



# JOINT SUBMISSION TO THE UNIVERSAL PERIODIC REVIEW OF MALI

43<sup>rd</sup> SESSION, MAY 2023

## DESCENT-BASED SLAVERY

### INTRODUCTION

This is a joint submission by Anti-Slavery International and Temedt.

Anti-Slavery International is the world's oldest international human rights organisation, and challenges modern forms of slavery by working with partners to tackle slavery's root causes. Temedt is a Malian organisation established by people of slave status in 2006 to promote democracy and peace, with a focus on eradicating slavery and ending the marginalisation of people of slave descent.

The evidence in this submission has been gathered through the human rights project, 'Combating Descent-Based Slavery and Slavery-Related Discrimination' (the Project), delivered in Mali by the above-named organisations.<sup>1</sup> The Project involved research conducted in 2021 in Northern and Western Mali on the forms and prevalence of slavery, the resurgence of violence in the Kayes region, and the needs of those affected.<sup>2</sup>

This submission focuses on descent-based slavery and related discrimination in Mali, relevant to Theme A41: Constitutional and legislative framework, Theme D51: Administration of Justice & Fair Trial, Theme D27: Prohibition of slavery, trafficking, Theme A43: Human Rights Policies, and Theme D52: Right to be recognized as a person before the law, in *Third Cycle*

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<sup>1</sup> Project implemented by Anti-Slavery International, ILO and Temedt, and funded by the Bureau of Democracy, Human Rights, and Labor, US Department of State (USDOS-DRL).

<sup>2</sup> 576 individuals who identify as being affected by descent-based slavery were interviewed, from four areas. The dominant ethnic groups of participants were Imgadh and Daoussahak in the northern regions; Soninké in the West with lesser numbers from many other ethnic groups.

It provides evidence that the government of Mali has failed to implement supported third cycle Universal Periodic Review (UPR) recommendations which impact heavily on the rights of people in descent-based slavery, resulting in serious gaps in legislation, enforcement, protection and support. Noting that on 3 July 2022 Mali's military regime agreed to bring forward the timeline for elections and a return to civilian rule to February 2024,<sup>4</sup> we address our recommendations to the current regime and call on it to set these in motion over the next two years in the lead up to free and fair elections.

## SUMMARY

A system of descent-based slavery persists in Mali, where slave status is ascribed to those whose ancestors were allegedly enslaved by the families of so-called 'masters'.<sup>5</sup> This system results in the widespread denial of human rights to people of slave descent, who are forced to work without pay, most commonly undertaking domestic and agricultural work. They are subjected to physical and psychological violence. Children can be rented out, given as gifts in marriage, or inherited by the children of 'masters'. The practice is most prevalent among Mali's nomadic Tuareg and Fulani communities in Central and Northern Mali, but exists in every region of Mali.<sup>6</sup>

Those in descent-based slavery also face pervasive discrimination. Even those who have been 'freed' tend to live in the same communities or close to the former masters of their grandparents because of limited alternative options, and face discrimination linked to their former status. Social discrimination and abuses of rights persist but are varied, such as being denied access to education, or the ability to work for themselves.

There is no robust statistical data on the numbers of people affected by descent-based slavery in Mali. The 2018 Global Slavery Index (soon to be released for 2022) estimated that there were 62,000 people living in slavery out of a population of 17,467,905,<sup>7</sup> yet true figures may be higher. According to the President of the Malian Coalition of Human Rights Defenders (COMADDH), an estimated 800,000 people are affected by this phenomenon in Mali.<sup>8</sup>

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<sup>3</sup> OHCHR, 'Third Cycle Matrice of Recommendations – Mali', 29<sup>th</sup> session <<https://www.ohchr.org/en/hr-bodies/upr/ml-index>>.

<sup>4</sup> BBC News, 'Mali coup: How junta got Ecowas economic sanctions lifted' (6 July 2022).

<sup>5</sup> OHCHR, 'Mali: UN experts condemn increased attacks on 'descent-based slaves', deplore government's failure to act' (19 July 2021) <<https://www.ohchr.org/en/news/2021/07/mali-un-experts-condemn-increased-attacks-descent-based-slaves-deplore-governments>>.

<sup>6</sup> The Conversation, 'Mali fails to face up to the persistence of slavery' (15 February 2021) <<https://theconversation.com/mali-fails-to-face-up-to-the-persistence-of-slavery-147636>>

<sup>7</sup> Walk Free, 'Global Slavery Index' (2018) <<https://www.globalslaveryindex.org/2018/data/country-data/mali/>>.

<sup>8</sup> Le Républicain via MaliWeb, 'Esclavage par ascendance : la COMADDH demande aux autorités de prendre une loi contre le phénomène' (28 March 2019) <<https://www.maliweb.net/societe/esclavage-par-ascendance-la-comaddh-demande-aux-autorites-de-prendre-une-loi-contre-le-phenomene-2811552.html>>.

The ongoing conflict in northern Mali<sup>9</sup> has hampered already limited government efforts to address descent-based slavery and has likely increased its prevalence.<sup>10</sup> The conflict has made it difficult to travel and reach the regions traditionally affected by slavery, while the local-level administration is absent in many areas, especially those under the control of armed groups. This makes it extremely challenging to confirm the extent to which slavery continues to be practised and to respond effectively.<sup>11</sup>

The government of Mali supported a number of third cycle Universal Periodic Review (UPR) recommendations to address slavery, including a critical recommendation to **adopt legislation to criminalise slavery**.<sup>12</sup> However, to date there remains no specific national law criminalising slavery in Mali.<sup>13</sup>

Mali supported a recommendation **to ensure impartial and effective investigations by civilian authorities into allegations of crimes under international law, including international human rights law**.<sup>14</sup> Yet there are reports that civil court orders are difficult to enforce in descent-based slavery cases, that in most cases incommensurate penalties are given, and that the government has intervened to have charges dismissed, at times threatening community members.<sup>15</sup>

Mali also supported a recommendation in the third cycle to **prevent and avoid community violence**.<sup>16</sup> Since its last review, there has been an upsurge in community-level violence against people of slave descent in Kayes (West Mali), with UN Experts highlighting that the continuing nature of the attacks "shows that descent-based slavery is still socially accepted by some influential politicians, traditional leaders, law enforcement officials and judicial authorities."<sup>17</sup>

In the third cycle Mali supported a recommendation on adopting the national strategy for the modernization of civil registration procedures.<sup>18</sup> Whilst this national strategy was adopted, implementation is weak and our research finds that **many births continue to be**

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<sup>9</sup> The current crisis was sparked in 2012 when a northern Tuareg separatist group, backed by several Islamist militant groups (including Ansar Dine, al-Qaeda in the Islamic Maghreb (AQIM)) launched a military coup and insurgent advance.

<sup>10</sup> Reports indicate that the prevalence of descent-based slavery has increased since the conflict began in 2012 due political instability hindering law enforcement. US Department of Labor, 'Child Labor and Forced Labor Reports: Mali' (2020) <[https://www.dol.gov/sites/dolgov/files/ILAB/child\\_labor\\_reports/tda2020/Mali.pdf](https://www.dol.gov/sites/dolgov/files/ILAB/child_labor_reports/tda2020/Mali.pdf)>.

<sup>11</sup> Anti-Slavery International, 'The difficult path to freedom: 10 years of work to eradicate slavery in West Africa' (2019) <<https://www.antislavery.org/wp-content/uploads/2019/09/AntiSlavery-Report-english.pdf>> p. 27.

<sup>12</sup> OHCHR, 'Third Cycle Matrice of Recommendations – Mali', 114.57, Republic of Korea and 114.123, United States of America.

<sup>13</sup> University of Nottingham Rights Lab, 'Anti-Slavery in Domestic Legislation: Mali' <<https://antislaverylaw.ac.uk/country/mali/>>.

<sup>14</sup> OHCHR, 'Third Cycle Matrice of Recommendations – Mali', 114.20, Sweden.

<sup>15</sup> US Department of State, '2022 Trafficking in Persons Report' (2022) <<https://www.state.gov/reports/2022-trafficking-in-persons-report/>> p. 372.

<sup>16</sup> OHCHR, 'Third Cycle Matrice of Recommendations – Mali', 114.52, Morocco.

<sup>17</sup> OHCHR, 'Mali: End to impunity for barbaric attacks on "slaves" long overdue – UN experts' (29 October 2021) <<https://www.ohchr.org/en/press-releases/2021/11/mali-end-impunity-barbaric-attacks-slaves-long-overdue-un-experts>>.

<sup>18</sup> OHCHR, 'Third Cycle Matrice of Recommendations – Mali', 114.61, Côte d'Ivoire.

**unregistered in communities experiencing descent-based slavery**, meaning that they cannot live as equal citizens with access to the full range of rights that are owed to citizens of Mali.

## **THEME: CONSTITUTIONAL AND LEGISLATIVE FRAMEWORK**

The government of Mali has failed to implement two supported third cycle recommendations on adopting legislation to criminalise slavery.<sup>19</sup> As noted, there remains no specific national law criminalising slavery in Mali,<sup>20</sup> which makes it extremely difficult to punish perpetrators or secure the release of, and redress for, those experiencing slavery.<sup>21</sup> Between 2013 and 2016, the Ministry of Justice supported draft legislation criminalising the practice of slavery and brought it before the necessary legislative bodies,<sup>22</sup> but it was not adopted by the Council of Ministers and to date it has not been passed into law.<sup>23</sup>

Instead, a piecemeal approach to criminalising slavery exists. Slavery may form an element of an offence of trafficking under Article 7 of the Law on the Fight against Trafficking in Persons (2012).<sup>24</sup> However, the law does not criminalise the act of slavery more broadly; transitional government officials and civil society recently reported that the law could not be effectively implemented to prosecute trafficking cases involving descent-based slavery as it does not define the latter term.<sup>25</sup> In July 2019, the government drafted a revision to this law that explicitly defined descent-based slavery as a form of human trafficking. However, the legislation remains pending before the Ministry of Justice for the third consecutive year.<sup>26</sup> Mali's 1992 Labour Code,<sup>27</sup> while prohibiting forced labour generally (Article L.6), also does not specifically prohibit descent-based slavery.

In a positive step, in November 2021 the current Minister of Justice, Mamoudou Kassogue, both pledged to pass a law criminalising slavery<sup>28</sup> and instructed all public prosecutors to

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<sup>19</sup> Ibid., 114.57, Republic of Korea; 114.123, United States of America.

<sup>20</sup> University of Nottingham Rights Lab, 'Anti-Slavery in Domestic Legislation: Mali'.

<sup>21</sup> Bakary Camara et al., 'The fight against descent-based slavery in Mali', *Africa is a Country* (2021) <<https://africasacountry.com/2021/03/the-fight-against-descent-based-slavery-in-mali>>.

<sup>22</sup> Anti-Slavery International, 'The difficult path to freedom: 10 years of work to eradicate slavery in West Africa' (2019), p. 26.

<sup>23</sup> Ibid., p. 6.

<sup>24</sup> University of Nottingham Rights Lab, 'Anti-Slavery in Domestic Legislation: Mali'.

<sup>25</sup> US Department of State, '2022 Trafficking in Persons Report' (2022), p. 371.

<sup>26</sup> Ibid.

<sup>27</sup> Loi n° 92-020 du 23 septembre 1992 portant Code du travail en République du Mali.

<sup>28</sup> IM Mali, 'Question d'esclavage le Ministre de la justice et garde des sceaux donne des éclaircissements Élément Mikado FM' (7 November 2021) <[https://www.facebook.com/100051197505758/videos/236584618465460/?extid=WA-UNK-UNK-UNK-AN\\_GK0T-GK1C&ref=sharing](https://www.facebook.com/100051197505758/videos/236584618465460/?extid=WA-UNK-UNK-UNK-AN_GK0T-GK1C&ref=sharing)>.

prosecute descent-based slavery to the fullest extent of the law.<sup>29</sup> Positive action from the judiciary should also be noted, such as the decision taken by the Court of Appeal of Kayes in February 2022 to refuse the requisition of agricultural plots of people in descent-based slavery.<sup>30</sup>

Concrete action is now needed to ensure that legislative responses are comprehensive, integrated and systematic. Our research shows the impact of the lack of legal protection on people in slavery and the spectrum of human rights violations they suffer.

*"We suffer physical and psychological violence. We are mistreated and marginalised all day long. On a daily basis we are insulted, threatened, subject to attacks and wounding, and all this violence comes from the slave masters and members of their family."<sup>31</sup>*

*"Concerning women, they are forced to do physical work that exceeds their physical capacity. They are sexually exploited and marginalised."<sup>32</sup>*

*"I was born around 1960, a widowed mother of 7 children. I suffered physical violence, sexual violence, exploitation and mistreatment by my master. I was abandoned and discriminated against by the abusing community. The practice of slavery is bad for a human being. I pray that this inhuman practice is abolished."<sup>33</sup>*

Many other rights are also denied, including the rights to liberty and security, religious freedom, ownership of property, freedom of expression, and political participation. Gender-based rights violations are also strongly and widely implicated. Women and girls in slavery report being treated as sexual objects for their 'masters', experiencing gender-based violence, such as rape, and violations of sexual and reproductive health and rights such as forced pregnancy, inflicted by 'masters' in order to produce children to be used as slaves.

## **THEME: ADMINISTRATION OF JUSTICE & FAIR TRIAL**

In the third cycle, the government of Mali supported a recommendation to take all necessary measures to ensure impartial and effective investigations by civilian authorities into allegations of crimes under international law, including international human rights law, in order to identify and prosecute those responsible, while ensuring fair trials.<sup>34</sup>

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<sup>29</sup> Ganbanaaxu Fedde Armepes, 'Le Ministre de la Justice et des Droits de l'Homme exhorte les Procureurs' (25 November 2021) [https://www.facebook.com/ARMEPES/videos/319396226679782/?extid=NS-UNK-UNK-UNK-AN\\_GK0T-GK1C](https://www.facebook.com/ARMEPES/videos/319396226679782/?extid=NS-UNK-UNK-UNK-AN_GK0T-GK1C). See also US Department of State, '2021 Country Reports on Human Rights Practices: Mali' (2021) <<https://www.state.gov/reports/2021-country-reports-on-human-rights-practices/mali/>>.

<sup>30</sup> Judgment, Court of Appeal of Kayes, 28 February 2022. See also the joint stakeholder submission of nine human rights groups in Mali: 'Alternative Report of Malian Civil Society Organisations (CSOs) to the 43rd Session of the Working Group on the Universal Periodic Review'.

<sup>31</sup> Quote from focus group with adult women of Kaïgourou village, 11 July 2021.

<sup>32</sup> Quote from focus group with women victims, Djandjourné, 23 October 2021.

<sup>33</sup> Quote from interview carried out in Ménaka, 08 November 2021.

<sup>34</sup> OHCHR, 'Third Cycle Matrice of Recommendations – Mali', 114.20, Sweden.

Despite this commitment, evidence indicates that law enforcement responses to cases of descent-based slavery remain inadequate.<sup>35</sup> Where civil court orders are given, these are sometimes not enforced,<sup>36</sup> while when cases are followed through, the penalties applied are often weak. This is partly because prosecutors mostly charge descent-based slavery cases as misdemeanour offences under, *inter alia*, discrimination, destruction of crops, or burglary statutes.<sup>37</sup> The resulting incommensurate penalties tend to not discourage offenders, which in turn inhibits victims from engaging with the justice system.

Legislative and political blockages to justice and fair trials for slavery cases are also evident. Those working in the justice sector have recently reported cases in which government representatives have intervened in descent-based slavery cases, resulting in charges being dismissed<sup>38</sup>, including through threats to and intimidation of claimants.<sup>39</sup> In an interview conducted as part of the Project, a regional politician corroborated this perspective, highlighting that:

*"The legislators who are responsible for enforcing the laws do not do it, because this practice suits them in the majority of the cases."*<sup>40</sup>

Meanwhile, although victims of violations of international human rights have the right to an effective judicial remedy,<sup>41</sup> which includes the right to access justice and fair and impartial proceedings, evidence suggests this is not being upheld by either government or judicial officials.

## **THEME: PROHIBITION OF SLAVERY, TRAFFICKING**

In the third cycle, the government of Mali supported recommendations to combat human trafficking, to protect women and children from sexual exploitation and to establish a mechanism to assist victims.<sup>42</sup> However, women and girls experiencing descent-based slavery in Mali continue to lack protection from and response to both enslavement itself, and the additional gender-based risks that they face in slavery situations. These risks include sexual and gender-based violence such as rape, forced marriage and sexual and reproductive health and rights violations. Among the latter are the breach of a woman's right to choose the number and spacing of her children, and cases of forced pregnancy, in which women and

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<sup>35</sup> US Department of State, '2022 Trafficking in Persons Report' (2022), p. 372.

<sup>36</sup> US Department of State, '2020 Country Reports on Human Rights Practices: Mali' (2020) <<https://www.state.gov/reports/2020-country-reports-on-human-rights-practices/mali/>>.

<sup>37</sup> US Department of State, '2022 Trafficking in Persons Report' (2022), p. 372.

<sup>38</sup> US Department of Labor, 'Child Labor and Forced Labor Reports: Mali' (2020), p. 7.

<sup>39</sup> US Department of State, '2021 Trafficking in Persons Report: Mali' (2021) <<https://www.state.gov/reports/2021-trafficking-in-persons-report/mali/>>.

<sup>40</sup> Interview carried in Ménaka, 08 May 2021.

<sup>41</sup> OHCHR, 'Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law' (16 December 2005), General Assembly resolution 60/147.

<sup>42</sup> OHCHR, 'Third Cycle Matrice of Recommendations – Mali', 114.102, Togo; 114.58, Tunisia.

girls are forced to bear children born from rape by their 'masters'. In these cases, children will then also be 'owned' in turn, leading to a cycle of exploitation and abuse.

The following excerpts from our research with people in slavery demonstrate the severity of these violations, as well as the unequal status that women and girls may be subjected to within their own relationships, which may itself reflect a kind of 'ownership'.

*"A slave is the property of their master. When [the 'master'] has to satisfy his sexual needs, he enters the house of the slave to do so. Bullying and abuse of young women and girls who are slaves is also frequent. Some masters abuse young girls on the pretext that they are their property, given their status as slave."<sup>43</sup>*

*"Each time the master needs a female slave he may sexually abuse her. This is also the case for his adult children who also use her. She has no right to refuse or protest."<sup>44</sup>*

*"When one is a 'slave' all your activities are dictated... When my daughter should marry it is up to the master to decide this; even if the master has need of my wife, he can proceed to have sex with her without my authorisation because in his mind all my property and myself belong to him."<sup>45</sup>*

The prohibition and prevention of gender-based violence is recognised as a norm of customary international law, as defined in the Committee on the Elimination of Discrimination Against Women's General Recommendation No. 35, which outlines the concept of due diligence. The government of Mali has a positive obligation to prevent and protect women from violence and discrimination, punish perpetrators of violent acts and compensate victims of violence.<sup>46</sup>

## **THEME: HUMAN RIGHTS POLICIES**

During the third cycle, the government of Mali supported a recommendation to prevent and avoid community violence.<sup>47</sup> However, since its last review there has been an upsurge in community-level violence against people of slave descent in Kayes (West Mali). This includes the destruction of property and homes, physical violence resulting in deaths, and forced displacement. While it is encouraging that in August 2020, the regional government in Kayes signed a draft charter to end descent-based slavery,<sup>48</sup> this appears not to have stemmed the violence. Twice as many people were reported injured in such attacks by July 2021 than had

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<sup>43</sup> Quote from focus group with adult women of Kaïgourou village, 11 July 2021.

<sup>44</sup> Interview with Y.T. victim of descent-based slavery in Maka Lakaré village, 24 October 2021.

<sup>45</sup> Interview with M.D. victim of descent-based slavery in Maka LaKaré village, 24 October 2021.

<sup>46</sup> Committee on the Elimination of Discrimination against Women, 'General recommendation No. 35 on gender-based violence against women, updating general recommendation No. 19' (14 July 2017) UN Doc CEDAW/C/GC/35.

<sup>47</sup> OHCHR, 'Third Cycle Matrice of Recommendations – Mali', 114.52, Morocco.

<sup>48</sup> US Department of State, '2021 Country Reports on Human Rights Practices: Mali' (2021).



been in the entirety of 2020.<sup>49</sup> The situation is unsafe for anti-slavery human rights defenders, with risks of community attacks.

The response from the transitional government has been inadequate. Those who have been forcibly evicted from their homes and land have received little state support. The government itself has also been responsible for the arbitrary arrest and detention of anti-slavery activists.<sup>50</sup> Yet those who have experienced slavery are entitled to protection and assistance under human rights law, including rehabilitation, compensation, and restitution, while human rights defenders should be able to operate freely and safely.

The Project documented the following failure of the state to protect a victim of slavery from being brutally killed, allegedly by slave masters in the village of Lany Mody (Kayes region) on 30 July 2022.

On 20 June 2022, a woman named Diogou Sidibe, aged 70, was physically assaulted by a dozen alleged slave masters in her field for refusing to accept the status of a slave. She was physically assaulted (assault and battery) before being robbed of her land. The alleged slave masters claimed ownership of land inherited by Mrs. Sidibé from her grandparents. On the same day, Mrs. Sidibe filed a complaint with the Tribunal d'Instance de Kayes (Kayes Court of First Instance) on the grounds of assault and battery.

On July 30, 2022, 40 days after the physical assault, Mrs. Sidibe went back to her field for her farming activities. Shortly after her arrival at the site, several dozen alleged slave masters composed of women, men and young people abducted her for more than six hours. At around 2pm, the body of Mrs. Sidibe was found lifeless. According to the specialists of the civil protection service, she was murdered, shredded, burned, wrapped in a bag, and thrown on the edge of the water canal located several dozen kilometers from her field.

This murder forms part of a wider series of ongoing attacks against people of slave descent in the Kayes region. In October 2021, several UN Special Procedures highlighted that the continuing nature of the attacks "shows that descent-based slavery is still socially accepted by some influential politicians, traditional leaders, law enforcement officials and judicial authorities",<sup>51</sup> reflecting similar concerns throughout 2020 and 2021.<sup>52</sup>

The following is a non-exhaustive list of recent violent incidences towards those in descent-based slavery in Mali:

- Between 28-29 September 2021, pro-slavery assailants attacked a group of people considered 'slaves' who were celebrating Mali's Independence Day, killing one man and injuring at least 12 people.<sup>53</sup> This was the eighth such attack in the region in

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<sup>49</sup> OHCHR, 'Mali: UN experts condemn increased attacks on 'descent-based slaves', deplore government's failure to act' (19 July 2021).

<sup>50</sup> US Department of State, '2022 Trafficking in Persons Report' (2022), p. 373.

<sup>51</sup> OHCHR, 'Mali: End to impunity for barbaric attacks on "slaves" long overdue – UN experts' (29 October 2021).

<sup>52</sup> OHCHR, 'Mali: UN experts condemn increased attacks on 'descent-based slaves' (19 July 2021)

<<https://www.ohchr.org/en/news/2021/07/mali-un-experts-condemn-increased-attacks-descent-based-slaves-deplore-governments>>; Human Rights Council, 'Situation of human rights in Mali: Report of the Independent Expert on the situation of human rights in Mali', UN Doc A/HRC/43/76 (15 January 2020).

<sup>53</sup> OHCHR, 'Mali: End to impunity for barbaric attacks on "slaves" long overdue – UN experts' (29 October 2021).



2021, with at least 77 injured and more than 3,000 “slaves” displaced in that period.<sup>54</sup> 36 suspects were arrested.<sup>55</sup>

- On 4 July 2021, people from Makhadougou village in the eastern Kayes region tried to prevent people they considered ‘slaves’ from working their fields by attacking them with machetes and rifles, injuring 12 people.<sup>56</sup>
- On 1 September 2020, four anti-slavery activists were murdered in in Djandjourné (Kayes).<sup>57</sup> One of the activists had won a court ruling against the village imam over farmland; in response, members of the community launched an attack, killing him and three other men considered ‘slaves’.<sup>58</sup> Eleven people were arrested.<sup>59</sup>
- On 17 September 2019, a member of the anti-slavery organization Rassemblement Malien pour la Fraternité et le Progrès was expelled from his village in the Kayes region on the orders of the village chief. He had been reportedly forbidden to use the village well or to obtain food in the village, and his wife had reportedly been beaten.<sup>60</sup> 40 members of his family had to flee the area.<sup>61</sup>
- In September 2019, human rights organisations reported that four people in Djandjourné had been bound, beaten, and drowned for refusing the practice of descent-based slavery.<sup>62</sup> At least 95 of their family members fled or were displaced. Mali’s National Human Rights Commission<sup>63</sup> and other human rights organisations condemned the situation and called on the government to take action. At least 30 people were reportedly arrested as a result.
- In July 2019, around 50 people were forced by local traditional figures to flee from their village after contesting their status as slaves.<sup>64</sup>

It is clear that a legal approach to combating violence linked to slavery by descent is not sufficient on its own. An effective approach must combine protection measures to ensure the

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<sup>54</sup> Ibid.

<sup>55</sup> US Department of State, ‘2021 Country Reports on Human Rights Practices: Mali’ (2021).

<sup>56</sup> OHCHR, ‘Mali: UN experts condemn increased attacks on ‘descent-based slaves’ (19 July 2021).

<sup>57</sup> Bamada.net, ‘Pour avoir refusé de conserver le statut d’esclavage : 4 Hommes ont été battus à mort dans le village de Djandjourné, région de Kayes’ (10 September 2020) <<http://bamada.net/pour-avoir-refuse-de-conserver-le-statut-desclavage-4-hommes-ont-ete-battus-a-mort-dans-le-village-de-djandjourné-region-de-kayes>>.

<sup>58</sup> OHCHR, ‘UN human rights experts urge Mali to end slavery once and for all’ (8 September 2020) <<https://www.ohchr.org/en/press-releases/2020/09/un-human-rights-experts-urge-mali-end-slavery-once-and-all?LangID=E&NewsID=26219>>.

<sup>59</sup> Ibid.

<sup>60</sup> UN Human Rights Council, ‘Situation of human rights in Mali: Report of the Independent Expert on the situation of human rights in Mali’, UN Doc A/HRC/43/76 (15 January 2020), para 41.

<sup>61</sup> Ibid.

<sup>62</sup> US Department of State, ‘2020 Country Reports on Human Rights Practices: Mali’ (2020).

<sup>63</sup> La Commission Nationale des Droits de l’Homme (CNDH) was created by the Law No. 2016- 036 of 7 July 2016.

<sup>64</sup> UN Human Rights Council, ‘Situation of human rights in Mali: Report of the Independent Expert on the situation of human rights in Mali’, UN Doc A/HRC/43/76 (15 January 2020), para 41.

safety of those affected by slavery, with practical and psychosocial support – including through reparative measures such as compensation (including through a support fund), rehabilitation (including medical and psychological assistance), restitution and guarantees of non-repetition.

In addition, legislative change and protection measures should be accompanied by widescale rights-based awareness-raising in Mali among the general population about descent-based slavery and the rights of all persons to liberty and security. This could be achieved through comprehensive human rights education campaigns to change the underlying discriminatory attitudes towards people of slave descent, training programmes, and engagement with traditional and religious leaders to lead the fight against descent-based slavery in their respective communities.

## **THEME: RIGHT TO BE RECOGNISED AS A PERSON BEFORE THE LAW**

In the third cycle, Mali supported a recommendation on adopting a national strategy to modernise civil registration procedures, and has since, promisingly, adopted one.<sup>65</sup> However implementation has been weak. As with other policies in Mali, this strategy is facing an implementation gap due to ongoing conflict in the country, especially in rural and northern regions.<sup>66</sup> With the territorial administration absent in many localities, especially in areas under the control of armed group, civil registration in northern Mali has reportedly been brought to a halt, and remains low in rural areas elsewhere in the country.<sup>67</sup>

Descent-based slavery communities are being disproportionately impacted. As individuals can be given as gifts, passed down the family line as ‘inheritance’ by the enslaver, or born as a result of forced pregnancy at the hands of ‘masters’, they are denied recognition of their civil status and lack access to necessary identity documents such as birth certificates and identity documents.<sup>68</sup> Without these they lose access to the spectrum of civil, political, economic, social and cultural rights, including the right to vote, to education, or to open a bank account, meaning they cannot live as equal citizens. It should also be noted that descent-based slavery is most widespread in northern Mali, where insecurity is high and access is most difficult.

Results of the Project’s research have confirmed that people in descent-based slavery are deprived of their identities and access to public services. The common impacts reported cover exclusion from education and health services to microfinance institutions for the development of income-generating activities. Those in slavery also report the restriction of

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<sup>65</sup> OHCHR, ‘Third Cycle Matrice of Recommendations – Mali’, 114.61, Côte d’Ivoire.

<sup>66</sup> Heather Alexander, ‘Report on Citizenship Law: Mali’, *European University Institute* (June 2020) <[https://cadmus.eui.eu/bitstream/handle/1814/67494/RSCAS\\_GLOBALCIT\\_CR\\_2020\\_11.pdf?sequence=1&isAllowed=y](https://cadmus.eui.eu/bitstream/handle/1814/67494/RSCAS_GLOBALCIT_CR_2020_11.pdf?sequence=1&isAllowed=y)> p. 2.

<sup>67</sup> *Ibid.*, p. 12.

<sup>68</sup> Anti-Slavery International, ‘The difficult path to freedom: 10 years of work to eradicate slavery in West Africa’ (2019) p. 12.

free movement, due to a prominent fear of being arrested and detained by defence and security forces as presumed 'radicals'.

*"It is forbidden for children to go either to normal or religious school. They cannot approach other children to play with them. They are traumatised by the awful events they are living."<sup>69</sup>*

*"I worked for the family of my masters for fifty years without rest. I never had access to civil status, like my children. They are not enrolled in school. When we get sick, we self-medicate."<sup>70</sup>*

*"When you are a slave, you have the right to nothing. Young people do not have access to civil status or access to health. When our young people get sick, they never go to the health centre. [...] Regarding access to civil status, the teacher finds it a waste of time. He wants the slave to spend all his time working instead of going to make the identity card. A slave is nothing and his point of view does not count. It is the master and the whole community that prevent us, because for them, when we are a slave we know what we should not get involved in [...]. We do not have access to education. When you get sick, you don't go to the hospital. We have no rest, we do not have the right to travel or to vote."<sup>71</sup>*

This broad violation of rights compounds discrimination and subordination experienced by people in slavery, and greatly reduces their chances of escaping the slavery system.<sup>72</sup>

This lack of data additionally makes it challenging for government agencies and other stakeholders to identify victims and to design and provide the necessary targeted and systematic support.

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<sup>69</sup> Quote from focus group with women victims, Djandjourné, 23 October 2021.

<sup>70</sup> Quote from interview with TWK, aged 65, from Gao region, resident in Gossi, 07 December 2021.

<sup>71</sup> Extract from focus groups with young girls in Gossi, 07 November 2021.

<sup>72</sup> Anti-Slavery International, 'The difficult path to freedom: 10 years of work to eradicate slavery in West Africa' (2019), p. 12.

# RECOMMENDATIONS TO THE TRANSITIONAL GOVERNMENT OF MALI<sup>73</sup>

- Adopt and enact legislation on the criminalisation, prevention and repression of slavery in Mali, including descent-based slavery, imposing penalties that are commensurate with the gravity of the crime.
- Work with anti-slavery organisations to provide training on human rights and the prosecution of descent-based slavery cases to judicial personnel, including prosecutors.
- Ensure that any new law criminalising slavery allows specialised NGOs to act as the civil party and pursue slavery cases on behalf of victims, where informed consent is given, to facilitate prosecutions.
- Ensure the independence of the judiciary by removing all political intervention into judicial proceedings, especially in cases of descent-based slavery. Further, investigate and sanction incidences of interference, intimidation and reprisal involving victims of slavery during their engagement with the justice system.
- Take appropriate precautionary measures to put an end to the threats, violence and other forms of reprisal against people in slavery and human rights defenders.
- Provide people who have experienced slavery and related human rights violations, and their children, with protection, psychosocial care and assistance, including rehabilitation, compensation, and restitution. This should include establishing a support fund for victims of slavery to support their social integration and economic empowerment, and providing specialist support for survivors of sexual and gender-based violence.
- Support victims of descent-based slavery who have been forcibly displaced with the process of returning to their villages of origin, or resettling in a safe location if they prefer.
- Facilitate birth registration for all citizens, ensuring that specific measures are taken to identify and support those experiencing descent-based slavery throughout the process.

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<sup>73</sup> These recommendations have also largely been endorsed by the joint stakeholder submission of nine human rights groups in Mali: 'Alternative Report of Malian Civil Society Organisations (CSOs) to the 43<sup>rd</sup> Session of the Working Group on the Universal Periodic Review'.

- Undertake, in collaboration with civil society, a comprehensive human rights education and awareness raising programme at the national and local level on descent-based slavery, with the aim of changing attitudes, behaviours, and beliefs that normalise slavery.
- Systematically collect accurate and disaggregated data on the prevalence of slavery, including descent-based slavery, across the country.