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TRAFFICKING IN PERSONS REPORT 2018 - COUNTRY NARRATIVES - MALI

MALI: Tier 2 Watch List

The Government of Mali does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government made key achievements during the reporting period; therefore Mali was upgraded to Tier 2 Watch List. These achievements included investigating and prosecuting an increased number of trafficking cases, including several Quranic school teachers for allegedly forcing children to beg; identifying an increased number of trafficking victims; training judges, magistrates, and police around the country; and disbursing funds specifically for anti-trafficking efforts and victim protection. Despite these achievements, the government did not make significant efforts to address child soldiering. The government provided support to and collaborated with the Imghad Tuareg and Allies Self-Defense Group (GATIA), a non-governmental armed group headed by a Malian general that used and recruited child soldiers, at times by force. The government did not investigate any suspects, including government officials, for child soldiering offenses or make efforts to prevent armed groups from using and recruiting children. Moreover, the lack of funding and resources for police inhibited investigations of reported trafficking cases.

RECOMMENDATIONS FOR MALI

As part of the peace process, engage with non-governmental armed groups to cease recruitment and use of children; cease support to armed groups that recruit and use children; vigorously investigate and prosecute trafficking offenses and convict and punish traffickers, including complicit officials, with sentences prescribed in the 2012 law; provide care to all trafficking victims, irrespective of their participation in criminal proceedings; follow the established protocol for referring children allegedly associated with armed groups to care, and release any children inappropriately detained; train and equip law enforcement on effective case investigation techniques; further train judges and prosecutors on the 2012 law; continue to provide funding or in-kind support to NGOs that assist trafficking victims; develop and train officials on standardized mechanisms to identify trafficking victims; finalize the draft anti-trafficking national action plan, including formalizing the roles of anti-trafficking committee members; expand and strengthen implementation of programs for the disarmament, demobilization, and reintegration of former child combatants that address specific needs of child ex-combatants; and increase efforts to raise public awareness of trafficking, including child forced begging and child soldiering.

PROSECUTION

The government modestly increased law enforcement efforts. Law 2012-023 Relating to the Combat against Trafficking in Persons and Similar Practices, as amended, criminalized labor and sex trafficking. The law prescribed penalties of five to 10 years imprisonment for sex and labor trafficking—except forced begging—and separately criminalized forced begging with lesser penalties of two to five years imprisonment and a fine. These penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with those for other serious crimes, such as rape.

As in the previous reporting period, the justice minister issued a decree instructing judicial personnel to prioritize prosecutions of cases under the 2012 law. Although the government did not have a centralized mechanism to collect comprehensive anti-trafficking law enforcement statistics, it reported investigating 32 cases involving 63 defendants (initiating 19 new cases and continuing 13 cases from previous reporting periods), prosecuting 13 traffickers (including at least 10 prosecutions initiated during the reporting period), and convicting one trafficker. The government reported investigating 11 cases, prosecuting seven suspects, and convicting four traffickers during the previous reporting period. Of the 13 suspects prosecuted—primarily Quranic school teachers for alleged child forced begging—the government convicted and sentenced one offender to eight months

imprisonment and acquitted five additional suspects, although prosecutors were appealing these rulings. There were seven ongoing prosecutions at the end of the reporting period.

The Ministry of Justice trained more than 300 judges, magistrates, and police in five of Mali's eight regions on victim identification and investigations and prosecutions under the 2012 law, and distributed 200 copies of the law in all 13 national languages. Despite these efforts, continued lack of awareness of the 2012 law stymied law enforcement action; for example, judges dismissed cases against at least three alleged traffickers for forced begging because judges were unfamiliar with the 2012 law. Additionally, the police's system-wide lack of funding and resources, including vehicles and equipment to investigate crimes, impeded anti-trafficking efforts. Due to continuing security concerns, the government had limited or no judicial presence in four of the country's eight regions, primarily in the north and center of the country. The government continued the investigation from the previous reporting period of a former diplomat from Democratic Republic of the Congo and two Malian police officers for allegedly facilitating the transportation of Congolese girls to African, European, and Asian countries for exploitation. The non-governmental armed group GATIA, led by a Malian general, used and recruited child soldiers during the reporting period, but the government did not report any investigations, prosecutions, or convictions of traffickers, including complicit officials, for child soldiering offenses.

PROTECTION

The government maintained efforts to identify and protect trafficking victims. Government officials and NGO partners identified 104 trafficking victims and 43 potential trafficking victims during the reporting period, including Malians exploited in Mali and abroad and foreigners exploited in Mali. This is compared to the government and NGOs identifying 143 potential trafficking victims the previous reporting period. Among the potential victims, authorities identified 41 Nigerian sex trafficking victims (36 women and five girls), 40 children in forced begging, and 23 child soldiers; the remainder included those exploited in unknown forms of trafficking and those vulnerable to exploitation. The government did not report identifying any victims of hereditary slavery. The government did not have standardized mechanisms to identify trafficking victims.

The government worked closely with RAFY, a national network composed of NGOs; international organizations; and government ministries, including the Ministry for the Advancement of Women, Children, and the Family (MFFE), to refer all identified trafficking victims to service providers. While in some cases police denied assistance to trafficking victims if they did not file police reports against their traffickers, NGOs—with some government assistance—assisted all trafficking victims identified during the reporting period. Services varied by location but generally included shelter, food, counseling, vocational training, repatriation, and reintegration assistance. Most service providers were NGOs, and the government relied on these NGOs to provide the majority of services, funded by private and international donors. With funding from the national anti-trafficking committee, however, the government provided in-kind support, including furniture to NGO shelters. MFFE had general care facilities that could assist trafficking victims, although it did not report if they assisted any trafficking victims during the reporting period. Shelters and services for victims outside the capital remained limited, especially in the north. Foreign and domestic victims received the same services, and while some facilities could offer specialized services for females, there were no such services for males. The government issued travel documents and provided logistical coordination to facilitate the repatriation of at least 52 foreigners exploited in Mali. In collaboration with NGOs, MFFE also coordinated repatriation for Malian nationals exploited abroad and food, shelter, and medical assistance upon repatriation. The government provided monetary assistance to some Malian trafficking victims repatriated from Libya. The government referred victims to and provided security for an internationally run transit center for children separated from armed groups, including ex-child combatants. The National Directorate for the Advancement of Children and Families provided interim care, including medical and rehabilitation services, when victims could not be immediately placed at the transit center and assisted with family reunification. The center assisted at least 11 children during the reporting period.

The government did not offer legal alternatives to removal to countries in which victims would face retribution or hardship, and it did not have formal policies to encourage victims to participate in trials against their traffickers. Victims could file civil suits against their traffickers, but the government did not report that any did so during the reporting period. Malian law protected victims from being fined, detained, or otherwise penalized for crimes committed as a result of being subjected to trafficking; however, at least three children remained in state-run detention facilities for association with armed groups because the government considered them to be adults; some of the children had been in detention since April 2015. This was a decrease from seven children detained the

previous reporting period. In at least 13 other cases, authorities followed the government's 2013 inter-ministerial protocol requiring them to direct former child soldiers to rehabilitation centers.

PREVENTION

The government maintained efforts to prevent trafficking. Officials continued modest efforts to implement the 2015-2017 anti-trafficking national action plan and began drafting a new plan. The national anti-trafficking committee met frequently during the reporting period, but the lack of coordination and ownership for activities in the action plan among committee members impeded its effectiveness. The government allocated 200 million West African CFA francs (\$355,660) for anti-trafficking efforts, the same amount allocated the previous year, and donated a vehicle to the committee. With this funding, the government conducted at least seven trainings on the 2012 law, awareness-raising activities, and provided in-kind support to NGO victim shelters. With an NGO, the government also conducted an awareness-raising session on child forced begging for Quranic teachers in Segou. The police had a hotline for crimes against women and children, although it did not report receiving any trafficking cases during the reporting period. The government did not make efforts to address the fraudulent recruitment of Malians abroad, and labor inspectors remained without sufficient capacity or resources to regulate the informal sector, where most cases of forced labor occurred. The government did not make efforts to decrease the demand for forced labor or commercial sex acts. The government did not provide anti-trafficking training to Malian troops prior to their deployment abroad as part of international peacekeeping missions.

TRAFFICKING PROFILE

As reported over the past five years, Mali is a source, transit, and destination country for men, women, and children subjected to forced labor and sex trafficking. Humanitarian actors report high unemployment, food insecurity, and security threats drive some families to sell their children into domestic servitude or forced labor in gold mines. Internal trafficking is more prevalent than transnational trafficking. Boys from Mali, Guinea, and Burkina Faso are subjected to forced labor in agriculture—especially rice production—artisanal gold mines, domestic work, transportation, begging, and the informal commercial sector. Malian boys are also forced to beg or perform agricultural work by unscrupulous Quranic teachers in neighboring countries, including Senegal and Guinea. Some members of Mali's black Tuareg community are subjected to slavery practices rooted in traditional relationships of hereditary servitude. Men and boys, primarily of Songhai ethnicity, were subjected to a long-standing practice of debt bondage in the salt mines of Taoudeni in northern Mali. NGO reports indicate Malian children endure forced labor on cotton and cocoa farms in Cote d'Ivoire. Malian women and girls are victims of sex trafficking in Gabon, Libya, Lebanon, and Tunisia and domestic servitude in Lebanon, Saudi Arabia, and Tunisia. Women and girls from other West African countries, particularly Nigeria and Benin, are recruited with promises of jobs as nurses or waitresses in Bamako but exploited in sex trafficking throughout Mali, including in Chinese-run hotels and especially in small mining communities. Nigerian authorities estimate more than 5,000 Nigerian girls are victims of sex trafficking in Mali. Traffickers force women and girls into domestic servitude, agricultural labor, and support roles in artisanal gold mines. Reports allege corruption and complicity among local police and *gendarmes* in Farako may have facilitated forced labor and sex trafficking in mining communities. Africans transiting Mali to Europe, primarily via Algeria and Libya and less so via Mauritania, are vulnerable to trafficking, and Nigerian traffickers exploit Nigerian women in sex trafficking in Mali en route to Europe. An international organization repatriated more than 1,430 Malians from Libya in 2017, some of whom may have been trafficking victims.

During the reporting period, the government did not exercise control over the majority of its territory and lost ground it had previously regained. Justice officials had no or an extremely limited presence in four of Mali's eight regions, limiting the government's ability to provide justice, victim services, and gather data. Since early 2012, rebel and Islamic extremist groups have occupied parts of northern Mali. Terrorist organizations and armed groups continue to recruit and use children, mostly boys, in combat, requiring children to carry weapons, staff checkpoints, guard prisoners, and conduct patrols; some used boys for running errands and spying. Some of these groups have also used girls in combat, support roles, and for sexual exploitation, including sexual slavery through forced marriages to members of these militias. The armed groups purportedly force some families to sell their children to the groups or coerced communities into giving up teenage boys to the groups for "community protection." An international organization reported traffickers fraudulently recruited some children for education in Quranic schools but forced them to fight with armed groups. Some poor families reportedly insert their children into the ranks of armed groups because parents believe they will benefit from disarmament, demobilization, and

reintegration assistance. In the past, a Malian armed group forcibly recruited Malian refugees in Mauritania to be child soldiers in Mali. The government provided in-kind support to and collaborated with GATIA, a non-governmental armed group led by a Malian general that used and recruited at least nine children during the reporting period. In 2016, an international organization investigated GATIA officials, Malian Defense and Security Forces officers, and civilians for conflict-related sexual violence, including forced prostitution and sexual slavery.