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2009 Human Rights Report: Mali

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR
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Mali, with a population of approximately 12.6 million, is a constitutional democracy. International and domestic observers characterized the April 2007 presidential election, which resulted in the reelection of President Amadou Toumani Toure, and the July 2007 legislative elections as generally free and fair; however, there were some administrative irregularities. The north experienced periodic violence involving Tuareg rebels, ethnic violence, and the terrorist organization al-Qaida in the Islamic Maghreb (AQIM). While civilian authorities generally maintained effective control of the security forces, there were instances in which elements of the security forces acted independently.

The government generally respected its citizens' human rights; however, there were problems, including the arbitrary or unlawful deprivation of a life, police abuse of civilians, poor prison conditions, arbitrary detention, lengthy pretrial detention, prolonged trial delays, executive influence over the judiciary, lack of enforcement of court orders, restrictions on freedom of speech and assembly, isolated cases of fraud in communal elections, official corruption and impunity, domestic violence and discrimination against women, female genital mutilation (FGM), trafficking in persons, societal discrimination against black Tamacheks, discrimination based on sexual orientation, societal discrimination against persons with HIV/AIDS, slavery-like practices and hereditary servitude relationships between ethnic groups, and child labor.

Tuareg rebels, AQIM, and ethnic factions committed abuses against civilians in the north.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life

In contrast to 2008, there were no reports that the government or its agents committed any politically motivated killings; however, there was one report of a killing by a national guardsman.

On July 14, outside of Kita, national guardsman Lassine Goita shot minibus driver Sountou Koumba Sissoko for allegedly failing to stop at a checkpoint. The driver later died as a result. The next day widespread rioting occurred in Kita in reaction to the killing. Youth burned and looted public buildings as well as set fire to government vehicles. Security forces were deployed to Kita to restore order. The government arrested Goita as well as 35 rioters, and the National Guard dismissed Goita from its ranks. At year's end, Goita and the rioters remained in detention, and their cases were pending before an investigative judge.

The investigation into the November 2008 killing of one person and the injuring of six others in Lere by troops from the National Guard Mehariste (camel back) Unit of Lere resulted in a finding by the government commission of inquiry that the guardsmen had not used excessive force.

There were no developments in the April 2008 killings of two Tuaregs, Commandant Barka ag Cheikh and his driver Mohammed ag Moussa, or in the 2007 death of Youssouf Dembele.

b. Disappearance

There were no reports that the government committed politically motivated disappearances.

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

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

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

There were no developments in the September 2008 case of several Congolese accorded refugee status by the UN high commissioner for refugees (UNHCR), whom Malian police allegedly arrested, beat, and then released the same day.

Prison and Detention Center Conditions

Overall prison conditions remained poor. Prisons continued to be overcrowded. For example, the central prison in Bamako housed 1,825 prisoners in a facility designed to hold 400. The Sikasso Prison held 178 prisoners in a facility built for 50. In addition, medical facilities were inadequate and food supplies were insufficient. Inadequate sanitation and medical facilities posed serious threats to health.

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In Bamako, men and women were placed in separate prisons, although both male and female juvenile offenders were held in the women's prison. Outside the capital, men, women, and juveniles were held in separate cells within the same prison. Arrested individuals may be held for up to 72 hours in police stations, where there are no separate holding areas for men and women. Pretrial detainees were held with convicted prisoners.

The government permitted prison visits by human rights monitors; however, nongovernmental organizations (NGOs) and other monitors were required to submit a request to the prison director, who then forwarded it to the Ministry of Justice. Approvals, which took up to one week, were routinely granted, but the week delay hindered the ability of monitors to ascertain if there were human rights violations. Several NGOs, including the Malian Association of Human Rights and the Malian Association of Women Lawyers (AJM), visited prisoners and worked with female and juvenile prisoners to improve their conditions.

d. Arbitrary Arrest or Detention

The constitution and law prohibit arbitrary arrest and detention; however, there were reports that this occurred.

In May the Supreme Court overturned the 2007 conviction of bank chief executive officer (CEO) Mamadou Baba Diawara and investment company CEO Ismaila Haidara for fraud; however, the minister of justice ordered that they not be released. Diawara remained in prison at year's end. Haidara was released prior to the minister's order reaching the prison where he was held. Authorities arrested the prison warden, Sekouba Doumbia, who released Haidara, and he remained detained at year's end (see section 1.e.).

Role of the Police and Security Apparatus

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

The national police force is organized into districts. Each district has a commissioner who reports to the regional director at national headquarters. The police force was moderately effective but lacked resources and training. Impunity was a problem, and police were often not held accountable for corruption. The gendarmerie conducted investigations of police officers, although the number of officers disciplined for infractions was not available.

Arrest Procedures and Treatment While in Detention

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

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

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

The law provides that suspects must be charged or released within 48 hours and that they are entitled to counsel; however, in practice detainees were not always charged within the 48-hour period. During May, two magistrate labor unions, the Autonomous Union of Magistrates and the Free Union of Magistrates, as well as the National Union of Clerks of Court (SYNAG) went on strike, claiming that the government failed to comply with an agreement regarding magistrate pay; many criminal suspects were held in excess of the 48-hour period during the strike. Media reports also indicated that, during the strike, some persons were not released after completing their sentences. Suspects must be transferred from a police station to a prison within 72 hours after being arrested; however, in practice detainees were sometimes held more than 72 hours. Limited rights of bail or the granting of conditional liberty exist, particularly for minor crimes and civil matters. On occasion authorities released defendants on their own recognizance.

The law stipulates that charged prisoners must be tried within one year, but this limit was frequently exceeded and lengthy pretrial detention was a problem. Lengthy trial procedures, large numbers of detainees, judicial inefficiency, corruption, and

staff shortages contributed to lengthy pretrial detention. Individuals sometimes remained in prison for several years before their cases came to trial. Many individuals lacked the financial resources needed to make bail. Approximately 67 percent of the prison population consisted of persons awaiting trial.

In September the judiciary held the first of a series of special sessions planned by the Ministry of Justice to reduce the case backlog and ease prison overcrowding. Some prisoners awaiting trial were tried; many were found guilty and, having been detained for a period longer than the legal punishment, were sentenced to time served.

e. Denial of Fair Public Trial

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

There were problems enforcing court orders.

On March 31, authorities arrested Auditor General Sidi Sosso Diarra for failing to abide by a December 2008 Supreme Court order concerning a personnel dispute in the Office of the Auditor General (OAG). He was released later the same day following intervention by the minister of justice. It was alleged that Diarra's arrest had little to do with the personnel dispute, but was rather in retribution for his role in anticorruption efforts.

On May 27, the Supreme Court's criminal division reversed the convictions of Habitat Bank of Mali CEO Mamadou Baba Diawara and West African Investment Company CEO Ismaila Haidara for fraud. The chief public prosecutor at the Supreme Court, Cheickna Detteba Kamissoko, then issued a routine order to release Diawara and Haidara. Media reports indicated that the court justices may have been bribed to reach this decision and that the court's handling of the case was irregular. For example, the public prosecutor failed to keep the minister of justice apprised of the case's progress, the case was added to the docket at the last minute while the country's president was out of the country, and the release order was signed faster than normal. Minister of Justice Maharafa Traore instructed authorities not to enforce the court's decision. Diawara was not released, but Haidara had already been released prior to the minister of justice's order reaching the prison. Minister of Justice Traore also ordered the chief public prosecutor to file an appeal of the decision; however, the law does not provide a process for appealing a Supreme Court decision. On June 3, the president's council of ministers fired Chief Prosecutor Kamissoko and the Supreme Court's general counsel, Moussa Keita. The minister of justice, in accordance with the law, appointed their replacements. On July 16, authorities arrested Lieutenant Sekouba Doumbia, the warden who released Haidara, after he publically defended his action. At year's end, Diawara and Doumbia remained in detention, while Haidara was reportedly in hiding in Germany.

The minister of justice appoints and may suspend judges, and the Ministry of Justice supervises both law enforcement and judicial functions. The president of the country heads the Council of Magistrates, which oversees judicial activity.

The country has a lower circuit court, a Supreme Court with both judicial and administrative powers, and a Constitutional Court that oversees constitutional issues and acts as an election arbiter. The constitution also provides for the convening of a High Court of Justice to try senior government officials in cases of treason.

The military court system was not operational.

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

Trial Procedures

Except in the case of minors, trials generally were public and juries were used. Defendants have the right to be present and have an attorney of their choice. Court-appointed attorneys are provided for the indigent without charge. Defendants have the right to consult with their attorney, but administrative backlogs and an insufficient number of lawyers, particularly in rural areas, often prevented prompt access. Many persons lacked the financial means to afford an attorney. Defendants and attorneys have access to government evidence relevant to their cases. Defendants are presumed innocent and have the right to confront witnesses, to present witnesses and evidence on their behalf, and to appeal decisions to the Supreme Court. These rights extend to all citizens and all groups.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

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

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

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

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

The north experienced periodic violence involving Tuareg rebels, ethnic violence, and AQIM.

In January and February, in response to the December 2008 Northern Mali Tuareg Alliance for Change (ATNMC) attack on a military base in Nampala as well as previous repeated attacks by armed Tuareg groups against government forces, government forces launched an offensive against the ATNMC. The offensive contributed to defections among ATNMC leader Ibrahim ag Bahanga's men; Bahanga subsequently fled the country to Libya.

During the year Tuareg rebel groups participated in disarmament ceremonies. For example, on February 13-17, several hundred Alliance for Development and Change members disarmed pursuant to their obligations under the 2006 Algiers Accord.

Persons displaced by attacks by rebels and other armed groups of Tuaregs in 2008 were reported to be returning home.

On January 7, on the road between Gao and Kidal, rebels believed to be associated with the ATNMC carjacked and detained two Malian Electric Company employees for five days. The rebels also briefly held and then released the car's driver and two other passengers, one of whom was a child.

There were unconfirmed reports that government security forces mistreated Tuareg combatants taken prisoner during fighting. On January 15, one Tuareg prisoner died while in government custody.

Sporadic violence between the Ganda-Izo militia, composed of ethnic Peulhs and Songhai, and neighboring Tuareg factions in the area of Ansongo (Gao Region) continued. On January 1 and January 7, grenade attacks in Gao targeted Tuareg leaders and resulted in the death of at least one civilian. On June 12, six Tuaregs were killed in the town of Tandagdagorane when attacked by a group of 14 Peulh and Songhai assailants wielding automatic weapons and grenades. Twelve days later, three Peulhs were killed in an apparent reprisal attack in the town of Filiti. For three days beginning July 24, further attacks in the commune of Tessit caused an additional 16 deaths among the Peulhs. The violence was aggravated by the arrival of ethnic Peulh nomads from Niger and Burkina Faso seeking to pasture their livestock.

In April authorities released Ganda-Izo leader Amadou Diallo, who was arrested in September 2008 in Niger and then extradited to Mali.

On June 5, a group of Berabiche Arabs, believed to have been led by Lamine Tahar, abducted and held hostage nine elected officials from Timbuktu. The group reportedly wanted to disrupt the selection of representatives for Timbuktu's regional assembly and force an Arab candidate to be named president of the assembly. Three of the hostages were released on June 5, and the remaining six were freed on June 8.

During the year the terrorist organization AQIM killed persons as well as held persons hostage.

On June 10, in Timbuktu, armed assailants, believed to be affiliated with AQIM, assassinated Malian intelligence officer and Berabiche Arab leader Colonel Lamana Ould Bou at his residence.

On January 22, bandits abducted European tourists Edwin Dyer, Marianne Petzold, Gabriella Greitner, and Werner Greiner along the border with Niger and later handed them over to AQIM. AQIM released Petzold and Greitner on April 22, killed Dyer on May 31, and released Greiner on July 12.

There were developments in the case of UN envoy to Niger Robert Fowler, his assistant Louis Guay, and their driver Soumana Moukaila, who disappeared in Niger in December 2008. AQIM held them in Mali, where they were later released. Moukaila was released in March. Fowler and Guay were released on April 22 along with the two European tourists mentioned above.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

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

On January 14, the leader of the association Circle for Youth Reflection and Action, Mahamane Mariko, was arrested and held without charge for 28 hours following a press conference in which Mariko criticized government policy in the north and called for the use of force against Tuareg rebels.

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

On February 26, Nouhoum Keita, a journalist for Radio Kayira, a network of stations critical of the government, was arrested on charges of fraud. Prior to his arrest, Keita stated on a radio program that he suspected government officials tried to set him up and that he was going to file a lawsuit to learn the identities of those officials. On April 15, authorities

released Keita.

There were no developments regarding cases reported in 2008.

Internet Freedom

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

Academic Freedom and Cultural Events

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

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

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

On April 13, police prevented a homosexual group from assembling on the margins of a conference in Bamako concerning HIV/AIDS.

On the night of February 16-17, following days of rioting in the Bamako neighborhood of Banconi Salembougou, police allegedly used excessive force and tear gas to disperse demonstrators, resulting in numerous injuries. The confrontation stemmed from a land dispute in which a court ordered a popular neighborhood leader to vacate a property. The leader and his supporters occupied the disputed property, and protesters reportedly blocked roads as well as damaged and looted property.

There were no developments in the October 2008 incident of police using excessive force to disperse protesters in the Bamako neighborhood of Medina Coura.

Freedom of Association

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

c. Freedom of Religion

The constitution and law provide for freedom of religion, and the government generally respected this right.

The government required that all public associations, including religious associations, register; the process was routine and not burdensome. Traditional indigenous religious groups were not required to register.

Societal Abuses and Discrimination

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

For a more detailed discussion, see the *2009 International Religious Freedom Report* at www.state.gov/g/drl/rls/irf/.

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

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

The government cooperated with the UNHCR and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, asylum seekers, and other persons of concern.

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

Internally Displaced Persons (IDPs)

By midyear, large numbers of the several thousand IDPs who were displaced in Kidal region in 2008 by attacks by Tuareg rebels were reportedly returning home due to increased security.

In June intercommunal violence in Gao Region, notably Ansongo, Tessit, Ouatagouna, Boura, Inmahag, Lellehoy/Tantala, and Baba Sorgos, displaced an estimated 200 families. In Boughessa, an estimated 400 families were displaced due to drought and the impact of earlier confrontations between the army and Tuareg rebels.

The government provided some assistance to IDPs, allowed the International Committee of the Red Cross (ICRC) access

to IDPs, and permitted IDPs to accept assistance provided by humanitarian organizations. The distances involved, difficult local terrain, land mine concerns, and rebel attacks early in the year hampered assistance efforts. The government did not attack or target IDPs or forcibly return or resettle them.

Protection of Refugees

The country is party to the 1951 Convention relating to the Status of Refugees, the 1967 Protocol relating to the Status of Refugees, and the 1969 African Union Convention Governing the Specific Aspects of the Refugee Problem in Africa. Its laws provide for the granting of asylum or refugee status and the government has established a system for providing protection to refugees. In practice, the government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion. A national committee in charge of refugees operated with institutional assistance from the UNHCR.

The government provided temporary protection to individuals who may not qualify as refugees and provided it to 34 persons during the year.

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

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

Elections and Political Participation

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

On April 26, voters participated in local elections to select members of the country's 703 communal councils. Domestic and international observers characterized the elections as generally free and fair; however, some isolated administrative irregularities and instances of fraud were reported. For example, serious cases of fraud were reported in Ber and Tarkint. Prior to the election, political parties expressed concern regarding the accuracy of voter registration lists. In Bamako, on election day, authorities arrested 94 persons for suspected electoral fraud. Most of the 94 cases involved the possession of stolen voter registration cards. At least 16 of these persons were convicted and sentenced to one to three months in jail; others were released for lack of evidence. At year's end, all 94 persons had been released, either for lack of evidence or because they had served their sentence.

Political parties generally operated without restrictions or outside interference.

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

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

Section 4 Official Corruption and Government Transparency

The law provides criminal penalties for official corruption; however, the government did not implement the law effectively and officials frequently engaged in corrupt practices with impunity. Officials frequently extorted money. Corruption in the judiciary was widespread.

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

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

The OAG's report for 2008 (released in 2009) estimated that approximately 98 billion CFA francs (\$210 million) in revenue had been lost due to fraud and mismanagement, including lost revenue in the Customs Office, the Treasury, and the Social Security Agency. There were no developments with regard to the previous annual reports of the auditor general.

During the year the OAG examined nine entities that were discussed in its 2008 report. The examination found that 74 percent of the auditor general's fraud prevention and financial management recommendations had been implemented in these entities. There were no criminal prosecutions for corruption based on previous annual reports of the auditor general.

There were no developments regarding the case of Ahmed Sow, who resigned from his position as minister of energy, mines, and water in September 2008 due to corruption allegations stemming from his previous role as the director of the EU's Center for Business Development.

The law provides for public access to government information, and the government generally granted such access for citizens and noncitizens, including foreign media. The national budget was available to the public upon request. If an

information request is refused, the person who submitted the request can appeal to an administrative court, which must address the appeal within three months.

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

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

Major local human rights NGOs included the Collective of Women's Associations and NGOs (CAFO), the AJM, Women and Children Rights Watch (ODEF), the Women and Children's Rights Committee (CADEF), Women and Human Rights, the Mali Human Rights Association (AMDH), the black Tamachek Association (TEMEDT), Mali Enjeu, and ENDA-Tiers Monde. Government officials met with NGOs on a variety of matters.

The government usually cooperated with international organizations and permitted visits by UN representatives and other organizations, such as the ICRC.

The National Commission on Human Rights (CNDH) is part of the Ministry of Justice. The CNDH is an independent institution under the constitution. It did not operate effectively during the year.

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.

Women

The law criminalizes rape; however, the government did not enforce the law effectively. Only a small percentage of rape cases were prosecuted, and most rape cases were not reported. There is no law specifically prohibiting spousal rape, but law enforcement officials stated that 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. Information on the number of abusers who were prosecuted, convicted, or punished was not available.

Domestic violence against women, including spousal abuse, was a problem. Most cases went unreported. Spousal abuse is a crime, but the law does not specifically prohibit domestic violence. Police were reluctant to enforce laws against or intervene in cases of domestic violence. Many women were reluctant to file complaints against their husbands because they feared such allegations would be interpreted as grounds for divorce, were unable to support themselves financially, or sought to avoid social stigma. The government's planning and statistics unit, which was meant to track prosecutions, was not operational. Assault is punishable by prison terms of one to five years and fines of up to 500,000 CFA francs (approximately \$1,071) or, if premeditated, up to 10 years' imprisonment.

The Ministry for the Promotion of Women, Children, and the Family (MPFEF) distributed a guide regarding violence against women for use by health care providers, police, lawyers, and judges. The NGOs Action for the Defense and Promotion of Women Rights and Action for the Promotion of Household Maids operated shelters for abused female domestic laborers.

Prostitution is legal and was common in cities.

The law does not prohibit sexual harassment, and it occurred frequently.

Women's ability to make decisions regarding reproduction was limited. Women faced pressure to defer to their husbands and family on reproductive issues and often lacked sufficient information. Women often did not have access to contraception and skilled attendance during childbirth, including essential obstetric and postpartum care. Women were equally diagnosed and treated for sexually transmitted infections, including HIV, but access to healthcare for both men and women was limited.

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

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

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

Children

Citizenship is derived from one's father. The government did not register all births immediately, particularly in rural areas.

The constitution provides for free universal education and the law provides for compulsory schooling; however, many children did not attend schools, and parents often had to pay for their children's education as well as provide their uniform and supplies. Girls' enrollment in school was lower than boys' at all levels due to poverty, cultural tendencies to emphasize boys' education, and the early marriage of girls. Other factors affecting school enrollment included distance to the nearest school, lack of transportation, and shortages of teachers and instructional materials.

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

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

There were no statistics on child abuse. Most child abuse cases went unreported. Sexual exploitation of children occurred. The police and the social services department under the Ministry for Solidarity and Social Development investigated and intervened in some reported cases of child abuse or neglect; however, the government provided few services for such children.

Female genital mutilation (FGM) was common, particularly in rural areas, and was performed on girls between the ages of six months and six years. Approximately 95 percent of women had been subjected to FGM. The practice was widespread in most regions with the exception of certain northern areas, occurred among most ethnic groups, was not subject to class boundaries, and was not religiously based. There are no laws specifically prohibiting FGM; however, a government decree prohibits FGM in government-funded health centers. Government information campaigns regarding FGM reached citizens throughout the country, and human rights organizations reported that FGM decreased among children of educated parents.

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

On August 29, police reportedly arrested Amadou Diallo for planning to marry his 12-year-old daughter to her 50-year-old-cousin. He was released after three days, and the case was sent to the judicial system. The child was sent to live with a female relative.

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

The police's Division for Protection of Children and Morals sometimes arrested child prostitutes. They were usually released a few hours after their arrest. A 2004 governmental study, which involved 450 interviews, found that the children most at risk for sexual exploitation were girls between the ages of 12 and 18, who worked as street vendors or domestic servants or who were homeless children or the victims of child trafficking. Such exploitation was most prevalent in border zones, towns on transportation routes, and in mining areas. The study noted that most cases of sexual exploitation went unreported and recommended that the country strengthen its laws to protect children.

Trafficking in Persons

The law prohibits trafficking in children, but does not address trafficking in adults, and there were reports that women and children were trafficked to, from, and within the country.

Persons, including children, were trafficked between Mali and other West African countries, including Burkina Faso, Cote d'Ivoire, Guinea, Senegal, Mauritania, Niger, and Nigeria, for the purposes of forced labor and commercial sexual exploitation. Most child trafficking occurred within the country. Children were trafficked for agricultural work, domestic servitude, begging, gold mining, and prostitution.

The principal traffickers were mostly from West African countries, and included Koranic teachers known as "marabouts", as well as smugglers of a variety of goods. In many cases, parents in rural areas entrusted their children to traffickers, mistakenly believing false assurances that the children would be provided with economic or educational opportunities.

Child trafficking is punishable by five to 20 years' imprisonment. There were no reports of trafficking-related prosecutions during the year.

On June 3, in Niore du Sahel, government officials took Sidamar ag Cherif into custody after he attempted to cross into

Mauritania with 16 children and was turned back at the border by Mauritanian officials. The trafficker was released without charges the next day. The NGO ENDA-Tiers Monde provided temporary care for the children and returned them to their families.

On December 17, in Nioro du Sahel, officials arrested Sidamar ag Cherif for attempting to cross into Mauritania with eight children without proper travel documents. ENDA-Tiers Monde provided temporary care to the children. Authorities released ag Cherif, and the children were placed back into his custody. According to authorities, ag Cherif had parental consent to take the children to Mauritania. ag Cherif then attempted again to take the children to Mauritania, but Mauritanian authorities turned him away at the border. At year's end, ag Cherif and the children remained in Nioro.

There were no developments in the cases of three persons in Kita, who were arrested for trafficking 26 children and then released in June 2008 on their own recognizance; of seven Burkinabe children repatriated in December 2008 after being trafficked by a Koranic school teacher to the country; or of two Ivoirian nationals arrested in 2007 and then released on their own recognizance for trafficking boys from Cote d'Ivoire.

The Ministry for the Advancement of Women, Children, and the Family is charged with coordinating activities to combat trafficking, but it lacked sufficient funding and was not effective. The Ministry of Justice, the Ministry of Territorial Administration, and the Ministry of Labor and Civil Service also have responsibilities related to combating trafficking.

When requested, the government assisted with international trafficking investigations and the extradition of citizens accused of trafficking in other countries, but there were no such cases reported during the year. The government worked closely with international organizations and NGOs to coordinate the repatriation and reintegration of trafficking victims.

Welcome centers operated by NGOs in Bamako, Kayes, Koulikoro, Mopti, Segou, and Sikasso assisted in returning trafficked children to their families. The MPFEF worked with foreign governments to facilitate repatriation of victims to their countries of origin.

The State Department's annual *Trafficking in Persons Report* can be found at www.state.gov/g/tip.

Persons with Disabilities

There is no specific law protecting the rights of persons with physical or mental disabilities in employment, education, access to health care, or in the provision of other state services. There is no law mandating accessibility to public buildings. The Ministry of Social Development, Solidarity, and the Elderly is charged with the protection of the rights of persons with disabilities. The ministry sponsored activities to promote opportunities for persons with disabilities to generate income and also worked with NGOs that provided basic services.

National/Racial/Ethnic Minorities

Societal discrimination against "black" Tamacheks, often referred to by the label Bellah, continued. Some black Tamacheks were deprived of civil liberties by other ethnic groups due to traditional slavery-like practices and hereditary servitude relationships between certain ethnic groups. Black Tamachek communities in Gao and Menaka also reported systematic discrimination by local officials and others that hindered their ability to obtain identity documents or voter registration cards, locate adequate housing, protect their animals from theft, seek legal protections, obtain education, or access development aid.

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

There were no publicly visible lesbian, gay, bisexual, and transgender (LGBT) organizations in the country. The free association of LGBT organizations was impeded by a law prohibiting association "for an immoral purpose;" in 2005 the then governor of the District of Bamako cited this law to refuse official recognition of a gay rights association. On April 13, in Bamako, police prevented homosexual activists from assembling on the margins of a conference concerning HIV/AIDS in the homosexual community. Societal discrimination based on sexual orientation was widespread. There was not official discrimination on the basis of sexual orientation.

Other Societal Violence or Discrimination

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

Section 7 Worker Rights

a. The Right of Association

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

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

Unions have the right to strike, and workers exercised this right. However, the law allows the minister of labor to order

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

b. The Right to Organize and Bargain Collectively

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

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

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

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 years of age is involved.

Many black Tamacheks continued to be subjected to slavery-like practices and hereditary servitude relationships, particularly in the northern regions of Gao, Timbuktu, and Kidal. According to NGOs, the judiciary was reluctant to act in slavery-related cases.

In February local government officials facilitated the rescue of Nalewat, a black Tamachek woman in Bambara-Maounde, who was held as a hereditary slave for 14 years. Her child was also released. In November 2008 Nalewat succeeded in escaping and filed a police report, but was reclaimed in December 2008 by the man who asserted traditional ownership rights. During the year Nalewat filed a legal complaint against him, resulting in an out-of-court settlement of 1,000,000 CFA (\$2,142).

On February 6, a black Tamachek man with seven children, Aboubakrine ag Kamotane, filed a legal slavery-related complaint with local authorities in Timbuktu against Afna. The complaint included claims that Afna forcibly married ag Kamotane's daughter, gave ag Kamotane's sons to relatives, physically assaulted ag Kamotane, and took ag Kamotane's property. There were no further developments in the case by year's end.

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

There were no developments in the case of Moumou ag Tamou, a black Tamachek child taken from his family by Hamed Lamine ag Alwafi in Kidal in September 2007.

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

d. Prohibition of Child Labor and Minimum Age for Employment

The labor code has provisions that pertain to child labor; however, these were often ignored in practice. Child labor was a problem. Child labor was concentrated in the agricultural and domestic labor sectors.

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

Approximately half of the children between the ages of seven and 14 were economically active, and over 40 percent of children in this age group were subjected to the worst forms of child labor. Child trafficking occurred. Some Koranic schoolmasters forced boys to beg for money or perform agricultural labor. Children, especially girls, were used for forced domestic labor and prostitution. Child labor in the mining sector, including salt mining in Taoudenni and gold mining, was also a problem. Black Tamachek children were forced to work as domestic and agricultural laborers.

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

A 43-member national committee for child labor and trafficking issues worked to develop a list of the worst forms of child labor. The committee was composed of 13 ministries as well as NGOs, and was chaired by the Ministry of Labor. On February 4, the government finalized a list of hazardous occupations in which children are prohibited from working.

e. Acceptable Conditions of Work

The national minimum wage was 28,465 CFA francs (\$61) per month, which did not provide a decent standard of living for a worker and family. The minimum wage was supplemented by a required package of benefits, including social security and health care. Persons working in the informal and subsistence sectors did not receive the minimum wage. The labor code specifies conditions of employment, including hours, wages, and social security; however, many employers either ignored or did not comply completely with the regulations. The minimum wage is set, with advice from the Ministry of Labor, by presidential decree. The ministry is also responsible for enforcing the minimum wage, but it did not do so effectively.

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

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

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