

## Update on women, peace and security in Mali April 29<sup>th</sup> 2021<sup>1</sup>

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The last time that the Informal Expert Group of the Security Council on Women, Peace and Security discussed the situation in Mali was May 2020 ([S/2020/574](#)). This update summarizes relevant developments since then.

### Developments in the Security Council

On 29 June 2020, the Security Council adopted **resolution 2531 (2020)** which extended the mandate of the United Nations Multidimensional Integrated Stabilization Mission in Mali (MINUSMA) until 30 June 2021. The resolution added new elements on WPS to the provisions in the previous resolution, including by urging the Malian parties to implement, as a priority measure, the recommendations of the high-level workshop on participation of women in the follow-up mechanisms established by the Agreement; and calling for the views of survivors to be taken into account in the design, establishment, implementation, monitoring and evaluation of sexual and gender-based violence (SGBV) programmes. **Relevant excerpts of resolution 2531 (2020) are included in the annex below.**

**Resolution 2541 (2020)**, adopted on 31 August 2020, renewed the **sanctions regime**, which already included rape and sexual violence among the violations of international human rights law or international humanitarian law that would warrant the listing of an individual. The resolution also extended the mandate of the **Panel of Experts** until 30 September 2021 and retained the provision stressing the importance of women's participation in the mechanism established by the peace agreement. No further listing has been made since the last meeting of the IEG on Mali. In its **August 2020 final report**, the Panel documented nine specific incidents of SGBV, most of them occurring in Mopti in May and June 2020, including members of the Groupes Armés Terroristes (GAT) allegedly holding and using one a woman as a sexual slave until Malian armed forces freed her, and three unknown jihadists gang-raping a woman for not wearing the hijab. The panel also noted reports of sexual violence and rape from prostitution motels (*maisons closes*) in Gao and highlighted that migrant women are particularly vulnerable to being exploited as prostitutes. In its **February 2021 midterm report**, the Panel noted that the number of incidents of gender-based violence (GBV) remained high.

In a **presidential statement**, adopted on 15 October 2020, the Council welcomed the new transitional arrangements in Mali and reiterated the importance of ensuring women's full, equal, effective and meaningful participation in the political processes in Mali.

In a **letter** dated 25 March 2021, the Secretary-General outlined a **roadmap for a transition of MINUSMA**. The benchmarks set for phase I of the transition include the holding of credible national elections in 2022 with an increased participation and representation of women as well as the broadening of civil society participation in the transition and peace process, particularly for women and young people, as well as the establishment of a women's observatory.

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<sup>1</sup> This background note, including the recommendations at the end of this document, is prepared by UN Women as the secretariat of the Informal Expert Group on Women, Peace and Security, in consultation with other UN entities.

No woman from Malian civil society briefed the Security Council in a country-specific meeting since the last meeting of the IEG on Mali.

### **Women's participation in the peace process and in politics**

**Following the 18 August 2020 military coup**, women peacebuilders across political and ethnic regional lines played a prominent role in mediating between the Malian authorities, the *Mouvement du 5 juin-Rassemblement des forces patriotiques* (M5-RFP) and other key actors to find peaceful solutions. Women participated in decision-making roles in the national consultations, including in developing the Transition Roadmap and Charter, which includes a provision on the promotion of women's representation in its article 17. With MINUSMA's support, 725 Malian civil society members, including 290 women, produced a civil society common white paper on the transition agenda and the government action plan. The document outlined findings, recommendations, commitments and a common stance on the six axes of the transition roadmap. The United Nations Country Team, in partnership with the African Union, is supporting women civil society leaders to participate in the political transition processes, including through capacity-building on issues such as constitutional, electoral and political party charter reforms.

**Women's representation in the government has decreased since the coup.** With only 4 women among its 25 members (16 percent) the transitional government appointed on 5 October 2020 falls short of meeting the 30 percent minimum quota for women's representation set by the national law 052 adopted in 2015. A group of women leaders issued a declaration to the Prime Minister expressing their concerns with regards to the marginalization of women in the political transition process and decision-making at large. Overall, despite the 2015 law, women's representation in governmental positions decreased during the transition period, while at the same time, there is a trend of increased appointments of military or former military officials. For example, at the level of **regional governors**, only one (5 percent) out of 20 governors is a woman.

Of the 147 members of parliament elected at the legislative elections held on 29 March and 19 April 2020, 41 were women (27 percent). While falling short of the 30 percent quota, this constituted an increase of 19 percent compared to the previous legislative elections. However, **the National Assembly was dissolved in August 2020 following the military coup. The National Council of the Transition** -which was set up in November 2020 and which will play the role of a legislative body- has 32 women among its 121 members (26.4 percent) and also fails to meet the 30 percent quota of law 052.

By contrast, **women's political participation at the local level increased** over the past 12 months, with more women contesting for local administrative positions and an increment from 14 to 39 female mayors. MINUSMA contributed to this positive development by supporting the Ministry of Territorial Administration and Decentralization in building the capacity of over 874 women municipal councilors in Mopti, Timbuktu and Gao on a wide range of local administration themes. Among **interim authorities**, the representation of stands at 1.4 percent at the regional level, 7.4 percent at the district level, and 24.2 percent at the municipal level.

Some progress has been made with regards to **women's participation in the implementation mechanism of the peace agreement**. With nine women among the 29 national members (31 percent, as the delegations of the government, the *Plateforme* coalition, and *Coordination des Mouvements de l'Azawad* each include three women) the Agreement Monitoring Committee now meets the 30 percent quota for women's representation that was recommended at the January 2020 high-level workshop on the inclusion of women in the implementation of the peace agreement. At the fifth high-level meeting of the Committee, held on 11 February 2021 in Kidal, participants agreed to increase the number of women from 9 to 12, and to include another 12 women in its four subcommittees. While negotiations are ongoing, women's representation in other mechanisms remains low with only five women (20 percent) among the 25 commissioners of the

Truth, Justice and Reconciliation Commission, four women (5.7 percent) among the 70 commissioners of the national security sector reform council, and one woman (2.6 percent) among the 38 members of the National Commission on Disarmament, Demobilization and Reintegration. The women's observatories which were recommended at the above-mentioned workshop in January 2020 and in Security Council resolution 2531, are not yet operational but preparations are underway.

MINUSMA is supporting the drafting of the new strategy of the Ministry of National Reconciliation and advocating for increased participation of women's civil society organizations in the prevention and management of inter-community conflicts and a stronger role of women in the national reconciliation process. On average, women's participation at regional consultations in north and central Mali was at 22 percent.

On 12 November 2020, the Prime Minister signed Mali's third **national action plan (NAP) on resolution 1325** and the National Monitoring Committee on the implementation of the NAP 1325 already approved a work plan for 2021.

A planned **gender-sensitive conflict analysis** to be undertaken jointly by MINUSMA and the UN Country Team has been delayed because of COVID-19 restrictions, but its realization is underway and will take into account the impact of the pandemic and the new context of political transition.

### **Human rights issues, including conflict-related sexual violence**

On 17 December 2020, the Secretary-General submitted the report of the **International Commission of Inquiry for Mali (ICoI)** to the Security Council. The report found that members of the extremist armed groups Ansar Eddine, AQIM and MUJAO committed **systematic or widespread rape** of women and girls during the period in which they controlled the Timbuktu and Gao areas and made extensive use of sexual violence in the form of **forced marriage as a means of punishing and controlling the population**. The Commission also found that, at the beginning of the conflict, members of the *Mouvement National de Libération de l'Azawad* committed widespread rape and other forms of sexual violence against women and girls living in the territories under their control, in particular Ménaka, Gao and Timbuktu. The Commission noted that victims of sexual violence were women and girls of all ages, the youngest being 7 years old and the oldest 75 years old and that a large majority of the victims of sexual violence were Bella Tuareg and Songhai women or girls or dark-skinned women. Emphasizing that women play a variety of roles in the conflict in Mali, and not just as peacebuilders but also as informants to the parties, providers of goods and supplies, and in some cases as fighters, the Commission noted the widely shared perception among the Government and the signatories of the peace agreement that because women have not played a role in the conflict there is no need for them to be involved in peace processes.

Following the coup d'état of 18 August 2020, cases of **conflict-related sexual violence (CRSV)** increased, despite underreporting due to prevailing insecurity, fear of reprisals, lack of protection for survivors and witnesses, limited access to justice, impunity, stigma, and sociocultural barriers as well as humanitarian access constraints, compounded by pandemic-related restrictions. In 2020, MINUSMA reported cases of CRSV affecting 21 women and 8 girls. Perpetrators included the *Coordination des mouvements de l'Azawad*, associated with the *Mouvement Arabe de l'Azawad*, *Ganda Izo*, *Groupe d'autodéfense des Touaregs Imghad et leurs alliés*, violent extremist groups, unidentified armed men as well as Malian Defence and Security Forces. In addition, the Country Task Force on Monitoring and Reporting on grave violations against children reported incidents of sexual violence against 12 girls aged between 11 and 17 years in Mopti, Timbuktu, Gao, and Segou regions. Between January and December 2020, 6,605 cases of **GBV** were reported through the GBV Information Management Information Management System (GBVIMS) with 99 percent of survivors being women and a high proportion of girls under 18 years old (58 percent). During the first quarter of 2021, the GBVIMS reported 1,879 cases of GBV.

In his February 2021 report, the Independent Expert on the situation of Human Rights in Mali noted that it was reported that 100 **children born as a result of rape** were registered in Mali between January and August 2020. Between January-December 2020, the **recruitment and use of girls by armed forces and armed groups drastically increased** by a fourfold (or 269 percent) compared to the previous reporting period, from 26 to 96 girls. At least 29 percent of the girls – and no boys – were used for sexual purposes by their armed groups.

The proliferation of illicit small arms and a surge of intra-communal violence propelled civilian displacement and rendered women and girls more vulnerable to **trafficking**. In a November 2020 report, the Global Protection Cluster noted that women en route to promised jobs in Northern Africa, Europe and the Middle East, are often diverted to Bamako or to mining or agricultural areas where they are forced to engage in sex work. In its January 2021 report, MINUSMA reported **abductions** of girls and women by presumed radical armed elements.

89 per cent of women and girls aged between 15 and 49 years have undergone **female genital mutilation (FGM)**. In December 2020, women's rights groups sued the Malian government at the ECOWAS Court of Justice for failing to criminalize FGM. The Committee on the Elimination of Discrimination Against Women has stressed that opposition from religious leaders and the lack of political will are the main obstacles to the adoption of a bill on gender-based violence that would prohibit FGM. The influence of religious leaders in lawmaking in Mali is evident also in the age limit for marriage. Over 50 percent of girls have been **married before the age of 18**. While the minimum legal age for marriage is 18 for boys, it is 16 for girls and even 15 years under certain conditions.

The consultation process on the **draft law on GBV was suspended** after the objection of the High Islamic Council. The Ministry for the Advancement of Women, Children and the Family, in collaboration with other governmental departments and civil society, has been working on the draft law since 2017. On a positive note, the **current draft of the penal code** now covers CRSV. UN Women is supporting the National Police to develop a new action plan to combat GBV.

**Services for SGBV survivors** are extremely limited. Holistic GBV services are available in only 50 percent of the crisis-affected regions. 23 percent of survivors are unable to access healthcare and 56 percent are unable to reach shelters. 48 percent of health centers lack post-rape kits. One-stop centers received reports of 38 incidents of HIV infections resulting from rape. MINUSMA, in collaboration with local partners, organized an HIV awareness campaign linked to CRSV, followed by testing and services for 1,181 women and girls in Dire, Gao, Ménaka and Mopti regions.

Despite concerted advocacy by MINUSMA and civil society organizations, **115 cases of CRSV**, perpetrated during the Islamist occupation and Tuareg rebellion in the north, are still pending before the **tribunal of commune III in Bamako**.

On 14 July 2020, the **International Criminal Court (ICC)** opened the trial against Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud who is accused of crimes against humanity and war crimes during the occupation of Timbuktu by rebel groups between April 2012 and January 2013. He was allegedly a member of the jihadist group Ansar Dine which enforced a harsh version of Sharia law, controlling people's private and public life – especially the lives of women who were specifically targeted, controlled and oppressed because of their gender. As de facto head of the Islamic Police, Al Hassan was allegedly in charge of enforcing the new rules. It is the first time that the crime against humanity of **gender-based persecution** will be adjudicated by the ICC. Other counts include rape, sexual slavery and forced marriage.

Since the last meeting of the IEG on Mali in May 2020, the **Truth, Justice, and Reconciliation Commission** held two more public hearings during which 5 women among 23 victims and one key witness gave their public testimony. By April 2021, the Truth, Justice and Reconciliation Commission has received more than 20,057 testimonies, and 50 percent of them have been given by women, a percentage that has been gradually increasing. The Commission continued to systematically mainstream gender in its work, namely the draft policy on reparations and in its regular reports.

### **Humanitarian issues and women's socioeconomic situation**

Women represent 56 percent of the **internally displaced population** in Mali and 41 percent of IDP households are headed by women. According to the October 2020 Displacement Tracking Matrix results, women did not feel safe in 11 percent of the evaluated displacement locations. The reasons cited included “female headed household,” “general homelessness,” and “presence of hunter patrols and threats from armed groups.”

**Women's access to agricultural land, property and natural resources** is extremely limited. Although 78 percent of women live in rural areas, they hold only 10 percent of land use rights and 8 percent of land titles. According to a recent report by UN Women, the **COVID-19 pandemic** has a specific impact on **women's economic situation** as they are overrepresented in informal sectors that are heavily affected by this crisis, including small businesses as well as cleaning and domestic services. This precarious situation leads to the adoption of negative survival strategies, including child labor, transactional sex, forced marriage, and slavery.

Mali ranks 158th out of 162 countries in the **Gender Inequality Index** of the Human Development Report, which measures maternal mortality ratio and adolescent birth rates, proportion of parliamentary seats occupied by women, proportion of women aged 25 years and older with at least some secondary education, and women's labour force participation.

### **Recommendations**

In the upcoming negotiations on the mandate of MINUSMA, the Security Council should retain all existing references to women, peace and security in both the preamble and operational paragraphs of resolution 2531 (2020). For example, the specificity and urgency of the calls by the Security Council in OP 3 of resolution 2531 helped actors on the ground make gains on women's participation. In addition, in a new mandate of MINUSMA the Security Council should reiterate the gender-responsive benchmarks laid out in the transition roadmap by the Secretary-General, and consider adding the following to its operational paragraphs:

- a) Welcome the increased representation of women in the Peace Agreement Monitoring Committee and request the Malian parties to increase the representation of women in its subcommittees and other implementation mechanisms of the peace agreement as an urgent priority, including as co-chairs; support the operationalization of a women-led observatory; and strengthen the participation of women in all political processes during the transition and throughout electoral processes, as both voters and candidates.
- b) Urge the transitional authorities to ensure the adoption of political and institutional reforms that will advance gender equality, and to endorse inclusive consultations with the full participation of women's civil society organizations.
- c) Encourage Malian authorities to adopt legislation on sexual and gender-based violence in compliance with international and regional conventions.
- d) Encourage Malian authorities to appoint specialized prosecutors and create dedicated police and gendarmerie units specialized in sexual and gender-based violence.

- e) Encourage all parties to address the disproportionate negative impact of the COVID-19 pandemic on women in all strategies and programmes, including post-COVID 19 recovery plans.
- f) Welcome efforts aimed at reviewing the Constitution ahead of a referendum in October 2021, and urge the Malian authorities to strengthen constitutional protection of women's rights in the process, as well as in the outcome document.

When renewing the mandate of the Panel of Experts supporting the sanctions committee later this year, the Security Council should call for the inclusion of the necessary gender expertise, in line with paragraph 6 of resolution 2242 and paragraph 11 of resolution 2467, and urge the Panel to integrate gender as a cross-cutting issue across its investigations and reporting.

In addition, the co-chairs and other Council members should engage in strategic high-level political diplomacy and advocacy in support of women's representation in the government to meet the 30 percent quota of law 052.

## **ANNEX: Relevant language in resolution 2531 (2020) extending MINUSMA's until 30 June 2021**

*Underlining* that lasting peace and security in the Sahel region will not be achieved without a combination of political, security and development efforts benefitting all regions of Mali, as well as the full, effective and inclusive implementation of the Agreement on Peace and Reconciliation in Mali ("the Agreement"), which involves all Malian actors supportive of the peace process and ensures full, effective and meaningful participation of women and youth,

*Welcoming* the holding of the national inclusive dialogue which was a significant step in building consensus on key political and institutional reforms, and further welcoming the increased representation of women in the National Assembly,

*Strongly condemning* all violations and abuses of international human rights law and violations of international humanitarian law, including (...) sexual and gender-based violence, and trafficking in persons (...).

OP 3. *Urges* the Malian parties to take immediate and concrete action, in a spirit of genuine cooperation, to fulfil the following priority measures before the end of MINUSMA's current mandate: (...)

- implement the recommendations of the high-level workshop on participation of women in the mechanisms established by the Agreement to support and monitor its implementation, by increasing the representation of women in the Comité de suivi de l'Accord (CSA) and the subcommittees, setting-up a steering committee of the workshop's recommendations, as well as an observatory led by women with a clear mandate and mechanism to oversee progress towards women's full, effective and meaningful participation;

OP 4. *Calls upon* all parties in Mali to ensure full, effective and meaningful participation of women in the mechanisms established by the Agreement to support and monitor its implementation, using the appropriate framework, including through greater representation of women in the CSA, meeting the 30 per cent quota for women in all political functions and offices as defined in Mali's legislation, and completion of Agreement-related targets laid out in Mali's third national plan for the implementation of resolution 1325 (2000), and requests the Secretary-General to pay specific attention to these points in its regular reporting on MINUSMA;

OP 8. *Calls for* the inclusion within national and regional strategies of programs to address the stigma of sexual and gender-based violence, bring justice to victims and survivors, and support their reintegration into their communities, and further calls for the views of the victims and survivors to be taken into account in the design, establishment, implementation, monitoring and evaluation of these programs;

OP 28. *Decides* that MINUSMA's mandate shall include the following priority tasks: (...)

(a) *Support to the implementation of the Agreement on Peace and Reconciliation in Mali* (...)

(iii) To support the implementation of the defence and security measures of the Agreement, especially its Part III and Annex 2, notably: (...)

-to support the cantonment, disarmament, demobilization and reintegration of armed groups (...) and the continued implementation of a community violence reduction program, within the framework of an inclusive and consensual reform of the security sector, taking into account the particular needs of women and children (...),

(v) To encourage and support the full implementation of the Agreement by the Malian parties, and all relevant non-signatory actors, including by promoting the meaningful participation of civil society, including women's organizations, women peacebuilders (...);

*(c) Protection of civilians (...)*

(iii) to provide specific protection and assistance for women and children affected by armed conflict, including through Protection Advisors, Child Protection Advisors, Women Protection Advisors and civilian and uniformed Gender Advisors and focal points, as well as consultations with women's organizations, and address the needs of victims and survivors of sexual and gender-based violence in armed conflict;

*(e) Promotion and protection of human rights (...)*

(iii) to improve efforts to monitor, document, conduct fact-finding missions, help investigate and report publicly and regularly to the Security Council, on violations of international humanitarian law and on violations and abuses of human rights, including all forms of sexual and gender-based violence, trafficking in persons, and violations and abuses committed against women and children throughout Mali and to contribute to efforts to prevent such violations and abuses including by liaising with relevant partners, as appropriate.

OP 45. *Requests* the Secretary-General to seek to increase the number of women in MINUSMA, as well as to ensure the full, effective and meaningful participation of women in all aspects of operations;

OP 51. Urges the Malian authorities to ensure that all those responsible for crimes involving violations and abuses of human rights and violations of international humanitarian law, including those involving sexual and gender based violence, and human trafficking, are held accountable and brought to justice without undue delay, and that all victims and survivors of sexual violence in conflict and post-conflict situations have access to justice, and notes, in this regard, the Malian authorities' continued cooperation with the ICC, in accordance with Mali's obligations under the Rome Statute, in matters that are within its jurisdiction;

OP 53. *Reiterates* that the Malian authorities have primary responsibility to protect civilians in Mali, reaffirms its past resolutions on the Protection of civilians in armed conflicts, Children and armed conflicts, Women, peace and security, and Youth, peace and security, calls upon MINUSMA and all military forces operating in Mali to take them into account and to abide by international humanitarian, human rights and refugee law, and recalls the importance of training in this regard;

OP 54. *Welcomes* the adoption by the Malian authorities of a third action plan to implement resolution 1325 (2000), requests MINUSMA to take fully into account gender considerations as a cross-cutting issue throughout its mandate and to assist the Malian authorities in ensuring the full, effective and meaningful participation, involvement and representation of women at all levels in the implementation of the Agreement, including the security sector reform and disarmament, demobilization and reintegration processes, as well as in reconciliation and electoral processes, and calls on the Malian parties to address the need for extra protection for women and children in vulnerable situations as a cross-cutting issue;

OP 56. *Urges* all parties to prevent and eliminate sexual violence in conflict and post-conflict situations, encourages the implementation of the Joint Communiqué on sexual and gender-based violence signed by the United Nations and the Government of Mali in March 2019, further encourages Malian authorities to continue to take steps towards the enactment of the draft law on prevention, prosecution and response to gender-based violence, calls upon the Plateforme armed group to implement the commitments



contained in its Communiqué sur la prévention des violences sexuelles liées au conflit au Mali of June 2016 and upon the Coordination armed group to make similar commitments, and requests MINUSMA to support efforts in this regard;

OP 57. *Requests* the Secretary-General to take all necessary measures to ensure full compliance in MINUSMA with the United Nations zero-tolerance policy on serious misconduct, sexual exploitation and abuse, and sexual harassment, including by making full use of the existing authority of the SRSG to ensure accountability of the Mission's staff and through effective mission support arrangement and to keep the Council fully informed if such cases of misconduct occur, and urges troop- and police-contributing countries to take appropriate preventative action, including vetting, predeployment and in-mission awareness training, and to ensure full accountability in cases of such conduct involving their personnel, including through timely investigations of all allegations of sexual exploitation and abuse, and to repatriate units when there is credible evidence of widespread or systemic sexual exploitation and abuse by those units.