

# Children's right to identity in Mali

96<sup>th</sup> pre-session ■ Combined Third, Fourth and Fifth Periodic State Report ■ CRC/C/MLI/3-5

## 1 Creation of identity

### Birth registration:

- In 2018, 87% of children under 1 were registered, as well as 87% children under five.<sup>1</sup>
- The Law 2011-087 (30 December 2011) on the Code of persons and family regulates **birth registration**.<sup>2</sup> The government has a legal obligation to ensure the registration of all births in Mali, even when the parents do not have Malian citizenship.<sup>3</sup>
- Mali has 1,506 civil registrars: 1,414 at the *commune* level, 91 abroad, and 1 at the National Directorate of Civil Status special centre (DNEC). The average distance of most households from the nearest local registration office is five to 10 km. The average estimated time it would take most households to reach their nearest local registration office on foot or by bicycle is one to four hours; by car and by motorcycle, less than an hour.<sup>4</sup>
- Decree No. 2016-0330 established a **national CRVCoordinating committee** and stipulated its operation. The Malian Civil Status Strategy was adopted in 2018. 'Developed after a comprehensive assessment of the civil registration system carried out starting in 2015, the plan reflects the desire of the highest Malian authorities to modernise the civil registration system and make it more secure in accordance with international standards'.<sup>5</sup>

### Abandonment:

- Santé Sud<sup>6</sup> mentions that 'in Mali, **child abandonment** is a frequent practice in large urban centers such as Bamako (an average of one child abandoned per day), due to the difficult economic situation and the rural exodus (many abandonments are made by young girls in distress). Disability is an additional factor in abandonment at birth. Santé Sud, under the supervision of the Malian Ministry for the Promotion of Women, Children and the Family, has been implementing a program since 2015 aimed at providing abandoned children with alternative care and comprehensive support adapted to their needs and guaranteeing respect for their rights, their personal development and their future social integration'. The project also focuses on the prevention of unwanted pregnancies and abandonment, as well as the development of alternatives to placement in care centers. The lack of human and financial resources remains a concern.

### Potential considerations:

- *How is the State planning to effectively ensure universal birth registration through better coordination and modernisation?*
- *How will the country reach children most at risk of not being registered?*
- *The great number of invisible children in Mali is also due to the lack of information to parents. How will the State inform the public of the importance of birth registration?*
- *How will the State better prevent the abandonment of children and ensure they can remain with their families?*
- *In case of placement, how can the State ensure alternative care in family environments?*
- *How can the State keep records of family data?*

## 2 Modification of identity

### Humanitarian situation and displacement:

- Mali is facing multiple crises (insecurity, political instability, internal conflicts, climate change) and a **deteriorating humanitarian situation**.<sup>7</sup> Children are affected in many basic rights and their right to identity challenged in many situations, such as exploitation, displacement, family separations: 'Children experiencing psychosocial distress, children released from armed groups, unaccompanied and separated children, and survivors of gender-based violence will be reached with services including mental health and psychosocial support, family reunification and socioeconomic reintegration'.<sup>8</sup>
- The concern of supporting families and maintaining the child close to his or her family and community is lacking due to the country's very difficult humanitarian context and the situation of displaced people. 'The number of **internally displaced persons** (IDPs) has increased to 401,736. In 2022, it was estimated that 1.8 million Malians were food insecure, a 41 per cent increase over 2021'.<sup>9</sup> As a result of ongoing attacks against civilians, the number of people who are internally displaced has steadily increased and now totals 422,620 people (54 per cent women and 63 per cent children).<sup>10</sup> 'A new assessment by the Norwegian Refugee Council (NRC) estimates that a staggering 148,600 displaced children in Mali – more than half of the total number of displaced children in the country – do not have state-issued birth certificates proving their legal identity. This situation deprives them of their most basic rights as citizens and puts them at risk of being marginalised.<sup>11</sup> These displaced children have either lost their birth certificates as they fled from home or simply never had one, due to the limited functioning of civil status services in certain areas of the country. To retrieve or obtain their documents, families must follow a complex legal process, which can take up to several months. As the cost of the process is not defined in the constitution, it often leads to prohibitive prices for children and parents already facing extreme poverty.' UNICEF brought help:<sup>12</sup> 'Since February 2022, UNICEF has been supporting mobile clinics for displaced people from the Ansongo district who have fled to elsewhere in the Gao region. The mobile clinics offer multiple services to children and parents (...) and birth registration services'.

### Child marriage:

- In 2018, 54% of girls in Mali were married before the age of 18 and 16% before their 15<sup>th</sup> birthday, 2% of boys in Mali were married before their 18th birthday.<sup>13</sup> Child marriage modifies children's identity, as child brides often lose contact with their own family at a young age and are at risk of losing their own identity.



### Child exploitation:

• Children in Mali are subjected to the worst forms of **child labor**, including in **hereditary slavery and in armed conflict**. Children also perform dangerous tasks in agriculture, particularly in the production of cotton and rice, and in artisanal gold mining. Although Mali's 2012 Trafficking in Persons Law criminalizes trafficking for the purpose of slavery, it does not more broadly criminalize the act of slavery. Malian law also does not explicitly prohibit using, procuring, or offering of children for illicit activities, and allows children under the age of 18 to be penalized as a direct result of forced recruitment by armed groups. In addition, a new National Plan to Eliminate Child Labor has not been finalized or implemented, and social and rehabilitation services remain inadequate for victims of the worst forms of child labor'.<sup>14</sup> Children in forced labor and armed groups are at a very high risk of losing their family relations, and therefore their identity.

### Potential considerations:

• *How is the State planning to improve family support and reintegration programs to promote the preservation of family relations – a component of the child's identity?*

## 3

### Falsification of identity

#### Trafficking:

- Children victims of **trafficking** are vulnerable to falsification of identity and due to the humanitarian context, children in Mali are at a great risk of being victims of both trafficking and falsification of identity.
- A 2021 study, part of the Malian National Action Plan to Combat Trafficking in Persons (2018-2022), mentions that 'the most commonly reported forms of trafficking in Mali are forced child labor in domestic activities and mining sites, exploitation of child begging, sexual exploitation and forced prostitution of women and girls, and descent-based slavery'.<sup>15</sup>
- UNHCR mentions that 'armed groups are also trafficking children for labour in gold mines, using profits to enrich combatants, fuel the arms trade and finance the violence'.<sup>16</sup>

#### Adoption:

- Due to past irregularities in the 1980s and 1990s,<sup>17,18</sup> many adopted persons in Mali are trying now to access their origins and encounter difficulties.<sup>19</sup>

### Potential consideration:

- *How is the State planning to better prevent trafficking and falsification of identity?*
- *What is the country undertaken to ensure that adoptees have access to information about their origins?*

## 4

### Preservation of identity and access to origins

#### Preservation of birth records:

- Art. 101 and ff. of Law 2011-087: birth certificates are transcribed in a register.
- Art. 146 of Law 2011-087: Literal copies of birth certificates may be issued only to the Public Prosecutor, to the person concerned, to his/her ascendants or descendants and to his/her spouse, to his/her guardian or legal representative or to persons with special authorization from the judicial authority.

### Adoption and access to origins:

- Until 2012, there were two types of **adoptions** in Mali: 'adoption-protection' and 'adoption-filiation':<sup>20</sup> 'adoption-filiation' creates a parentage bond between the adoptive parents and the child, for babies declared abandoned, and whose family has not been found following a police investigation; 'adoption-protection' is a delegation of parental authority, carried out with the consent of the family, which allows the child to receive education or care in France, before returning to the family of origin. Since 2012, adoptions by non-Malians are banned.
- According to the 2012 HCCH country profile, the Direction Nationale pour la Promotion de l'Enfant et de la Famille (DNPEF) is the Central Authority and keeps the information regarding the adopted child, without limitation of time. There is no law (therefore no procedure, nor assistance) allowing the search of information, but there is no restriction in practice and adoptive parents can access these information.<sup>21</sup>

### Assisted reproduction technologies and surrogacy:

- Mali does not have any law protecting children born from ART and/or surrogacy in relation to their right to know their origins. Surrogacy is not allowed in the country but seems to be practiced.<sup>22</sup>

### Potential consideration:

- *What procedures will the State put in place to safeguard the adoptees' right to identity, especially the information which should be kept and the access to this information?*
- *Is any law being considered to protect children born through ART or surrogacy at domestic or international level, including their identity?*

## 5

### Restoration of identity

#### Children recruited by armed groups:

- **Children in armed groups** are a major concern in Mali. A total of 352 children (288 boys, 64 girls), some as young as six, were recruited by armed groups in 2021 in Mali.<sup>23</sup> The reintegration of these children is not a priority.

### Potential consideration:

- *What is the State undertaking to improve the family reintegration of children in armed groups and victims of child labor and restore their identities?*

### Sources:

1 UNICEF (2022). A statistical update on birth registration in Africa. Available at: <https://data.unicef.org/resources/a-statistical-update-on-birth-registration-in-africa/>.

2 UNICEF (2016-2017). CRVS Profile. Available at: <https://data.unicef.org/crvs/mali/>.

3 USAID (n.d.). Restoring Legal Identities and Rights in Mali. Available at: <https://www.usaid.gov/mali/news/restoring-legal-identities-and-rights-mali>.

4 Centre of Excellence for CRVS Systems (2021). Country Profile: Mali. Available at: [https://crvssystemscs.ca/country-profile/mali#footnote2\\_41rgoijr](https://crvssystemscs.ca/country-profile/mali#footnote2_41rgoijr).

5 *Ibid.*



<sup>6</sup> Gouvernement Princier – Principauté de Monaco (2019-2021). SANTE SUD - Prévention des abandons et du placement en institutions des enfants privés de familles. (Mali, l'abandon des jeunes filles en détresse). Available at: <https://cooperation-monaco.gouv.mc/Priorites/Cartographie-des-projets-en-cours/Afrique-de-l-Ouest/Mali/SANTE-SUD-Prevention-des-abandons-et-du-placement-en-institutions-des-enfants-prives-de-familles#:~:text=Au>.

<sup>7</sup> UNICEF (2023). Humanitarian Action for Children. Available at: <https://www.unicef.org/media/132041/file/2023-HAC-Mali.pdf>.

<sup>8</sup> *Ibid.*

<sup>9</sup> UNICEF (2023). Country Office Annual Report 2022. Available at: <https://www.unicef.org/media/136186/file/Mali-2022-COAR.pdf>.

<sup>10</sup> *Supra* 7.

<sup>11</sup> NRC. Mali: 148,000 displaced children lack birth certificates and face exclusion. 21 November 2022. Available at:

<https://reliefweb.int/report/mali/mali-148000-displaced-children-lack-birth-certificates-and-face-exclusion>.

<sup>12</sup> *Supra* 7.

<sup>13</sup> Girls Not Brides (n.d.). Country Profile: Mali. Available at:

<https://www.girlsnotbrides.org/learning-resources/child-marriage-atlas/atlas/mali/>.

<sup>14</sup> US Department of Labor – Bureau of International Labor Affairs (2021). Child Labor and Forced Labor Reports: Mali. Available at:

<https://www.dol.gov/agencies/ilab/resources/reports/child-labor/mali>.

<sup>15</sup> Government of The Netherlands (2021). Research on Human Trafficking in Mali. Available at:

<https://www.government.nl/documents/reports/2021/04/30/research-on-human-trafficking-in-mali>.

<sup>16</sup> UNHCR (December 2020). Child-trafficking in Mali increasing because of conflict and COVID-19. Available at:

<https://www.unhcr.org/news/news-releases/child-trafficking-mali-increasing-because-conflict-and-covid-19>.

<sup>17</sup> Inter-Country Adoptee Voices (2022). Réflexions d'une personne adoptée sur la déclaration commune des Nations Unies sur les adoptions internationales illégales. Available at:

<https://intercountryadopteevoices.com/fr/tag/illegal-adoptions/>.

<sup>18</sup> La Voix des Adoptés (n.d.). L'association la Voix des adoptés (VDA) aide des adoptés du Mali à faire la lumière sur de possibles cas d'adoptions illégales et manifestement non-éthiques. Available at:

<https://lavoixdesadoptes.com/2637-4-2-3-3-2-2-2/>.

<sup>19</sup> Le Cam, M and Magassa, K. Neuf Français d'origine malienne portent plainte contre un organisme d'adoption. 8 June 2020. Available at:

[https://www.lemonde.fr/afrique/article/2020/06/08/neuf-francais-d-origine-malienne-portent-plainte-contre-un-organisme-d-adoption\\_6042151\\_3212.html](https://www.lemonde.fr/afrique/article/2020/06/08/neuf-francais-d-origine-malienne-portent-plainte-contre-un-organisme-d-adoption_6042151_3212.html).

<sup>20</sup> Santé Sud. Available at: <https://www.santesud.org/>

<sup>21</sup> HCCH (2012). Country Profile: Mali. Available at:

[https://assets.hcch.net/upload/adop2010cp\\_ml.pdf](https://assets.hcch.net/upload/adop2010cp_ml.pdf).

<sup>22</sup> Find Surrogate Mother. Mali. Available at:

<https://www.findsurrogatemother.com/surrogate-mothers/mali>.

<sup>23</sup> UN General Assembly. Children and armed conflict - Report of the Secretary-General. A/76/871-S/2022/493. 23 June 2022. Available at:

<https://undocs.org/Home/Mobile?FinalSymbol=s%2F2022%2F493&Language=E&DeviceType=Desktop&LangRequested=False>.