

# Immigration and Refugee Board of Canada

[Home](#)

> [Research Program](#)

> Responses to Information Requests

## Responses to Information Requests

Responses to Information Requests (RIR) respond to focused Requests for Information that are submitted to the Research Directorate in the course of the refugee protection determination process. The database contains a seven-year archive of English and French RIRs. Earlier RIRs may be found on the UNHCR's [Refworld](#) website. Please note that some RIRs have attachments which are not electronically accessible. To obtain a PDF copy of an RIR attachment please email [Basesdedonnees.DatabaseUnit@irb-cisr.gc.ca](mailto:Basesdedonnees.DatabaseUnit@irb-cisr.gc.ca).

28 April 2014

### MLI104853.FE

Mali: Situation of sexual minorities and their treatment by society and the authorities, including in the capital, Bamako; state protection and support services (2009-April 2014)  
Research Directorate, Immigration and Refugee Board of Canada, Ottawa

#### 1. Legislation

Sources state that homosexuality as such is not a criminal offence in Mali (ILGA May 2013, 20; FRP n.d.a). However, the US Department of State's *Country Reports on Human Rights Practices for 2013* notes that "the law prohibits association 'for an immoral purpose'" (US 27 Feb. 2014, 23). Meanwhile, the Fahamu Research Programme (FRP), an NGO located in the UK that provides resources to help refugees and their legal aid advisors (FRP n.d.b), states that laws on "public outrage against indecency" may be used against sexual minorities (FRP n.d.a). Article 224 of the Malian Penal Code states the following:

[translation]

Any act committed in public that offends the decency and the moral feelings of the persons who are involuntarily witness to it, and that is capable of disturbing public order and of causing a manifest social prejudice, is a public outrage against decency.

Outrage against decency, committed publicly and intentionally, is punished by three months to two years imprisonment and a fine of 20,000 [about C\$47 (XE 24 Apr. 2014)] to 200,000 francs or by only one of these two punishments. (Mali 2001)

Information on the application of that legislation could not be found among the sources consulted by the Research Directorate.

In correspondence with the Research Directorate, a representative of the Malian Association for Research, Communication and Home Support for Persons Living with HIV and AIDS (Association de recherche, de communication et d'accompagnement à domicile des personnes vivant avec le VIH et le sida, ARCAD-SIDA Mali) stated that there is a [translation] "legislative gap" in Mali regarding homosexuality-the laws "do not condemn it but do not protect it either" (ARCAD-SIDA Mali 22 Apr. 2014). ARCAD-SIDA Mali is a Malian NGO that [translation] "fights against HIV in the general population and in vulnerable groups" (ibid.). Other sources also state that there is no law in Mali prohibiting discrimination against sexual minorities (US 27 Feb. 2014, 23; FRP n.d.a).

#### 2. Treatment of Sexual Minorities by Society

According to Freedom House, homosexuality is not accepted in Malian society (2011). A survey conducted in 2007 by the Pew Research Center, which studies the issues and trends shaping American society

and the world (Pew Research Center n.d.), states that 98 percent of Malians questioned thought that homosexuality should be "rejected" (4 Oct. 2007, 35). The ARCAD-SIDA representative stated that [translation] "the situation of sexual minorities is characterized by a state of social exclusion and marginalization" (ARCAD-SIDA 22 Apr. 2014). She stated that members of sexual minorities may be treated differently based on their physical appearance (ibid.). She added that people who are [translation] "effeminate" or more masculine are more "visible" and are therefore more at risk of being subjected to violence (ibid.). The representative also noted that the number of transsexuals is not very high in Mali, but that these individuals [translation] "are also at risk of violence" (ibid.). She stated that it is [translation] "very difficult" for members of sexual minorities to be accepted because, according to her, "society as a whole rises up against homosexuality" (ibid.).

Corroborating information could not be found among the sources consulted by the Research Directorate.

According to the FRP, the majority of the Malian population sees homosexual practices as "immoral and evil" (FRP n.d.a). Similarly, the ARCAD-SIDA representative explained that, in Mali,

[translation]

sociocultural and religious beliefs consider homosexual practices to be unnatural and therefore, an immoral act. More than half of the population considers members of sexual minorities to be people whose family structure did not teach them moral principles; therefore, homosexuality is lumped together with poor family upbringing. It is usually admitted that, in addition to it being a phenomenon imported from Western countries, homosexuality is also strongly linked to prostitution. (ARCAD-SIDA 22 Apr. 2014)

Behind the Mask (BTM), an NGO that publishes news on LGBTI people's affairs in Africa (OSISA n.d.), states that religion is an important factor in the "negative" beliefs towards sexual minorities in Mali, and that 95 percent of the Malian population is religious (14 Mar. 2011). According to the ARCAD-SIDA representative, [translation] "religious people characterize homosexual practices as sins or crimes requiring severe punishment equal to being stoned to death" (ARCAD-SIDA Mali 22 Apr. 2014). Corroborating information could not be found among the sources consulted by the Research Directorate.

According to *Country Reports 2013*, most members of a sexual minority isolate themselves and hide their sexual identity (US 27 Feb. 2014, 23). The ARCAD-SIDA representative also stated that the attitude toward them [translation] "makes the acceptance of sexual minorities in the general community and in their own family difficult and forces them to live in hiding" (ARCAD-SIDA Mali 22 Apr. 2014). Freedom House states that members of sexual minorities are often forced to hide their sexuality out of fear of being ostracized by their family (2011). In an interview with BTM, the ARCAD-SIDA Director stated that, in Mali, more than half the men who have sexual relations with other men are married to women because of the social pressures on them (BTM 14 Mar. 2011). Corroborating information could not be found among the sources consulted by the Research Directorate.

Two sources state that, in April 2009, in Bamako, a conference on AIDS and homosexuality caused controversy in the country (*Aurore* 15 June 2009; *Nouvel Horizon* 19 May 2009). Some Malian media presented the conference as [translation] "the conference of homosexual individuals" (*Soir de Bamako* 17 June 2009; *Aurore* 15 June 2009; *Nouvel Horizon* 19 May 2009). According to Freedom House, some religious leaders tried to prevent it from being held (2011). Media state that some imams and *ulema* [scholars of Islamic law] condemned the event (*Soir de Bamako* 17 June 2009; *Aurore* 8 June 2009; *Nouvel Horizon* 19 May 2009). According to sources, the President of Mali, Amadou Toumani Touré, met with religious leaders to hear their concerns about this and told them that there had never been a meeting of homosexual individuals in Bamako (*Soir de Bamako* 17 June 2009; *Aurore* 8 June 2009). According to the Malian daily *Aurore*, President Toumani Touré also stated that he would not have allowed such a conference to take place (*Aurore* 15 June 2009). Still according to *Aurore*, an ARCAD-SIDA representative explained that it was actually an annual conference of HIV/AIDS specialists on health-related issues, and that the content of the 2009 conference was more specifically about AIDS and homosexuality (ibid.). He stated the following:

[translation]

We are, above all, Malians and believers, Muslims and Christians. We therefore disapprove of homosexuality. But we are also sworn doctors. We consider individuals infected by HIV/AIDS to be patients, without any discrimination. (ibid.)

### 3. Violence

According to the ARCAD-SIDA representative, the situation of sexual minorities [translation] "generally results in stigmatizing, discriminatory and homophobic behaviour" (ARCAD-SIDA Mali 22 Apr. 2014). Sources state that some members of sexual minorities have been victims of physical, psychological and sexual violence (ibid.; US 27 Feb. 2014, 23). According to *Country Reports 2013*, society considers these forms of violence as

"corrective punishment" (ibid.). The ARCAD-SIDA representative explained that the incidents of violence recorded by her organization [translation] "were generally ignored by the public and perceived as a legitimate punishment that could change sexual orientation" (ARCAD-SIDA Mali 22 Apr. 2014). *Country Reports 2013* states that the majority of violent acts against sexual minorities have been committed by family members, neighbours and groups of strangers in public places (US 27 Feb. 2014, 23). The ARCAD-SIDA representative also stated that the violent acts began in the family and that they were also committed [translation] "by neighbours, classmates [and] random people met in public places" (ARCAD-SIDA Mali 22 Apr. 2014).

### 3.1 Examples of Violence

According to the Malian daily *Le Républicain*, in April 2013, in Bamako, a group of homosexuals celebrating one of their birthdays in an apartment was attacked by a group of youths in the neighbourhood that had realized their presence there (30 Apr. 2013). Corroborating information could not be found among the sources consulted by the Research Directorate.

Sources state that, in September 2013, a group of homosexual people was attacked by a mob during a party in the city of Mopti (US 27 Feb. 2014, 23; AMAP 13 Sept. 2013; *Maliba info* 10 Sept. 2013). Sources note that the party was wrongly perceived as the celebration of a gay marriage (ARCAD-SIDA Mali 22 Apr. 2014; US 27 Feb. 2014, 23). According to *Country Reports 2013*, some people suspected of belonging to sexual minorities were captured and beaten over the next three days, and the National Guard did not respond to requests for help (US 27 Feb. 2014, 23). However, Malian media indicate that a member of the National Guard was killed during the clashes (AMAP 13 Sept. 2013; *Maliba info* 10 Sept. 2013). According to *Country Reports 2013*, some imams subsequently condemned homosexuality, which led to other acts of violence in the city (US 27 Feb. 2014, 23). According to the ARCAD-SIDA representative, some members of sexual minorities were [translation] "forced to leave the city for more security, abandoning family and employment" (ARCAD-SIDA Mali 22 Apr. 2014). Similarly, *Country Reports 2013* reports that some local NGOs took action and helped over 200 members of sexual minorities who had left their home (US 27 Feb. 2014, 23).

The online gay news magazine Pink News states that, in early 2014 in Gao, a city under Islamist control at the time, two gay men threatened with execution because they were gay were saved by Malian and French troops as they were taking back control of the region (Pink News 2 Feb. 2014). Corroborating information could not be found among the sources consulted by the Research Directorate.

### 4. State Protection

According to *Country Reports 2013*, the police frequently refused to intervene in violent acts against members of sexual minorities (US 27 Feb. 2014, 23). According to the ARCAD-SIDA representative, police officers have also mistreated members of sexual minorities (ARCAD-SIDA Mali 22 Apr. 2014). The ARCAD-SIDA representative added the following:

[translation]

It is difficult to assess the effectiveness of the judicial system because the majority of cases of violence identified have not been the subject of complaints or legal action. All the cases identified were managed within the community, and the few rare individuals who were brave enough to file a complaint against their attackers were wrongfully accused by the police itself because of their sexual orientation or their complaint was rejected. (ibid.)

Corroborating information could not be found among the sources consulted by the Research Directorate.

### 5. Support Services

*Country Reports 2013* states that there are no LGBT organizations in Mali, but it notes that certain NGOs provide medical care and support to gay men (US 27 Feb. 2014, 23). The ARCAD-SIDA representative also stated that [translation] "sexual minorities can appeal essentially to NGOs that are involved in fighting HIV" (ARCAD-SIDA Mali 22 Apr. 2014). According to BTM, the Director of ARCAD-SIDA stated that men who contract a sexually transmitted disease after having sexual relations with other men hesitate to consult a doctor out of shame or for fear that they will have to reveal their sexual orientation (BTM 14 Mar. 2011).

According to the ARCAD-SIDA representative,

[translation]

The noticeable change in recent years comes from the consciousness raising of community organizations in the fight against HIV, such as ARCAD-SIDA, which has demonstrated the considerable vulnerability of these sexual

minorities and considers this situation to be a blatant violation of human rights. (ARCAD-SIDA Mali 22 Apr. 2014)

The representative added that [translation] "ARCAD-SIDA has implemented a number of interventions to end these violations" (ibid.). In particular, the representative stated that

[translation]

ARCAD-SIDA has implemented a strategy to create an environment that is peaceful and fosters caring for sexual minorities in the context of respect for human rights. In that regard, it has made pleas to political authorities, doctors, the police, and so on, and it works with the Malian Human Rights Association [Association malienne des droits humains] on all issues that breach fundamental rights. However, the unfavourable environment prevents government and non-government structures from taking open action on behalf of sexual minorities.

ARCAD-SIDA offers the following services to sexual minorities:

1. Sexual minority mobilization and awareness
2. Distribution of prevention materials
3. Management of cases of sexually transmitted diseases
4. Care and psychosocial support for HIV-positive individuals
5. Training and networking for homosexual men to help them look after themselves (ibid.).

Information on other organizations working with sexual minorities could not be found among the sources consulted by the Research Directorate.

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

## References

76 Crimes. 4 February 2013. "Troops in Mali Save 2 Gay Men from Execution."

<<http://76crimes.com/2013/02/04/troops-in-mali-save-2-gay-men-from-execution/>> [Accessed 16 Apr. 2014 ]

Agence malienne de presse et de publicité (AMAP). 13 September 2013. "Manifestations des jeunes contre l'homosexualité à Mopti : un mort et des blessés légers."

<[http://www.malijet.com/la\\_societe\\_malienne\\_aujourd'hui/81635-manifestations-des-jeunes-contre-l%E2%80%99homosexualit%C3%A9-%C3%A0-mopti-%3A-un-mo.html](http://www.malijet.com/la_societe_malienne_aujourd'hui/81635-manifestations-des-jeunes-contre-l%E2%80%99homosexualit%C3%A9-%C3%A0-mopti-%3A-un-mo.html)> [Accessed 16 Apr. 2014]

ARCAD-SIDA Mali. 22 April 2014. Correspondence from a representative to the Research Directorate.

*Aurore*. 15 June 2009. "Congrès des homosexuels(les) à Bamako : ce qui s'est réellement passé à l'Hôtel Olympe du 13 au 18 avril dernier." <[http://www.malijet.com/a\\_la\\_une\\_du\\_mali/14647-congr%C3%A8s-des-homosexuels-\(les\)-%C3%A0-bamako-:-ce-qui-s%E2%80%99est-r%C3%A9ellement-pass%C3%A9-%C3%A0-l%E2%80%99h%C3%B4tel-olympes-du-13-au-18-avril-dernier.html](http://www.malijet.com/a_la_une_du_mali/14647-congr%C3%A8s-des-homosexuels-(les)-%C3%A0-bamako-:-ce-qui-s%E2%80%99est-r%C3%A9ellement-pass%C3%A9-%C3%A0-l%E2%80%99h%C3%B4tel-olympes-du-13-au-18-avril-dernier.html)> [Accessed 16 Apr. 2014]

\_\_\_\_\_. 8 June 2009. B.S. Diarra. "Prétendue grande rencontre des homosexuels(les) à Bamako : ATT dément et s'indigne." <[http://www.malijet.com/a\\_la\\_une\\_du\\_mali/14373-pr\\_tendue\\_grande\\_rencontre\\_des\\_homosexuels\\_les\\_bamako.html](http://www.malijet.com/a_la_une_du_mali/14373-pr_tendue_grande_rencontre_des_homosexuels_les_bamako.html)> [Accessed 16 Apr. 2014]

Behind the Mask (BTM). 14 March 2011. "Mali: Homophobia and Stigmatization Hamper HIV Prevention Efforts." <<http://ilga.org/ilga/en/article/mTc1RrR1uV>> [Accessed 15 Apr. 2014]

Fahamu Refugee Programme (FRP). N.d.a. Rhiannon Archer. "Mali LGBTI Resources."

<<http://www.refugeelegalaidinformation.org/mali-lgbti-resources>> [Accessed 16 Apr. 2014]

\_\_\_\_\_. N.d.b. "About Us." <<http://www.refugeelegalaidinformation.org/about-us>> [Accessed 24 Apr. 2014]

Freedom House. 2011. "Mali." *Countries at the Crossroads 2011*. <[http://freedomhouse.org/report/countries-crossroads/2011/mali#.U1lcA\\_IdVPM](http://freedomhouse.org/report/countries-crossroads/2011/mali#.U1lcA_IdVPM)> [Accessed 24 Apr. 2014]

International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA). May 2013. Lucas Paoli Itaborahy and Jingshu Zhu. *State-Sponsored Homophobia: A World Survey of Laws: Criminalisation, Protection and Recognition of Same-sex Love*.

<[http://old.ilga.org/Statehomophobia/ILGA\\_State\\_Sponsored\\_Homophobia\\_2013.pdf](http://old.ilga.org/Statehomophobia/ILGA_State_Sponsored_Homophobia_2013.pdf)> [Accessed 16 Apr. 2014]

Mali. 2001. *Loi n° 01-079 du 20 août 2001 portant Code pénal*. <<http://www.droit-afrique.com/images/textes/Mali/mali%20-%20code%20penal.pdf>> [Accessed 17 Apr. 2014]

*Maliba info*. 10 September 2013. B.S. Diarra. "Mopti : un élément de la Garde nationale tué lors d'un affrontement consécutif à... un 'sumu' organisé par des homosexuels(les) du Mali." <<https://www.maliweb.net/societe/mopti-mopti-un-element-de-la-garde-nationale-tue-lors-dun-affrontement-consecutif-a-un-sumu-organise-par-des-homosexuels-les-du-mali-168798.html>> [Accessed 16 Apr. 2014]

*Nouvel Horizon*. 19 May 2009. Ousmane Berthe. "Après le congrès des homosexuels à Bamako : la ligue malienne des imams et érudits indignée." <[http://www.malijet.com/la\\_societe\\_malienne\\_aujourd'hui/13779-magistrature\\_malienne\\_les\\_dessous\\_de\\_la\\_capitulation\\_du\\_sam.html](http://www.malijet.com/la_societe_malienne_aujourd'hui/13779-magistrature_malienne_les_dessous_de_la_capitulation_du_sam.html)> [Accessed 16 Apr. 2014]

Open Society Initiative for Southern Africa (OSISA). N.d. "Behind the Mask (BtM)." <<http://www.osisa.org/lgbti/regional/behind-mask-btm>> [Accessed 25 Apr. 2014]

Pew Research Center. 4 October 2007. Global Attitudes Project. *World Publics Welcome Global Trade - But not Immigration. 47-Nation Pew Global Attitudes Survey*. <<http://www.pewglobal.org/files/2007/10/Pew-Global-Attitudes-Report-October-4-2007-NOT-EMBARGOED.pdf>> [Accessed 24 Apr. 2014]

\_\_\_\_\_. N.d. "About the Pew Research Center." <<http://www.pewresearch.org/about/>> [Accessed 28 Apr. 2014]

Pink News. 4 February 2014. Joseph Patrick McCormick. "Mali: Two Men Saved from Execution for Being Gay, Following French Intervention." <<http://www.pinknews.co.uk/2013/02/04/mali-two-men-saved-from-execution-for-being-gay-following-french-intervention/>> [Accessed 17 Apr. 2014]

*Le Républicain*. 30 April 2013. Khadydiatou Sanogo. "Gay Prade avorté dans la zone ACI 2000 Lafiabougou." <<http://lerepublicain-mali.com/node/300>> [Accessed 16 Apr. 2014]

*Soir de Bamako*. 17 June 2009. Adama S. Diallo. "Congrès des homosexuels à Bamako : ATT dément, ARCAD-SIDA confirme." <[http://www.malijet.com/a\\_la\\_une\\_du\\_mali/14766-congr\\_s\\_des\\_homosexuels\\_bamako\\_att\\_d\\_ment\\_arcad-sida\\_confirme.html](http://www.malijet.com/a_la_une_du_mali/14766-congr_s_des_homosexuels_bamako_att_d_ment_arcad-sida_confirme.html)> [Accessed 16 Apr. 2014]

United States (US). 27 February 2014. Department of State. "Mali." *Country Reports on Human Rights Practices for 2013*. <<http://www.state.gov/documents/organization/220345.pdf>> [Accessed 15 Apr. 2014]

XE. 24 April 2014. "Convertisseur de devises XE." <<http://www.xe.com/fr/currencyconverter/convert/?Amount=20000&From=XOF&To=CAD>> [Accessed 24 Apr. 2014]

## Additional Sources Consulted

**Oral sources:** Attempts to contact a resident fellow at the Laboratoire de sociologie, de philosophie et d'anthropologie politiques at the Université Paris Ouest Nanterre La Défense were unsuccessful.

**Internet sites, including:** Amnesty International; AllAfrica; Bamada.net; *Le Bamakoi*; Dépêches du Mali; ecoi.net; Factiva; Le Forum mondial sur les HSH et le VIH; France24; Gendarmerie Nationale du Mali; GlobalGayz; Human Rights Watch; International Gay and Lesbian Human Rights Commission; *Jeune Afrique*; Koaci.com; Mali – Primature, Ministère de la Justice, Garde des sceaux; Mali24info; Maliactu; Malijet; Maliweb; NATLEX; Slate Afrique; United Nations – Refworld, Integrated Regional Information Networks.

[Tips on how to use this search engine.](#)

[Top of Page](#)

Date modified: 2014-06-11

**The attached reproduction is a copy of an official work that is published by the Government of Canada. The reproduction has not been produced in affiliation with, or with the endorsement of the Government of Canada.**