he was taken, allegedly because of a heart attack. Ouattara's family contacted the Malian Association for Human Rights (AMDH) and accused police of beating their son to death; the AMDH in turn contacted the Ministry of Justice to prompt an inquiry. While the prosecutor and the gendarmerie have sought to have an autopsy performed on the body, police stationed at the hospital refused to release the body.

There were reports of arbitrary killings related to internal conflict (see section 1.g.).

There were no developments in the September 2011 case of Adama Diallo, an alleged drug trafficker killed by customs officers after a car chase outside Kadiolo, or the March 2011 death of a student after he inhaled tear gas during a demonstration.

### **b. Disappearance**

There were several reports of politically motivated disappearances.

For example, on April 30, dozens of military and police officers were arrested following intramilitary violence. Of these, 21 have reportedly been missing since May, when the rest were released. Reports from Amnesty International and Human Rights Watch suggested that the officers were executed.

MUJAO and the terrorist organization AQIM held several 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 reports that police and the military junta employed them.

Police and soldiers supporting the junta committed serious human right abuses against members of the Red Beret paratrooper unit and police officers accused of attempting a coup on April 30. Witnesses and victims stated that police officers tortured the detainees at the headquarters of the Mobile Security Group. They then held the detainees for more than a month at the Kati military camp, rather than at gendarmerie camps or civilian prisons. While there, they were beaten, burned with cigarettes, forced to sodomize each other, and threatened with death, according to testimonies collected by Amnesty International, the AMDH, and Human Rights Watch. Detainees at the Kati camp were denied access to their lawyers and family members and lived in extremely unsanitary conditions. Two prisoners died as a result of their treatment.

Local human rights groups reported an increase in police harassment of civilians, including allegations of torture and beatings.

### **Prison and Detention Center Conditions**

Overall prison conditions remained extremely poor and did not meet international standards.

Physical Conditions: Prisons continued to be overcrowded. As of September 20, the central prison in Bamako housed 1,712 prisoners, including 1,017 pretrial detainees, in a facility designed to hold 400 persons. In Bamako men and women were placed in separate prisons, with both male and female juvenile offenders held in the women's prison. Nationwide, excluding the three northern regions, the prisons housed 3,451 prisoners, including 1,560 pretrial detainees. Detention conditions were better in women's than men's prisons. Outside the capital men, women, and juveniles were held in separate cells within the same prison. Pretrial detainees were held with convicted prisoners. Arrested individuals may be held for up to 72 hours in police stations where there were no separate holding areas for men and women.

There are no reports from the government or human rights organizations on prevalence of death in prisons or other detention centers. However, there were widespread reports of deaths during preliminary custody at police or military headquarters, especially after the March coup d'état.

Prison food, when provided, was insufficient in both quality and quantity, and medical facilities and sanitation were inadequate, posing serious health threats. Prisoners had access to the same water as the local population. The drinking water was of good quality in Bamako, but water sources at regional prisons were not safe. Ventilation, lighting, and temperature were comparable with many poor, urban homes. The most significant threat to prisoners' health was the lack of sanitation; for toilets, prisoners only had access to a bucket in their cells.

Administration: Prison recordkeeping was inadequate and no specific efforts were taken during the year to improve recordkeeping. Authorities did not use alternative sentencing for nonviolent offenders.

There were no prison ombudsmen. However, authorities permitted prisoners and detainees to submit complaints, either directly or through the Office of the Ombudsman of the Republic, to judicial authorities without censorship to request investigation of credible allegations of inhumane conditions. It was not known whether any prisoner submitted a complaint during the year. While there is a National Commission for Human Rights (CNDH) charged with visiting prisons and ensuring humane conditions, the CNDH had a difficult time gaining access to

detainees during the year. The government's Directorate National Penitentiary Administration investigated and monitored prison and detention center conditions. Detainees had reasonable access to visitors and were permitted to conduct religious observance.

**Monitoring:** The government permitted prison visits by human rights monitors, and various human rights organizations conducted visits during the year, both before and after the coup, although postcoup monitoring efforts were more restricted. 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 week-long delay hindered the ability of monitors to ascertain if there were human rights violations. The International Committee of the Red Cross (ICRC) conducted visits to political prisoners held in the Kati military camp, but not to regular prisons. ICRC visits were conducted in accordance with its standard modalities. The AMDH was able to tour a few prisons in Kati and Bamako, but completed fewer prison visits as a result of the coup and state of insecurity. No assistance was provided to prisoners to improve their detention conditions. According to the AMDH, during the year prisoners were detained for three to six months for minor offenses.

#### **d. Arbitrary Arrest or Detention**

The constitution and law prohibit arbitrary arrest and detention. However, after the March 22 coup and April 30 countercoup, there were many reports of arbitrary arrest and detention. Following the coup, dozens of political and business leaders were arrested and threatened with physical violence, looting of their homes, and possible detention by soldiers outside the normal judicial process. Most were released shortly after their arrest. Following the April 30 intramilitary violence, more than 50 soldiers and police trainees were detained.

On August 25, local masked gunmen arrested Mahamadou Douara, a former student activist and a critic of the junta and its apparent unwillingness to fight in the North, for his alleged involvement with a local militia in Bamako. They held him at an unknown location at year's end.

Late in the evening of December 10, Prime Minister Cheick Modibo Diarra was taken from his house in Bamako to junta headquarters in Kati. He agreed to resign, under pressure, publicly announcing his decision on television the following

morning. Diarra remained free to move about the country after his resignation, although his liberty to travel outside the country was in question.

### **Role of the Police and Security Apparatus**

Security forces include the gendarmerie, National Guard, national police, and the General Directorate of State Security (DGSE). The National Guard is administratively under the Ministry of Defense; however, operational control rests with the Ministry of Internal Security and Civil Protection. The National Guard also has specialized border security units. The responsibilities of the Ministry of Internal Security and Civil Protection include maintaining order during exceptional circumstances, such as national disasters or riots. 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 and gendarmerie are under the Ministry of Internal Security and Civil Protection. Police officers have responsibility for law enforcement and maintaining order in urban areas, while gendarmes have that responsibility in rural areas. The National Police is organized into districts. Each district has a commissioner who reports to the regional director at national headquarters. The National Police was moderately effective but seriously deficient in resources and training.

Civilian authorities did not maintain effective control over the military/armed forces but generally maintained control of the police and gendarmerie. The government does not have effective mechanisms to investigate and punish abuse and corruption by security forces. There were many reports of impunity involving the security forces during the year; allegations of arbitrary arrest, torture, sexual abuse, repression, and intimidation committed by soldiers supporting the junta have remained uninvestigated at the end of the year. There are no effective mechanisms for investigating armed forces abuses. In official meetings the Ministry of Justice has stated that families need to file official complaints to open an abuse case.

### **Arrest Procedures and Treatment While in Detention**

Judicial warrants are required for arrest. Bailiffs normally deliver warrants stipulating when a person is scheduled to appear at a police station. While individuals usually were apprehended openly with warrants based on sufficient evidence and issued by a duly authorized official, there were many occasions

following the coup when warrants were not based on sufficient evidence or were not used.

The law requires that authorities charge suspects or release them within 48 hours; however, in practice detainees were not always charged within 48 hours. Those charged are entitled to counsel. Law enforcement personnel must transfer suspects from a police station to a prison within 72 hours after arrest; however, detainees were at times held in police stations longer than 72 hours. Limited rights of bail and the granting of conditional liberty exist, particularly for minor crimes and civil matters. Authorities also occasionally released defendants on their own recognizance.

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, a shortage of lawyers, particularly outside the cities of Bamako and Mopti, often prevented access to legal representation. Regular detainees had prompt access to family members, who were also their primary source for food. Authorities denied family visits and legal assistance to military and police officers detained in the Kati military camp.

Aside from cases related to the March 22 coup and April 30 countercoup, there were no reported cases of detainees held incommunicado or under house arrest.

Arbitrary Arrest: Boye Ouattara, the brother of Fousseynou Ouattara (see section 1.a.), remained in Bamako's overcrowded main jail without a trial date after being arrested on August 19.

Pretrial Detention: The law stipulates that charged prisoners must be tried within one year, but this limit frequently was 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 could not afford bail. Approximately 45 percent of the prison population consisted of persons awaiting trial. Available data do not include prisons located in the country's northern regions.

#### **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. Bribery and influence peddling were widespread in the courts, according to domestic human rights groups.

There were problems enforcing court orders. Village chiefs and justices of the peace appointed by the government 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. Sometimes justices were absent from their assigned areas for months at a time.

### **Trial Procedures**

The constitution provides for the right to a fair trial, and the judiciary usually enforced this right. Defendants are presumed innocent and have the right to be informed promptly and in detail of the charges against them (with free interpretation as necessary). Except in the case of minors, trials generally were public and juries were used. Defendants have the right to communicate with an attorney of choice (or to have one provided at public expense), but administrative backlogs and an insufficient number of lawyers, particularly in rural areas, often prevented prompt access. Defendants and their attorneys have the right to adequate time and facilities to prepare a defense, to access government-held evidence, to confront witnesses, and to present witnesses and evidence on their behalf; the government generally respected these rights. Defendants may not be compelled to testify against themselves or confess guilt and may appeal decisions to the Supreme Court.

### **Political Prisoners and Detainees**

After the April 30 failed coup in Bamako by the elite Red Beret regiment, the junta detained and reportedly tortured numerous members of the regiment at junta headquarters, the Kati military camp.

There were several reports that political leaders were detained after the March 22 coup d'état. Late on the evening of December 10, interim prime minister Cheick Modibo Diarra was taken from his house in Bamako to junta headquarters in Kati. He agreed, under pressure, to resign and announced his decision on television the following morning.

### **Civil Judicial Procedures and Remedies**



Individuals and organizations may seek civil remedies for human rights violations. They may appeal their cases to the ECOWAS Court of Justice and the African Court on Human and Peoples' Rights. In cases of traditional slavery, 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. After the March 22 coup and April 30 countercoup, a few members of the political opposition found their homes ransacked.

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

The violent internal conflict that persisted in the northern part of the country after January 17 involved the regular armed forces and several rebel groups, including the secular, predominately Tuareg; MNLA; Ansar al Dine, an Islamic movement supported by AQIM, also predominately Tuareg; and MUJAO, a splinter group of AQIM. After the March 22 coup, these groups worked in concert to defeat the army in Kidal, Gao, and Timbuktu, where they subsequently engaged in theft, looting, carjacking, sexual violence, and other abuses. Ansar al Dine and MUJAO introduced Sharia law in the North, which led to whippings as punishment for extramarital sexual intercourse, cigarette smoking, and selling alcohol; amputations of the hands and feet for theft; and the stoning to death of a couple for living together without being married.

Killings: The MNLA, Ansar al Dine, and MUJAO were all implicated in serious human rights abuses, including arbitrary killings, widespread rape, and the use of child soldiers.

On February 23, NGO Medecins Sans Frontieres stated that one girl was killed and 10 other women and children injured when the government's air force bombed a camp for internally displaced persons (IDPs) in the North. On September 8, near the town of Diabali, government forces killed 16 clerics traveling to a religious conference in Bamako.

On October 21, also near the town of Diabali, government forces killed nine unarmed Tuareg men who were suspected of ties with extremist groups. Witnesses reported that the men were animal herders.

In February members of either AQIM or Ansar al Dine killed approximately 100 disarmed Malian soldiers in the town of Aguelhoc. In March, Ansar al Dine captured the military garrison town of Aguelhoc in Kidal Region and subsequently executed 82 soldiers and civilians.

On October 2, members of Ansar al Dine publicly executed an alleged murderer under Sharia law.

Abductions: MUJAO claimed responsibility for kidnapping seven Algerian diplomats on April 5. Three Algerian hostages were released in July, and one was executed in early September. Three remained in MUJAO's control at year's end. On November 20, MUJAO kidnapped a Frenchman in Kayes region.

Three aid workers--two Spaniards and an Italian--kidnapped by MUJAO in October 2011 were freed on July 17.

Physical Abuse, Punishment, and Torture: In March and throughout the conflict, MNLA members conducted campaigns of mass rape in the areas they seized. They compiled lists of women who were to be punished for being pregnant or having had a child outside of wedlock. MNLA members also abducted teenage girls, gang raped them, or forced them to marry based on rape. Some forced marriages were used to cover enforced prostitution.

In July news agencies reported that AQIM and MUJAO planted landmines around Gao to prevent counterattacks from opposing forces.

Child Soldiers: MUJAO and AQIM engaged in forced recruitment of children as young as 14 into armed service. The progovernment militia groups Gando Izo and Gando Koy were also observed recruiting children, some as young as 15, for military training. These progovernment groups trained on government land. International rights groups have documented the practice of extremist groups in the North enlisting hundreds of children between the ages of nine and 17 as child soldiers. There were reports of families being forced to hand over children to the militias and receiving approximately \$600 for each child. International rights groups have reported that the children served as soldiers and sex slaves.

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

## **Section 2. Respect for Civil Liberties, Including:**

### **a. Freedom of Speech and Press**

The constitution provides for freedom of speech, and the government generally respected these rights until the March 22 coup d'état. After the coup, violence, harassment, and intimidation of the media by the military junta in the South and extremists in the North increased.

Freedom of Press: On June 12, armed soldiers ordered Africable, a private media organization in Bamako, to cancel its plans to broadcast an interview with a Tuareg rebel leader of the MNLA.

Violence and Harassment: Kidnapping and assaulting journalists by armed groups acting with complete impunity was a common practice in Bamako immediately following the coup d'état.

On May 16, intelligence officers briefly detained Saouti Haidara, the editor of the privately owned daily *L'Indépendant* and interrogated him about an article in the newspaper which urged Bamako residents to stay away from government buildings because of the danger of probable armed attacks.

Censorship or Content Restrictions: On July 9, the DGSE questioned Birama Fall, the editor of the private newspaper *Le Prétoire*, allegedly for asking questions about the existence of a common grave in the outskirts of Kati, the headquarters of the junta. Self-censorship was reported to be a problem as journalists sought to avoid harassment by the junta or its allies.

Nongovernmental Impact: On August 3, extremists occupying the northern part of the country beat radio presenter Abdoul Malick Maiga for reporting on their failed efforts to amputate a thief's hand due to a protest by the inhabitants of Gao against the amputation. On August 5, hundreds of people protested in Gao, demanding the presenter's release from detention and setting fire to a car belonging to a leader of MUJAO.

In August, MUJAO closed down five radio stations for broadcasting what MUJAO described as "un-Islamic programming." Three of the radio stations were later reopened but under MUJAO control.

### **Internet Freedom**

There were no government restrictions on access to the Internet or any reports that the government monitored e-mail or Internet chat rooms without appropriate legal authority. There were numerous Internet cafes in Bamako, but home Internet access remained limited by expense. Outside of the capital of Bamako, there were a limited number of locations where the Internet was available for public use. According to the International Telecommunication Union, approximately 2 percent of the persons in the country used the Internet in 2011.

### **Academic Freedom and Cultural Events**

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

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

The law provides freedom of assembly and association, and in the period before the coup authorities generally respected these freedoms.

#### **Freedom of Assembly**

The constitution and law provide for freedom of assembly. The government generally respected freedom of assembly, although police and gendarme units responsible for crowd control at authorized marches were much larger after a youth march on May 21 that led to the ransacking of the palace and an assault on the president.

#### **Freedom of Association**

The constitution provides for freedom of association, although the law prohibits associations deemed immoral. In the period before the coup, the government generally respected freedom of association.

### **c. Freedom of Religion**

See the Department of State's *International Religious Freedom Report* at [www.state.gov/j/drl/irf/rpt](http://www.state.gov/j/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. Police routinely stopped and checked citizens and foreigners to restrict the movement of contraband and to verify vehicle registrations. The number of police checkpoints on roads entering the capital of Bamako and inside the city increased after the March 22 coup d'état, and in many instances military forces ran the checkpoints. A significant number of foreigners were arrested as suspected mercenaries but later released.

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.

Exile: A number of political leaders were forced into self-exile after the coup in April, most notably interim president Dioncounda Traore, who left the country for two months after being assaulted on May 21.

### **Internally Displaced Persons (IDPs)**

The government provided some assistance to IDPs, registered them with Civil Protection, allowed the ICRC access to them, and permitted them to accept assistance from humanitarian organizations. The International Organization for Migration estimated that there were 230,000 IDPs. The presence of extremist groups in the northern regions hampered assistance efforts more than factors such as the lengthy distance involved, difficult terrain, and concerns about landmines. The government did not attack or target IDPs or forcibly return or resettle them. For the most part, IDPs lived with relatives, friends, or host families, or in temporary settlements with limited access to basic items such as food, water, and sanitation. Many of these communities were already affected by severe food insecurity due to the drought in the Sahel. The government provided some assistance to IDPs and registered IDPs with Civil Protection. Aid groups also provided humanitarian assistance to IDPs residing in the South and in the North, as access permitted.

### **Protection of Refugees**

Access to Asylum: The laws provide for the granting of asylum or refugee status. The government has established a system for providing protection to refugees. A

national committee in charge of refugees operated with institutional assistance from the UNHCR.

Durable Solutions: In May the UNHCR facilitated the voluntary repatriation of 104 Ivoirian refugees from Bamako who requested return due to insecurity as a result of continuing instability in Mali. The returnees from Bamako were among nearly 2,000 Ivorian refugees who had sought asylum in Mali following the postelection crisis in Cote d'Ivoire. During the year there were no reports of refoulement.

Temporary Protection: 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 five Ivoirians, four Congolese from the Democratic Republic of the Congo (DRC), and one Rwandan 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. The military coup d'etat of March 22, however, denied citizens this right.

#### **Elections and Political Participation**

Recent Elections: In 2007 voters elected President Amadou Toumani Toure to a second five-year term with 71 percent of the vote. Legislative elections also were held in 2007. Domestic and international observers characterized these elections as generally free, fair, and without evident fraud, but with administrative irregularities. Presidential and legislative elections scheduled for April and July were cancelled as a consequence of the coup d'etat that overthrew President Toure.

Political Parties: Political parties generally operated without restrictions or outside interference.

Participation of Women and Minorities: There were 15 women in the 147-member National Assembly. There were three women in the 31-seat transitional cabinet led by Prime Minister Django Cissoko. There were 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, Tuaregs and Arabs, representing the eastern and northern regions of Gao, Timbuktu, and Kidal. Three of these joined the MNLA or Ansar al Dine. The cabinet also had three members from these minorities.

#### **Section 4. Corruption and Lack of Transparency in Government**

The law provides criminal penalties for corruption by officials. However, the government did not implement the law effectively, and officials frequently engaged in corrupt practices with impunity. Corruption in the judiciary was widespread. Police were often not held accountable for corruption. Officials, police, and gendarmes frequently extorted bribes. There were reports of uniformed police or individuals dressed as police directing stopped motorists to drive to dark and isolated locations where they robbed the victims. In many other instances, individuals dressed as military personnel kidnapped, attacked, and robbed victims in their houses with impunity. The World Bank considered corruption a serious problem in the country.

The constitution requires the president, prime minister, and other cabinet members to submit annually a financial statement and written declaration of their net worth to the Supreme Court. Details of these filings were not made public.

Government institutions responsible for combating corruption included the Anticorruption Agency (CASCA) and the independent Office of the Auditor General. CASCA oversaw a number of smaller anticorruption units within various government ministries and reported directly to the presidency. Public administration and the judiciary remained the sectors most vulnerable to corruption.

In June 2011 police arrested former health minister Ibrahim Oumar Toure, who faced charges of misappropriating millions of dollars from the Global Fund to Fight AIDS, Tuberculosis, and Malaria. Fifteen other former health ministry officials were also charged. The case was pending at year's end.

The law provides for public access to government information, and the government generally granted such access to 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. The government generally respected these rules, but they were circumvented in cases of

bribery. The government can refuse a request on the basis of national security or use bureaucratic processes to lengthen the waiting time.

### **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 generally were cooperative and responsive to their views.

UN and Other International Bodies: Both Amnesty International and Human Rights Watch published updates on reported human rights violations, including torture, killing, stoning, and the use of child soldiers by junta-supported soldiers and terrorists affiliated with AQIM.

Government Human Rights Bodies: Under the constitution the CNDH is an independent institution within the Ministry of Justice. During the year the government provided the commission with a headquarters and small staff. The CNDH's 2011 report on human rights focused on corruption, impunity, freedom of worship, and freedom of speech. In August the CNDH presented a report on human rights after the March 22 coup d'état, the counter coup on April 30, and the occupation of the country's northern regions. This report highlighted violations of the freedom of worship, war crimes, rape, amputations, arbitrary arrests, sequestrations, physical attacks, destruction and pillaging of private and public property, extrajudicial killing, and disappearances.

### **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, sexual orientation, or gender identity. 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**

Rape and Domestic Violence: The law criminalizes rape and provides a penalty of five to 20 years' imprisonment; however, the government did not enforce the law effectively. Rape was a widespread problem. 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 attackers who were frequently close relatives. No law specifically prohibits 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 fewer cases of rape on its docket than in 2011. Information on the number of convictions was not available.

After conquering the North, armed groups committed rape and sexual violence to an undetermined extent (see section 1.g.).

Domestic violence against women, including spousal abuse, was prevalent. Most cases went unreported. Spousal abuse is a crime, but the law does not specifically prohibit domestic violence. Assault is punishable by prison terms of one to five years and fines of up to 500,000 CFA francs (\$1,000) or, if premeditated, up to 10 years imprisonment. Police were reluctant to enforce the 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, sought to avoid social stigma, or feared further ostracism. The government's planning and statistics unit, established to track prosecutions, was not operational.

Many NGOs operating shelters for abused female domestic laborers faced difficulties due to the absence of support from their usual foreign partners.

Female Genital Mutilation/Cutting (FGM/C): FGM/C is legal in the country and widely practiced across all religious groups and ethnic groups. While the government has taken steps to raise awareness about the harmful health effects of FGM/C and has successfully lowered the percentage of girls excised in at least one region of the country, it has not criminalized it, although it prohibits the performance of FGM in government-funded health centers.

Sexual Harassment: The law does not prohibit sexual harassment, and it routinely occurred, including in schools, without any governmental efforts to prevent it.

Reproductive Rights: Women's ability to make decisions regarding reproduction was limited. Women faced pressure to defer to their husbands and family on reproductive matters, including the number, spacing, and timing of pregnancies. They often lacked sufficient information about alternative choices. 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. According to World Health Organization estimates, in 2010 the maternal mortality ratio was 540 deaths per 100,000 live births and a woman's lifetime risk of maternal death was 1 in 22. The major factor contributing to maternal mortality was a lack of properly trained medical practitioners. Most women gave birth at home with only family members present; a fortunate minority had the services of a midwife.

Discrimination: The laws are biased against women, particularly in divorce or inheritance. 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 of a Muslim couple, judges presumed the marriage was polygamous.

Women's access to employment and economic and educational opportunities was limited.

The government, the country's major formal-sector employer, ostensibly paid women the same as men for similar work; however, differences in job descriptions permitted different pay. The Ministry for the Promotion of Women, the Family, and Children was charged with ensuring the legal rights of women. Women experienced economic discrimination due to social norms that favor men.

## **Children**

Birth Registration: Citizenship is derived from the father. The government did not register all births immediately, particularly in rural areas. According to UNICEF, 81 percent of births were registered. During the year the government continued conducting 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 number of new birth certificates assigned was unknown. Several local NGOs worked with foreign partners during the year to register children at birth and to educate parents about the benefits of registration.

Education: 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. Parents often had to pay their children's school fees as well as provide their uniforms and supplies. Other factors affecting school enrollment included distance to the nearest school, lack of transportation, and shortages of teachers and instructional materials. Girls' enrollment was lower than boys' at all levels due to poverty, cultural tendencies to emphasize boys' education, and the early marriage of girls.

Some extremist groups in the North barred boys and girls from attending class together, barred girls from attending school, and in some cases closed schools altogether. Forced school closures affected approximately 300,000 children in the North.

Child Abuse: There were no comprehensive statistics on child abuse; however, the problem was widespread, with UNICEF reporting that approximately 91 per cent of children reported that they were victims of physical abuse. Most child abuse cases were unreported. The police and the social services department under the Ministry of Humanitarian Action, 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.

Child Marriage: 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. The legal age of marriage is 18 for boys. In some regions of the country, girls are married as young as age 10. It is common practice in the country for a girl who is 14 to marry a man twice her age. According to local human rights organizations, judicial officials frequently accepted false birth certificates or other documents claiming that girls under the age of 15 were old enough to marry. The revised Family Code was the primary way the government combated early marriage, although during the year NGOs also implemented awareness campaigns aimed to abate child marriages.

According to UNFPA, 55 percent of women between the ages of 20 and 24 were married by the age of 18.

There were widespread reports of forced marriage of girls under the age of 14 by extremists in the North.

Harmful Traditional Practices: FGM/C was very common, particularly in rural areas, and was performed on girls between the ages of six months and six years. The most common types of FGM were Type I and Type II. Approximately 92 percent of all girls and women had been subjected to FGM/C, although a Ministry of Health demographic study in 2006 reported that, among girls and women between the ages of 15 and 19, the rate was 85 percent. The practice was widespread except in certain northern areas, occurred among most ethnic groups, and was not subject to class boundaries. Some people erroneously believed the Quran prescribes the practice. There are no laws specifically prohibiting FGM/C; however, a government decree prohibits FGM/C in government-funded health centers. Government information campaigns regarding the dangers of FGM/C reached citizens throughout the country, and human rights organizations reported that FGM/C decreased among children of educated parents. Unlike in previous years there were no reports of Burkinabe families crossing into the country to evade stricter FGM/C laws in Burkina Faso.

Sexual Exploitation of Children: The law does not specifically address child prostitution, but it prohibits sexual exploitation of both adults and children. The penalties are six months to three years in prison and a fine of between 20,000 and one million CFA francs (\$40 and \$2,000). Penalties for indecent assault, including child pornography, 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. However, the law is inconsistent with the legal minimum marriage age of 15 for girls and was not enforced. Sexual exploitation of children occurred. Authorities cited child pornography as a form of indecent assault prohibited under the law. The Division for Protection of Children and Morals of the National Police conducted sweeps of brothels to ensure that prostitutes were of legal age and arrested brothel owners found to be holding underage girls.

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

## **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, see the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip/](http://www.state.gov/j/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 Humanitarian Action, Solidarity, and the Elderly was 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 Bamako-based school for the deaf that ostensibly fell under the government's responsibility, but authorities' support and resources were practically nonexistent. There were no significant reported cases of discrimination against persons with disabilities, nor was amelioration of their conditions a major priority for the government.

### **National/Racial/Ethnic Minorities**

Societal discrimination continued against black Tamasheqs, often referred to as "Bellah." 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 Tamasheqs in Menaka also reported systematic discrimination by local officials and others, which hindered their ability to obtain identity documents or voter registration cards, locate adequate housing, enroll their children in schools, protect their animals from theft, seek other forms of legal protections, obtain education, or access development aid.

Human rights groups reported a worsening situation for the Bellah in the North, with at least one case of an "owner" killing his Bellah slave and her mother. In addition, 18 children of former slaves were allegedly kidnapped by the traditional masters of their families.

On May 23, at least 30 persons from the Peul ethnic group, traditionally herders, were killed in clashes with members of the Dogon ethnic group, traditionally farmers, over land rights at the border with Burkina Faso. As many as 1,000 others fled fearing more violence.

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

There were no laws specifically prohibiting discrimination on the basis of sexual orientation or gender identity. There were no publicly visible lesbian, gay, bisexual, and transgender (LGBT) organizations in the country. The exercise of the right of free association by LGBT persons was impeded by a law prohibiting association “for an immoral purpose.” Although there was no official discrimination on the basis of sexual orientation at the national level; in practice, societal discrimination was widespread. A family code enacted by the National Assembly in December 2011 would forbid “homosexuals” from adopting children. While the president signed the code, it is not in force.

### **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 persons with HIV/AIDS.

Mob violence occurred. On May 21, the country’s interim president was rushed to a hospital and later to France for medical examinations for more than two months after being beaten by protesters who broke into the presidential palace.

During the year at least eight suspected motorbike thieves were burned to death by angry mobs. No action was taken against any of the perpetrators.

## **Section 7. Worker Rights**

### **a. Freedom of Association and the Right to Collective Bargaining**

All workers, including civil servants, have the right to form and join independent unions, to bargain collectively, and to conduct strikes. 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, Employment, and Professional Training. All

types of strikes are allowed, and retribution against strikers is prohibited. However, the law allows the minister of labor to order compulsory arbitration for disputes that may endanger lives, security, or health, normal functioning of the economy, or involves a vital professional sector. For example, while striking, police have been required to maintain a minimum presence in headquarters and on the street.

Freedom of association and the right to collective bargaining were inconsistently respected in practice, although workers generally exercised these rights. The government occasionally respected unions' right to conduct their activities without interference. Unions and workers organizations were independent of the government and political parties, but unions were closely aligned to various political parties or coalitions. While the right to strike was not generally restricted, workers only occasionally exercised it. However, in the mining industry, strikes were repressed through illegal dismissals and arrests.

Although the law allows workers to exercise the right to collectively bargain freely, the International Trade Union Confederation (ITUC) reported that in practice the government refused to open negotiations on renewing various federal collective agreements in sectors such as trade, building, public works, general mechanics, and Roman Catholic education. As a result, some collective agreements have not been renegotiated since 1956.

The ITUC reported three cases of labor strife during the year. The Trade Union Confederation of Mali (CSTM) complained that it was excluded from tripartite talks with the government; the government expressed willingness to negotiate with specific CSTM-affiliated unions on sector-specific issues, but government authorities indicated that as an umbrella organization, the CSTM only represented approximately 15 percent of workers and was too small to be a negotiating partner. The government dealt instead with the National Workers Union of Mali (UNTM), which represented approximately 75 percent of workers. On October 4, the UNTM called off plans to strike after winning concessions in lengthy talks with the government, securing the reexamination of several labor complaints.

Companies' alleged efforts to repress union activities in the mining sector were also a source of strife. The CSTM alleged that mining companies were prohibiting union members from electing union leadership; this allegation remained unresolved at year's end, but both the UNTM and CSTM had representatives at most mining sites.

## **b. Prohibition of Forced or Compulsory Labor**

The law does not prohibit all forms of forced or compulsory labor. For example, the law prohibits all forms of child trafficking but does not prohibit all other forms of trafficking. 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. The government made little effort during the year to prevent or eliminate forced labor.

Forced labor occurred in practice. According to NGOs, the judiciary was reluctant to act in forced labor cases. Between August and October 2011, a legal clinic in Gao recorded and filed eight new civil cases regarding traditional slavery, but all the cases were suspended due to the occupation of northern Mali by armed groups.

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. Some Islamic schoolmasters also required children to work longer hours than was socially acceptable.

Many black Tamasheqs continued to be subjected to forced labor and hereditary servitude, particularly in the eastern and northern regions of Gao, Timbuktu, and Kidal provinces.

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

## **c. Prohibition of Child Labor and Minimum Age for Employment**

While the law sets the minimum age for employment at 14, with certain exceptions, a law pertaining to children sets the minimum employment age at 15. The law 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 may be employed for more than eight hours per day under any circumstance. The permissible age for hazardous work is 16. Girls who are 16 to 18 years old may not be employed for more than six hours per day.

An enforcement mechanism existed but was not effective in enforcing child labor laws, which were often ignored. The Ministry of Labor, Employment, and Professional Training, which employed approximately 50 labor inspectors (up from eight in 2007), conducted both surprise and complaint-based inspections.



Child labor, particularly in its worst forms, was a serious problem. It was concentrated in the agricultural sector, especially rice production, domestic services, gold mining, Quranic schools, and the informal economy.

Approximately one-half of children between the ages of seven and 14 were economically active, and more than 40 percent of them were subjected to the worst forms of child labor. Many were engaged in hazardous activities in agriculture. Child trafficking occurred. Children, especially girls, were used for forced domestic labor. Black Tamasheq children were forced to work as domestic and agricultural laborers.

Child labor in artisanal gold mining was also a serious problem. According to the ITUC, at least 20,000 children worked under extremely harsh and hazardous conditions in the country's artisanal goldmines. According to Human Rights Watch's report for 2011, "children as young as six dig mining shafts, worked underground, pulled up heavy weights of ore, and carried, crushed, and panned ore." Many children also worked with mercury, a toxic substance involved in separating the gold from the ore.

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

#### **d. Acceptable Conditions of Work**

The minimum wage, 28,465 CFA francs (\$57.39) per month, was supplemented by a required package of benefits, including social security and health care. The law does require equal pay for equal work.

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.

The law provides for a broad range of occupational safety and health standards in the workplace. Workers have 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.

Despite having approximately 50 labor inspectors, the Ministry of Labor, Employment, and Professional Training did not effectively enforce these standards, as inspectors lacked the resources to conduct field investigations. The lack of resources became worse after the March 22 coup and subsequent economic recession. No records of violations or penalties were publicly announced. The Labor Inspection Service was not effective in investigating and enforcing workers' safety and was insufficiently funded for its responsibilities. Labor inspectors made unannounced visits and inspections to work sites only after complaints were filed by labor unions.

Despite the law, many employers either ignored or did not completely comply with the regulations regarding wages, hours, and social security benefits, and it was not known whether any workers exercised their right to remove themselves from dangerous work conditions. Workers' groups pressured employers to respect sections of the regulations. With high unemployment, workers often were reluctant to report violations of occupational safety regulations.

Working conditions varied throughout the country, but the worst conditions were found in the private sector. In small, family based agricultural endeavors, children worked for little or no remuneration. The national minimum wage was 28,465 CFA francs (\$57.39) per month, but persons working in the informal and subsistence sectors did not receive the minimum wage; for example, some domestic workers were paid as little 7,500 CFA francs (\$15) per month. Due to resource limitations that restricted field inspections, the government was not able to assemble credible data on dangerous workplaces.