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**STATUS OF HUMAN RIGHTS IN THE REPUBLIC OF MALI
FOR THE 43RD SESSION OF THE
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Introduction

1. The European Centre for Law and Justice (ECLJ) is an international, non-governmental organization dedicated to promoting and protecting human rights around the world. The ECLJ also holds Special Consultative status before the United Nations Economic and Social Council. This report discusses the status of human rights in the Republic of Mali (Mali) for the 43rd Session of the Universal Periodic Review (UPR).

Background

2. Mali is located in West Africa and has an estimated population of 20.7 million people.¹ 93.9% of the total population identify as Muslim² (primarily Sunni), 2.8% as Christian (approximately 476,000),³ 0.7% as Animist, and 2.5% have no religious affiliations.⁴ Mali's previous review was held on January 16, 2018.⁵ As a result of the review, Mali received 194 recommendations, of which Mali supported 187.⁶ Mali received numerous recommendations focused on the need to ban female genital mutilation (FGM).⁷ Additionally, Mali received recommendations regarding violations of basic human rights, including childhood marriage and sexual exploitation of children.⁸ In its 2022 World Watch List, a human rights watchdog organization, Open Doors, listed Mali as the 24th worst place for Christians to live due to Islamic oppression, ranking the persecution level as "very high." Remarkably, even though severe Christian persecution exists in Mali, it did not receive any recommendation specific to religious persecution and religious freedom.

Legal Framework

Religious Liberty

3. According to Article 2 of the Constitution of Mali, "[e]very Malian shall be born and remain free and equal in rights and obligations. All discrimination founded on social origin, color, language, race, sex, religion and political opinion shall be prohibited."⁹ Article 4 of the Constitution states that "[e]very person shall have the right to freedom of thought, conscience, religion"¹⁰

4. Additionally, Article 58 of the Penal Code of Mali criminalizes religious, racial, or ethnic discrimination, and violators are subject to imprisonment of up to five years.¹¹ Article 59 criminalizes the prevention of the exercise of one's human rights, and violators are subject to imprisonment of up to two years.¹² Despite these purported religious protections, Christians in Mali are facing severe persecution, and the government has failed to protect them.

5. Mali is a party to the International Covenant on Civil and Political Rights (ICCPR) and has a responsibility to uphold the rights enshrined in it.¹³ Articles 18, 19, and 27 of the ICCPR guarantee protections for the rights of freedom of religion and speech.

Female Genital Mutilation

6. Thirty-one countries still practice FGM, but Mali is one of four countries where it is most prevalent. While Article 1 of the Malian Constitution provides that “[t]he human person shall be sacred and inviolable,”¹⁴ a recent report indicated that Mali refuses to criminalize FGM.¹⁵

7. Mali is a party to the Convention on the Rights of Child (CRC) and the Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa (Maputo Protocol).¹⁶ Article 19 of the CRC requires that children be protected from all forms of physical or mental violence.¹⁷ Further, Article 5 (b) of the Maputo Protocol requires States Parties to “take all necessary legislative and other measures to eliminate such practices, including . . . prohibition, through legislative measures backed by sanctions, of all forms of female genital mutilation, scarification, medicalisation and para-medicalisation of female genital mutilation and all other practices in order to eradicate them.”¹⁸

8. FGM violates the human rights of women and children.¹⁹ “Women’s rights organizations have jointly filed a case at the Economic Community of West African States [] Court of Justice,” challenging Mali’s failure to create legislation and a policy framework for criminalizing FGM.²⁰ Although, the Malian government proposed numerous bills to prohibit FGM between 2002 and 2017, none of them have passed and, therefore, FGM remains legal.²¹

Child Marriage

9. Child marriage is a significant problem in Mali. Under Mali’s Code of Persons and the Family, the minimum age for girls to marry is sixteen, and the minimum age for boys is eighteen.²² However, “individuals older than 15 years old can marry with the authorisation of the Chief de Circonscription Administrative and parental consent.”²³

10. Child marriage also violates international treaties such as the CRC and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).²⁴ Article 9 of the CRC defines a child as “every human being below the age of eighteen years,”²⁵ and Article 16 of CEDAW prohibits child marriages.²⁶ Mali’s current laws violate both of these treaties.

Instances of Religious Persecution

11. In 2022, Mali was ranked the 24th worst country “where Christians face the most extreme persecution.”²⁷ “Christians in the northern regions of Mali—where jihadists and extremist Muslim Fulani herdsmen are active—experience the most difficulties for their faith.” Mali is situated in the Sahel region of West Africa where the Islamic State and al-Qaeda operate.²⁸ Malians who convert from Islam to Christianity are particularly vulnerable to persecution.

12. Mali has been in a state of destabilization since 2012. Conflict and violence have expanded “toward the central regions of Mopti and Gao since 2018,” creating over 249,000

IDPs in 2021.²⁹ The Islamic extremists show no signs of relenting, as they just recently attacked a Malian army checkpoint, which resulted in the death of at least six people.³⁰

13. Christians in Mali (especially in the north) experience high levels of persecution due to Islamic extremist oppression. Mali has failed to contain the insurgency from extremists.³¹ Since the insurgency began in 2012, Islamic extremists have burned down churches and terrorized and killed Christians, which has forced the Christians to flee the area. To date, the persecution is escalating with continued attacks and threats of attacks from the jihadists, and many Christians are still not able to return to the area. Additionally, some Christians that have returned have been accused of proselytizing and imprisoned.

14. While Mali's northern regions see the most widespread persecution against Christians, jihadists are increasingly becoming a threat to Christians in southern Mali (where most Christians reside) especially in areas that are not controlled by the state.

15. In areas controlled by Islamic extremists, Christians are also denied resources and access to water and land. Additionally, extremist groups are terrorizing communities by forcing rural communities to convert to Islam by taking people's property and preventing people from bringing their crops to market.³² Furthermore, anyone who refuses to convert to Islam is at risk of being killed.³³ Christians have to be cautious about practicing their faith openly because they are constantly targeted with threats and physical attacks. Some even coming directly from imams incessantly threatening Christians in their teachings.³⁴

16. Ansar Dine (Defenders of the Faith), an Islamic terrorist group, is attempting to enforce Sharia law in the entire country, singling out Christians and killing them in an attempt to "cleanse Mali of Christianity."³⁵ They are now moving into the southern parts of Mali where, until recently, there has been less Christian persecution.³⁶

17. In June 2022, jihadists entered several villages over two days, killing at least 132 people.³⁷ Several survivors were interviewed and said they heard gunfire and jihadists shouting "Allahu akbar."³⁸ One of the survivors said he witnessed an old man being shot and heard a bullet go past his ear before he became unconscious; when he woke up around midnight, he felt bodies on top of him and the smell of blood and smoke in the air.³⁹

18. In April 2021, a local Christian leader reported that more than fifty Malian Christians in the Dogon area had been shot, beheaded, or burned to death by extremists. Additionally, around 95% of the area churches had been destroyed.⁴⁰

19. Beatrice Stockli, a Christian Swiss missionary, who was kidnapped from Timbuktu in northern Mali in January 2016 was executed in September of 2020.⁴¹ After she was kidnapped, a masked speaker claimed responsibility "on behalf of Al-Qaeda in the Islamic Maghreb (AQIM): 'Beatrice Stockli is a Swiss nun (sic) who declared war against Islam in her attempt to Christianise Muslims.'"⁴² About a year after Stockli's execution, Gloria Argoti, a nun held hostage with Stockli, was released after being held by al-Qaeda for five years.

20. In June 2019, a predominately Christian village was attacked with approximately 100-135 people massacred by Islamic extremists.⁴³ Around fifty jihadists circled the village at night, gunning down anyone who attempted to flee and setting fire to everyone and everything, with only a few survivors able to escape.⁴⁴ Many of the bodies were completely burned and unrecognizable.⁴⁵

21. 2019 was one of Mali's worst years for violence since 2012, with extremists destroying Christian villages and forcing them to flee.⁴⁶

22. In July 2018, it was reported that jihadists attempted to murder Naomi, a Christian convert from Islam. The murder attempts at her home were not successful, but while her husband was on a business trip, he was gunned down. Naomi's husband was killed for his faith and because he married a Christian convert. Naomi found out about her husband's death from his colleagues and, to this day, his body has not been recovered. After Naomi's husband was murdered, she had to flee to a refugee camp.

23. While Mali's laws provide protections of religious freedom, it is clear that the government is failing to protect Christians from violent extremism.

Female Genital Mutilation

24. A recent study reported that in Mali 89% of women are circumcised, and most before turning five (76% before the age of five, 16% between the ages of five to nine, and 4% between the ages of ten to fourteen). Additionally, 70% of women and 69% of men think that FGM is required by their religion, and three-quarters of men and women believe FGM should still be practiced. Furthermore, women who have been circumcised are three times more likely to believe that their religion requires FGM.

25. FGM is deeply rooted in social and religious norms in Mali where a woman is considered "unclean" if she is uncircumcised. Uncircumcised women have difficulties in getting married and are excluded from society. Additionally, the subject of FGM is taboo, so women have to deal with the physical and psychological consequences in silence. Coulibaly, a young man working with NGOs in his village, shared the difficulties: "Our challenges remain high in a society where girls do not have a say when it comes to female genital mutilation, a society where young people are not consulted when it comes to our rights. The fight is hard but noble."

26. Due to a lack of government intervention, human rights organizations have begun the work of fighting FGM and protecting women. One organization, Plan International, is working with local authorities, government agencies, and other organization to eradicate FGM in 180 villages and 5 regions. As a result, 92 villages are now FGM free.

27. Due to NGOs drawing awareness to FGM, former doctors and "excisers" now refuse to perform FGM. A doctor, Kouradjei, recounts his experience with stopping the practice:

Before, when we talked about abandoning female genital mutilation, we were banned from the village... I gave up the knife a long time ago. During my career, I have seen some awful things. I now know the consequences of the practice of female genital mutilation and I am convinced that it has no advantages for women.

Additionally, a village chief has said: "In our village, men, women and children are now aware of the consequences of FGM. Our excisers are being converted into activists for the

abandonment of the practice. Our daughters are no longer excised. We have abandoned the practice of [FGM].”

28. Mali’s lack of laws criminalizing FGM are in contravention to the CRC and the Maputo Protocol.

Child Marriage

29. Mali has the sixth highest rate of child marriage globally.⁴⁷ Around 54% of girls marry before eighteen, with 16% of those girls marrying before fifteen.⁴⁸ Around 2% of boys are married before they turn eighteen.⁴⁹ For years there have been discussions of drafting laws against child marriage, but currently no such laws exist.⁵⁰ In the past, religious leaders have opposed the proposed laws.⁵¹ Recently, however, some religious leaders have spoken out in favor of the proposed laws.⁵²

30. Poverty is a significant factor in child marriages, and Mali is one of the poorest countries in the world.⁵³ Many families view child marriage as a way to alleviate financial pressure.⁵⁴ The fallout of COVID-19 has increased the prevalence of child marriages due to an increase in poverty and children dropping out of school.⁵⁵ Another reason some parents force their children into marriage is to avoid potential shame of promiscuity and children being born before marriage.⁵⁶

31. In 2021, Mali joined multiple African governments committing to the Generation Equality Forum to end child marriage.⁵⁷ Additionally, the government is drafting a national strategy to end child marriage.⁵⁸ Mali has also joined the Sustainable Development Goals to end child marriages by 2030.⁵⁹ However, despite these efforts, Mali has yet to pass any legislation banning child marriages. The lack of a law prohibiting child marriage is in direct contravention to the CEDAW, which expressly prohibits child marriages.⁶⁰

32. Due to the lack of any law banning child marriages, committees led by influential local community, religious, educational, youth, elderly, and female leaders are being created in an effort to address the issue. These leaders are being trained by NGOs on the benefits of ending child marriage and allowing girls to finish their education and contribute to the community. From this training, the committee members are persuading members of the community to not force their girls to get married. The president of one committee said: “Thanks to the involvement of the village chief, village leaders, traditional leaders and religious leaders, we believe that one day early marriage will be completely abandoned in our community”

33. S, a fourteen-year-old girl whose father had died, narrowly escaped an early marriage. S’s aunt invited S’s mom to a learning session discussing the consequences of such a decision. S’s mom then understood “the harmful effects of child marriage and abandoned the idea.”

34. T, a fifteen-year-old girl, overheard her mom discussing marriage arrangements. She then informed her teacher and classmates. “That evening the principal of the school went immediately with T to her family home. T was scared, but her bravery paid off. Thanks to an explanation of the harms of early marriage, T’s parents changed their minds.” Her arranged marriage was cancelled.

35. F, a twelve-year-old girl, had fled northern Mali with her family due to Islamic persecution and was living in a refugee camp in south-eastern Mauritania near the Malian border. Her uncle intended to forcibly marry her off to his son, who herds cattle in Mali. When F found out about this, she ran away, but she was found and brought back to her parents and her uncle tied her up. When she escaped the second time, a “protection team and community leaders were able to persuade the family to call off the marriage and allow [F] to continue her education in the camp.”

Recommendations

36. Mali must uphold its legal obligation to protect minorities, especially Christians who are being brutally murdered by Islamic extremists. Mali needs to regain control of the country and protect Malian Christians from Islamic extremist groups. Additionally, Malian officials need to uphold the penal code and prosecute and punish those who are taking away Christians’ rights to freedom of religion.

37. Further, FGM is an extremely dangerous problem rooted in Mali’s religious and social customs. Mali must adhere to the FGM UPR recommendations from numerous countries, *inter alia*, France, Czechia, Canada, Germany, and criminalize FGM. Additionally, government and community leaders need to begin educating people about the harmful impact of FGM and create places for the victims to receive physical and psychological help. While it is commendable that Mali has allowed NGOs to work on this issue and some progress has been made, the government itself must intervene through legislation and preventative measures.

38. Mali has taken steps to end child marriage, but it needs to develop a legal framework to criminalize child marriage. Mali’s minimum age for women to marry is sixteen. However, many girls (even younger than sixteen) are forced into child marriages by their parents due to cultural norms and poverty. Thankfully, community leaders have stepped in to help protect these girls. While these efforts help, they don’t have the force of law. Therefore, Mali must enact legislation to raise the minimum age limit for marriage to eighteen in all circumstances and criminalize child marriage.

¹ *Mali*, THE WORLD FACTBOOK, <https://www.cia.gov/the-world-factbook/countries/mali/summaries> (last visited July 19, 2022) [hereinafter THE WORLD FACTBOOK].

² *Id.*

³ *Id.* According to a more recent estimate from Open Doors, there are 476,000 Christians in Mali. *Mali*, OPEN DOORS UK, <https://www.opendoorsuk.org/persecution/world-watch-list/mali/> (last visited Aug. 1, 2022).

⁴ THE WORLD FACTBOOK, *supra* note 1.

⁵ *Mali*, OHCHR, https://www.ohchr.org/sites/default/files/lib-docs/HRBodies/UPR/Documents/Session29/ML/MALI_Infographic_29th.pdf (last visited Aug. 1, 2022).

⁶ *Id.*

⁷ See *UPR of Mali (3rd Cycle – 29th Session): Thematic List of Recommendations*, OHCHR, <https://www.ohchr.org/sites/default/files/lib-docs/HRBodies/UPR/Documents/Session29/ML/MatriceRecommendationsMali.docx> (last visited Aug. 1, 2022).

⁸ See *id.*

⁹ CONST. OF MALI 1992, art. 2, https://www.constituteproject.org/constitution/Mali_1992.pdf.

¹⁰ *Id.* art. 4.

¹¹ PENAL CODE art. 58 (Mali).

¹² *Id.* art. 59.

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- ¹³ *Status of Ratification for Mali*, UN TREATY BODY DATABASE, https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=107&Lang=en (last visited Aug. 1, 2022).
- ¹⁴ CONST. OF MALI 1992, art. 1, https://www.constituteproject.org/constitution/Mali_1992.pdf.
- ¹⁵ *Women's Rights Organizations Challenge Mali's Lack of Anti FGM Law at the ECOWAS Court of Justice*, EQUAL. NOW (Apr. 12, 2021), https://www.equalitynow.org/press_release/mali_fgm_ecowas_2021/.
- ¹⁶ Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, July 11, 2003, <https://www.ohchr.org/sites/default/files/Documents/Issues/Women/WG/ProtocolontheRightsofWomen.pdf>.
- ¹⁷ Convention on the Rights of the Child, Nov. 20, 1989, 1577 U.N.T.S. 3, art. 19.
- ¹⁸ Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, *supra* note 16.
- ¹⁹ See *Female Genital Mutilation*, WHO (2012), https://apps.who.int/iris/bitstream/handle/10665/77428/WHO_RHR_12.41_eng.pdf;jsessionid=1A244954682B9DC5DCA21C6FE1174C44?sequence=1.
- ²⁰ *Women's Rights Organizations Challenge Mali's Lack of Anti FGM Law at the ECOWAS Court of Justice*, *supra* note 15.
- ²¹ *Mali: Failure to Criminalise FGM a Violation of Women's Fundamental Rights – UN Experts*, OHCHR (June 24, 2020), <https://www.ohchr.org/en/news/2020/06/mali-failure-criminalise-fgm-violation-womens-fundamental-rights-un-experts>.
- ²² *African Court Finds Mali's Family Law Violates Human Rights Obligations*, INT'L. JUST. RES. CTR. (May 29, 2018), <https://ijrcenter.org/2018/05/29/african-court-finds-malis-family-law-violates-human-rights-obligations/#:~:text=59.,See%20id>.
- ²³ *Mali*, GIRLS NOT BRIDES, <https://www.girlsnotbrides.org/learning-resources/child-marriage-atlas/regions-and-countries/mali/> (last visited Aug. 1, 2022) [hereinafter GIRLS NOT BRIDES].
- ²⁴ *Ratification Status for Mali*, *supra* note 13.
- ²⁵ Convention on the Rights of the Child, *supra* note 17, art. 9.
- ²⁶ Convention on the Elimination of All Forms of Discrimination against Women, Dec. 18, 1979, 1249 U.N.T.S. 1, art. 16.
- ²⁷ *World Watch List 2022*, OPEN DOORS, <https://www.opendoorsusa.org/christian-persecution/world-watch-list/> (last visited Sep. 1, 2022).
- ²⁸ Ena Dion & Joseph Sany, *After Two Coups, Mali Needs Regional Support to Bolster Democracy*, U.S. INST. OF PEACE (Dec. 9, 2021), <https://www.usip.org/publications/2021/12/after-two-coups-mali-needs-regional-support-bolster-democracy>.
- ²⁹ *Mali*, INTERNAL DISPLACEMENT MONITORING CTR. (May 18, 2022), <https://www.internal-displacement.org/countries/mali#:~:text=Around%20350%2C000%20people%20were%20living,or%20in%20temporary%20informal%20sites>.
- ³⁰ Baba Ahmed, *Attack Outside Mali's Capital Kills 6, Wounds Others*, ABC (Jul. 15, 2022), <https://abcnews.go.com/International/wireStory/attack-malis-capital-kills-wounds-86897921>.
- ³¹ *Id.* (“Mali has struggled to contain an Islamic extremist insurgency since 2012.”).
- ³² *Jihadists Terrorize Malian Communities*, PERSECUTION.ORG (Dec. 3, 2021), <https://www.persecution.org/2021/12/03/jihadists-terrorize-malian-communities/>.
- ³³ *Id.*
- ³⁴ *Id.*
- ³⁵ Gary Lane, *Mali Christians Welcome the French Army*, CHRISTIAN BROADCASTING NETWORK, <https://www1.cbn.com/global/lane-5> (last visited Aug. 1, 2022).
- ³⁶ *Id.*
- ³⁷ Baba Ahmed, *Survivors Recount Mali's Deadliest Attack Since Coup*, AP NEWS (June 26, 2022), <https://apnews.com/article/politics-africa-mali-d2d0965352904ef4a1467d74fd7b88bb>.
- ³⁸ *Id.*
- ³⁹ *Id.*
- ⁴⁰ *Id.*
- ⁴¹ *Swiss Woman, Hostage Almost 5 Years, Killed by Islamist Extremists in Mali*, WORLD WATCH MONITOR (Oct. 10, 2020), <https://www.worldwatchmonitor.org/2020/10/swiss-woman-hostage-almost-5-years-killed-by-islamist-extremists-in-mali/>.
- ⁴² *Id.*
- ⁴³ Barnabas Fund, *Christians Massacred in Mali by Extremists*, ETERNITY (July 11, 2019, 2:15 PM), <https://www.ernitynews.com.au/world/christians-massacred-in-mali-by-extremists/>.
- ⁴⁴ *Id.*
- ⁴⁵ *Id.*

⁴⁶ *Heavily-Armed Jihadists Murder 27 People in Attacks on Christian Villages in Mali*, BARNABAS FUND (June 2, 2020), <https://www.barnabasfund.org/us/news/heavily-armed-jihadists-murder-27-people-in-attacks-on-christian-village/>.

⁴⁷ *Mali*, SAVE THE CHILDREN, https://resourcecentre.savethechildren.net/pdf/child_marriage_briefing_2021_mali_eng_2nd2.pdf/ (last visited Aug. 1, 2022) [hereinafter SAVE THE CHILDREN].

⁴⁸ GIRLS NOT BRIDES, *supra* note 23.

⁴⁹ *Id.*

⁵⁰ *Id.*

⁵¹ SAVE THE CHILDREN, *supra* note 47.

⁵² *Id.*

⁵³ GIRLS NOT BRIDES, *supra* note 23.

⁵⁴ *Id.*

⁵⁵ SAVE THE CHILDREN, *supra* note 47.

⁵⁶ GIRLS NOT BRIDES, *supra* note 23.

⁵⁷ Leah Rodriguez, *\$40B for Gender Equality: 14 Biggest Pledges from the Generation Equality Forum in Paris*, GLOBAL CITIZEN (July 2, 2021), <https://www.globalcitizen.org/en/content/generation-equality-forum-40-billion-commitments/?template=next>.

⁵⁸ SAVE THE CHILDREN, *supra* note 47.

⁵⁹ GIRLS NOT BRIDES, *supra* note 23.

⁶⁰ Convention on the Elimination of All Forms of Discrimination against Women art 16, *supra* note 26.