



Malian NHRC 's contribution to the 13th session of the United Nations Working Group

I) Contribution of older persons to sustainable development

I.1 Definition :

Older persons do not have specific rights in Malian law, however, the 1992 constitution as well as the treaties and conventions ratified by Mali guarantee the same rights for all Malians without discrimination. Thus, the elderly enjoy all rights and participate in public life. They play an important role in religious spaces (mosques, churches, etc.)

I.2. The scope of rights

The various rights listed in this section that refer to the social contribution of the elderly are provided for in the country's various texts, the most important of which is the constitution, which provides for the exercise of these rights without any discrimination, and in our habits and customs the right to legality is respected. In addition, a number of provisions and government measures have been taken to ensure that their rights are effective. These measures include

- The creation of a ministry in charge of the elderly (1992);
- The Institute of Studies and Research in Geronto-Geriatrics - House of the Elderly (IERGG-MA) in 1998;
- The establishment of a collective of associations of the elderly, called the National Council of the Elderly of Mali (CNPAM) in September 1996.

These measures offer the elderly a space for expression through these associations. Consequently, they participate in the public and political life of the country.

Regarding the means of recourse available to the elderly to ensure that their rights are respected, this is done through the traditional justice system. The associations of good will as well as the legal clinics often take care of this, but because of fear or lack of information some elderly people rarely exercise these recourses.

I.3. The obligations of the state :

Measures to be taken by the State:

- formulation of a specific policy on the rights of the elderly ;
- Enforceability of what has been achieved in the area of the rights of the elderly;
- the setting up of legal clinics and the dissemination of their rights to the elderly and to the target public.

I.4. Implementation

- Good practice: Culturally, older people are highly respected in society and play an important role. The right of elders is observed and respected.

- Difficulties: Ineffectiveness or inconsistency of texts. E.g.: the law on partial care of the elderly in state health structures is not always respected.

II- Economic security :

II.1 Definition:

There is no specific legal framework on the economic security of the elderly, however the legislative and constitutional texts do not limit the enjoyment of these rights, on the contrary. Thus, the elderly enjoy the same rights as other segments of society: the right to work, the right to remuneration, the right to retirement, the right to disengage, the right to take part in a profit-making association...

II.2 The scope :

The country's constitution and the various laws guarantee respect for the principle of non-discrimination and equality of all Malians.

Thus, through social security, the elderly have the right to a pension and through family support, they are a certain social guarantee.

As for the right to housing, clothing, etc., it is ensured by family support.

The National Council of the Elderly of Mali (CNPAM) is a member of the commission of allocation of social housing; member of the Economic, Social and Cultural Council of Mali; member of the higher authorities of political structures (National Assembly, municipality, High Council of Territorial Collectivities etc.). This means that they are heard by the decision-making bodies.

The elderly are grouped together within the CNPAM, one of whose essential missions is to encourage the "elderly" to become aware that they can and must make their quality contributions to the economic, social and cultural development of the country.

II.3. The obligations of the State :

The reformulation of good policy and legislative practice in line with our cultural norms.

II.4. The implementation

- Domestication of ratified international texts;
- Adoption of national texts in favor of vulnerable groups, including specifically the elderly population.

III. The right to health and access to health services

III.1 Legal framework

Today, the only legal framework for the protection of the elderly is that defined by common law, which is based on customary law and national policy for the elderly.

The universal health assistance scheme currently being implemented provides for access and care of the elderly to quality health services at affordable prices.

Disaggregated data on the elderly in Mali is difficult to obtain (a gap that needs to be addressed).

In Mali, only 3% of the revenue granted to communities goes to health, which is a real problem especially for the management of geriatric syndromes.

III.2 Equality and non-discrimination

The main challenges facing the elderly in exercising their right to health are: the ineffectiveness of existing legislation, the inadequacy of resources in social health services and, above all, the difficulties in obtaining adequate care adapted to their needs.

In the current state of our legislation, there is no specific provision on ageism, although there is a certain form of ageism in society, generally due to a lack of information on this concept. It is therefore necessary to raise awareness of the population on this issue and, if necessary, to undertake advocacy actions.

Physicians must inform their patients of the consequences of any treatment and ensure that they are aware of the decisions they are making for their health.

III.3 Liability

The legal and judicial measures available to the elderly are those of common law.

There is no observatory for the elderly, but the various associations of the elderly, such as the National Council of the Elderly of Mali (CNPAM), which is a member of the commission for the allocation of social housing; a member of the Economic, Social and Cultural Council of Mali; and members of the higher authorities of the political structures (National Assembly, municipality, High Council of the Territorial Collectivities, etc.), participate in the decision-making bodies.

The elderly are grouped together within the CNPAM, one of whose essential missions is to encourage the "elderly" to become aware that they can and must make their quality contributions to the economic, social and cultural development of the country.

IV. Social inclusion

Mali has no legal provisions or policy frameworks that explicitly focus on marginalized older people because this concept is unfamiliar in society, due to its cultural roots.

No legal age limits that prevent the full and equal participation of older people in areas such as employment, education, health care, financial goods and services.

Regarding the share of national public spending for older people as a distinct group is not known at our level.