

Human Rights Defenders in Mali

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Mali is one of the sixteen countries that make up the West African region. Although Mali has made significant strides in implementing legislative frameworks and ratifying important international conventions, political unrest within the country has created significant challenges for National and Frontline Grassroots Human Rights Defenders (HRDs), including environmental activists, defenders of indigenous rights, land rights, women rights, and more. Human rights violations faced by HRDs include unlawful arrests, detention, torture, judicial threats, murder, forced displacement, stigmatization, limits on freedom of expression and association, and more. In 2019, amid protests against country-wide violence, Prime Minister Soumeylou Boubèye Maïga resigned¹ and the former Finance Minister, Boubou Cissé was appointed as the new Prime Minister.² Following this change, the government opened the Inclusive National Dialogue with victims of violence to address the security crisis in the country.³ However, other additional factors, such as strengthening presence of non-state actors, such as Islamic extremists, widespread corruption, and restrictions on freedom of information are still creating an overall climate of fear and insecurity in the country, making the work of HRDs unsafe.⁴

In particular, HRDs who expose human rights abuses via written or electronic media face severe governmental censorship and even death threats.⁵ For example, in 2017, Madou Kanté, an anti-corruption blogger and activist, was shot.⁶ The same day, a journalist, Salif Diarra, also received death threats.⁷ HRDs face restrictions on their constitutional right to assemble as well as their ability to use online platforms.⁸ In 2017, a HRD was killed when police fired at protesters in Konsiga.⁹ In August 2020, police shot and killed eleven HRDs at a protest.¹⁰ Because Mali has declared a state of emergency since 2015, police officers who use violence against protestors and act outside of “any judicial structures” against HRDs often go unpunished.¹¹

Although Mali has implemented a few domestic legal protections to protect HRDs, they are not effectively enforced. In 2018, the government passed a legislation, the Law on Human

¹ <https://freedomhouse.org/country/mali/freedom-world/2020>

² <https://freedomhouse.org/country/mali/freedom-world/2020>

³ <https://freedomhouse.org/country/mali/freedom-world/2020>

⁴ <https://www.protecting-defenders.org/sites/protecting-defenders.org/files/UNSR%20HRDs-%20World%20report%202018.pdf> p.50

⁵ <https://freedomhouse.org/country/mali/freedom-world/2020>

⁶ <https://www.protecting-defenders.org/sites/protecting-defenders.org/files/UNSR%20HRDs-%20World%20report%202018.pdf> p.53

⁷ <https://www.protecting-defenders.org/sites/protecting-defenders.org/files/UNSR%20HRDs-%20World%20report%202018.pdf> p.53

⁸ <https://freedomhouse.org/country/mali/freedom-world/2020>

⁹ <https://freedomhouse.org/country/mali/freedom-world/2020>

¹⁰ <https://www.nytimes.com/2020/07/16/world/africa/mali-protesters-killed-keita.html>

¹¹ <https://www.nytimes.com/2020/07/16/world/africa/mali-protesters-killed-keita.html>

Rights Defenders, which was meant to protect HRDs, making Mali the third African country to pass such legislation.¹² The law is fairly extensive and includes provisions protecting the homes of HRDs, engagements with international bodies, the right to receive funding, and specific provisions for women and HRDs with disabilities.¹³ However, the law does not have an enforcement mechanism.¹⁴ Additionally, Mali has a system, the Mali Democratic Inquiry Space, that allows citizens to raise human rights violation complaints with the Prime Minister and other Ministers.¹⁵ However, the complaints submitted via the system are not fully investigated. Finally, Mali has ratified the ICCPR, ICESCR, CEDAW, CAT, and African Court protocol.¹⁶ Mali has also ratified ACHPR protocol and has made a declaration giving an individual or NGO with observer status before the ACHPR the possibility to make an application. Mali has a mandate from The Special Procedures of the Human Rights Council and is a member of members of the Economic Community of Western States (ECOWAS) and are within the jurisdiction of the ECOWAS Court. However, Mali's NHRI is not fully compliant with the Paris Principles which means that protection of environmental HRDs is rather limited.

Besides the domestic and international legal protections, key civil society organizations have taken roles of protecting HRDs. For example, Malian Coalition of Human Rights Defenders (COMADDH) is an organization that aims to build alliances to protect HRDs. The partnership is well coordinated and includes key stakeholders from various fields, including governmental officials, local community members, and financial partners. Similarly, a National Commission for Human Rights (NCHR) focuses on monitoring and addressing torture of HRDs. The Ombudsman office serves as an additional mechanism for protection of HRDs. Additionally, HRDs in Mali are hoping to establish a National Directorate of Human Rights. However, only a few of these HRD coalitions have actual monitoring and evaluation systems in place. Thus, the data on existing human rights violations, HRDs protection, and environmental issues is lacking.

Environmental Frontline Grassroots HRDs in Mali is especially essential because they help expose harmful environmental violations. For example, Frontline HRDs helped report the environmental contamination which led to various health issues such as increase in lung diseases and miscarriages among women. These violations resulted from Mali's two main gold mines that were operating in a close proximity to local communities. While the gold mines had setup a community development fund it appeared that that fund was being used by the local government

¹²<https://www.protecting-defenders.org/sites/protecting-defenders.org/files/UNSR%20HRDs-%20World%20report%202018.pdf> p.51

¹³<https://www.protecting-defenders.org/sites/protecting-defenders.org/files/UNSR%20HRDs-%20World%20report%202018.pdf> p.51-52

¹⁴<https://www.protecting-defenders.org/sites/protecting-defenders.org/files/UNSR%20HRDs-%20World%20report%202018.pdf> p.52

¹⁵<https://www.protecting-defenders.org/sites/protecting-defenders.org/files/UNSR%20HRDs-%20World%20report%202018.pdf> p.52

¹⁶[https://nhri.ohchr.org/EN/AboutUs/GANHRIAccreditation/Documents/Status%20Accreditation%20-%20Chart%20\(%2027%20November%202019\).pdf](https://nhri.ohchr.org/EN/AboutUs/GANHRIAccreditation/Documents/Status%20Accreditation%20-%20Chart%20(%2027%20November%202019).pdf)

to pay police salaries rather than being provided to the community.¹⁷ HRDs also raise issues when multinational companies desecrate local cultural sites and deprive communities of their livelihoods in Mali. HRDs in Mali have brought attention to the instability in northern Mali which severely affects their work and the capacity of HRDs. Despite this important work, HRDs claim that the climate of fear and insecurity is pervasive largely because of the presence of non-state armed groups.

The most recent environmental case that HRDs brought to light generated in Mali and is currently pending in front of the African Court deals with workers' rights.¹⁸ In this case, a group of 135 Malian workers at Australian Laboratory Services, an ore processing laboratory, were contaminated with lead at work between 2000 and 2013. Workers' various complaints were dismissed, including the union workers' representatives, and as a result, workers developed diseases due to prolonged exposure to the chemicals. In 2013, the Malian Ministry of Health found serious breaches of hygiene and safety rules, including the fact that the Laboratory deliberately concealed the information of excessive lead levels in some employees' blood in 2008. Despite numerous efforts, Malian authorities took no action. In June 2016, a collective represented by the FIDH and its member organization, the Malian Association of Human Rights (AMDH) filed a complaint before the African Court. The Collective asserted a few violations: failure to fulfil its obligation to protect the rights o the highest attainable standard of health; failure to investigate the allegations, and failure to prosecute those responsible more than 5 years after a complaint had been filed. It is expected that the African Court will order the government of Mali to:

- To acknowledge and publicly admit its responsibility for the violation of the mentioned rights, to the detriment of ALS former workers
- To recognize, without further delay, the occupational disease which ALS former workers are suffering because their broad and prolonged exposure to highly toxic products
- To recognize, without further delay, their right to medical care which will allow them to live their illness in dignified conditions
- To carry out investigations which will enable the necessary prosecution of private actors who have violated the regulations in force in Mali at the time of the facts and have been guilty of poisoning and non-assistance to persons in danger.
- To pay adequate compensation, including prompt and effective compensation, to victims, based on the jurisprudence of international human rights treaty bodies, including all physical, material moral, loss of opportunity and other harm as the Court considers appropriate.

¹⁷ Mano River Union Civil Society Natural Resources Rights and Governance Platform First Peoples' Forum on Corporate Accountability: Final Report.

¹⁸ The details of this case were drawn from the following webpage which offers more details. [African Court/ Mali: Q&A on the ALS contaminated workers' case \(fidh.org\)](#)

The ruling would enable justice and redress to be provided to the victims and set a precedent in Mali, where working conditions are regularly inconsistent with human rights obligations, particularly in the mining industry. It would also constitute the first case before the African Court on Human and Peoples' Rights concerning the responsibility of a State for human rights violations committed by companies and would send a strong signal to the states to combat impunity for such violations and to take all necessary measures to ensure the enforcement of labor law by companies providing clear community protections.

Overall Recommendations Include:

- Greater commitment to domestic implementation or enforcement mechanisms
- Creating a mechanism to help better enforce HRD law
- Implementing a system to investigate cases presented through the Mali Democratic Inquiry Space.
- The human rights commission should be brought into full compliance with the Paris Principles.
- Police should be held accountable for their violent actions and for any actions they take outside of the judicial systems.
- The government must involve the Malian Coalition of Human Rights Defenders in their improvement efforts.
- Collection of data related to the protection issues for HRDs, especially environmental HRDs.