



Women in Prison: Mali

Analysis from the National Preventive
Mechanism

| September 2024



association pour la prévention de la torture
asociación para la prevención de la tortura
association for the prevention of torture



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Mali



UNCAT Ratification
26 February 1999

OPCAT Ratification
12 May 2005

National Preventive Mechanism (NPM)

National Human Rights Commission (CNDH)

NPM legal framework
Law n°2016-036 (7 July 2016)

NPM operationalisation
Since May 2017

MNP structure
Sub-Commission for the Prevention of
Torture within the CNDH

NPM composition
The NPM, through the CNDH, does not
have its own human resources enabling it
to carry out its activities adequately.

I. Facts and Figures

Prison population	Women in prison: Characteristics	Prisons for women	Prison staff
Total prison population 10,773	Foreign women ¹ 10	Number of facilities for women 53	Female prison staff ² 93%
Women in prison 370 (3.43%)³	Women with children in prison ⁴ 22	Number of facilities exclusively for women ⁵ 1	
Women sentenced 146		Number of mixed facilities with special units for women 52	
Women in pre-trial detention ⁶ 224			
<i>Source: Direction de l'Administration Pénitentiaire et de l'Education Surveillée (DNAPES), 29 December 2023</i>		<i>Source: CNDH, April 2023</i>	<i>Source: CNDH, April 2023</i>

¹ DNAPES, 29 December 2023.

² Data relating solely to the Bollé Women's Detention Centre.

³ Including the girls.

⁴ CNDH, April 2023

⁵ Bollé Women's Detention, Re-education and Reintegration Centre.

⁶ 162 women charged and 62 accused.

II. Recommendations

Body searches

- + Increase the number of prison staff by recruiting more women to supervise people deprived of their liberty.
- + Provide the prison administration with search equipment such as metal detectors.
- + Strengthen the capacity of prison staff in terms of search methods and techniques that respect human rights, particularly those of women.

Access to mental healthcare

- + Provide the prison administration with healthcare officers specialised in mental health.
- + Detain women suffering from mental health conditions in specialised centres.

Accommodation

- + Provide adequate cells reserved for women in investigative units and detention centres.

Life in prison: regime and activities

- + Ensure that social and professional reintegration activities are implemented for women through vocational training.

Mothers in prison with their children

- + Separate women with children from other detainees in order to guarantee their safety, and provide childcare and play areas for these children.

III. Detention Issues

The prison system in Mali faces many challenges, including overcrowding, poor detention conditions and inadequate infrastructure. Women represent a small proportion of the total prison population.

The number of detainees awaiting trial, including women, far exceeds those that have been convicted. Pre-trial detention conditions can be particularly difficult due to the slowness of legal proceedings and overcrowding in pre-trial detention centres.

Detention conditions for women are marked by a number of challenges, including inadequate care for the children of women detainees', a lack of appropriate medical services and a lack of any effective post-prison aftercare. In addition, incarcerated women are often victims of violence, deplorable sanitary conditions and nutritional deficiencies.

These problems show that there is a significant gap between the laws and their application in practice, despite the efforts made by the authorities to improve detention conditions.

Body searches

a. Legal and regulatory framework

In addition to international texts, strip searches are regulated by Order no. 2016-4748/ MJDH-SG (29 December 2016) on the internal regulations for prisons and supervised education facilities. While this text makes strip searches and maintaining the register of strip searches the responsibility of the prison guards, it gives no indication regarding strip searches on women specifically, leaving it up to each facility to set the rules in its own internal regulations.

b. In practice

During its monitoring missions, the CNDH noted that there were no strip search registers in some prisons and investigative units. In other facilities where the register does exist, it is not updated regularly and in accordance with the internal regulations and is often neither initialled nor stamped by the competent authorities. None of the detention centres have a search scanner.

The lack of female staff leads some prison staff to call on women from outside the prison administration to conduct strip searches, in particular members of local organisations. Although this practice is an alternative, it is not without risk. These women are not sworn in and are under no obligation of confidentiality, whereas prison officers are.

It is therefore essential to find permanent solutions to facilitate strip searches on women deprived of their liberty.

Access to mental healthcare

Order No. 2016-4748/ MJDH-SG of 29 December 2016 on the internal regulations for prisons and supervised education facilities provides for medical examinations to "detect the existence of any physical or mental illness and to take any necessary measures" (Article 51).

However, in practice, these visits are not conducted regularly in some places and are not particularly focused on the mental health of women detainees. In fact, the absence of medical staff in some places limits women's rights to mental healthcare. In addition, medical records are not maintained properly. As with the strip search registers, in many facilities they do not exist, and in others they are neither initialled nor stamped by the competent authorities.

During its last monitoring mission to the Bollé Re-education and Reintegration Detention Centre for Women and Girls in Bamako, the NPM team noted the presence of people with mental health conditions among the detainees and brought this to the administration's attention and urged it to take steps to manage these cases.

Interviews with detainees revealed allegations of violations of women's rights. Some inmates complained of inadequate medical care, especially in terms of access to treatment and medication. They also complained about verbal and physical abuse by one member of the prison staff, who allegedly subjected them to sexual touching, insults and beatings. These allegations, if confirmed, could cause mental disorders in the detainees that are subjected to them.

During the same monitoring mission, allegations were reported of paedophilia by other detainees, involving children who were staying with their detained mothers.

Contact with the outside world

Conjugal visits are not provided for in the legislation governing the detention of women, even though they are essential to their development.

IV. Alternatives to detention

There are no specific legal alternative measures for women in Mali. However, in practice, women may be discriminated against.

As a result, the number of women in prison remains well below that of men, in all prisons across the country, with the exception of Bollé Femmes, a detention centre exclusively for women.

Similarly, in practice, magistrates rarely use detention warrants against women, whereas the opposite is true for men, for whom they seem to be the rule.

In police and gendarmerie investigative units, there are a number of observations to be made in practice. Women are rarely detained or placed in cells for several reasons. Some investigative units do not have custody cells for women. And if they do, they are in poor hygienic conditions. In practice, they make the women sit in the courtyard or in the offices, but not in the cells. Sometimes they are even entrusted to the traditional authorities and to the customary and religious authorities who will vouch for them.

This report is part of the Global NPM Report on Women in Prison.

Access the full report here: www.apt.ch/global-report/