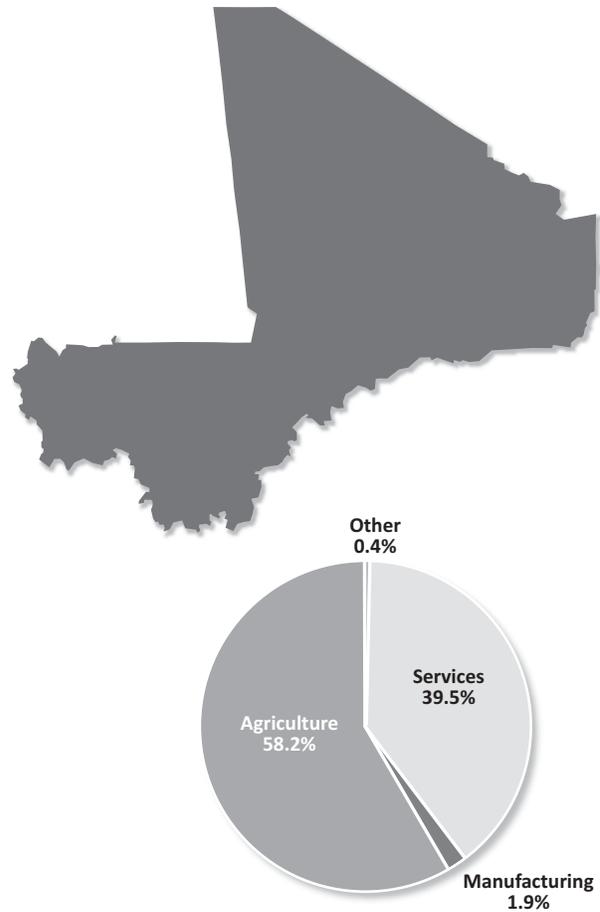


Mali

The Government of Mali dramatically increased the number of labor inspectors during the reporting period. However, the Government conducted only one labor inspection. Children continue to perform worst form of child labor, especially in agriculture and domestic service. The laws in place to combat the worst forms of child labor are not harmonized, and gaps and inconsistencies make children vulnerable to exploitation.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	72.6%
Attending School	5-14 yrs.	44.8%
Combining Work and School	7-14 yrs	20.5%



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Mali are exploited in the worst forms of child labor,³¹⁴⁷ many of them in domestic service and agriculture.³¹⁴⁸ Children in agriculture may begin work as young as age 4, and are involved in the production of rice. Although evidence is limited, there is reason to believe that the worst forms of child labor are also used in the production of cotton.³¹⁴⁹ By age 10, some children work with chemical fertilizers and dangerous tools. Children in agriculture are also exposed to pesticides, and are prone to injury and fatigue due to long hours and exposure to the environment.³¹⁵⁰ Children involved in domestic service work long hours, receive low and irregular pay, and may be subject physical or sexual abuse.³¹⁵¹

The commercial sexual exploitation of children remains a problem in Mali, especially for girls, who work as vendors in hotels, restaurants, bars, and mines.³¹⁵² Some children, including street children,

work as porters, vendors, or garbage scavengers.³¹⁵³ Children working on the streets are exposed to a variety of dangers, including exposure to bad weather, traffic accidents, mistreatment, and physical and sexual abuse.³¹⁵⁴

Children work in quarries. Children as young as age 5 are also exploited in mining.³¹⁵⁵ In small-scale gold mines, children are involved in all mining activities, including extracting material from underground passages.³¹⁵⁶ Children do extraction work in holes from 3-12 meters deep, and sometimes treat gold with mercury.³¹⁵⁷ In gold mines, children work long hours in unhealthy and dangerous conditions, risking injury, asphyxia, and exposure to diseases. They also perform work that surpasses their physical and mental capabilities.³¹⁵⁸

Other worst forms of child labor exist in Mali. Children, especially of the Tamachek community, continue to be subject to hereditary slavery in certain parts of Mali. These children may be forced to work

as domestic or agricultural laborers.³¹⁵⁹ Additionally, children, primarily of Songhai ethnicity, work in debt bondage in the northern salt mines of Taudenni.³¹⁶⁰

In Mali, it is a traditional practice to send boys, called *talibe*, to Koranic teachers to receive education, which may include a vocational or apprenticeship component.³¹⁶¹ While some boys receive lessons, many are forced by their teachers to beg or work in fields and surrender the money that they have earned. For example, *talibes* from Mali and from bordering countries, such as Burkina Faso, are exploited in rice fields where some farmers pay teachers directly for the boys' labor.³¹⁶² Children as young as age 7 perform forced labor as *talibes* in Mali. These children may be punished if they do not remit enough money to their teachers.³¹⁶³

Mali is a source, transit, and destination country for children trafficked for forced labor and commercial sexual exploitation.³¹⁶⁴ Children are trafficked internally to the central regions to work in agriculture, including rice fields.³¹⁶⁵ Girls are also trafficked into domestic service, while boys have been trafficked within Mali to work in gold mining and begging.³¹⁶⁶ Malian children are trafficked to Senegal and Guinea for forced labor in gold mines.³¹⁶⁷ Children in Mali are also trafficked to Côte d'Ivoire to work as domestic servants, in mines, and on plantations, especially on cotton and cocoa farms.³¹⁶⁸ Likewise, Malian boys are trafficked to Mauritania for forced begging, while Malian girls are trafficked there for domestic service and prostitution.³¹⁶⁹ Boys from other countries, such as Niger, Guinea, and Burkina Faso are trafficked to Mali for forced begging.³¹⁷⁰ Thousands of girls from Nigeria are trafficked to Mali for forced prostitution.³¹⁷¹

Laws and Regulations on the Worst Forms of Child Labor

The Labor Code sets the minimum age for work at 14. However, children under age 14 may work with the approval of the Minister of Labor.³¹⁷² The minimum age for hazardous work is 18, including hazardous work in agriculture. During the reporting period, the Government of Mali issued a decree with an updated list of hazardous work.³¹⁷³ However, the list does not include domestic service or work performed in the informal sector. Moreover, the Labor Code and the decree are not harmonized. For example, the decree provides a list of establishments, such as mines, in

which children under age 18 may not be employed. However, the Labor Code only limits the hours when a child may be employed in such work; it does not prohibit work in those specific places.³¹⁷⁴ Both the Code's and the Decree's list of hazardous work allows children ages 14 and older to partake in some hazardous activities.³¹⁷⁵ Nonetheless, the Labor Code bans the employment of any child under age 18 in any work that presents dangers or harms the morality of the child.³¹⁷⁶

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	14
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	14
	Free Public Education	Yes

Further inconsistencies exist in the legal framework regarding penalties to be applied for violations of criminal activities related to the worst forms of child labor. The Child Protection Code provides protection for children under age 18.³¹⁷⁷ The Penal Code establishes criminal penalties. However, the Penal Code does not provide consistent and adequate penalties for many of the prohibitions enumerated in the Child Protection Code. For example, the Penal Code only provides penalties for those recruiting and enlisting children under age 15 into the armed forces, even though the Child Protection Code extends this prohibition to all children under age 18.³¹⁷⁸ The Child Protection Code outlaws begging and the Penal Code provides for punishment of this activity. However, the Penal Code only punishes those who are begging, not those who are forcing others to beg.³¹⁷⁹

The Penal Code prohibits the trafficking of children.³¹⁸⁰ The Penal Code also forbids the debauching of children, including third party involvement in prostitution or sexual slavery (pimping).³¹⁸¹ However, prostitution is legal in Mali and inciting a child into prostitution is an offense only applicable to girls, not boys.³¹⁸² Furthermore, provisions of the Penal Code are not applied to prostitution cases without proof of pimping.³¹⁸³ The Penal Code also makes the child criminally liable for their involvement in prostitution.³¹⁸⁴

Although the Penal Code bans slavery, no penalties are outlined for the offense.³¹⁸⁵ Forced labor is prohibited under the Labor Code. However, the punishment for forced labor is only a fine and/or imprisonment for a period of 15 days to 6 months.³¹⁸⁶

Institutional Mechanisms for Coordination and Enforcement

The Ministry of Labor, Civil Service and State Reform has overarching responsibility for coordinating the Government of Mali's efforts to combat the worst forms of child labor.³¹⁸⁷ The Ministry for the Advancement of Women, Children, and the Family (MPWCF) is the lead agency for anti-trafficking matters, and is charged with leading the inter-ministerial committee which addresses this issue. The committee is comprised of 13 ministries and civil society groups.³¹⁸⁸

Child labor laws are enforced by the Ministry of Labor, Civil Service, and State Reform. The Ministry's labor inspectors receive and investigate complaints, and perform surprise labor inspections in the formal labor sector.³¹⁸⁹ A variety of mechanisms are in place to report child labor violations.³¹⁹⁰ During the reporting period, the Government of Mali increased its number of labor inspectors to 52, which represents more than a 500 percent increase from the eight labor inspectors who were employed in 2007.³¹⁹¹ During the reporting period, labor inspectors received four in-country trainings. Additionally, inspectors were sent to trainings at a training center in Cameroon, as well as to an international training center in Italy.³¹⁹² The Government conducted one labor inspection during the reporting period, yielding a discovery of eight underage girls working as prostitutes in a bar. The girls were placed in the care of NGOs, and the bar was issued a fine.³¹⁹³ The number of inspections (one)

carried out during the reporting period is insignificant compared to the magnitude of the problem in Mali.

The Ministry of Internal Security, through its Morals Brigade of the National Police, is the principal agency handling cases of the commercial sexual exploitation of children.³¹⁹⁴ However, there is no mechanism for reporting complaints related to the trafficking or commercial sexual exploitation of children, and the police lack equipment and funding to enforce existing laws in these areas effectively.³¹⁹⁵

The MPWCF is the lead agency for combating trafficking, and coordinates the repatriation of trafficking victims, in collaboration with the Ministries of Justice, Territorial Administration, and Labor and Civil Services.³¹⁹⁶ Police received some anti-trafficking training in 2007; however, there is no evidence of such training during the reporting period.³¹⁹⁷ There is no formal system for identifying victims of trafficking, and no trafficking cases were prosecuted during the reporting year.³¹⁹⁸ The Malian Government works with NGOs and foreign Governments to operate centers that help to return trafficked children to their families.³¹⁹⁹ However, Mali does not have a system in place for transferring detained victims to NGOs.³²⁰⁰

Incidents during the reporting period demonstrate gaps in the Government's ability to process child trafficking cases. In one case, the MPWCF lacked the resources to transport children who had been rescued from a trafficker; thus NGOs and diplomatic missions were asked to provide the transportation costs.³²⁰¹ Several trafficking arrests were made during the reporting period. However, in five of the six arrests, the accused were released, some without explanation.³²⁰² In the sixth arrest, a man stopped for crossing the border with eight undocumented children was detained, but the children were returned to the man shortly thereafter.³²⁰³ These examples suggest a lack of thorough investigation and documented decision making regarding suspected cases of trafficking.

During the reporting period, the Government of Mali did not take action on all five pending cases of traditional slavery. Moreover, of the five pending cases and one new case, only one child was released from slavery. The other children were returned to their owners, or still await verdicts.³²⁰⁴ Since the Penal Code does not provide penalties for slavery, prosecutors

must rely on Criminal Code article 242, which bans individuals from entering into liberty-depriving contracts and agreements.³²⁰⁵ NGOs in Mali argue that these laws are not sufficient to prosecute cases of hereditary slavery, and there are reports that many government officials do not acknowledge the existence of hereditary slavery.³²⁰⁶

Government Policies on the Worst Forms of Child Labor

The National Plan for the Elimination of Child Labor (PANETEM) formulated in 1997, is currently being updated and reviewed.³²⁰⁷ Despite updates and modifications, the plan itself has not yet been adopted.³²⁰⁸ Nevertheless, a program of action for the design of PANETEM was launched during the reporting period.³²⁰⁹ The National Steering Committee on Child Labor, created in 1999, was charged with monitoring and directing national action plans on child labor. This group involves 43 members from key ministers as well as NGOs and Civil Society members.³²¹⁰ However, no money has been budgeted for the National Action Plan; ministries are expected to fund initiatives through existing funding.³²¹¹ Various other commissions have been designated to work on child labor policy, including: The National Program Against Child Labor, The Project Against Child Trafficking, the Support Project for TBP-Mali, and the Project Against Child Labor Through Education.

Child labor concerns have been explicitly incorporated in the Poverty Reduction Strategic Plan (2007-2011).³²¹² Policies concerning the trafficking of children for exploitative labor were also strengthened during the reporting period by the adoption of the Regional Policy on Protection and Assistance to Victims of Trafficking in Persons in West Africa under ECOWAS. This agreement explicitly targets, among others, victims of exploitative labor and hazardous child labor. The inclusion of begging as a possible purpose of trafficking within this policy appropriately reflects the regional need to combat this growing problem.³²¹³ The policy agreement builds on the framework developed under the Multilateral Cooperative Agreement to Combat Trafficking in Persons and the Joint Plan of Action against Trafficking in Persons, Especially Women and Children, in West and Central African Regions; under the multilateral border agreement among Mali, Burkina Faso, Senegal, and Côte d'Ivoire, and under bilateral trafficking agreements, including

those with Côte d'Ivoire (2000), Burkina Faso (2004), Senegal, (2004) and Guinea (2005).³²¹⁴

The Government of Mali has also worked with the UN to formulate a Development Assistance Framework which addresses child protection, including support for children who are victims of trafficking, and increased access to social services, including education, for vulnerable children.³²¹⁵

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

The Government of Mali has participated in donor-funded projects that affect child labor. From 1990 to 2005, the World Bank implemented a \$652.8 million project to improve policy dialogue and access to education.³²¹⁶ The Malian Government also participated in a USDOL-funded project, that ended in 2007, which provided educational opportunities to children, including those trafficked for exploitive labor and those in domestic service.³²¹⁷

The Government of Mali currently participates in a USDOL-funded, 4-year, \$3.5 million Timebound preparatory project. The Timebound Program aims to integrate child labor into the national strategy framework to reduce poverty.³²¹⁸ The project has increased data about child labor and demonstrated several successful pilot programs aimed at withdrawing or preventing the worst forms of child labor in agriculture, mining, domestic service, trafficking, and the commercial sexual exploitation of children.³²¹⁹

Mali participates in three regional projects to combat the worst forms of child labor: a 4-year, nine-country, French-funded, \$5.3 million regional project which aims to contribute to the abolition of child labor in West Africa;³²²⁰ a 2-year, eight-country, \$2.8 million anti-trafficking project funded by Denmark; and a 4-year, \$5.1 million, four-country project funded by Spain.³²²¹ Additionally, the Government of Mali participates in a 4-year, \$14.7 million project funded by the European Commission to combat child labor through education in 12 countries globally.³²²²

During the reporting period, Mali participated in an NGO-sponsored trafficking awareness-raising campaign that targeted at risk children and their parents.³²²³ It focused on trafficking in the agricultural, mining, and quarrying sector, as well as the trafficking

of girls in urban areas and in the informal economy.³²²⁴ The campaign is implemented by regional offices using workshops and radio broadcasts.³²²⁵

USAID continues to implement a 5-year, \$30 million education project which aims to improve basic education.³²²⁶

The Government of Mali has generally relied on NGOs and international organizations to provide social programs for vulnerable children.³²²⁷ While the Government of Mali has tried to increase access to education, schools in the country lack sufficient space to serve all eligible children.³²²⁸

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Mali:

IN THE AREA OF LAWS AND REGULATIONS:

- Ensure children under age 14 are not permitted to work.
- Harmonize the legislative framework for addressing the worst forms of child labor, including: the Child Protection Code, the Penal Code, the Labor Act, and the Hazardous Child Labor Decree.
- Criminalize and provide appropriate penalties for all worst forms of child labor, especially slavery and forced labor, including forced begging and commercial sexual exploitation.
- Ensure that both girls and boys are protected from prostitution and are not punished for being forced into it.
- Amend the Labor Code to prohibit children under age 18 from working in all hazardous conditions.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Increase the number of child labor inspections.
- Develop effective and integrated monitoring and reporting mechanisms.
- Strengthen measures to investigate, prosecute, and convict individuals involved in the trafficking of children for sexual and labor exploitation, including by:
 - Providing sufficient funds so investigators are able to travel, transport victims to safety, and arraign traffickers.
 - Increasing training for law enforcement officers, judges, and prosecutors.
 - Providing mandatory minimum sentences for violations.
 - Introducing a mechanism, such as a hotline, for reporting such crimes.

IN THE AREA OF POLICIES:

- Finalize, enact, and fund an updated National Action Plan to Eliminate the Worst Forms of Child Labor.

IN THE AREA OF PROGRAMS:

- Expand and improve programs to prevent children's involvement in exploitive child labor, including by:
 - Developing and implementing effective model programs to withdraw children from the worst forms of child labor and provide them with access to quality education.
 - Mainstreaming child labor elimination strategies into existing education, health, and social services.

³¹⁴⁷ Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates, 2005-2010*. Data provided are from 2005. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

³¹⁴⁸ UCW, *Comprendre le Travail des Enfants au Mali*, Rome, May 2009. See also ILO-IPEC, *Support for the Preparation of the Mali Time-Bound Programme*, Technical Progress Report, Geneva, September 3, 2008. See also U.S. Embassy- Bamako, *reporting*, February 3, 2010, 2A.

³¹⁴⁹ ILO-IPEC, *Support for the Preparation of the Mali Time-Bound Programme*, Project Document, Geneva, September 1, 2006, 5.

³¹⁵⁰ *Ibid.*, 6.

³¹⁵¹ UCW, *Comprendre le Travail des Enfants au Mali*, 25, 26. See also U.S. Department of State, «Mali (Tier 2 Watch List),» in *Trafficking in Persons Report- 2010*, Washington, DC, June 14, 2010; available from <http://www.state.gov/g/tip/rls/tiprpt/2010/index.htm>. See also UN Human Rights Council, *Compilation Prepared by the Office High Commissioner for Human Rights, in accordance with paragraph 15(b) of the Annex to Human Rights Council Resolution 5/1 - Mali*, Mali, April 2008, sections 2 and 5; available from <http://www.unhcr.org/refworld/docid/48abd56a0.html>. See also ILO-IPEC, *MALI TBP Project Document*, 6.

³¹⁵² ILO-IPEC, *Programme International pour l'Abolition du Travail des Enfants*, Technical Progress Report: Annex I, Geneva, September 1, 2007, 13 and 14. See also Ministère de la Promotion de la Femme de l'Enfant et de la Famille and UNICEF, *Etude sur les connaissances, attitudes, et pratiques en matière des droits de l'enfant et de la femme au Mali*, Report, Bamako, April, 2009, 44 and 45. See also U.S. Department of State, «Trafficking in Persons Report-2010: Mali.» See also ILO-IPEC, *Rapport: Volet Pays Mali: Etude transfrontalière sur le travail des enfants dans les sites d'orpaillage du BF, du Mali, et du Niger* Mali, August 2009, 63.

³¹⁵³ See Integrated Regional Information Networks, "Mali: Children scrape by on scrap", IRINnews.org, [online], April 7, 2008 [cited April 1, 2010]; available from <http://www.irinnews.org/PrintReport.aspx?ReportId=77641>. See also ILO-IPEC, *MALI TBP Project Document*, 7.

³¹⁵⁴ ILO-IPEC, *MALI TBP Project Document*, 7.

³¹⁵⁵ ILO-IPEC, *Etude transfrontalière sur le travail des enfants dans les sites d'orpaillage*, 1, 2, 6, 45-47 and 60. See also U.S. Department of State, "Mali," in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2010, section 6c and d; available from <http://www.state.gov/g/drl/rls/hrrpt/2009/af/135964.htm>.

³¹⁵⁶ ILO-IPEC, *Etude transfrontalière sur le travail des enfants dans les sites d'orpaillage*, 2, 6, 45-47 and 60. See also U.S. Department of State, "Country Reports- 2009: Mali," section 6c and d.

³¹⁵⁷ ILO-IPEC, *MALI TBP Project Document*, 6.

³¹⁵⁸ ILO-IPEC, *Etude transfrontalière sur le travail des enfants dans les sites d'orpaillage*, 2. See also ILO-IPEC, *MALI TBP Project Document*, 7. See also ILO-IPEC, *Etude sur les questions du genre, le travail des enfants et les pires formes de travail des enfants dans les mines et carrières: Kenieba et Bougouni (Mali)*, Preliminary Report, Mali, November 2009, 25.

³¹⁵⁹ Programme des Nations Unie pour le Développement, *Rapport final de l'étude actualisée de la situation des droits humains au regard des objectifs du CSCR*, Bamako, July 2007, 18. See also U.S. Embassy- Bamako, *reporting*, February 3, 2010. See also U.S. Department of State, "Country Reports- 2009: Mali," section 6c and d. See also Integrated Regional Information Networks, "Mali: Thousands still live in slavery in north", IRINnews.org, [online], July 14, 2008 [cited February 12, 2010]; available from <http://www.unhcr.org/refworld/docid/487f10be1a.html>. See also U.S. Embassy- Bamako, *reporting*, February 19, 2010, 3d.

³¹⁶⁰ U.S. Department of State, "Country Reports- 2009: Mali," section 6. See also U.S. Department of State, "Trafficking in Persons Report- 2010: Mali."

³¹⁶¹ Integrated Regional Information Networks, "Mali: Urbanisation fuelling begging on streets of capital", IRINnews.org, [online], January 22, 2008 [cited March 15, 2010]; available from <http://www.irinnews.org/PrintReport.aspx?ReportId=76375>. See also ILO-IPEC, *Termes de référence: Etude sur l'exploitation des enfants mendians au Mali*, Mali, April 2008. See also Peter Easton, "Education and Koranic Literacy in West Africa," *IK Notes* no. 11 (August 1999), 1 and 3; available from <http://www.worldbank.org/afr/ik/iknt11.pdf>. See also U.S. Department of State, "Country Reports- 2009: Mali."

³¹⁶² ILO Committee of Experts, *Individual Observation, Worst Forms of Child Labour Convention, 1999 (No. 182) Mali (ratification: 2000)*, [online] 2008 [cited February 5, 2010]; available from <http://www.ilo.org/ilolex/english/newcountryframeE.htm>. See also Winrock International, *Spotlight on ENDA, Mali*, [online] July 2005 [cited February 16, 2010]; available from <http://circle.winrock.org/news/ml-ENDA.cfm>.

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- ³¹⁶⁴ U.S. Department of State, “Trafficking in Persons Report- 2010: Mali.” See also M. Hamadou Tolo, *Etude sur la traite des enfants au Mali et au Senegal*, 7. See also U.S. Department of State, «Country Reports- 2009: Mali.» See also U.S. Embassy- Bamako, *reporting, February 19, 2010*, 3B.
- ³¹⁶⁵ M. Hamadou Tolo, *Etude sur la traite des enfants au Mali et au Senegal*, 68 and 69. See also ILO-IPEC, *Mali Technical Progress Report- September 2008*, 9.
- ³¹⁶⁶ U.S. Department of State, “Country Reports- 2009: Mali.” See also U.S. Embassy- Bamako, *reporting, February 19, 2010*.
- ³¹⁶⁷ U.S. Department of State, “Trafficking in Persons Report- 2010: Mali.”
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³¹⁹² U.S. Embassy- Bamako, *reporting, February 3, 2010*, 2C14. See also U.S. Embassy- Bamako, *reporting (14:36)*, January 7, 2009, para 5.

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³¹⁹⁶ U.S. Department of State, “Country Reports- 2009: Mali.” See also U.S. Department of State, “Trafficking in Persons Report- 2010: Mali.” See also U.S. Embassy- Bamako, *reporting, February 3, 2010*, 2D1.

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