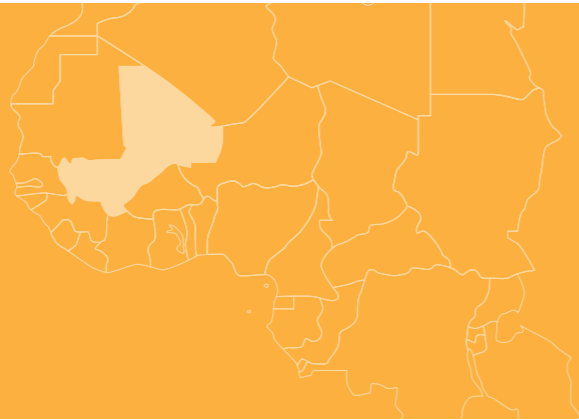


MALI



Mali has a multitude of ethnic groups, though 90 per cent of the population is Muslim. Malian society is essentially patriarchal, with clear differentiations of roles and tasks based on gender, ethnicity and religion. Mali has an amalgam of laws derived from the French civil code, traditions and customs and, especially with regard to family law, from Islam. Although the texts of many of the laws guarantee equality between men and women, women experience discrimination in their lived realities. Traditions and customs, including conservative interpretations of religious texts, burden women and have been factors in blocking the realisation of women's rights in general and in the family.

Since October 1998, the Government of Mali and civil society have taken part in a participatory process to reform the family law. The draft Family Code that resulted deals with marriage, the matrimonial regime, parentage, inheritance, gifts and wills, and other matters. The finalised draft code awaits adoption.

Equality in the Family is Necessary

- ▶ Women played an important role in the struggle against colonialism and helping the country gain independence. But after independence women were not allocated political and administrative positions and instead remained confined to domestic tasks and reproductive roles.
- ▶ A 2001 ministerial study showed that most women have been victims of at least one form of violence and that most of the violence suffered by women involves the family. There is no appropriate legislation to curb such violence, with the exception of the Penal Code.
- ▶ Explicit discrimination exists in some laws. In the Code on Marriage and Guardianship, the minimum age of marriage is lower for girls than boys. A married woman must obey her husband, which often reduces her constitutional rights and freedoms. The Nationality Code does not permit a mother to automatically transmit her nationality to her child. The Penal Code does not include the punishment of certain offences such as female genital mutilation, domestic violence and sexual harassment.
- ▶ The realities of women's lives in the family outside the texts of the laws include:
 - Forced and early marriage, which can represent up to 80 per cent of marriages in some localities.
 - Women often have little responsibility for decision-making within the family.
 - Some husbands and parents refuse to allow their wives and daughters to work.
 - Widows sometimes suffer humiliating and degrading practices. Instead of being able to inherit her deceased husband's property, a woman becomes part of her husband's property to be inherited by others.
 - Many women die in childbirth; in 2001, there were 582 deaths per 100,000 live births.
 - Girls and women are forced to undergo the practice of female circumcision.
 - Women are most vulnerable to HIV/AIDS because of related social or economic factors.
- ▶ There is almost universal ignorance of women's human rights and international laws. Legal developments have not been accompanied by changes in societal behaviour. Women are often resigned to their fates, thinking that they cannot change long-established practices. They are reluctant to use the courts to resolve conflicts such as domestic violence and abuse, inheritance, etc.
- ▶ In the Family Code reform process, some religious Muslims have argued that the reforms are not Islamic. This has delayed the final stages of the process, leaving the finalised draft Code in limbo.

Equality in the Family is Possible

- ▶ Mali's Constitution declares all Malians to be free and equal in rights and duties and prohibits discrimination on a number of grounds, including sex. Men and women share the same rights and freedoms under the Constitution. The Preamble to the Constitution states that Mali subscribes to the Universal Declaration of Human Rights and the African Charter on Human and Peoples' Rights; Mali has ratified most of the major international human rights instruments.
- ▶ Equality exists in many legal texts. For instance, an act related to reproductive health states that men and women are equal in dignity and rights regarding reproduction, and that both members of the couple have the right to information and to decide freely on the number of children and spacing of their births.
- ▶ The Government, private sector and civil society have either separately or jointly taken steps to promote equality in the family:
 - A Ministry for the Promotion of Women, Children and Family was established in 1997 to work with other ministries on promoting the rights of women and children in the family. A recent action plan provides for the adoption of a Family Code, taking into account the international texts ratified by Mali.
 - Several projects aimed at reducing inequalities between men and women have been implemented, including awareness raising for civil society, religious and traditional leaders, and the media.
 - The Department of Justice has established an advisory committee to promote gender equality in all areas relating to access to justice.
 - Companies are working to improve the situation of women in the workplace, recognising the economic role of women and the importance of respecting the rights of women and work-family balance.
- ▶ Under the 1962 Code of Marriage and Guardianship, men and women have equal rights in certain domains. Women are able to choose their husbands. A woman can refuse to be in a polygamous relationship. While the husband is the head of the family, the wife can replace him where he is absent or unable to express his will. A woman can own and manage property. She has a right to seek an annulment of a polygamous marriage contracted by her husband when she was married under a monogamous contract or to seek divorce or separation. Women are protected against repudiation. A woman can be appointed legal guardian of her children upon the death of her husband.

Source: Report submitted to Musawah in French by representatives of Femmes et Droits Humains, a Malian non-governmental organisation.