

All Survivors Project Submission to the United Nations Human Rights Committee

140th Session: 4–28 March 2024

All Survivors Project (ASP) provides research to improve the global response to every survivor of sexual and gender-based violence in situations of conflict and displacement. We document cases of abuse against men and boys to supplement work on girls and women to support a global response that includes all victims of violence. We are an independent, international research project working with individuals and organisations to strengthen communities by upholding the dignity of each individual.

ASP makes this submission to the United Nations (UN) Human Rights Committee in advance of its adoption of the List of Issues Prior to Reporting on Mali at the 140th Session. This submission is based on existing published reports, and it focuses on sexual violence against men and boys. It relates to Articles 2, 7 and 10 of the International Covenant on Civil and Political Rights (the Covenant).

Conflict-Related Sexual Violence against Men and Boys in Mali

Since 2012, all parties to the internal conflict in Mali, including jihadist groups, the Malian security forces, ethnic-based armed groups and separatist rebels, have committed violations of human rights and international humanitarian law, including conflict-related sexual violence (CRSV).¹

In 2022, Lawyers Without Borders Canada (LWBC) and the International Federation for Human Rights (FIDH) stated that “since 2012, it has been observed that conflict-related sexual violence has become rooted as a practice and strategy in Mali”.² The organisations noted that the spread of the conflict to the rest of the country has caused an increase in the scale of conflict related sexual violence which is now being perpetrated by “men belonging to extremist groups, local armed groups, militias, as well as national defence and security forces.”³

¹ Human Rights Watch, *Mali: War Crimes by Northern Rebels*, 30 April 2012, www.hrw.org/news/2012/04/30/mali-war-crimes-northern-rebels

² The International Federation for Human Rights (FIDH) and Lawyers Without Borders Canada (LWBC), *Mali: End Conflict-Related Sexual Violence*, 25 November 2022, www.fidh.org/en/region/Africa/mali/mali-end-conflict-related-sexual-violence, page 1.

³ The International Federation for Human Rights (FIDH) and Lawyers Without Borders Canada (LWBC), *Mali: End Conflict-Related Sexual Violence*, 25 November 2022, www.fidh.org/en/region/Africa/mali/mali-end-conflict-related-sexual-violence, page 2.

The International Commission of Inquiry for Mali,⁴ pointed out that while the majority of victims/survivors of CRSV⁵ were women and girls, a handful of cases involving CRSV against men and boys were recorded.⁶ Challenges to reporting and stigma around issues of sexual violence in Mali also prevent insight into the true scale of CRSV.⁷

In recent years, the following examples of possible cases of sexual violence committed against men and boys have been documented:

Armed Groups

- The Secretary General’s Report on Children and Armed Conflict in Mali in 2018 concluded that armed groups, including Ansar Eddine, the Mouvement national pour la libération de l’Azawad (MNLA) and the Mouvement pour l’unification et le jihad en Afrique de l’Ouest (MUJAO) actively recruited children and used rape and other forms of sexual violence against children since the conflict began in 2012.⁸ This practice continues, with 452 children (416 boys and 36 girls) being recorded as recruited by over a dozen armed groups in 2022.⁹
- In 2020, as violence and security concerns escalated in Mali, cases of CRSV increased. MINUSMA recorded cases of CRSV affecting 21 women and 8 girls perpetrated by armed groups such as Coordination des mouvements de l’Azawad, associated with Mouvement Arabe de l’Azawad, Ganda Izo, Groupe d’autodéfense des Touaregs Imghad et leurs allies, and other violent extremist groups and unidentified armed men operating in the Kayes, Mopti, Gao, Ménaka, Timbuktu and Ségou regions. Cases included abduction, sexual slavery, forced marriage and gang rape. Humanitarian organisations operating in Mali at the time recorded 1,020 cases, the victims/survivors of whom were 510 women, 489 girls, 15 boys and 6 men.¹⁰ In 2021, MINUSMA found that 19 women, 24 girls and 4 men were victims/survivors of CRSV

⁴ The International Commission of Inquiry for Mali was established in January 2018 by the Secretary General of the United Nations to investigate alleged abuses and violations of international human rights law and international humanitarian law in Mali between 1 January 2012 and the establishment of the Commission. See United Nations Security Council, *Report of the International Commission of Inquiry for Mali*, 19 June 2020, UN Doc S/2020/1332, para 1.

⁵ Victim/survivor refers to any child or adult who has suffered CRSV in whatever form, including being forced to witness CRSV against another person or persons. The term “victim/survivor” acknowledges that those who experience sexual violence may identify themselves as a victim or as a survivor, or both, and that every individual has the right to choose their preferred language.

⁶ United Nations Security Council, *Report of the International Commission of Inquiry for Mali*, 19 June 2020, UN Doc S/2020/1332, para 754.

⁷ United Nations Security Council, *Report of the International Commission of Inquiry for Mali*, 19 June 2020, UN Doc S/2020/1332, para 204.

⁸ United Nations Security Council, *Report of the Secretary General on Children and Armed Conflict in Mali*, 21 February 2018, UN Doc S/2018/136, para 2.

⁹ United Nations General Assembly, *Report of the Secretary General on Children and Armed Conflict*, 5 June 2023, UN Doc S/2023/363, para 124.

¹⁰ United Nations Security Council, *Report of the Secretary General on Conflict-Related Sexual Violence*, 30 March 2021, UN Doc S/2021/312, para 38.

committed by unidentified armed groups, Dozo Traditional hunters, Islamic State, Jama'a Nusrat ul-Islam wa al-Muslimin and armed smugglers.¹¹

- In 2019, the United Nations Multidimensional Integrated Stabilization Mission in Mali (MINUSMA) recorded 27 CRSV cases, the victims/survivors of whom were 15 women, 11 girls and 1 man. The perpetrators were identified as members of Mouvement pour le salut de l'Azawad, Coordination des mouvements de l'Azawad and unidentified armed men who were alleged to have committed forced pregnancy, castration, forced marriage and sexual slavery.¹²
- The International Commission of Inquiry for Mali reported having received information about the sexual abuse of 15 boys and 3 girls by the head of a MUJAO-affiliated Islamic school in 2015. A complaint was filed against the perpetrator and he was eventually arrested, but later released without trial.¹³

Malian Security Forces

- The International Commission of Inquiry for Mali reported having received information about an incident that took place at Kati military camp in 2012, where four detained soldiers were forced by other Malian soldiers to have sexual relations with each other.¹⁴

A Lack of Accountability for Conflict-Related Sexual Violence

Years of ongoing conflict have weakened the rule of law and judicial institutions in Mali, with little to no accountability for human rights violations, including CRSV, perpetrated by all parties to the conflict.¹⁵

Furthermore, domestic legislation in Mali regarding sexual violence is severely limited in that indecent assault and rape are the only forms of sexual violence that may be prosecuted, and even these two crimes are narrowly defined.¹⁶ Despite a longer-list of sexual crimes being added to Mali's Criminal Code in 2001, including acts of sexual slavery, forced pregnancy, forced prostitution, forced

¹¹ United Nations Security Council, *Report of the Secretary General on Conflict-Related Sexual Violence*, 29 March 2022, UN Doc S/2022/272, para 38. The latest report from the Secretary General on Conflict-Related Sexual Violence does not record any male victims/survivors of CRSV.

¹² United Nations Security Council, *Report of the Secretary General on Conflict-Related Sexual Violence*, 3 June 2020, UN Doc S/2020/487, para 37.

¹³ United Nations Security Council, *Report of the International Commission of Inquiry for Mali*, 19 June 2020, UN Doc S/2020/1332, para 754.

¹⁴ United Nations Security Council, *Report of the International Commission of Inquiry for Mali*, 19 June 2020, UN Doc S/2020/1332, para 754.

¹⁵ Human Rights Watch, *World Report 2021 – Mali, Events of 2020, 2021*, www.hrw.org/world-report/2021/country-chapters/mali

¹⁶ The International Federation for Human Rights (FIDH) and Lawyers Without Borders Canada (LWBC), *Mali: End Conflict-Related Sexual Violence*, 25 November 2022, www.fidh.org/en/region/Africa/mali/mali-end-conflict-related-sexual-violence, page 3.

sterilisation, forced abortion and forced marriage,¹⁷ law enforcement and judges remain reluctant to investigate and prosecute these crimes as war crimes and crimes against humanity, largely due to a lack of training.¹⁸ The lack of protection for victims/survivors of CRSV in domestic legislation, as well as the lack of specific provision for victims/survivors of CRSV who are men and boys, are also major obstacles to achieving justice for all and more specifically for this population.¹⁹

There is some hope for the situation for victims/survivors of CRSV in Mali. In July 2020, the International Criminal Court began a trial against Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud, the former leader of armed group, Ansar Dine. Charges brought against him included war crimes and crimes against humanity, including sexual slavery and rape committed during the years 2012 and 2013.²⁰ The delivery of the judgement is pending at the time of writing,²¹ but could act as a deterrent domestically if he is found guilty on those charges. Furthermore, on 1 March 2019, a joint statement was signed between the Malian authorities and the United Nations to develop a plan to prevent and respond to CRSV,²² which led to the adoption of a plan for 2022-2024.²³ The withdrawal of MINUSMA from Mali in December 2023, however, leaves cause for concern about the implementation of this plan going forward.

Sexual violence Against People with Diverse Sexual Orientation, Gender Identity and/or Expression and Sex Characteristics (SOGIESC)

Although homosexuality is not specifically prohibited in Mali, Article 179 of the Malian Penal Code, which translates to “any act committed in public that offends the decency and the moral feelings of the persons who are involuntarily witness to it, and that is capable of disturbing public order and of causing a manifest social prejudice, is a public outrage against decency”²⁴ may be used to persecute people with diverse SOGIESC.

¹⁷ Mali, Criminal Code, 2001, Article 4(3), 29-30, available at www.droit-afrique.com/uploads/Mali-Code-2001-penal-MAJ-2016.pdf

¹⁸ United Nations Security Council, *Report of the International Commission of Inquiry for Mali*, 19 June 2020, UN Doc S/2020/1332, para 1001.

¹⁹ The International Federation for Human Rights (FIDH) and Lawyers Without Borders Canada (LWBC), *Mali: End Conflict-Related Sexual Violence*, 25 November 2022, www.fidh.org/en/region/Africa/mali/mali-end-conflict-related-sexual-violence, page 6.

²⁰ Human Rights Watch, *World Report 2021 – Mali, Events of 2020*, www.hrw.org/world-report/2021/country-chapters/mali

²¹ International Criminal Court, *Al Hassan case: Trial Chamber X postpones delivery of judgment*, 15 January 2024, www.icc-cpi.int/news/al-hassan-case-trial-chamber-x-postpones-delivery-judgment

²² MINUSMA, *Signature du Communiqué Conjoint entre la République du Mali et l'Organisation des Nations Unies sur la Lutte Contre les Violences Sexuelles au Conflit*, 1 March 2019, <https://minusma.unmissions.org/signature-du-communiqu%C3%A9-conjoint-entre-la-r%C3%A9publique-du-mali-et-l'organisation-des-nations-unies-sur-la-lutte-contre-les-violences-sexuelles-au-conflit>

²³ MINUSMA, *Le Gouvernement Malien et La Minusma Valident Un Plan D'action Afin De Lutter Contre Les Violences Sexuelles En Temps De Conflit*, 29 October 2021, minusma.unmissions.org/le-gouvernement-malien-et-la-minusma-valident-un-plan-d%E2%80%99action-afin-de-lutter-contre-les-violences

²⁴ Mali, Criminal Code, 2001, Article 179, available at www.droit-afrique.com/uploads/Mali-Code-2001-penal-MAJ-2016.pdf

The UN Human Rights Committee and other human rights mechanisms and independent experts have repeatedly urged states to reform laws that criminalise consensual same-sex conduct.²⁵ The UN High Commissioner for Human Rights has unequivocally stated that “States that criminalize consensual homosexual acts are in breach of international human rights law since these laws, by their mere existence, violate the rights to privacy and non-discrimination”.²⁶

Such laws, in addition to being discriminatory, can tacitly encourage violence and can deter survivors of sexual violence from seeking justice or medical and other support for fear of being arrested and prosecuted.

Conclusions

In light of the above, ASP encourages the Human Rights Committee to include the following specific questions in the List of Issues for Mali:

- Provide figures and information on investigations, prosecutions and convictions for CRSV, disaggregated by gender and age;
- Provide information on provision of health and mental health and psychosocial support (MHPSS) services to all survivors of sexual violence irrespective of their sex, gender or sexual orientation, gender identity and/or expression and sex characteristics (SOGIESC);
- Provide information about the implementation of the plan of action on CRSV (2022 – 2024) and whether that includes victims/survivors who are men and boys;
- Confirm whether Mali plans to review its criminal code to bring it in line with its obligation under the Covenant, including by reviewing any laws that criminalise consensual same-sex relationships.

²⁵ OHCHR, *Born Free and Equal - Sexual Orientation and Gender Identity in International Human Rights Law*, Second Edition, 2019,

www.ohchr.org/sites/default/files/Documents/Publications/Born_Free_and_Equal_WEB.pdf

²⁶ OHCHR, *Discrimination and Violence against Individuals Based on their Sexual Orientation and Gender Identity*, 4 May 2015, UN Doc. A/HRC/29/23.