

AFRICAN UNION		UNION AFRICAINE
الاتحاد الأفريقي		UNIÃO AFRICANA
UNIÓN AFRICANA		UMOJA WA AFRIKA
AFRICAN COURT ON HUMAN AND PEOPLES' RIGHTS COUR AFRICAINE DES DROITS DE L'HOMME ET DES PEUPLES		

IN THE MATTER OF

IBRAHIM TOURE

V.

REPUBLIC OF MALI

APPLICATION NO. 031/2020

JUDGEMENT

24 SEPTEMBER 2026



TABLE OF CONTENTS

TABLE OF CONTENTS	i
I. THE PARTIES.....	1
II. SUBJECT OF THE APPLICATION	2
A. Facts of the matter	2
B. Alleged violations	3
III. SUMMARY OF THE PROCEDURE BEFORE THE COURT	3
IV. PRAYERS OF THE PARTIES.....	4
V. JURISDICTION	5
VI. ADMISSIBILITY	6
VII. MERITS	10
A. Alleged violation of the right to dignity	11
i. Allegation based on lack of consent	12
ii. Allegation based on psychological suffering	14
B. Alleged violation of the right to non-discrimination and the right to equality before the law.....	14
VIII. REPARATIONS	18
IX. COSTS.....	19
X. OPERATIVE PART	19

The Court, composed of: Blaise TCHIKAYA, President; Chafika BENSAOULA, Vice-President; Rafaâ BEN ACHOUR, Suzanne MENGUE, Tujilane R. CHIZUMILA, Stella I. ANUKAM, Imani D. ABOUD, Dumisa B. NTSEBEZA, Dennis D. ADJEI and Duncan GASWAGA – Judges, and Robert ENO, Registrar.

In accordance with Article 22 of the Protocol to the African Charter on Human and Peoples' Rights on the Establishment of an African Court on Human and Peoples' Rights (hereinafter referred to as the "Protocol") and Rule 9(2) of the Rules of Procedure of the Court (hereinafter referred to as "the Rules"), Judge Modibo SACKO, a national of Mali, did not hear the Application.

In the matter of:

Ibrahim TOURE

Self-represented

Versus

THE REPUBLIC OF MALI

Represented by:

the Director-General of State Litigation.

After deliberation,

Renders this Judgment:

I. THE PARTIES

1. Mr Ibrahim Touré (hereinafter referred to as "the Applicant") is a Malian national and a civil servant. He alleges violation of his rights in connection

with deductions made from his salary in respect of mandatory health insurance scheme, which he considers unlawful.

2. The Application is filed against the Republic of Mali (hereinafter referred to as “the Respondent State”), which became a Party to the African Charter on Human and Peoples’ Rights (hereinafter referred to as “the Charter”) on 21 October 1986, and to the Protocol to the Charter Establishing an African Court on Human and Peoples’ Rights (hereinafter referred to as “the Protocol”) on 20 June 2000. The Respondent State also deposited, on 19 February 2010, the Declaration provided for under Article 34(6) of the Protocol (hereinafter referred to as “the Declaration”), by virtue of which it accepts the jurisdiction of the Court to receive applications from individuals and Non-Governmental Organisations with observer status before the African Commission on Human and Peoples’ Rights.

II. SUBJECT OF THE APPLICATION

A. Facts of the matter

3. As it emerges from the record, the Respondent State established a mandatory health insurance scheme (hereinafter “AMO”) pursuant to Law No. 09-015 of 26 June 2009 (hereinafter “the AMO Law”), to cover the health care costs of insured persons and their dependents. The administration of this scheme was entrusted to the National Health Insurance Fund (hereinafter “CANAM”), a public institution established under Law No. 09-016 of 26 June 2009 (hereinafter “the CANAM Law”).
4. The Applicant avers that since 2009, deductions have been consistently made from his salary in respect of AMO contributions and paid to CANAM, without his prior consent. He further submits that he made several requests to CANAM to cease the deductions on the grounds that he was not a member of the scheme, but to no avail.

5. The Applicant further submits that on 24 January 2018, he petitioned the Minister for Higher Education and Scientific Research, as well as the Minister for Social Development and Solidarity, seeking his withdrawal from AMO and the refund of the monies deducted. The Applicant avers that he did not receive any response to his petition.
6. The Applicant asserts that in the wake of these implied rejections, on 12 June 2018, he filed a case before the Administrative Division of the Supreme Court which, by Judgment No. 193 of 5 March 2020, dismissed it.

B. Alleged violations

7. The Applicant alleges violation of the following rights:
 - i. The right to respect for inherent dignity and not to be subjected to torture or cruel, inhuman and degrading treatment, protected by Article 5 of the Charter and Article 1 of the Universal Declaration of Human Rights (UDHR);
 - ii. The right to non-discrimination, protected by Article 2 of the Charter, Article 26 of the International Covenant on Civil and Political Rights (ICCPR) and Article 2 of the UDHR;
 - iii. The right to equality before the law and the right to equal protection of the law, protected by Article 3 of the Charter and Article 7 of the UDHR.

III. SUMMARY OF THE PROCEDURE BEFORE THE COURT

8. The Application was filed on 7 August 2020. On 4 September 2020, the Registry requested the Applicant to refile his application using the form prescribed by the Rules of Court.
9. On 29 September 2020, the Applicant refiled a handwritten Application using the prescribed form. On 30 September 2020, 30 March 2021 and 14 July 2023, the Registry wrote to the Applicant requesting him to submit a

legible and duly signed Application, but the Applicant did not comply.

10. On 23 August 2023, the Application was served on the Respondent State together with a request to submit the list of its representatives and file its Response within 30 and 90 days of notification, respectively.
11. Following extensions of time granted on 2 April 2024 and 19 August 2024, the Respondent State filed its Response on 10 September 2024. The response was transmitted to the Applicant on 13 September 2024 for his Reply within 45 days of receipt.
12. By email dated 1 April 2025, the Applicant informed the Registry that he would not be filing a Reply.
13. Pleadings were closed on 27 May 2025, and the Parties were duly informed.

IV. PRAYERS OF THE PARTIES

14. The Applicant prays the Court to:
 - i. Declare his claims admissible and well-founded, and grant the requests;
 - ii. Order the cessation of the unjustified and unlawful deductions, subject to a penalty of One Hundred Thousand (100,000) CFA francs per month of delay from the date of the judgment;
 - iii. Order the full refund of the said deductions, in addition to the interest legally due in the amount of Two Million Five Hundred Thousand (2,500,000) CFA francs;
 - iv. Order his unequivocal withdrawal from the imposed AMO;
 - v. Order compensation in the amount of Three Million (3,000,000) CFA francs for general damages; and
 - vi. Order the Respondent State to pay all costs.
15. The Respondent State prays the Court to:

- i. Rule as appropriate on the admissibility of the Application;
- ii. Dismiss the Application as unfounded; and
- iii. Order the Applicant to pay all costs.

V. JURISDICTION

16. Article 3 of the Protocol provides that:

1. The jurisdiction of the Court shall extend to all cases and disputes submitted to it concerning the interpretation and application of the Charter, this Protocol and any other relevant Human Rights instrument ratified by the States concerned.
2. In the event of a dispute as to whether the Court has jurisdiction, the Court shall decide.

17. Under Rule 49(1) of the Rules, “[t]he Court shall conduct preliminary examination of its jurisdiction and the admissibility of an Application in accordance with the Charter, the Protocol and these Rules”.

18. In light of the aforementioned provisions, the Court must, in every application, conduct a preliminary examination of its jurisdiction and rule on objections thereto, if any.

19. The Court notes that, in the present case, the Respondent State does not raise any objection to its jurisdiction. Nonetheless, in accordance with Rule 49(1) of the Rules, it must ensure that all requirements relating to all aspects of its jurisdiction are met before proceeding to hear the Application.

20. The Court considers that there is nothing in the record to suggest that it lacks jurisdiction, and therefore finds that it has:

- i. Material jurisdiction, insofar as the Applicant alleges violation of his rights protected under Articles 2, 3 and 5 of the Charter, Article 26 of

the ICCPR,¹ and Articles 1, 2 and 7 of the UDHR, instruments to which the Respondent State is a Party;

- ii. Personal jurisdiction, insofar as the Respondent State is a Party to the Protocol and has deposited the Declaration;
- iii. Temporal jurisdiction, insofar as the alleged violations occurred after the Respondent State became a Party to the Protocol; and
- iv. Territorial jurisdiction, insofar as the alleged facts and violations occurred on the Respondent State's territory.

21. In light of the foregoing, the Court finds that it has jurisdiction to hear the Application.

VI. ADMISSIBILITY

22. Under Article 6(2) of the Protocol, "[t]he Court shall rule on the admissibility of cases taking into account the provisions of Article 56 of the Charter."

23. Rule 50(1) of the Rules provides that "the Court shall ascertain the admissibility of an application filed before it in accordance with Article 56 of the Charter, and Article 6(2) of the Protocol. and the Rules of Court".

24. Rule 50(2) of the Rules, which restates the provisions of Article 56 of the Charter, provides that:

Applications filed before the Court shall comply with all of the following conditions:

- a. Indicate their authors even if the latter request anonymity;
- b. Are compatible with the Constitutive Act of the African Union and with the Charter;

¹ The Respondent State became a Party to the ICCPR on 16 July 1974.

- c. Are not written in disparaging or insulting language directed against the State concerned and its institutions or the African Union;
- d. Are not based exclusively on news disseminated through the mass media;
- e. Are sent after exhausting local remedies, if any, unless it is obvious that this procedure is unduly prolonged;
- f. Are submitted within a reasonable time from the date local remedies were exhausted or from the date set by the Court as being the commencement of the time limit within which it shall be seized with the matter; and
- g. Do not deal with cases which have been settled by those States involved in accordance with the principles of the Charter of the United Nations, or the Constitutive Act of the Organization of African Unity or the provisions of the Charter.

25. The Court notes that the Respondent State does not raise any objection to the admissibility of the Application. Nonetheless, the Court must ensure that all admissibility requirements under the aforementioned provisions are met before proceeding to examine the Application.

26. In this regard, the Court observes that the Applicant has clearly identified himself and that the Application therefore complies with Rule 50(2)(a) of the Rules.

27. The Court also notes that the Applicant's requests seek to protect his rights guaranteed by the Charter. Furthermore, one of the objectives of the Constitutive Act of the African Union, as set out in Article 3(h) thereof, is the promotion and protection of human and peoples' rights. Moreover, the Application contains no allegations that are incompatible with the Constitutive Act. The Court therefore finds that the Application is compatible with the Constitutive Act and the Charter, and that it meets the requirement of Rule 50(2)(b) of the Rules.

28. The Court notes that the Application is written in language that is neither

disparaging nor insulting to the Respondent State and its institutions, nor to the African Union, so that it complies with Rule 50(2)(c) of the Rules.

29. The Court further finds that the Application meets the requirement of Rule 50(2)(d) of the Rules, insofar as it is not based exclusively on news disseminated in the mass media, but rather concerns the legislative and regulatory provisions of the Respondent State.
30. As regards the requirement of exhaustion of local remedies under Rule 50(2)(e) of the Rules, the Court reiterates that every application brought before it must meet the requirement of exhaustion of local remedies,² unless such remedies are unavailable, ineffective or insufficient, or the proceedings thereof are unduly prolonged.³
31. In the present case, the Court notes that under Section 232 (2), (3) and (4) of Law No. 2016-046 of 23 September 2016 establishing the Organic Law on the organisation, the rules of operation, and the procedure followed by the Supreme Court (hereinafter referred to as “the Organic Law of 23 September 2016”),⁴ the Administrative Division of the Supreme Court has jurisdiction to hear petitions for misuse of power against express or implicit dismissal decisions issued by public authorities.
32. The Court further notes that the Applicant petitioned the Administrative Division of the Supreme Court challenging the implicit dismissal decisions pursuant to Article 232(2) of the Organic Law of 23 September 2016, owing to the fact that the Minister for Higher Education and the Minister for Social

² *Lohé Issa Konaté v. Burkina Faso* (merits) (5 December 2014) 1 AfCLR 314, § 77.

³ *Moussa Kanté and Others v. Republic of Mali* (admissibility) (25 June 2021) 5 AfCLR 222, § 32; *Koné Yaya v. Republic of Mali* (judgment) (2 December 2021) 5 AfCLR 748, § 45; *Wilfred Onyango Nganyi & 9 Others v. United Republic of Tanzania* (merits) (18 March 2016) 1 AfCLR 507, § 88.

⁴ Article 232, paragraphs 2, 3 and 4, provides: “...The Administrative Bench may only be seized of an appeal lodged against a decision within two (2) months of the notification or publication of the contested decision, except in matters relating to public works.

Failure by the competent authority to respond to a complaint within four (4) months shall be deemed a decision to reject it.

The parties concerned have a period of two (2) months from the day on which the aforementioned four (4)-month period expires to appeal against this implied decision.

Development and Solidarity did not respond to his petition . The Administrative Division of the Supreme Court dismissed the petition by Judgment of 7 August 2020.

33. The Court also observes that, in the Respondent State's judicial system, the Administrative Division of the Supreme Court is the highest court of the land in accordance with Article 111 of the Organic Law of 23 September 2016.⁵ Thus there is no remedy against the decision of the Administrative Division of the Supreme Court on the misuse of power.
34. The Court, therefore, finds that the Applicant exhausted local remedies, such that the Application meets the requirements of Rule 50(2)(e) of the Rules.
35. Regarding the requirement under Rule 50(2)(f) of the Rules relating to the filing of the Application within a reasonable time after exhaustion of local remedies or from the date determined by the Court as the starting point for the time limit for its seizure, the Court notes that it has adopted a case-by-case approach in assessing the reasonableness of the time within which it is seized.⁶ However, the Court has held that the time limit for filing an application before it is manifestly reasonable where it is relatively short.⁷
36. In the present case, the Court has found that local remedies were exhausted through the Judgment of the Administrative Division of the Supreme Court of 7 August 2020. The reasonable time limit will be calculated from that date, within the meaning of Rule 50(2)(f) of the Rules. In the present case, the Application was filed with the Court on 29 March 2021, that is, seven months

⁵ Article 111: "The Administrative Bench has jurisdiction to hear, at first and final instance, appeals for misuse of power brought against decrees, ministerial or interministerial orders, and acts of national or independent administrative authorities."

⁶ *Norbert Zongo and Others v. Burkina Faso* (preliminary objections) (21 June 2013) 1 AfCLR 197, § 121; *Alex Thomas v. United Republic of Tanzania* (merits) (20 November 2015) 1 AfCLR 465, § 73.

⁷ *Assad Milad v. Republic of Tunisia*, AfCHPR, Application No. 032/2018, Judgment of 26 June 2025 (merits and reparations), §69; *Democratic Republic of the Congo v. Republic of Rwanda*, AfCHPR, Application No. 007/2023, Judgment of 26 June 2025 (jurisdiction and admissibility), §. 373; *Niyonzima Augustine v. United Republic of Tanzania*, AfCHPR, Application No. 058/2016, Judgment of 13 June 2023 (merits and reparations), § 56; *Sébastien Germain Ajavon v. Republic of Benin* (merits and reparations) (29 March 2021) 5 AfCLR 94, §§ 86 and 87.

and 22 days after the exhaustion of local remedies. The Court considers that this time limit is manifestly reasonable. Consequently, the Application complies with Rule 50(2)(f) of the Rules.

37. Finally, the Court finds that the present Application does not concern a matter previously settled in accordance with the principles of the Charter of the United Nations, the Constitutive Act of the African Union or the provisions of the Charter and therefore complies with Rule 50(2)(g) of the Rules.
38. In light of the foregoing, the Court finds that the Application meets all the admissibility requirements set out in Article 56 of the Charter and restated in Rule 50(2) of the Rules. Accordingly, it declares the Application admissible.

VII. MERITS

39. The Court recalls that the Applicant alleges violations of his right to inherent dignity, protected by Article 5 of the Charter and Article 1 of the UDHR; his right to non-discrimination, protected by Article 2 of the Charter and Article 26 of the ICCPR; and his right to equality before the law and to equal protection of the law, protected by Article 3 of the Charter and Article 7 of the UDHR.
40. The Court will examine each of the Applicant's allegations successively. However, the Court notes that notwithstanding the fact that the Applicant relies, in addition to the Charter, on the ICCPR and the UDHR to support his allegations, it will, in line with its jurisprudence, consider the said allegations solely in light of the corresponding provisions of the Charter, which is the principal instrument it applies.⁸

⁸ *Abdul Omary Nando and Others v. United Republic of Tanzania*, AfCHPR, Application Nos. 040/2020 and 043/2020, Judgment of 6 March 2026 (merits and reparations), para. 88.

A. Alleged violation of the right to dignity

41. The Applicant avers that the Respondent State violated his right to inherent dignity, as protected by Article 5 of the Charter and Article 1 of the UDHR.
42. In this regard, he argues that since 2009, regular deductions have been made from his salary, without his consent, and paid to CNAM as compulsory health insurance contributions.
43. He further submits that those deductions, consequent losses and deprivation of income suffered over the past 12 years, have caused him and his family significant psychological distress. According to the Applicant, this psychological distress constitutes an act of torture, thereby violating his right to dignity.

*

44. In response, the Respondent State contends that the application of a duly adopted and enacted law does not constitute any fault, a violation of rights or an abuse of power in any country in the world.
45. The Respondent State submits that it cannot be held at fault given that the Applicant, like all civil servants, is subject to the AMO scheme and that the corresponding contributions are deducted from his salary in accordance with Decree No. 10-601/P-RM of 18 November 2010, which establishes the contribution rates applicable to the AMO scheme.
46. The Respondent State contends that, in May 2010, in the quest to ease the social tensions caused by the AMO law, the Government, in agreement with the major workers' trade union organisations, authorized workers who did not wish to join AMO to submit individual requests for exemption no later than 15 December 2011. The decision was announced through a statement in the Essor newspaper on 21 May 2011 and on subsequent dates.

47. The Respondent State argues that workers who failed to submit a request for exemption before the aforementioned deadline could no longer withdraw from the AMO scheme, as the law makes membership mandatory. It further contends that the Applicant's request was not received by CANAM until March 2017, that is, six years and three months after the deadline for submitting requests for exemption had elapsed.
48. The Respondent State therefore submits that it did not violate the Applicant's rights protected by Article 5 of the Charter and Article 1 of the UDHR.

49. Article 5 of the Charter, whose violation is alleged by the Applicant, provides that:

“Every individual shall have the right to the respect of the dignity inherent in a human being and to the recognition of his legal status. All forms of exploitation and degradation of man particularly slavery, slave trade, torture, cruel, inhuman or degrading punishment and treatment shall be prohibited”.

50. The Court notes that the violation alleged by the Applicant is anchored on two arguments: first, that the deductions were made without his consent and, second that the deductions caused psychological suffering amounting to torture.

i. Allegation based on lack of consent

51. The Court recalls that human rights are an indivisible whole, in the sense that all rights, whether civil, political, economic, social or cultural, are interdependent and of equal importance. They cannot be ranked or

dissociated, as the violation of one right may affect the enjoyment of others.⁹

52. In this regard, the Court notes that although the Applicant alleges violation of his right to inherent dignity due to deductions effected on his salary without his consent under a health insurance scheme, the matter also relates to the right to health provided for in Article 16 of the Charter, which enshrines the right of every individual to *“enjoy the best attainable state of physical and mental health”* and its corollary, namely the obligation on each *“State Party to the Charter [...] to take the necessary measures to protect the health of their people and to ensure that they receive medical attention when they are sick”*.
53. The Court notes that mandatory national health insurance established by law enables the State to guarantee the effective enjoyment of the right to health, insofar as it ensures the pooling of risks for the target population, irrespective of income or health status, thereby making health care accessible and rendering the right practical and effective.¹⁰
54. The Court observes that, where such insurance scheme is established, insured persons must necessarily pay contributions to ensure the proper functioning and sustainability of the protection system put in place, so that such contributions serve the purpose of social protection for the insured. It follows that the principle of national solidarity and the State’s obligation to protect the community takes precedence over the individual consent of an employee.
55. Moreover, such salary deductions, when used to fund a universal health care system, contribute to the preservation of collective human dignity by providing individuals free or affordable health care.
56. The Court emphasises, however, that this principle cannot be general and

⁹ Paragraph 5 of the Vienna Declaration and Programme of Action, adopted on 25 June 1993 at the World Conference on Human Rights in Vienna.

¹⁰ See in this regard, ECHR (Application 1443/19), *Cedric Anakha DE KOK v. the Netherlands* (Application No. 1443/19) §§ 12 et seq.

absolute, since the amount deducted may become incompatible with human dignity where it reduces individuals to a state of deprivation such that they can no longer meet essential needs.

57. The Court notes in this case, based on the Applicant's August 2017 payslip, that the amount deducted in respect of AMO corresponds to 3% of his net salary.
58. The Court finds that the amount deducted in respect of AMO cannot, clearly, undermine the Applicant's right to a dignified and decent life.
59. The Court therefore considers that this argument is not well founded.

ii. Allegation based on psychological suffering

60. The Court recalls the Applicant's claim that the deductions from his salary caused him and his family psychological distress amounting to torture.
61. The Court recalls its position that deductions from the Applicant's salary does not, per se, amount to torture nor does it violate his right to dignity, but rather contribute to give effect to his right to health.
62. The Court notes that the Applicant does not provide any evidence that would enable it to assess the existence and severity of the psychological suffering he claims to have endured. Nor does any such evidence emerge from the record. Consequently, the Court finds that the argument is unsubstantiated.
63. The Court therefore dismisses the Applicant's allegation and finds that the Respondent State did not violate Article 5 of the Charter.

B. Alleged violation of the right to non-discrimination and the right to equality before the law

64. The Applicant alleges that the Respondent State violated his rights

guaranteed by Articles 2 and 3 of the Charter, Article 26 of the ICCPR, and Articles 2 and 7 of the UDHR.

65. He submits that the AMO law enacted by the Respondent State is discriminatory and violates his right to equality before the law insofar as it does not apply to all citizens, but only to salaried workers.

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66. The Respondent State contends that it did not violate Articles 2 and 3 of the Charter. It submits that the AMO law is generally applicable and thus applies to all employees in both the private and public sectors within the meaning of the Labour Code.

67. The Court notes that Articles 2 and 3 of the Charter provide that:

Article 2:

Every individual shall be entitled to the enjoyment of the rights and freedoms recognized and guaranteed in the present Charter without distinction of any kind such as race, ethnic group, colour, sex, language, religion, political or any other opinion, national and social origin, fortune, birth or other status.

Article 3

- 1 Every individual shall be equal before the law.
- 2 Every individual shall be entitled to equal protection of the law.

68. The Court notes that the Applicant alleges discrimination arising from the AMO law, as he considers that it establishes a distinction between non-salaried citizens and salaried workers in both the private and public sectors, and that, as a result, the Respondent State is in violation of the principle of equality of citizens before the law.

69. The Court notes in line with its established jurisprudence that the right to non-discrimination is linked to the right to equality before the law and to equal protection of the law.¹¹
70. The Court has also held that the principle of equality before the law does not necessarily require equal treatment in all circumstances.¹² It may also allow for differential treatment of individuals or groups in objectively different situations, provided that such treatment pursues a legitimate aim, and is proportionate to the aim sought.¹³
71. In the present case, the Court must determine whether the application of the AMO law to a specific category of citizens, namely, salaried employees in the private and public sectors, constitutes discrimination and a violation of equality in relation to other categories of citizens not subject to that law.
72. Regarding the first criterion, the Court notes that the contested law concerns a specific regime applicable to salaried private and public sector employees.¹⁴ By virtue of their relationship of subordination and the nature of remuneration, such employees are in a different legal and economic situation from that of self-employed or unemployed persons. The circumstances of persons subject to the AMO law justify a distinct legislative approach adopted by the Respondent State in the exercise of its regulatory powers.

¹¹ *Tanganyika Law Society and Others v. United Republic of Tanzania* (merits) (14 June 2013) 1 AfCLR 34, § 119; *African Commission on Human and Peoples' Rights v. Kenya* (merits) (26 May 2017) 2 AfCLR 9, § 138.

¹² *Zongo and Others v. Burkina Faso* (merits), *supra*, §. 167.

¹³ *Kambole v. Tanzania*, *supra*, §. 87.

¹⁴ Article 4 of the Act provides that:

The following are subject to Compulsory Health Insurance:

- civil servants of the State and local authorities, members of the armed forces and members of parliament;
- workers within the meaning of the Labour Code;
- pensioners from the public and private sectors, parliamentary pensioners and military pensioners;
- employers in the public and private sectors.

Bodies managing public pension schemes are treated as employers subject to Compulsory Health Insurance.

73. In this regard, the Court notes that legislature enjoys a “wide margin of discretion”.¹⁵ The Court therefore observes that the Respondent State acted within the limits of that margin in defining the scope of the AMO law, as the distinction between non-salaried citizens and salaried employees in both the private and public sectors is a classic and universally recognised distinction in social law.¹⁶
74. As regards the second criterion, the Court observes that the organisation of a legal regime or its application to specific sectors of activity does not, in itself, constitute discrimination, provided that the inclusion or exclusion criteria are informed by technical and objective factors. In this regard, the Court notes that the difference in situation established in the preceding paragraph constitutes sufficient objective basis for the legislature to enact specific rules applicable exclusively to private and public sector employees.
75. Finally, regarding the proportionality criterion, the Court emphasises that the general aim of a mandatory national health insurance scheme is to guarantee universal access to health care while protecting individuals against the financial risks associated with illness. In the present case, Section 2 of the law on mandatory health insurance provides insured persons and their dependents health care costs coverage for illness and maternity, in return for a modest financial contribution by way of salary deductions. As such, the automatic application of the law to persons falling within the targeted categories cannot be regarded as disproportionate in relation to the objective pursued.
76. Consequently, the Court finds that the distinction established by the AMO law is based on an objective and reasonable ground linked to the management of workers in the Republic of Mali. The law is therefore not discriminatory in nature and does not contradict the principle of equality

¹⁵ See: ECHR, *Stec and Others v. the United Kingdom*, 12 April 2006, §§ 51

¹⁶ See Recommendation No. 198 of 2006 on the Employment Relationship, issued by the International Labor Organisation.

before the law.

77. In light of the foregoing, the Court finds that the Respondent State did not violate Articles 2 and 3 of the Charter.

VIII. REPARATIONS

78. The Applicant prays the Court to order the Respondent State to cease all unjustified and unlawful deductions from his salary, subject to a penalty of One Hundred Thousand (100,000) CFA francs per month of delay from the date of the judgment, the full refund of the said deductions together with legally due interest, his unequivocal withdrawal from the mandatory AMO scheme, and compensation in the amount of Two Million (2,000,000) CFA francs for all prejudice suffered.

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79. The Respondent State generally prays that the Applicant's requests be dismissed, without making any specific submissions on reparations.

80. The Court notes that, under Article 27(1) of the Protocol, "if the Court finds that there has been violation of a human or peoples' right, it shall make appropriate orders to remedy the violation, including the payment of fair compensation or reparation".
81. The Court reiterates that it has found that the Respondent State did not violate the Applicant's rights. There is, therefore, no basis for ordering reparations.
82. The Court therefore dismisses the Applicant's requests for reparations.

IX. COSTS

83. The Applicant makes no submissions on costs.

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84. The Respondent State, for its part, requests that the Applicant bear the costs.

85. Under Rule 32 of the Rules, “[u]nless otherwise decided by the Court, each party shall bear its own costs, if any”.

86. The Court notes that proceedings before it are free of charge and that, although the Respondent State requests that the costs be borne by the Applicant, it does not demonstrate that it incurred any costs.

87. The Court finds, in the present case, that there are no grounds warranting a departure from the principle laid down in that provision.

88. Consequently, the Court decides that each Party shall bear its own costs.

X. OPERATIVE PART

89. For these reasons:

THE COURT,

Unanimously,

On jurisdiction

- i. Declares that it has jurisdiction.

On admissibility

- ii. *Declares* the Application admissible.

On the merits

- iii. *Holds* that the Respondent State did not violate the Applicant's right to inherent dignity, protected in Article 5 of the Charter;
- iv. *Finds* that the Respondent State did not violate the Applicant's right to non-discrimination and equality before the law, protected by Articles 2 and 3 of the Charter.

On reparations

- v. *Dismisses* the requests for reparations.

On costs

- vi. *Orders* each Party to bear its own costs.

Signed:

Blaise TCHIKAYA, President; 

Chafika BENSAOULA, Vice-President; 

Rafaâ BEN ACHOUR, Judge; 

Suzanne MENGUE, Judge; 

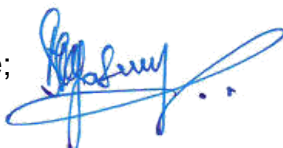
Tujilane R. CHIZUMILA, Judge; 

Stella I. ANUKAM, Judge; 

Imani D. ABOUD, Judge; 

Dumisa B. NTSEBEZA, Judge; 

Dennis D. ADJEI, Judge; 

Duncan GASWAGA, Judge; 

and Robert ENO, Registrar. 

Done at Arusha, on the Twenty-Fourth Day of September in the Year Two Thousand and Twenty-Six, in French and English, the French text being authoritative.

