



Committee on the Rights of the Child Secretariat
Office of the High Commissioner for Human Rights (OHCHR)
Palais Wilson - 52 rue des Pâquis
CH-1201 Geneva
Switzerland

**Information on Mali for consideration by the Committee on the Rights of the Child at its
96th Session (6-24 May 2024)**

15 April 2024

Introduction

1. We respectfully submit this information for consideration by the Committee on the Rights of the Child at its 96th Session (6-24 May 2024). This report is submitted jointly by the Association Malienne pour le Suivi et l'Orientation des Pratiques Traditionnelles (AMSOPT) and Equality Now to highlight the human rights violations against girls by the practice of female genital mutilation (FGM) in Mali.
2. **AMSOPT** is a Malian organization whose mission is to contribute to the emancipation and promotion of the rights and well-being of women and children in Mali. Its interventions are centred on ending practices which are harmful to the health of women and children, and all forms of gender-based violence.
3. **Equality Now** is an international human rights NGO with ECOSOC status with the mission to achieve legal and systemic change that addresses violence and discrimination against all women and girls around the world. Founded in 1992, Equality Now is a global organization with partners and supporters in every region. Ending sexual violence, ending sexual exploitation, ending harmful practices, and achieving legal equality are the main areas of Equality Now's work.
4. As per Articles 6, 16, 17, 18, 19, 22, 24, 27, 29, 34, 37, 39 of CRC and Articles 2, 5, 10, and 12 of CEDAW and as outlined in General Recommendations 18 of the CRC Committee and 14, 19, and 31 of the CEDAW Committee, the State has an obligation to protect women and girls from FGM and has a duty to prosecute and punish those who carry

out this harmful practice.¹ The information detailed in this submission highlights the failure of the State of Mali to fulfil its obligations to protect women and girls in Mali from FGM.

Prevalence of FGM in Mali

5. Results from the Demographic Health Survey (DHS) in 2018 indicate that 88.6% of women and girls aged 15 - 49 years and 73% of girls aged 0 to 14 years had undergone FGM.² In 2022, UNICEF³ estimated that at least 8 million women and girls have undergone FGM in Mali, which is a significant number.⁴ Concerningly, these statistics also show that the rate of progress in reducing FGM prevalence in the country remains slow, given the continued high prevalence of FGM amongst girls under the age of 14. There is a lack of data on cross-border FGM, i.e., the number of women and girls across the region taken abroad to be cut.⁵
6. The UNICEF data also reveals that the majority of the women and girls who undergo FGM are young and between the ages of 0 and 10 years of age. The most severe form of FGM, in which the vaginal opening is sewn closed (Type III), can be encountered in every region of Mali where FGM is practised; affecting 1 in 10 girls who have undergone FGM.⁶
7. In December 2019, the Committee on the Elimination of All Forms of Discrimination against Women, in its Inquiry concerning FGM in Mali,⁷ highlighted the severe effects of FGM on Malian women and girls, namely on their physical and psychological health and sexual and reproductive health. It also highlighted how FGM affects the victim's development both immediately and throughout her life, as it can cause death and complications during childbirth.
8. The government's inaction on FGM and failure to take these human rights violations seriously have led to Mali being one of the countries with the highest FGM prevalence

¹ Committee on the Elimination of Discrimination against Women, *Inquiry concerning Mali under article 8 of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women*, CEDAW/C/IR/MLI/1, 24 December 2019, available at:

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2F%20C%2FIR%2FMLI%2F1&Lang=en

² UNICEF, Female Genital Mutilation Data, March 2024, <https://data.unicef.org/topic/child-protection/female-genital-mutilation/#data>

³ <https://www.unicef.org/mali/en/reports/female-genital-mutilation-mali>

⁴ <https://www.statista.com/statistics/967880/total-population-of-mali-by-gender/#:~:text=This%20statistic%20shows%20the%20total,to%20approximately%2011.41%20million%20inhabitants.>

⁵ https://euaa.europa.eu/sites/default/files/publications/2022-07/2022_7_COI_Report_FGM_MALI_EN.pdf

⁶ <https://www.unicef.org/mali/en/reports/female-genital-mutilation-mali>

⁷ Inquiry concerning Mali under article 8 of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women accessible at:
https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2F%20C%2FIR%2FMLI%2F1&Lang=en

among West African countries. There has not been any significant reduction in the trend or the prevalence rate of FGM (the percentages and the age at which girls are cut) over the years.

Lack of Specific Legal Prohibition against FGM

9. There is no mention of FGM in Mali's Constitution⁸ or Penal Code. Other laws, such as Article 5 of the 2011 Personal and Family Code, forbids "the impairment of a person's physical integrity, even in the context of a religious or traditional practice, when this is harmful to the person's health." However, the Code does not mention FGM, and Courts in Mali adhere to the principle of the strict application of criminal law, which does not allow the punishment of acts that are not expressly criminalized under the law.⁹ There are no known cases of prosecution of FGM under the general criminal laws of Mali to date.
10. In 2024, the Committee asked the Government of Mali¹⁰ for information on measures taken to end FGM and actions taken at the community level to prevent such practices. The government's response to the Committee highlighted the draft bill on the prevention, care and repression of gender-based violence and a preliminary draft law on child protection. The government also informed the Committee of the existence of a national multi-sectoral strategy and various committees that were set up on a community level for the monitoring of child protection measures.¹¹
11. However, all previous attempts to pass legislation on ending FGM in Mali have been stalled. For instance, between 2002 and 2017, opposition from religious and conservative groups blocked the draft bill on ending FGM from being passed. In 2017, a bill on the prevention, repression, and care of victims of gender-based violence that includes provisions criminalising FGM was prepared (as highlighted by the government in its response). It also codified different crimes of sexual violence in addition to including "punishing participation or complicity in female genital mutilation/cutting."¹² However,

⁸ Article 2 states "Every Malian shall be born and remain free and equal in rights and obligations. All discrimination founded on social origin, color, language, race, sex, religion and political opinion shall be prohibited."

⁹ UNFPA, Analysis of Legal Frameworks on Female Genital Mutilation in Selected Countries in West Africa, January 2018, <https://wcaro.unfpa.org/sites/default/files/pub-pdf/UNFPA-ANALYSIS-ON-FGM-WEB.pdf> p. 37

¹⁰ List of Issues for Mali, Committee of the Rights of the Child, 29 Sept 2023, Accessible at: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2FC%2FMLI%2FQ%2F3-5&Lang=en

¹¹ Mali Government's response to the List of Issues relating to its third to fifth periodic report to the Committee on the Rights of the Child (May 6-24), 2024.

¹² Amnesty International, Mali. Crimes without convictions. Analysis of the judicial response to conflict-related crimes in Central Mali, 13 April 2022, <https://www.amnesty.org/en/wp-content/uploads/2022/04/AFR3751922022ENGLISH.pdf>

there are reports that this bill has been abandoned due to pressure from religious leaders.¹³ Further, the Government of Mali has failed to provide information on the steps taken since 2017 towards the passing of this or any other piece of legislation or any timeline for enactment.

12. The CEDAW Committee, in its inquiry report,¹⁴ made 31 recommendations for action to the Government of Mali after having found that there were violations of Article 2 of the CEDAW Convention. These include “adopting the draft bill on the prevention and punishment of gender-based violence, provision of assistance to victims, and setting up a national dialogue on FGM.”
13. Despite these recommendations, the State has failed to adopt a specific law prohibiting FGM. The failure to criminalize FGM through the enactment of a specific law prohibiting FGM allows the inhuman, harmful practice to continue with impunity, affecting the lives of Malian women and girls.¹⁵ The absence of national legislation also “gives families and cutters from neighbouring countries the opportunity to move across borders to avoid prosecution.”¹⁶ There is also evidence of girls being brought into Mali to be cut from neighbouring countries, particularly Burkina Faso.¹⁷

Inadequacy of national-level interventions on ending FGM

14. At the Ministry for the Promotion of Women, Children, and the Family, there is a National Action Committee for the Abandonment of Harmful Practices established in 1999 and a National Programme for the Fight against Excision (PNLE) in place since 2002. The name of PNLE was changed to the National Programme for the Abandonment of Gender-Based Violence (le Programme national pour l’Abandon des Violences Basées sur le Genre). The government has also adopted a National Holistic Strategy to End Gender-Based Violence (Stratégie Nationale Holistique pour Mettre Fin aux Violences Basées sur le Genre au Mali) 2019 - 2030, including FGM. The strategies envisioned to end FGM include awareness-raising, advocacy, capacity building for stakeholders, case management, and coordination of intervention in the community.

¹³ https://euaa.europa.eu/sites/default/files/publications/2022-07/2022_7_COI_Report_FGM_MALI_EN.pdf

¹⁴ Inquiry concerning Mali under article 8 of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, Para 81 (a), Accessible at: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2F%20C%2FIR%2FMI%2F1&Lang=en

¹⁵ https://euaa.europa.eu/sites/default/files/publications/2022-07/2022_7_COI_Report_FGM_MALI_EN.pdf

¹⁶ Orchid Project and 28 Too Many (2022) FGM/C in Mali: Country Profile Update June 2022, <https://www.fgmc.org/country/mali/>

¹⁷ Ibid.

15. Unfortunately, the national-level policies and programmes adopted to date have failed to provide support to victims of FGM and do not adequately address the key drivers of this harmful practice due to a lack of material, financial, and human resources and insufficient coordination, as demonstrated by the continuing high prevalence of FGM in the country.
16. Additionally, although Mali allocated a budget to implement the national policies, strategies, and action plans for ending FGM, these resources have been inadequate to ensure the effective implementation of national-level interventions. Further, the lack of coordination between the national and local authorities exacerbated this problem.
17. National-level awareness-raising failed to reach communities and raise awareness among those who supported FGM, including religious leaders. A significant number of community members (around 75%) continue to hold views in favour of FGM, which allows for the continuation of women and girls being subject to FGM.
18. Finally, despite data showing that Mali is an FGM destination country, the government has not made a concerted effort to prevent or respond to cross-border FGM in its territory or to coordinate with the neighbouring countries to address this issue.

Recommendations

We respectfully urge the Committee to issue the following recommendations to the government of Mali:

19. Take immediate steps to enact specific legislation which prohibits and criminalizes FGM and punishes perpetrators;
20. Implement the recommendations of the CEDAW Committee towards addressing FGM highlighted in its Inquiry Report from December 2019;
21. Enhance access to justice by building the capacity of key state actors, including magistrates and criminal investigators, to identify and investigate reports where FGM has been carried out and support survivors in accessing justice, paying particular attention to when survivors of FGM are minors;
22. Put in place witness protection measures to ensure that women, girls, and witnesses can file complaints and report perpetrators without intimidation or threat from the community or the perpetrator;
23. Provide appropriate; free and accessible specialized care to victims of FGM and strengthen the capacity of relevant actors, such as healthcare providers, who work directly with women and girls;

24. Allocate adequate and sustainable funding to ensure the full implementation of the 2019 - 2030 National Holistic Strategy to End Gender-Based Violence and towards the programmes of the National Programme for the Abandonment of Gender-Based Violence, including the sensitization programmes;
25. Take concrete measures to prevent and respond to cross-border FGM cases within its territory and collaborate with the authorities of neighbouring countries to ensure regional coordination to eliminate cross-border FGM;
26. Train all medical practitioners on their obligations not to perform FGM and how to treat FGM cases;
27. Enhance national-level measures to eliminate gender stereotypes and prevent the stigmatization and discrimination of women and girls who have not undergone FGM, such as ensuring that these programs are embedded into the school curriculum as a way to eliminate stigma and discrimination and putting in place awareness-raising campaigns against FGM targeting both rural and urban populations and religious and community leaders.