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Summary prepared by the Office of the High Commissioner for Human Rights in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21

Mali*

The present report is a summary of 4 stakeholders' submissions¹ to the universal periodic review. It follows the general guidelines adopted by the Human Rights Council in its decision 17/119. It does not contain any opinions, views or suggestions on the part of the Office of the United Nations High Commissioner for Human Rights (OHCHR), nor any judgement or determination in relation to specific claims. The information included herein has been systematically referenced in endnotes and, to the extent possible, the original texts have not been altered. As provided for in Resolution 16/21 of the Human Rights Council, where appropriate, a separate section is provided for contributions by the national human rights institution of the State under review that is accredited in full compliance with the Paris Principles. The full texts of all submissions received are available on the OHCHR website. The report has been prepared taking into consideration the periodicity of the review and developments during that period.

* The present document was not edited before being sent to United Nations translation services.

I. Information provided by other stakeholders

A. Background and framework

1. Scope of international obligations

1. Amnesty International (AI) called on the transitional Government to ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty.²

2. Constitutional and legislative framework

2. AI reported that in January 2012, several armed opposition groups, including the Tuareg Azawad National Liberation Movement (Mouvement national de liberation de l'Azawad, (MNLA)) and the Islamist group Ansar Eddin (Ansar Dine), had launched attacks against the Malian garrisons in the north of the country. It noted that on 21 March 2012, a group of military officers had overthrown the Government of President Touré, suspended the Constitution and arrested several political leaders. As a result, the presidential elections scheduled for 29 April 2012 had been postponed. AI underscored that despite the appointment of an interim Head of State and Prime Minister in April 2012, the new Government remained largely under the influence of the military junta.³

3. Plan International emphasized that although a Child Protection Code existed, it did not have the force of law. In fact, the Ministry of the Family, Women and Children had intended to review the Code in May 2012, but the coup d'état of 22 March had made that impossible. Plan International also pointed out that the transition government had announced that it would address the matter as soon as the security situation in the country so allowed.⁴

3. Institutional and human rights infrastructure and policy measures

4. Plan International said that the Government of Mali had created the National Action Committee on the Eradication of Harmful Practices, by decree of 16 June 1999, article 14 of which provided for the establishment of regional committees; it added that bodies had been set up in each of the 8 regions and 52 districts of the country to implement that decision. However, aside from several bodies supported by development partners, most were not functional, not having the resources necessary to uphold the national policy against excision adopted by the Government on 24 November 2010.⁵

B. Cooperation with human rights mechanisms

1. Cooperation with treaty bodies

5. AI noted that Mali had supported recommendations to elaborate a timetable to bring the presentation of reports to the treaty bodies up to date;⁶ however, it underlined that Mali rarely submitted its reports on time.⁷ Therefore, AI called on the transitional Government of Mali to submit promptly all reports that were due to international treaty bodies, including the Human Rights Committee and the Committee against Torture.⁸

2. Cooperation with special procedures

6. AI highlighted that the Government had expressed in the Universal Periodic Review (UPR), its willingness to fully cooperate with all special procedures of the Human Rights

Council and to give careful consideration to any request for a visit addressed by the special procedures.⁹

C. Implementation of international human rights obligations, taking into account applicable international humanitarian law

1. Equality and non-discrimination

7. In July 2012, the Society for Threatened People (STP) noted that Ansar Dine fighters limited in the areas that they controlled in northern Mali, the free movement of women, imposed new dress codes and searched for a separation of sexes in public.¹⁰

8. AI underscored that during the first UPR in 2008, Mali had supported most of the recommendations with regard to women's rights concerns¹¹ and that it stated that a Personal and Family Code repealing all discriminations against women was to be tabled in Parliament in 2008.¹² AI added that in December 2011, the Parliament had passed the Family Code after a second reading requested by the President following protests which had taken place in Bamako in 2009.¹³

9. AI highlighted that the 2011 amended version of the Personal and Family Code enshrined discrimination against women in most aspects of family life and was widely considered as a regression by national and international NGOs. According to AI, revoking Mali's international commitments, references to international instruments on the protection of women's human rights had been deleted in the new law.¹⁴ Furthermore, AI noted that several amendments modifying the status of marriage perpetuated the inequality between husband and wife. The age of marriage for women had been lowered from 18 to 16¹⁵ and article 311 of the law stipulated that "the wife must obey her husband".¹⁶ AI called on the Government to amend the Personal and Family Code and bring it to conformity with international standards on women's human rights.¹⁷

2. Right to life, liberty and security of the person

10. AI highlighted that in the 2008 UPR, Mali supported recommendations to continue efforts to abolish the death penalty,¹⁸ including by adopting a bill on the abolition of the death penalty. Nevertheless in September 2012, the draft bill had not been yet approved by the Parliament. To AI's knowledge, at least 54 people had been sentenced to death since the last UPR but no executions had been carried out since 1984.¹⁹ AI called on the transitional Government of Mali to commute all death sentences and progressively reduce the number of offences which provided for the death penalty and take subsequent measures towards its complete abolition.²⁰

11. AI, as well as STP, stated that the conflict in the north of Mali, which had begun in January 2012, had caused dozens of victims amid human rights violations and abuses committed by both the armed groups and the Malian army.²¹ However, AI recognised that many of the serious abuses had been and continued to be perpetrated by armed groups in a part of the country which was outside the control of the Malian Government.²²

12. AI highlighted that Malian soldiers had been reported to have extra-judicially executed at least six people, including three unarmed persons, accused of spying for the MNLA in Sévaré. They were arrested on 17 April 2012 by a military patrol after having been denounced by local inhabitants and they were executed the following day.²³

13. STP stated that human rights violations had been committed by two Songhay self-defence militias (known as the Ganda Koy and the Ganda Izo)²⁴ which had been built up to preserve and protect the interests of non-Tuareg population in north of Mali. The organisation noted that these militias had assaulted Tuareg civilians in camps in the Gao

area and at least eleven Tuaregs had been killed in the attacks. It stated that the Malian police and security forces did not provide any protection to the Tuareg and this impunity indicated that the Government seemed to tolerate the violence against Tuareg civilians.²⁵

14. AI called on the transitional Government to undertake effective investigations into unlawful killings, notably in the context of the Tuareg conflict; to bring to justice those responsible for extrajudicial executions, notably members of the security and armed forces as well as to provide reparation to the relatives of victims to extrajudicial executions.²⁶

15. AI noted that in northern Mali the imposition of new behaviours in accordance with Ansar Eddin's interpretation of Islam had been accompanied by intimidation and physical violence, including deliberate and arbitrary killings in Timbuktu.²⁷

16. AI indicated that the Tuareg armed groups had launched attacks against the Malian garrisons in the north of the country in early January 2012 and summarily executed the soldiers that they had taken prisoner, in violation of international humanitarian law. Some of the soldiers had their throats slit after capture of the town of Aguelhoc in January 2012.²⁸

17. AI urged the armed groups to end deliberate and arbitrary killings.²⁹

18. STP reported that in February and March 2012, helicopters of the Malian Armed Forces had bombed Tuareg camps in the Kidal area in order to quell the uprising of the population.³⁰ AI also noted that in the course of the conflict with the MNLA, the Malian army had indiscriminately attacked the Tuareg civilian population and civilian targets in violation of international humanitarian law.³¹

19. AI called on the transitional Government to cease deliberate attacks on civilians and indiscriminate aerial bombardments and to treat civilians and anyone taking no active part in the hostilities humanely and without discrimination.³²

20. AI noted that in 2010, cases of torture to extract confessions, especially in safety cells of the State Security, as well as poor conditions of detention on a scale equivalent to torture and other ill-treatment had been documented.³³

21. AI noted that people suspected of being MNLA supporters and Tuaregs had been subjected to torture and other ill-treatment by the security forces. According to AI, on one occasion, in Menaka, on 20 January 2012, two Malian soldiers tortured two Tuaregs accused of helping the "rebels".³⁴

22. STP noted that some fifty soldiers had been held illegally for more than two months in military camps. These soldiers had been arrested during the counter-coup of 30 April and some of them had been charged with endangering state security and had been tortured in custody. Their prison conditions were particularly inhuman. STP stated that the Government of Mali should stop the torture and immediately transfer the prisoners to legally recognized prison centres.³⁵

23. AI also called on the Transitional Government to give clear instructions to police, gendarmerie and armed forces to always observe international human rights standards, in particular the absolute ban on torture and other ill-treatment. In addition, the organization called on Mali to adopt and implement measures to prevent, prosecute and punish acts of torture and other ill-treatment as well as to promptly, impartially and effectively investigate all complaints and reports of torture or other ill-treatment and bring to justice those responsible.³⁶

24. STP reported that the armed group Ansar Dine had ordered the flogging of civilians and the amputation of the hand of a MNLA fighter who had refused to pay for a purchase in a shop in Kidal. It also mentioned a civilian who had been denounced in Gao for drinking alcohol and had been flogged dozens of times with a baton.³⁷

25. AI stated that persons suspected of belonging to or helping the armed groups in the north of Mali were being held in unofficial places of detention, such as the General Directorate of Public Security and the National Youth Service.³⁸

26. STP noted that arbitrary detention of Tuareg had been reported from different areas in northern Mali and some of the arrested persons were held incommunicado in unofficial detention centres. It stated that all the victims of these violations had been accused of supporting the rebels and these assumptions had been based on the ethnic identity of the Tuaregs.³⁹

27. STP underlined that at least eight prominent politicians and military officials had been imprisoned by the military junta after the military coup in March 2012 and reported that the detainees had been taken to a military camp and held incommunicado.⁴⁰ AI also highlighted that many political leaders, including members of former President Touré's Government, had been arbitrarily arrested and detained at the Kati military camp, headquarters of the military junta near Bamako, but, according to the organization, all of them had been subsequently released without charge or trial.⁴¹

28. AI called on the transitional Government to stop harassing and arbitrarily detaining those opposed to the military coup. It also called on the Malian authorities to charge individuals detained for recognized criminal offences or to release them. All detainees must have access to a lawyer and a doctor of their choice and must be able to contact their families. They must also be promptly brought before independent judicial authorities capable of judging the legality of their detention. In addition, AI called on Mali to end the use of detention facilities not identified as such and immediately transfer the prisoners held in these facilities to official detention centres.⁴²

29. AI indicated that 10 hostages were being held by Al-Qaida in the Islamic Maghreb (AQMI) which, since 2010 had intensified its activities in Mali. AI mentioned also that seven people of Algerian nationality, including the Algerian Consul in Gao, had been held since 5 April 2012, by the Unity Movement for Jihad in West Africa (MUJAO).⁴³

30. AI urged the armed groups to release hostages.⁴⁴

31. AI highlighted that, since March 2012, a number of women and young girls had been raped, sometimes gang-raped, by armed men, including members of the MNLA, in Ménaka and Gao. Some of the women were assaulted and raped as they were getting food supplies in Gao, others were abducted at home or in the street and taken to a military camp. According to AI, in Ménaka, some MNLA members were reported to be targeting Bambara women in particular.⁴⁵ To AI's knowledge, most of the perpetrators of these crimes had not been punished and the rape victims had not received any medical care or compensation.⁴⁶

32. STP stated that many of the sexual abuses committed by MNLA fighters on the civilian population in occupied cities had been based on a lack of discipline and obvious command structures. According to STP, several women and girls had testified to human rights researchers that they deliberately had been abducted and raped by MNLA fighters. Many victims of rape were refusing to testify for fear of being stigmatised.⁴⁷

33. STP noted that Ansar Dine had been committed to impose law and order to prevent human rights abuses and arbitrary acts by other militias and rebel movements as well as to stop sexual abuses and rapes of civilians.⁴⁸

34. AI urged the armed groups to end the violence against women.⁴⁹

35. AI collected testimonies indicating that there were child soldiers within the ranks of the armed groups in the three large northern towns and within the Arab militia of Timbuktu. Armed children, some of them wearing uniforms, had been seen travelling in cars or posted at checkpoints.⁵⁰

36. AI urged the armed groups to put an end to the recruitment and use of child soldiers.⁵¹

37. AI highlighted that despite Mali's accession to several international standards protecting the rights of children and women, the deeply rooted practice of female genital mutilation persisted. It added that during the previous review, Mali stated that while it could not commit to repressive measures to curb the practice, it was committed to undertaking public education and awareness-raising campaigns.⁵²

38. Plan International recalled that female genital mutilation (FGM), known as "excision", was one of the most common and entrenched practices in the Malian tradition. It indicated that 85.2 per cent of women aged 15 to 45 had been subject to FGM/excision, and added that the prevalence rate was 49.5 per cent for girls aged 0 to 5, and 77.5 per cent for girls aged 6 to 14. It also pointed out that all types of FGM had harmful consequences for the health of girls and women, and that the victims of the most extreme forms of mutilation were particularly at risk of serious, enduring complications. Moreover, the psychosocial consequences of FGM were poorly understood and rarely taken into account. In addition, no law had been drafted on FGM since 2008 and, the legal gap notwithstanding, there were many factors hampering the eradication of that practice.⁵³

39. Plan International recommended that the Government of Mali should, inter alia, adopt legislative measures prohibiting FGM and other practices harmful to children and women, and ensure that the legislation provided that the perpetrators should be brought to justice.⁵⁴

40. The Global Initiative to End All Corporal Punishment of Children (GIEACPC) highlighted that corporal punishment of children was lawful in Mali despite repeated recommendations to prohibit it by the Committee on the Rights of the Child and Mali's acceptance of the recommendation on the issue made during the 2008 review.⁵⁵

41. Plan International stressed that corporal punishment, which was traditionally a part of children's upbringing, was permitted and practised in the family home. It also noted that the ban on corporal punishment in schools was not enforced and that the use of such punishment was even preferred, as having educational value.⁵⁶ GIEACPC mentioned that in the penal system, corporal punishment was considered unlawful as a sentence for crime and as a disciplinary measure in penal institutions, but there was no explicit prohibition.⁵⁷

42. GIEACPC recommended that legislation was enacted to explicitly prohibit corporal punishment of children in all settings, including the home, as a matter of priority.⁵⁸ Plan International recommended, inter alia, to revise, if necessary, the draft Child Protection Code, by bringing it into line with international standards, and to adopt and implement it.⁵⁹

3. Administration of justice

43. AI reported that in October 2011, five trainee officers had died at the Malian Armed Forces Military School in Koulikoro after having participated in traditional initiation rites. The entire management of the Military School had been suspended; the torturers had been dismissed from the army and the Ministry of Defence had ordered an investigation; however the process had been stalled.⁶⁰

4. Freedom of religion or belief, expression, association and peaceful assembly, and right to participate in public and political life

44. AI noted that Christian populations had also been threatened. The armed group Ansar Eddin had broadcasted statements via a private radio station ordering Christians to leave the area and announcing the imposition of Shari'a law throughout the country. In

Timbuktu, Christian and Evangelical places of worship had been ransacked and looted.⁶¹ STP also reported lootings of several churches by rebel fighters.⁶²

45. AI mentioned that anti-Islamist protests had flared up in Gao in May 2012 when armed men stopped youths from playing football and watching television.⁶³ The organisation also reported that in the north of Mali, several peaceful demonstrations had been repressed by armed groups and that one person had been shot dead in Gao on 26 June 2012 during a protest against the new rules imposed by the armed groups.⁶⁴

46. AI highlighted that members of the armed group Ansar Eddin had coerced people living in Gao, Kidal and Timbuktu to change their behaviour, according to the group's interpretation of Islam. Ansar Eddin had imposed dress codes and had also tried to ban books deemed to be contrary to Islam.⁶⁵

47. AI underscored that since the beginning of the armed conflict in the north of Mali, the authorities had targeted journalists, including three foreigners, to prevent them from freely exercising their profession. According to the human rights organization, five journalists had been arrested by soldiers on 29 March 2012 in Bamako and taken to the Kati military camp before being released. It added that a privately-owned television station, *Africable TV*, had been censored on 12 June 2012 as it was about to broadcast an interview with an MNLA official.⁶⁶ AI called on the transitional Government to respect and protect freedom of expression and to end all practices that threaten the right to freedom of expression, including threats against journalists and media. AI also urged Mali to release immediately and unconditionally all persons detained for peacefully expressing their dissent.⁶⁷

5. Right to social security and to an adequate standard of living

48. Plan International stressed that both the north and the south of Mali were in the grip of a food and nutritional crisis. It pointed out that the nutritional situation of children under the age of 5 had deteriorated and that the national rate of acute malnutrition was 10.9 per cent, while the rate of severe malnutrition was 2.2 per cent.⁶⁸ The occupation of regions in the north by the armed Islamic groups Ansar Dine and AQMI had aggravated this precarious situation, as had the coup d'état of 22 March 2012.⁶⁹

49. In view of the current situation in the country, Plan International recommended adopting, as soon as possible, a programme approach integrating child protection, gender, education, food security, nutrition and health, so as to reduce the impact of the crisis on children and women. It also recommended developing a coherent agricultural policy, adapted to Mali's particular climatic and environmental challenges, with a view to controlling the endemic drought. Lastly, it recommended developing a culture of social peace and sustainable development through good governance and an inclusive, systematic dialogue between the different strata of society, including civil society, non-governmental organizations and children.⁷⁰

6. Rights to health

50. STP mentioned that medical staff in Timbuktu and Gao as well as civilians who had fled violence in cities occupied by Arab militias, Ansar Dine and MNLA had reported that hospitals had been not spared from looting.⁷¹ AI also underscored that the takeover of the major northern cities by armed groups in March 2012 had been accompanied by looting and systematic destruction of hospitals.⁷²

7. Right to education

51. AI noted that the right to education had been severely undermined in the north of Mali by AQIM and Ansar Eddin.⁷³ STP also reported that, in some areas in north of the

country, schools and libraries had been burned; only Islamic schools had been spared from destruction.⁷⁴

8. Cultural rights

52. AI reported that in May and July 2012, AQMI members, supported by the Islamist group Ansar Eddin, desecrated several mausoleums in Timbuktu, including UNESCO-listed World Heritage Sites, to put an end to the cult of saints, which was considered not to conform to their conception of Islam.⁷⁵ STP stated that the deliberate desecration of Islamic mausoleums and destructions of at least eight of sixteen traditional tombs listed as UNESCO-World Heritage Sites in June 2012 amounted to crime of war.⁷⁶

9. Minorities and indigenous peoples

53. STP stated that the Government had failed to ensure the protection of ethnic Tuaregs in Bamako and in the neighbouring cities after the start of the rebellion in the north of the country. It highlighted that hundreds of Tuaregs had been chased off their homes and their shops destroyed by non-Tuaregs who wanted to take revenge for the attacks of military camps by rebels. According to STP, most ethnic Tuaregs had to leave the capital area because the security forces had been unable and unwilling to ensure their protection.⁷⁷

10. Internally displaced persons

54. AI and STP underlined that the armed conflict in the north of Mali had resulted in major population displacement both within the country and towards neighbouring countries. The organization reported that, as of mid-June 2012, the total number of internally displaced people had been estimated at 155,000 and that some 200,000 refugees had fled to neighbouring countries.⁷⁸

55. AI noted that humanitarian agencies had very limited access to the region due to lack of security and that access had also been restricted by the armed group Ansar Eddin who had officially refused any Western aid. According to AI, on 15 April 2012, Ansar Eddin said that it was “willing to talk” with the Malian Government and to allow access for humanitarian aid, provided that there was no interference by non-Muslims.⁷⁹

11. Situation in or in relation to specific regions or territories

56. AI stated that in July 2012, two thirds of the country were entirely controlled by armed groups and that on 6 April 2012, the MNLA had declared the “Independence of Azawad”, an area covering all of northern Mali, including the regions of Gao, Kidal and Timbuktu.⁸⁰

Notes

¹ The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: www.ohchr.org.

Civil society:

| | |
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| AI | Amnesty International |
| GIEACPC | Global Initiative to End All Corporal Punishment of Children |
| Plan | Plan international |
| STP | Society for Threatened Peoples |

² AI, p. 5.

³ AI, p. 2.

⁴ Plan, p. 7, para. 26.

⁵ Plan, p. 5, paras. 19 and 20.

- ⁶ A/HRC/8/50, p. 15, para. 56.2, mentioned by AI, p. 6, note 8.
- ⁷ AI, p. 1.
- ⁸ AI, p. 6.
- ⁹ A/HRC/8/50/Add.1, p. 2, para. 1 mentioned by AI, 6, note 11.
- ¹⁰ STP, p. 1, para. 3.
- ¹¹ Recommendations 56.4, 56.5, 56.7, 56.8, 56.9, 56.18 in document A/HRC/8/50, pp. 15–16 mentioned by AI, p. 6, note 1.
- ¹² Law No. 09-38/ANRM mentioned by AI, p. 6, note 2.
- ¹³ AI, p. 1.
- ¹⁴ AI, p. 6, note 3.
- ¹⁵ Article 282 of the Family Code mentioned by AI, p. 6, note 4.
- ¹⁶ AI, p. 1.
- ¹⁷ AI, p. 5.
- ¹⁸ Recommendation 56.16 in A/HRC/8/50, p. 16 mentioned by AI, p. 6, note 7.
- ¹⁹ AI, p. 1.
- ²⁰ AI, p. 5.
- ²¹ AI, p. 2.
- ²² AI, p. 4.
- ²³ AI, p. 2. See also STP, p. 2, para. 4.
- ²⁴ AI, p. 3.
- ²⁵ STP, p. 2, para. 6.
- ²⁶ AI, p. 5.
- ²⁷ AI, p. 4.
- ²⁸ AI, p. 3.
- ²⁹ AI, p. 4.
- ³⁰ STP, p. 2, para. 4.
- ³¹ AI, p. 2.
- ³² AI, p. 5.
- ³³ AI, p. 2.
- ³⁴ AI, p. 2.
- ³⁵ STP, p. 3, para. 7.
- ³⁶ AI, p. 5.
- ³⁷ STP, p. 2, para. 3.
- ³⁸ AI, pp. 2–3.
- ³⁹ STP, p. 2, para. 4.
- ⁴⁰ STP, p. 2, para. 7.
- ⁴¹ AI, p. 2.
- ⁴² AI, p. 5.
- ⁴³ AI, p. 3.
- ⁴⁴ AI, p. 4.
- ⁴⁵ The Bambaras are a major ethnic group in Mali, from the Mandingo group and are mainly located in the west and south of the country and are also present in other countries of the region. AI, p. 6.
- ⁴⁶ AI, p. 3.
- ⁴⁷ STP, p. 1, para. 2.
- ⁴⁸ STP, p. 2, para. 3.
- ⁴⁹ AI, p. 4.
- ⁵⁰ AI, p. 3.
- ⁵¹ AI, p. 3.
- ⁵² AI, p. 1.
- ⁵³ Plan, pp. 4–6, paras. 12–22.
- ⁵⁴ Plan, p. 6, para. 23.
- ⁵⁵ GIEACPC, p. 1, para. 1.1.
- ⁵⁶ Plan, p. 6, para. 25.
- ⁵⁷ GIEACPC, p. 2, para. 2.3.
- ⁵⁸ GIEACPC, p. 1.
- ⁵⁹ See all the recommendations formulated by Plan, p. 7, para. 28.

- 60 AI, p. 3.
- 61 AI, p. 4.
- 62 STP, p. 1, para. 2.
- 63 AI, p. 4.
- 64 AI, p. 3.
- 65 AI, p. 4.
- 66 AI, p. 3.
- 67 AI, p. 5.
- 68 Plan, p. 2, para. 4 and note 3.
- 69 Plan, p. 2, para. 4.
- 70 STP, p. 3, para. 11.
- 71 STP, p. 1, para. 2.
- 72 AI, p. 4.
- 73 AI, p. 4.
- 74 STP, p. 1, para. 2.
- 75 AI, p. 4.
- 76 STP, p. 2, para. 3.
- 77 STP, p. 2, para. 5.
- 78 AI, p. 4.and STP, p. 1, para. 1.
- 79 AI, p. 4.
- 80 AI, p. 2.
