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A Union Between United Nations Peacekeeping and Conflict-Related Sexual Violence Against Women

A critical analysis of the United Nations Multidimensional Integrated Stabilization Mission in Mali (MINUSMA), its Gender Unit and its strategies towards conflict-related sexual violence against women in Mali

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ABSTRACT

Mali has been in conflict since 2012 and since 2013 the United Nations has been present in the country with their United Nations Multidimensional Integrated Stabilization Mission in Mali (MINUSMA). Their presence has been consistent over the last nine years and the mandate of the mission has just been renewed. One of the greatest problems' women face in conflict is conflict-related sexual violence (CRSV), affecting not only themselves but their families and their communities as well. In this thesis, there will be a critical analysis of MINUSMA, its Gender Unit and its strategies towards CRSV against women which is based on available information and feminist theory. The United Nations provides this work with several reports and documents, which are supplemented by a variety of other sources to provide a critical analysis. Both MINUSMA and the Gender Unit face numerous difficulties while exercising their mandates, facing a deterioration of the social and political situation in Mali, and a global COVID-19 pandemic. Regarding CRSV there are some critical points, especially concerning the root causes of this type of violence that still need to be tackled and where improvement is highly necessary.

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“Surround yourself with the dreamers and the doers, the believers and the thinkers, but most of all, surround yourself with those who see greatness within you, even when you don’t see it yourself.”

Edmund Lee

ABBREVIATIONS

AFISMA	African-led International Support Mission to Mali
AQIM	Al-Qaeda in the Islamic Maghreb
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
CRSV	Conflict-Related Sexual Violence
ECOWAS	Economic Community of West African States
ICTY	International Criminal Tribunal for the former Yugoslavia
ICTR	International Criminal Tribunal for Rwanda
LGBTQIA+	Lesbian, Gay, Bisexual, Transgender, Queer, Intersex, Asexual, and more
MINUSMA	United Nations Multidimensional Integrated Stabilization Mission in Mali
MUJAO	<i>Mouvement pour l'unicité et le jihad en Afrique de l'Ouest</i>
NGO	Non-Governmental Organization
UN	United Nations
UN Women	United Nations Entity for Gender Equality and the Empowerment of Women
WPS	Women, Peace and Security Agenda

TABLE OF CONTENTS

ACKNOWLEDGEMENTS	III
ABBREVIATIONS	IV
INTRODUCTION	1
<i>Research Question</i>	2
<i>Methodology</i>	2
<i>Scope and limitations</i>	3
1. BACKGROUND	5
1.1 ARMED CONFLICT IN MALI	5
1.2 THE MINUSMA MANDATE	7
2. CONFLICT-RELATED SEXUAL VIOLENCE	10
2.1 CRSV IN INTERNATIONAL LAW	10
2.1.1 <i>History</i>	10
2.1.2 <i>Definition</i>	13
2.2 CRSV IN MINUSMA	16
3. FEMINIST THEORY	19
3.1 FEMINIST POINT OF VIEW	19
3.2 SECOND WAVE FEMINISM	21
3.3 THIRD WAVE FEMINISM	23
4. CURRENT SITUATION FOR MINUSMA AND CRSV	28
4.1 WOMEN'S STATUS	28
4.2 GENDER, CRSV AND ARMED CONFLICT	30
4.3 REPORTS OF THE UN SECRETARY-GENERAL	33
4.3.1 <i>Reports of 2019</i>	33
4.3.2 <i>Reports of 2020</i>	37
4.3.3 <i>Reports of 2021</i>	38
4.4 RESOLUTION 2584	39
4.5 INFORMAL EXPERT GROUP ON WOMEN, PEACE AND SECURITY	40
5. GENDER IN MINUSMA	45
5.1 GENDER UNIT	45
5.2 GENDER MAINSTREAMING & WOMEN, PEACE AND SECURITY	45
5.2.1 <i>Gender Mainstreaming in Peacekeeping operations</i>	45
5.2.2 <i>Gender Mainstreaming in MINUSMA</i>	47
5.2.3 <i>Women, Peace and Security: Resolution 1325</i>	50
5.3 INTERSECTIONALITY	56
6. CONCLUSION	60
7. BIBLIOGRAPHY	64
<i>Internet sources</i>	64
<i>Case law, resolutions and conventions</i>	66
<i>Academic articles, books and other sources</i>	68

INTRODUCTION

Almost ten years after the start of the conflict in Mali, there have been several deteriorations in the political, social and human rights situation of the country. The country is at a crucial point in time of ‘turning it around’ and offers to many researchers an interesting and necessary topic to tackle in their work. That is also why Mali was chosen as subject for this thesis, to further highlight the conditions in this country and maybe even raise awareness about their situation.

Conflict-related sexual violence has always existed in wars and should be researched, prevented and prosecuted until it is eradicated from any conflict happening in our world. This type of violence strikes women, their families and communities deep into their core and should be avoided by any means, at any time and any place. That the international community waited until the nineties to fully focus on this type of violence only points out the work that still needs to be done. The uncertainty that survivors must deal with, in both national and international law, can only highlight the necessity to further ameliorate these laws to prevent and prosecute CRSV.

The decline of the human rights situation in general and the increase of CRSV in Mali need to be addressed, monitored, reported and tackled. The UN peacekeeping mission, MINUSMA is thus an important factor in this conflict to ameliorate the situation or at least assist the conflict parties in respecting the human rights of their population. The combination of gender, CRSV and a UN peacekeeping mission has been researched before, but there is still a need for more, especially in the changing situation of Mali.

At the start of this thesis, a short background information of both the conflict and MINUSMA is given to introduce the topic to the reader. Next, the topic of CRSV will be looked at closer, opening the mind of the reader to the difficulties faced by the international community regarding this topic. After this, feminist theory comes into the work offering a critical theory to look at CRSV and MINUSMA, acknowledging the importance of gender concerning this type of violence. Then the current situation of Mali and MINUSMA will be treated, with the help of several UN reports and documents. Lastly, the mission will be looked at with a critical eye, making use of feminist concepts and other critiques.

In the end, I would also like to mention my motive for choosing this topic. As a woman myself, I have also struggled with gender inequality and other types of discrimination. Luckily, I am fortunate

enough that I was not born or raised in an armed conflict, but I feel that the issues women face in conflict should belong in the past. My last thesis in Belgium also focused on CRSV and this made me even more motivated to learn, research and write more about this topic, which is still a horrendous event linked to many conflicts in this world. We should acknowledge the many facets that CRSV brings to the table and give survivors the chance to get redress and all the support they deserve. This subject remains difficult to detach from current political and sociological changes in our societies, which makes it even a more interesting subject to read and write about. It is therefore clear that there is still a lot to be written, researched and learned about the issue of conflict-related sexual violence in Mali, and all other conflicts that are spread around our planet.

Research Question

The research question of this thesis is focused on a critical analysis of MINUSMA, its Gender Unit and its impact on CRSV against women in Mali. Thus, this question leans more towards a combination of a descriptive and explanatory research question offering the reader an understanding of the issue and how certain factors impact each other. The research question is:

How do MINUSMA, its Gender Unit and its strategies impact conflict-related sexual violence against women in Mali?

Methodology

This research consists out of a literature study that allowed the information to be analysed and disclosed. In the initial phase of the work, there was a focus on UN reports from the Secretary-General and UN reports focused on CRSV. This gave the research a starting point to create a blueprint of the current political situation in Mali and the status of CRSV against women. A content analysis was done to identify CRSV and gender issues in these reports. However, it must be mentioned already that these reports are subjective, influenced by several factors such as the UN, the mission on-site, the context of

the conflict, and the style of monitoring and reporting. The reader thus needs to keep in mind that these reports are also biased.

Consequently, other literature needed to be used and researched to offer more and other information, not collected from the UN. Here I focused on several types of sources such as case law, electronic sources, academic articles and books. Subsequently, I conducted an in-depth analysis of both UN and other sources to create this thesis. There has been no collection of field data due to problems with communication, time shortage and the COVID-19 pandemic. Hence, the literary study is the most important part of this work. I also encountered some French sources that were used in this work however, my level of French is sufficient to translate them into English. After this evaluation and the analysis of the sources, the themes, debates and gaps could be identified and written down. This literary study and critical analysis have allowed me to solve my research question. However, it must be acknowledged that there were some limitations regarding the subjectivity of certain sources and the lack of any field data to confirm or deny information gathered by the literary study.

Scope and limitations

This work thus concentrates on CRSV against women in Mali and MINUSMA. There is a clear focus in this work on women, CRSV, MINUSMA, the Gender Unit and Mali. The thesis does not make a particular distinction between girls and women, because the research has not been specific enough to make this division. Next, it focuses on CRSV against women, not on men, but it is important that several victims and survivors of CRSV are male and should also be taken into consideration. However, this would expand the scope of this work too much.

Another limitation of the scope to be mentioned is the lack of qualitative data from the field, as it was impossible to interview or collect any data. This issue had many causes such as difficulties in contacting the mission, shortage in time and the COVID-19 pandemic. This last one also influenced the other research and thesis in general. The COVID-19 pandemic has made it difficult in general to collect any data by any type of institution or organisation, including the UN and its missions. Further, it can also influence several aspects of daily life such as the implementation of new laws and the access to services and health care, influencing the possible progress or decline of Mali in tackling CRSV against women.

Next, it is also important to mention that the scope of this research focuses mostly on the past three years, 2019, 2020 and 2021. This time frame was chosen because of the significant decline in safety for both civilians and UN personnel, and the increase in human rights violations and CRSV. This period shows the significance of more awareness and the necessity of research in the area of CRSV in Mali, both in the prevention and prosecution of these crimes.

The scope of this thesis is also limited to CRSV and does not cover other types of conflict-related violence or gender-based violence happening during conflicts. In chapter two there is a definition given of this type of violence that women suffer in conflict. The focus on CRSV allows the thesis to have a limited scope to work with. I also want to mention that both the concepts, a victim of CRSV and survivor of CRSV are used in this thesis, but that my clear preference goes out to the last because it highlights the strength of these survivors. We must always realise that even with the use of our language the whole setting of an issue can be influenced. However, I will not tackle this issue specifically as this would result in a whole new dissertation.

Lastly, a very critical point to acknowledge is that I, the researcher and writer of this thesis, am also biased and find myself in a privileged position. I was not born into a conflict zone, nor have I lived in one, thus I have no personal experiences regarding this subject. Women in Europe, like me, do face other types of sexual and gender-based violence, but even the diversity in these experiences make it impossible to know and understand everything. I, therefore, want to point out to the reader that I still have a lot to learn and that I am open to any critiques that might come forward. In chapter three feminism is a perfect example of where I, as a middle-class white female, hold an enormously privileged position opposed to women born in Mali. Their experiences regarding gender and sexual violence are very different from mine and create an important point that the reader should be aware of. I also want to highlight that unfortunately, I was not able to do any field research due to the COVID-19 pandemic, time shortage and the current unsafe situation in Mali. I acknowledge that this would have improved my work significantly, however, I believe that even a literary study and theoretical research can help raise awareness about the issue of CRSV and the human rights situation in Mali.

Therefore, a short warning to the reader to be critical and recognize biased views, while at the same time forming an own opinion and realizing the significance of this work.

1. BACKGROUND

For this thesis, it is necessary to briefly contextualise the armed conflict taking place in Mali since 2012.¹ This contextualisation will provide an understanding of the historic and current situation in Mali showing the significance of prevention and response to conflict-related sexual violence (CRSV) against women and girls. Next, the background of the United Nations Multidimensional Integrated Stabilization Mission in Mali (MINUSMA) will be described to offer a clear view on this particular United Nations (UN) peacekeeping mission.

As follows, this first chapter will outline some key historic elements and events that have resulted in the current conflict situation in Mali and the evolution of this conflict. Furthermore, the chapter will provide more explanation regarding the historic relationship between the UN, MINUSMA and Mali.

1.1 ARMED CONFLICT IN MALI

In 1890 Mali became part of the French colonial territory as French Sudan, making their way into the European colonial past.² After World War II the world was moving toward decolonization in Africa and resulted in the independence of French Sudan in 1960.³ In that same year the union, Mali Federation, between Senegal and the Sudanese Republic (Mali) ended and the latter was renamed 'Mali'.⁴

Independence has seldom equalled stability, which implies the enormous political, geographic and economic challenges that followed for Mali.⁵ The first president of independent Mali was quickly overthrown by a new dictator regime, only to be ended after political power was relinquished to the civilian government, launching a new political era.⁶ Mali entered a period of democratic processes and

¹ 'History' (*MINUSMA*, 7 May 2014) <<https://minusma.unmissions.org/en/history>> accessed 21 April 2021.

² Dona J Stewart, 'WHAT IS NEXT FOR MALI?: THE ROOTS OF CONFLICT AND CHALLENGES TO STABILITY' (Strategic Studies Institute, US Army War College 2013) <<http://www.jstor.org/stable/resrep11807>> accessed 21 April 2021.

³ Stewart (n 2).

⁴ Stewart (n 2).

⁵ Stewart (n 2).

⁶ Stewart (n 2).

served as an example that seemingly united the Islamic religion with the concept of democracy in the political unstable African continent.⁷

However, the dominant radical form of the religion would end up being the driving force behind the armed conflict in Mali. Extremist groups worked their way into the northern parts of Mali, imposing the most radical form of the dominant religion, Islam, on the local population. The northern desert area of Mali had thus become the perfect spot for radicalistic and separatist movements to emerge from the local northern population.⁸ On the 18th of January 2012, the separatist northern Tuareg movement, known as the *Mouvement national pour la libération de l'Azawad* (MNLA), initiated the fourth wave of conflict with the Malian government.⁹ In this non-state armed conflict other non-state armed groups were discovered partaking, such as Al-Qaeda in the Islamic Maghreb (AQIM), the local jihadist group Ansar Dine and the *Mouvement pour l'unicité et le jihad en Afrique de l'Ouest* (MUJAO).¹⁰

The events leading up to this armed conflict had been festering slowly but steady, such as the unrest in the northern region, the imprint of colonial rule and the geographic realities.¹¹ However, more recent instabilities in the region contributed to the downfall of democratic Mali, an example is the end of Gaddafi's regime in Libya, which started a surge of other rebellions and showed to be an incentive for the northern Tuaregs to revolt.¹² This landlocked country has also a great geographical relevance, and its demise could mean an overflow and connection between various radicalistic groups located on the African continent, such as the Boko Haram in Nigeria and even the al Shabaab in Somalia.¹³ It can create an opportunity for these different extremist groups to connect better throughout the North of Africa and spread radicalism over the whole continent of Africa.

All these instabilities led to a military coup that saw the democratically elected government overthrown and initiated the involvement of the French forces, guided by a United Nations Security

⁷ Stewart (n 2).

⁸ Stewart (n 2); William G Moseley, 'Recovering from Livelihood Insecurity and Political Instability in Northern Mali: Bouncing Back' (2013) 68 *International Journal* 435.

⁹ Adib Bencherif, Aurélie Campana and Daniel Stockemer, 'Lethal Violence in Civil War: Trends and Micro-Dynamics of Violence in the Northern Mali Conflict (2012-2015)' [2020] *Studies in Conflict & Terrorism* 1; Stewart (n 2); 'History' (n 1).

¹⁰ Bencherif, Campana and Stockemer (n 9); Stewart (n 2); 'History' (n 1).

¹¹ Stewart (n 2).

¹² Stewart (n 2).

¹³ Stewart (n 2).

Council Resolution, and the start of the African -led International Support Mission to Mali (AFISMA).¹⁴ In 2013 the conflict deteriorated drastically and attracted the involvement of yet another international actor, the United States.¹⁵ Thus, the situation in Mali remains challenging until this day. David Lewis sums it up perfectly as “*a toxic cocktail of rebels, weapons, refugees, drought, smugglers, and violent Islamic militants.*”¹⁶ This only highlights the importance that the international community puts on the stabilization of Mali and is one of the reasons that international actors have been and are currently present in the northern region.

1.2 THE MINUSMA MANDATE

The UN peacekeeping mission: Multidimensional Integrated Stabilization Mission in Mali or MINUSMA, entered the picture on the 1st of July 2013, when it replaced the foregoing AFISMA.¹⁷ The UN Security Council drafted Resolution 2100 to enable MINUSMA and set up its mandate.¹⁸ In 2014, after a rocky start of the MINUSMA, the mandate was reviewed and amended, by adopting Resolution 2164.¹⁹ This new mandate focuses on security and stabilization, but also on reconciliation and human rights especially in the northern region where around 80 per cent of MINUSMA staff is located.²⁰ These resolutions were followed up by several others, confirming and slightly adjusting the scope and mandate of the peacekeeping mission.²¹ MINUSMA is an integrated mission, this means that the mission consists

¹⁴ Stewart (n 2); ‘History’ (n 1); Arthur Boutellis, ‘Can the UN Stabilize Mali? Towards a UN Stabilization Doctrine?’ 16; Lotte Vermeij, ‘MINUSMA:: Challenges on the Ground’ (Norwegian Institute of International Affairs (NUPI) 2015) <<http://www.jstor.org/stable/resrep07988>> accessed 29 April 2021.

¹⁵ Stewart (n 2); ‘History’ (n 1).

¹⁶ Stewart (n 2); David Lewis, ‘Analysis: Mali Coup Shakes Cocktail of Instability in Sahel’ *Reuters* (24 March 2012) <<https://www.reuters.com/article/us-mali-sahel-instability-idUSBRE82N07120120324>> accessed 29 April 2021.

¹⁷ Vermeij (n 14); ‘History’ (n 1).

¹⁸ ‘Resolution 2100 (2013)’ <https://minusma.unmissions.org/sites/default/files/mali_2100_e_.pdf> accessed 29 April 2021; Vermeij (n 14).

¹⁹ ‘Resolution 2164 (2014)’ (2000) 4 *The International Journal of Human Rights* 369; Vermeij (n 14).

²⁰ ‘Resolution 2164 (2014)’ (n 19); Vermeij (n 14).

²¹ ‘Resolution 2100 (2013)’ (n 18); ‘Resolution 2164 (2014)’ (n 19); ‘Resolution 2227 (2015)’ <<http://www.tandfonline.com/doi/abs/10.1080/13642980008406917>> accessed 3 May 2021; ‘Resolution 2295 (2016)’ <<http://www.tandfonline.com/doi/abs/10.1080/13642980008406917>> accessed 3 May 2021; ‘Resolution 2364 (2017)’ <<https://minusma.unmissions.org/sites/default/files/n1719210.pdf>> accessed 3 May 2021; ‘Resolution 2374 (2017)’ <<https://minusma.unmissions.org/sites/default/files/n1727517.pdf>> accessed 3 May 2021; ‘Resolution 2391 (2017)’ <<https://minusma.unmissions.org/sites/default/files/n1743357.pdf>> accessed 3 May 2021; ‘Resolution 2423 (2018)’ (2000)

of both civil and military personnel, and it is led by a Special Representative of the UN Secretary-General.²² Further MINUSMA is organized into four sectors, being North, East, South and West.²³

MINUSMA has the opportunity to use “*all necessary means to address threats to the implementation of its mandate, which would include protection of civilians under imminent threat of physical violence and protection of United Nations personnel from residual threats, within its capabilities and its areas of deployment*”, which gives this peacekeeping mission a very broad range of measures to choose from.²⁴

The Algiers peace agreement of 2015 required MINUSMA’s mandate to be reviewed in 2016, focusing on the implementation of this peace agreement and the redeployment of the national Defence and Security Forces.²⁵ MINUSMA also got additional tasks regarding the protection of civilians and UN troops, and authorized troops levels were increased.²⁶ The Algiers peace agreement was signed by the Malian government, an association of pro-government armed groups from northern Mali and an alliance of rebel groups, called *Coordination de Mouvements de l’Azawad*.²⁷ The international community and mediation team, consisting out of Algeria, MINUSMA, the Economic Community of West African States, the African Union, the European Union, France and the United States, being “friends of the mediation”, put extreme pressure on the different parties to sign this document.²⁸

<<http://www.tandfonline.com/doi/abs/10.1080/13642980008406917>> accessed 3 May 2021; ‘Resolution 2480 (2019)’ (2000) <<http://www.tandfonline.com/doi/abs/10.1080/13642980008406917>> accessed 3 May 2021; ‘Resolution 2531 (2020)’ <https://minusma.unmissions.org/sites/default/files/s_res_25312020_e.pdf> accessed 3 May 2021; ‘Resolution 2541 (2020)’ <https://minusma.unmissions.org/sites/default/files/200831_mali_sanctions_adopted_res_e.pdf> accessed 3 May 2021.

²² Eva Hagström Frisell and Helene Lackenbauer, ‘Still a Long Way to Go: A Review of the Implementation of UNSCR 1325 by United Nations Peacekeepers in Mali’ 57.

²³ ‘Resolution 2295 (2016)’ (n 21); Frisell and Lackenbauer (n 22).

²⁴ Vermeij (n 14).

²⁵ ‘Resolution 2295 (2016)’ (n 21); United Nations, ‘AUDIT Gender Mainstreaming Mali, Report 2019/046’ (2019); Frisell and Lackenbauer (n 22).

²⁶ Frisell and Lackenbauer (n 22).

²⁷ ‘Agreement for Peace and Reconciliation Resulting from the Algiers Process’ <https://www.un.org/en/pdfs/EN-ML_150620_Accord-pour-la-peace-et-la-reconciliation-au-Mali_Issu-du-Processus-d'Alger.pdf> accessed 11 July 2021; ‘Mali’s Algiers Peace Agreement, Five Years On: An Uneasy Calm’ (*Crisis Group*, 24 June 2020) <<https://www.crisisgroup.org/africa/sahel/mali/laccord-dalger-cinq-ans-apres-un-calme-precaire-dont-il-ne-faut-pas-se-satisfaire>> accessed 11 July 2021.

²⁸ ‘Agreement for Peace and Reconciliation Resulting from the Algiers Process’; ‘Mali’s Algiers Peace Agreement, Five Years On: An Uneasy Calm’ (n 27).

In 2018 there was to be an expected review of this mandate and due to the current deteriorating circumstances of the political and social stability of Mali, the mandate will certainly be extended and expanded.²⁹ During the meeting of the Informal Expert Group on Women, Peace and Security there was a confirmation of this new mandate, but there are critiques like UN Women urging the next renewal to be in the gender-relevant language.³⁰ On the 28th of June 2019, the most recent mandate was adopted by the Security Council, reaffirming the necessity of MINUSMA.³¹ This mandate again acknowledges the importance to prevent and protect the population against human rights violations such as CRSV, urges all parties to prosecute and eliminate CRSV and urges MINUSMA to focus on gender considerations and implementation of Resolution 1325 on Women, Peace and Security (Resolution 1325).³² The current situation in Mali has raised some critical voices regarding the MINUSMA mandate, expressing concern about this deterioration, and at the same time declaring that the MINUSMA mandate should be renewed and most importantly strengthened.³³

²⁹ Frisell and Lackenbauer (n 221).

³⁰ Frisell and Lackenbauer (n 22); United Nations, 'Summary of the Meeting on the Situation in Mali, Held by the Informal Expert Group on Women and Peace and Security on 27 May 2020'.

³¹ 'Resolution 2480 (2019), S/RES/2480' (2000) <<http://www.tandfonline.com/doi/abs/10.1080/13642980008406917>> accessed 11 July 2021.

³² 'Resolution 2480 (2019), S/RES/2480' (n 31).

³³ 'Transition in Mali: MINUSMA's Mandate Must Be Strengthened' (*International Federation for Human Rights*) <<https://www.fidh.org/en/region/Africa/mali/transition-in-mali-minusma-s-mandate-must-be-strengthened>> accessed 11 July 2021; Seán Smith, 'MINUSMA Has a New Mandate, so What Has Changed? Part 2: Reporting Requirements' (*Center for Civilians in Conflict*, 14 July 2020) <<https://civiliansinconflict.org/blog/minusma-has-a-new-mandate-part-2/>> accessed 11 July 2021.

2. CONFLICT-RELATED SEXUAL VIOLENCE

2.1 CRSV IN INTERNATIONAL LAW

2.1.1 History

It is not so long ago that violence against non-combatants was finally regarded as solvable and preventable. The ending of WWII announced a new period in International (Criminal) Law and International Humanitarian Law was born.³⁴ However, this new era did not immediately mean that there was any help or prosecution in cases of CRSV.³⁵ Thus, it would take even longer for the international community to recognize the extent and seriousness of CRSV and several events in different parts of the world where CRSV was widely present, such as Sierra Leone, Yugoslavia and Rwanda, would slowly interlude a new period of recognition and prosecution.³⁶

Only in the 1990s with the arrival of several initiatives by international organisations, such as the UN, CRSV transformed into a violation of human rights, a crime against humanity and a war crime.³⁷ International war tribunals such as the International Criminal Tribunal for the former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR) can be recognized as pioneers concerning the establishment and prosecution of CRSV against women and girls.³⁸ In the case *Prosecutor v. Jean-Paul Akayesu*, sexual violence was prosecuted on its own for the first time, condemning it as an international crime.³⁹

³⁴ Susan Dewey and Tonia St. Germain, 'Between Global Fears and Local Bodies: Toward a Transnational Feminist Analysis of Conflict-Related Sexual Violence' 49.

³⁵ Megan Nobert, 'Creating International Responsibility: The Non-Prosecution of Sexual Violence Post Conflict as a Violation of Women's Rights *' (2012) 17 Tilburg Law Review 63.

³⁶ Nobert (n 35).

³⁷ Susan Dewey and Tonia St. Germain (n 34); Elizabeth D. Heineman, *Sexual Violence in Conflict Zones* (University of Pennsylvania Press 2011).

³⁸ Elizabeth D. Heineman (n 37); Muna Ndulo, 'The United Nations Responses To The Sexual Abuse And Exploitation Of Women And Girls By Peacekeepers During Peacekeeping Missions' [2009] Berkeley Journal International Law.

³⁹ 'The Prosecutor v. Jean-Paul Akayesu, Case No. ICTR-96-4-T' 191; Nobert (n 35); Ndulo (n 38); Aaron Xavier Fellmeth, 'Feminism and International Law: Theory, Methodology, and Substantive Reform' (2000) 22 Human Rights Quarterly 658.

More recently the International Criminal Court made sexual violence a ground for genocide, war crimes and crimes against humanity, unfortunately, sexual violence had not been greatly successfully prosecuted by the International Criminal Court.⁴⁰ It was not until recently that one of the most successful cases (*The Prosecutor v. Bosco Ntaganda*) was decided, in 2019 by the chamber and in 2021 by appeal, the Congolese rebel commander Bosco Ntaganda was convicted for his involvement in sexual violence and rape during the conflict in North Kivu.⁴¹ The UN also increased the attention for CRSV by introducing conferences, fact sheets and resolutions related to violence against women in and out of conflict.⁴² Despite all these efforts, CRSV is still very present in numerous armed conflicts such as Mali, the Democratic Republic of Congo and Nigeria. Thus, there appears to be a *de jure* legal proscription of sexual violence in International law, however, the *de facto* situation does not always follow the reality.⁴³ This means that at least internationally, there has been some improvement to provide legal prosecutions and solutions for the issue of CRSV, which we have witnessed in the international tribunals, but several difficulties can be found, such as the establishment of a clear definition of CRSV, which is mentioned in the next chapter. Hence there are international possibilities for survivors to see their perpetrator prosecuted, but in reality, it is still too often no more than a dead letter.

In the past CRSV has frequently been approached as an unfortunate consequence of war, and it was not treated as the self-standing crime it is.⁴⁴ The sexual violation of women in conflict should not be treated as a mere consequence of war, it does not belong to the spoils of war, and it is not just a by-product or part of the collateral damage.⁴⁵ Thus in the past women have often been seen as part of the war in a very materialistic way, they have been treated like property and society has let armed groups

⁴⁰ Susan Dewey and Tonia St. Germain (n 34); Nobert (n 35); ‘Prosecution of Sexual Violence by the ICC: Hope for a Better Future?’ (*Dr. Denis Mukwege Foundation*, 2 August 2018) <<https://www.mukwegefoundation.org/guest-blog-prosecution-sexual-violence-icc-problems/>> accessed 13 May 2021.

⁴¹ ‘Case Information Sheet - The Prosecutor v. Bosco Ntaganda’ 3; ‘The Prosecutor v. Bosco Ntaganda, ICC-01/04-02/06’ 539; ‘Ntaganda Convicted at ICC for Rape, Sexual Violence, and Murder’ (*International Justice Monitor*, 8 July 2019) <<https://www.ijmonitor.org/2019/07/ntaganda-convicted-at-icc-for-rape-sexual-violence-and-murder/>> accessed 13 May 2021.

⁴² ‘Conflict-Related Sexual Violence’ (*United Nations Peacekeeping*) <<https://peacekeeping.un.org/en/conflict-related-sexual-violence>> accessed 13 May 2021; Angela Muvumba Sellström and others, ‘New Perspectives on Preventing Conflict-Related Sexual Violence’ (*IPI Global Observatory*, 16 February 2021) <<https://theglobalobservatory.org/2021/02/new-perspectives-on-preventing-conflict-related-sexual-violence/>> accessed 13 May 2021.

⁴³ Patricia Viseur Sellers, ‘The Prosecution of Sexual Violence in Conflict: The Importance of Human Rights as Means of Interpretation.’ 41.

⁴⁴ Elizabeth D. Heineman (n 37); Ndulo (n 38).

⁴⁵ Nobert (n 35); Ndulo (n 38).

take advantage of this frightening outlook on women. However, if we look at our history, women were and still are, often seen as objects useful for various reasons, we only have to think back to the concept of dowry, where the bride brought an amount of money or other riches for her husband and his family.

In our war filled history, the lives of combatants have occasionally been worth more than the lives of civilians, intending to achieve the political and military goals set out for the conflict.⁴⁶ Women are usually civilians, they are on the side of the non-combatants, opposed to men who are more often part of the combatants.⁴⁷ This shows that conflicts are generally gendered and the distinction between male and female participants is apparent.⁴⁸ Over time there has been a masculinization of the military and war itself, putting men in the centre of the war.⁴⁹ Like Seifert says “*rape is not an aggressive expression of sexuality, but a sexual expression of aggression*”, with these words she shows the domination that CRSV can carry in an armed conflict, related to the division between masculinity and femininity.⁵⁰ Dominance is key when it comes to CRSV and mostly it is not sexuality but this domination that plays into CRSV. On the one hand, women are seen as dependent, vulnerable, empathic, and caring.⁵¹ Men on the other hand are seen as strong, dominant, independent and aggressive.⁵² In the next two chapters, this issue will be covered further. This division only highlights the prepossessed ‘vulnerability’ of women in the past and today, imposing the victim role on them.

⁴⁶ Fellmeth (n 39).

⁴⁷ Fellmeth (n 39).

⁴⁸ Fellmeth (n 39).

⁴⁹ Fionnuala Ni Aolain, Dina Francesca Haynes and Naomi Cahn, *On the Frontlines: Gender, War, and the Post-Conflict Process* (Oxford University Press) <<https://oxford-universitypressscholarship-com.kuleuven.ezproxy.kuleuven.be/view/10.1093/acprof:oso/9780195396645.001.0001/acprof-9780195396645>> accessed 22 April 2021.

⁵⁰ Helena Carreiras and Instituto da Defesa Nacional (Portugal) (eds), *Gender Violence in Armed Conflicts*. (2013).

⁵¹ Hilary Charlesworth, ‘The Women Question in International Law’ (2011) 1 *Asian Journal of International Law* 33; Simona Sharoni, ‘ Militarism and Gender-Based Violence’ in Angela Wong and others (eds), *The Wiley Blackwell Encyclopedia of Gender and Sexuality Studies* (John Wiley & Sons, Ltd 2016) <<http://doi.wiley.com/10.1002/9781118663219.wbegss588>> accessed 11 May 2021.

⁵² Charlesworth (n 51).

2.1.2 Definition

Another important struggle in International Law regarding sexual violence in armed conflicts is the definition of the exact concept that is CRSV. When do we speak about CRSV and how should CRSV be conceptualized? National systems have always struggled with this definition, and now the problem has shifted to the international level, where even more actors need to find an agreement concerning the meaning and the extent of such a complex concept. There is no statutory definition of rape or sexual violence in International Law, so this is now left to the various actors in the international community such as the international tribunals and international institutions.⁵³ Furthermore, sexual violence in armed conflicts includes various expressions such as rape, sexual slavery, forced pregnancy mass rape, sexual abuse, forced prostitution, sexual mutilation, sexual slavery and forced sterilization.⁵⁴

When the international tribunals were faced with serious and numerous allegations about rape and sexual assault, they had to define the concept of sexual assault: what is it, what does it mean and how do we use this definition? In the previous paragraph, the case *Prosecutor v. Jean-Paul Akayesu* has already been mentioned, and it is also valuable to understand the conceptualization of CRSV.⁵⁵ In the ICTR case, a definition of sexual violence in armed conflicts was confirmed namely as “*a physical invasion of a sexual nature, committed on a person under circumstances which are coercive*”.⁵⁶ This definition was followed in several successive cases, but the ICTY took a different approach and formulated its own definition of rape, focusing more on the physical part of rape:

“The Trial Chamber finds that the following may be accepted as the objective elements of rape:

i. the sexual penetration, however slight:

1. of the vagina or anus of the victim by the penis of the perpetrator or any other object used by the perpetrator; or

2. of the mouth of the victim by the penis of the perpetrator.

⁵³ Chile Eboe-Osuji, *International Law and Sexual Violence in Armed Conflicts* (Martinus Nijhof Publishers 2012).

⁵⁴ Sharoni (n 51); Carreiras and Instituto da Defesa Nacional (Portugal) (n 50).

⁵⁵ ‘The Prosecutor v. Jean-Paul Akayesu, Case No. ICTR-96-4-T’ (n 39).

⁵⁶ ‘The Prosecutor v. Jean-Paul Akayesu, Case No. ICTR-96-4-T’ (n 39); Nobert (n 35).

ii. by coercion or force or threat of force against the victim or a third

person.”⁵⁷

This only shows the confusion in the international setting about the definition of rape or sexual violence in armed conflicts. There is a divide between different approaches, and it is not clear which of the approaches is correct.⁵⁸ One of the problematic elements in the definition of rape often seems to be ‘consent’, should this element be included and if so, how should it be interpreted.⁵⁹ However, both definitions mentioned above avoided the element of ‘non-consent’ by the survivor.⁶⁰

The International Criminal Court would later go for a definition that can be found in-between the definitions of the ICTR and the ICTY, adding to the several conceptualizations of CRSV.⁶¹ Thus all these different definitions create uncertainty in International Law and without any apparent hierarchy, it is not clear at all which definition should be used.⁶² This can create some legal uncertainty for survivors of CRSV, making it unclear how a survivor in Rwanda has been protected at the ICTY as opposed to a survivor whose perpetrator was judged at the International Criminal Court.⁶³ It is crucial to acknowledge that this legal uncertainty could also contribute to the fact that several cases of CRSV remain unpunished. The uncertainty of these definitions creates an environment where cases of CRSV rely on the interpretation of certain courts, same on the local level, creating a space where it is not clear if a case of sexual violence could or should be classified as a case of CRSV. Thus, it is relevant as reader to keep in mind that already at the root, the definition of CRSV, issues arise that make the prevention and prosecution of CRSV very difficult in every situation, such as a peacekeeping mission.

Next to International Criminal institutions, the UN also presents a definition of CRSV, it is used in the most recent report of the Secretary-General where CRSV refers to “*rape, sexual slavery, forced prostitution, forced pregnancy, forced abortion, enforced sterilization, forced marriage, and any other form of sexual violence of comparable gravity perpetrated against women, men, girls or boys that is*

⁵⁷ ‘Prosecutor v. Furundžija, IT-95-17/1-T’ <<https://www.icty.org/x/cases/furundzija/tjug/en/fur-tj981210e.pdf>> accessed 14 May 2021; Chile Eboe-Osuji (n 53); Nobert (n 35).

⁵⁸ Chile Eboe-Osuji (n 53).

⁵⁹ Sellers (n 43); Chile Eboe-Osuji (n 53).

⁶⁰ Sellers (n 43).

⁶¹ Sellers (n 43).

⁶² Sellers (n 43).

⁶³ Sellers (n 43).

directly or indirectly linked to a conflict.”⁶⁴ The UN acknowledges that the use of CRSV as a tactic of war is an emerging and current trend in conflicts located in Nigeria, Somalia, Syria, Iraq and Mali.⁶⁵

It should also be mentioned that CRSV is now seen as a separate problem to be tackled by the international community, pointing out the two components in the term CRSV even more. These two components, conflict-related and sexual violence, therefore, imply that sexual violence in armed conflict is different from sexual violence in peacetime.⁶⁶ This creates a separate crime that in the international community can be treated on its own, and offers scholars the opportunity to research this phenomenon further. Although sexual violence, both in conflict and peace, often have the same root causes, CRSV is regularly aggravated by ethnic, ideological or religious cleavages that could escalate the level of brutality and hatred even more.⁶⁷ CRSV is frequently linked to more brutal acts of rape that include aggravating factors such as public spaces, use of objects and other forms of torture.⁶⁸ It is also associated with different goals in the sense that sexual violence in conflicts aims to humiliate communities, intends to create terror and spread disease.⁶⁹ CRSV thus differs from other forms of sexual violence, however, other factors such as the root causes of CRSV can be brought back to the same origins, such as the continuum of gender hierarchies, inequalities and other forms of violence.⁷⁰

The difficulties that come with conceptualizing these concepts such as CRSV, consent and sexual violence make it difficult to create legal certainty and to create a clear crime that should be prosecuted by states. The international community does not yet offer us a clear internationally recognized definition of this type of violence. However, the recent acknowledgement of CRSV in the international tribunals and ICC, as a separate issue that is very important to tackle, helps tremendously to raise awareness about this crime. This is unfortunately only a first step in the right direction and should be urgently followed

⁶⁴ ‘Conflict-Related Sexual Violence: Report of the United Nations Secretary-General, S/2021/312’ <<https://www.un.org/sexualviolenceinconflict/wp-content/uploads/2021/04/report/conflict-related-sexual-violence-report-of-the-united-nations-secretary-general/SG-Report-2020editedsmall.pdf>> accessed 20 June 2021.

⁶⁵ Geraldine Boezio, ‘Current Trends and Emerging Concerns’ (*United Nations Office of the Special Representative of the Secretary-General on Sexual Violence in Conflict*) <<https://www.un.org/sexualviolenceinconflict/current-trends-and-emerging-concerns/>> accessed 20 June 2021.

⁶⁶ Carlo Koos, ‘Sexual Violence in Armed Conflicts: Research Progress and Remaining Gaps’ 18.

⁶⁷ Koos (n 66).

⁶⁸ Koos (n 66).

⁶⁹ Koos (n 66).

⁷⁰ Koos (n 66).

up by prevention, protection and prosecution of CRSV. In the next chapter, there is more a focus on CRSV in the actual Malian peacekeeping mission.

2.2 CRSV IN MINUSMA

The MINUSMA mission started in 2013 and the concept of gender was included through Resolutions 2100 and 2164, forming the basis for the initiation of a Gender Unit.⁷¹ Gender is to be seen as a cross-cutting issue in all UN missions and the Gender Unit thus contributes to this goal.⁷² Thus, the UN tries to take gender into mind in several areas of its work such as the peacekeeping missions, they have for example a Gender Responsive United Nations Peacekeeping Operations Policy to ensure that their work is gender-responsive.⁷³ To fully integrate the concept of gender into peacekeeping missions, missions have different outtakes, but in the end, the same goal is to treat gender as a cross-cutting issue. MINUSMA has thus a specific Gender Unit with a separate mandate to meet the demand. In Resolution 2100 sexual and gender-based violence in armed conflict against civilians is strongly condemned, linking it to violations of human rights and International Humanitarian Law.⁷⁴ The mandate of this Gender Unit in MINUSMA is based on several important Resolutions of the UN Security Council namely landmark Resolution 1325 on Women, Peace and Security, and Resolutions 1820, 1888, 1889, 1960, 2106, 2122 and 2242 that complement the landmark Resolution.⁷⁵ These Resolutions were later followed up by 2 others, 2467 and 2493, providing the framework for a Women, Peace and Security Agenda (WPS), this WPS will be analysed more precisely later on.

The Gender Unit has four major priorities consisting out of “*The inclusion of a gender perspective in MINUSMA policies and strategies; The promotion of political participation of women; The promotion*

⁷¹ ‘Resolution 2100 (2013)’ (n 18); ‘Resolution 2164 (2014)’ (n 19); ‘Mandate of the Gender Unit’ (MINUSMA, 13 February 2015) <<https://minusma.unmissions.org/en/mandate-gender-unit>> accessed 15 May 2021.

⁷² ‘Mandate of the Gender Unit’ (n 71).

⁷³ ‘Gender Responsive United Nations Peacekeeping Operations’ (2018).

⁷⁴ Katerina Krulisova and Sarka Kolmasova, ‘Vulnerable Women and Barbaric Rapists: Legitimisation of UN Interventionism in Mali’ (2020) 29 African Security Review 175.

⁷⁵ ‘Resolution 1325 (2000)’ <https://peacemaker.un.org/sites/peacemaker.un.org/files/SC_ResolutionWomenPeaceSecurity_SRES1325%282000%29%28english_0.pdf> accessed 15 May 2021; ‘Mandate of the Gender Unit’ (n 71).

*of human rights, prevention and response to violence against women, especially with regard to conflict-related violence; The inclusion of a gender perspective in the reform of the security sector.”*⁷⁶ One of their four priorities is thus focused on conflict-related violence against women including CRSV, making this a prime target of the Gender Unit.

The role of the Gender Unit in Mali is to *“Support senior management in the development of a gender strategy for the mission; Provide technical support to the various components of the mission on gender issues; Strengthen the technical capacities of MINUSMA staff on gender issues through training; Support the Malian authorities and civil society organizations working in the field of gender, in cooperation with United Nations agencies in the country.”*⁷⁷ Their focus lies both on the internal and external improvement of women and girls’ situations in conflict, providing support to local authorities and keeping the general peacekeeping mission in check with regards to gender issues.

In 2012 Special representative of the Secretary-General on Sexual Violence in Conflict, Margot Wallström reported *“As unrest continues in northern Mali, an alarming number of acts of sexual violence have been reported.”*⁷⁸ She drew attention to acts of CRSV that could eventually constitute war crimes or crimes against humanity, making a statement that showed the international community that CRSV was taking place and should be internationally criticized.⁷⁹ This urgently needed protection for women and girls, especially in the Northern region of Mali, could have been a strong factor in the decision of the UN to start MINUSMA.⁸⁰

In the most recent report on CRSV of the UN Secretary-General that was published in April 2021, the current situation in Mali shows that there have been several escalating concerns about aggravating trends of CRSV in the northern and central regions of the country.⁸¹ MINUSMA reported CRSV against 21 women and 8 girls.⁸² Amongst the alleged perpetrators, we can find members of the MNLA, Ganda Izo, *Groupe d’autodéfense des Touaregs Imghad et leurs allies*, other violent extremist groups and

⁷⁶ ‘Mandate of the Gender Unit’ (n 71).

⁷⁷ ‘Mandate of the Gender Unit’ (n 71).

⁷⁸ ‘Senior UN Official Condemns “Alarming” Reports of Sexual Violence in Mali’ (*UN News*, 10 April 2012) <<https://news.un.org/en/story/2012/04/408252>> accessed 15 May 2021.

⁷⁹ ‘Senior UN Official Condemns “Alarming” Reports of Sexual Violence in Mali’ (n 78).

⁸⁰ Krulisova and Kolmasova (n 74).

⁸¹ ‘Conflict-Related Sexual Violence: Report of the United Nations Secretary-General, S/2021/312’ (n 64).

⁸² ‘Conflict-Related Sexual Violence: Report of the United Nations Secretary-General, S/2021/312’ (n 64).

members of the Malian defence, and Security Forces have also been implicated.⁸³ The sexual violence reported included cases of gang rape, forced marriage, abduction and sexual slavery, which are all forms of CRSV according to the UN definition mentioned in chapter 2.1.2.⁸⁴ The UN report confirms that all these violations took place in a context of structural gender inequality sustained by harmful social norms such as the practice of female genital mutilation and child marriage.⁸⁵ This report offers recent data and information to establish the situation of CRSV in Mali but must be looked at with a watchful eye as it is both biased and not complete. Now in the next chapter feminist theory will be touched upon, offering a critical lens to look at CRSV in MINUSMA.

⁸³ 'Conflict-Related Sexual Violence: Report of the United Nations Secretary-General, S/2021/312' (n 64).

⁸⁴ 'Conflict-Related Sexual Violence: Report of the United Nations Secretary-General, S/2021/312' (n 64).

⁸⁵ 'Conflict-Related Sexual Violence: Report of the United Nations Secretary-General, S/2021/312' (n 64).

3. FEMINIST THEORY

3.1 FEMINIST POINT OF VIEW

When people assume feminism is dead, it is not, it pops right back up in our political, social and daily lives. Feminism founds its origins in the nineteenth and early twentieth century, starting with what we call now ‘first wave feminism’.⁸⁶ One of the most important battles that these early feminists tackled and that was documented in history was the one for the right to vote, which had been merely restricted to the male rich and privileged half of the population.⁸⁷ However, this so-called women suffrage movement was not the only topic advocated during the nineteenth century.⁸⁸ There was a very clear distinction that created a separate sexual sphere where women were not part of political life.⁸⁹ Women could not vote, they could hold political positions, they were legally represented by their husbands and so on. Creating an image that women were not able to take care of themselves in public life, legally and politically, only giving them opportunities in private life that took place inside the house. By opening up the political scene to women, it was believed that this would lead to more female involvement and transformation, ameliorating life for women on all levels such as entry into male-dominated professions, better wages and, legal control over property and person.⁹⁰ This early onset feminism focused on the stride for ‘advancement’ where the goal was ‘rights equal to those granted men’, making male adulthood the norm of society.⁹¹ Male adulthood as the norm inhibited women from the start to achieve any kind of advancement, because they were not even born as the right sex, to begin with. Importantly, it should also be noted that even feminism with all its facets, can offer a very biased view on society and has a history that was clearly rooted in white western origins.

There can be written much more about the origins of feminism that no doubt dates back even further than the early nineteenth century, but that would result in an entirely different paper. The focus

⁸⁶ Judith Grant, *Fundamental Feminism: Radical Feminist History for the Future* (Routledge, Taylor & Francis Group 2021).

⁸⁷ Ellen Carol DuBois, ‘Woman Suffrage and Women’s Rights: The Radicalism of the Women Suffrage Movement’, *Woman Suffrage and Women’s Rights* (New York University Press 1998).

⁸⁸ Ellen Carol DuBois (n 87).

⁸⁹ Ellen Carol DuBois (n 87).

⁹⁰ Ellen Carol DuBois (n 87); Karen Offen, ‘Defining Feminism: A Comparative Historical Approach’ (1988) 14 *Signs* 119.

⁹¹ Offen (n 90).

of this chapter will therefore lie on second and third wave feminism, offering the reader a clear picture of feminism and its outlook on a UN peacekeeping mission and CRSV.

Feminism as a concept involves both an ideology and a movement for socio-political change based on a critical analysis of male privilege and women's subordinate position in different societies, putting 'gender' at the basis of this concept.⁹² Feminism is simply put "*the belief in social, economic, and political equality of the sexes.*"⁹³ However, we should acknowledge that feminism is a patchwork of different methods and angles, where feminism is not one general theory but more an ideology and social movement that analyses gender and recognizes a male hegemony that puts women in a disadvantaged position.⁹⁴ In this thesis, only a small amount of feminist theory is covered and this should be taken into account while reading.

Offen proclaims that feminists could be considered as "*any persons, female or male, whose ideas and actions show them to meet three criteria: (1) they recognize the validity of women's own interpretations of their lived experience and needs and acknowledge the values women claim publicly as their own (as distinct from an aesthetic ideal of womanhood invented by men) in assessing their status in society relative to men; (2) they exhibit consciousness of, discomfort at, or even anger over institutionalized injustice (or inequity) toward women as a group by men as a group in a given society; and (3) they advocate the elimination of that injustice by challenging, through efforts to alter prevailing ideas and/or social institutions and practices, the coercive power, force, or authority that upholds male prerogatives in that particular cult.*"⁹⁵ It is not an easy task to define the concepts of feminism and a feminist, and we need to bear in mind that these definitions are also subjected to historical, social and contextual changes. Even if we look at the different historical 'waves' in feminism, none of them are a monolithic ideology, but they consist of multiple streams and approaches.

Sexual violence in feminism is also often looked at from a different point of view. This excerpt of a health code about how to treat sexual assault survivors has the hallmarks of feminist analysis, "*Sexual assault is a crime for which the offender is solely responsible. It is commonly perpetrated by someone*

⁹² Offen (n 90).

⁹³ 'Feminism | Definition, History, Types, Waves, Examples, & Facts' (*Encyclopedia Britannica*) <<https://www.britannica.com/topic/feminism>> accessed 3 July 2021.

⁹⁴ Fellmeth (n 39).

⁹⁵ Offen (n 90).

known to the victim. Sexual assault is an act of coercion that is frequently experienced by the victim as life threatening. Whether or not injuries occur, sexual assault is an act of violence. Some offenders use their positions of power or authority to assault those whom they can readily control, such as individuals with an intellectual disability. In the majority of cases, the offenders of sexual assault are men. Prevailing community attitudes and denial about sexual assault can exacerbate the shame and self-blame that victims experience, and act as barriers to effective reporting and policing of sexual violence. Although the majority of victims are women, many men also experience sexual assault as adults.”⁹⁶

It shows that feminism treats sexual violence not as frustrated male sexual needs, but more as a form of coercion and powerplay.⁹⁷ Sexual violence is not a sickness or deviance, but it should be treated as a clear act of violence and a crime.⁹⁸ Further, the concept of victim blaming is shattered, sexual violence has nothing to do with female “promiscuity” or “leading him on” or other biases thus the perpetrator should be deemed solely responsible for the act of violence.⁹⁹ Sexual violence can be analysed with a feminist lens and in the next two chapters, we will focus on the feminist viewpoint from second wave feminism and third wave feminism, and their approach to CRSV in general. This will clarify the feminist viewpoint necessary to involve in our critical analysis of the MINUSMA mission and CRSV.

3.2 SECOND WAVE FEMINISM

Second wave feminism or radical feminism finds its roots in the sixties and seventies. The focus of this feminist wave was to persuade people of the existence of a male power system, the patriarchy, that restricts the authentic and full realization of women as human beings.¹⁰⁰ The patriarchy inhibits women to fully realize their female power and the socially constructed gender roles contributes to this oppressive system of patriarchy.¹⁰¹ The focus of this second wave lies on the equal legal and social rights

⁹⁶ Suzanne Egan, *Putting Feminism to Work: Theorising Sexual Violence, Trauma and Subjectivity* (Springer International Publishing 2020) <<http://link.springer.com/10.1007/978-3-030-22109-6>> accessed 7 July 2021; ‘Sexual Assault Services Policy and Procedure Manual (Adult)’ 109.

⁹⁷ Egan (n 96).

⁹⁸ Egan (n 96).

⁹⁹ Egan (n 96).

¹⁰⁰ Judith Grant (n 86).

¹⁰¹ Judith Grant (n 86).

of women, the role they have in society, the sexist work culture, the present patriarchal structure of society and awareness about sexuality in general concerning topics like anticonception, abortion and sexism.¹⁰² Sexism was now not only considered to be a political problem, but a personal one, formulating the famous slogan of the second wave “*the personal is political, the political is personal*”.¹⁰³

In the context of CRSV it is evident that the acknowledgement of this male power system, the patriarchy creates consequences such as sexism, focusing on the sexuality of women, and therefore also on the oppression of women in all contexts including conflicts. We can say that this radical feminism did not have an explicit focus on CRSV, but that the sudden discussability of female sexuality resulted in attention for an already delicate subject, laying the first stone to more attention for sexual violence and CRSV. The control of women’s sexuality is often fuelled by that exact vulnerability that women have to male violence in war and at peacetime, this violence can range from sexual abuse, rape and domestic violence.¹⁰⁴

This new interpretation of personal politics, such as the slogan proclaimed, pointed out the notions of institutions, oppression coercion and rules.¹⁰⁵ As a consequence, these politics were characterized as a male-dominated system, where even women themselves were complicit out of love or manipulation, male identification and fear.¹⁰⁶ Within this system of female oppression, radical feminism watches rape as a concept of non-accidental and non-arbitrary nature, where rape supports the male system by projecting its power and aggressiveness on the world.¹⁰⁷ Thus the focus on patriarchy and female oppression in this second wave feminism draws attention to the power play of male domination that also manifests itself in conflicts, where CRSV is too often present.

¹⁰² Jane Martin, ‘Beyond Suffrage: Feminism, Education and the Politics of Class in the Inter-war Years’ 14; Julia Schuster, ‘Why the Personal Remained Political: Comparing Second and Third Wave Perspectives on Everyday Feminism’ (2017) 16 *Social Movement Studies* 647.

¹⁰³ Schuster (n 102); Megan Seely, ‘CATCH A WAVE’, *Fight Like a Girl, Second Edition How to Be a Fearless Feminist* (New York University Press 2019).

¹⁰⁴ Marlene LeGates, *In Their Time: A History of Feminism in Western Society* (Routledge 2001).

¹⁰⁵ Judith Grant (n 86).

¹⁰⁶ Judith Grant (n 86).

¹⁰⁷ Judith Grant (n 86).

3.3 THIRD WAVE FEMINISM

Then in the early nineties, there was a further development of what we now call third wave feminism or post(modern) feminism.¹⁰⁸ Third wave feminists want to debunk the myths of feminism, claiming it for a new generation, while incorporating our diversity as people to take gender equality all over the world.¹⁰⁹ Our societies have become more diverse with the arrival of migrants, refugees and expats, creating a globalised world where products and people travel throughout. Besides this diversity there has also been more focus on other diversities such as sexuality and disability, finally acknowledging the importance of their inclusion into society. These realisations and events have added several divisions into our society, where race and gender are not the only diversities anymore. Another important contribution of the third wave, in addition to the politics of inclusion, is the recognition of and attention to race, sex, class, gender, sexual orientation, gender identity, disability, and age.¹¹⁰ Their attention is also set on a broader definition of gender, which is generally understood as the socially constructed roles assigned to men and women, where the focus of the third wavers shifts to avoiding this limited male versus female dichotomy.¹¹¹ Therefore, third wave feminism fixates on the diverse experiences of that gendered oppression as well as the relativity of privileges.¹¹²

This feminist wave was also fuelled by influences from black feminism, postcolonial, queer and intersectionality theory, while at the same time supporting and recognizing fluid gender identities.¹¹³ There entered tension into the feminist field where groups of black, LGBTQIA+ (Lesbian, Gay, Bisexual, Transgender, Queer, Intersex, Asexual, and more) and Marxist feminists questioned the essentialised views of women as a homogeneous group that relied on patriarchy as the primary system of oppression.¹¹⁴ This criticism has been long overdue and necessary to point out the interconnection of gender inequality

¹⁰⁸ Megan Seely (n 103); Rosalind Gill, 'Post-Postfeminism?: New Feminist Visibilities in Postfeminist Times' 22; Schuster (n 102).

¹⁰⁹ Megan Seely (n 103).

¹¹⁰ Megan Seely (n 103).

¹¹¹ Megan Seely (n 103).

¹¹² Schuster (n 102).

¹¹³ Schuster (n 102).

¹¹⁴ Lorena Sosa, *Intersectionality in the Human Rights Legal Framework on Violence against Women: At the Centre or the Margins?* (Cambridge University Press 2017) <<http://ebooks.cambridge.org/ref/id/CBO9781316771525>> accessed 8 July 2021.

with other inequalities such as race and class.¹¹⁵ Therefore it is important to realise that gender inequality and gender violence is not only constituted by the factor of gender but influenced by several other factors, creating a cobweb of interlinked components.

The division between the private sphere associated with women and the public sphere associated with men incites third wave feminists to take action in this private sphere, switching more to everyday resistance or everyday activism whereas second wave feminism focused more on the political level, which is allocated to the public sphere.¹¹⁶ Third wave feminism, in general, takes a different approach and seems to adjust itself to our globalising and diverse society, where personal experiences become increasingly important.

The start of this wave went hand in hand with the emergence of another global trend, the internet and social media, giving this wave new platforms to outreach, educate, advocate and organise feminist activism.¹¹⁷ There have been several viral and legal campaigns in the last years such as #MeToo and #HeForShe, marking the start of an era where social media, internet blogs and even TikTok are intensively used as activist platforms.¹¹⁸ Thanks to this movement a considerable amount of sexual harassment cases made it into the spotlight, highlighting the importance of standing up against sexual and gender-based violence against women. Further, there have been for example several cases of sexual violence on university campuses in the US and pointing out the problem surrounding the general definition of rape in peacetime. New concepts like “stealthing”, which is the non-consensual condom removal during sexual intercourse, emerge and challenge the definitions and ideas about sexual violence even more.¹¹⁹ Thus, there is still attention for problems like sexual violence against women, because there is this attention for the diversity of women’s experiences. It could be interesting to further research the influence of these social media campaigns on CRSV, but this would currently take us too far away from the research question. However, this newfound attention for the sexuality of women, their position in society and their empowerment offer again focus on CRSV.

¹¹⁵ Sosa (n 114).

¹¹⁶ Schuster (n 102).

¹¹⁷ Megan Seely (n 103).

¹¹⁸ Karen Boyle, *#MeToo, Weinstein and Feminism* (Palgrave Macmillan 2019).

¹¹⁹ Brianna Chesser and April Zahra, ‘Stealthing: A Criminal Offence?’ (2019) 31 *Current Issues in Criminal Justice* 217.

Two concepts that are part of this third wave of feminism deserve some extra attention because both these concepts are also part of the UN strategy and can be useful to further explain the critical analysis of MINUSMA's Gender Unit. The first concept is "gender mainstreaming", already in 1997 the United Nations Economic and Social Council defined gender mainstreaming as *"the process of assessing the implications for women and men of any planned action, including legislation, policies or programmes, in all areas and at all levels. It is a strategy for making women's as well as men's concerns and experiences an integral dimension of the design, implementation, monitoring and evaluation of policies and programmes in all political, economic and societal spheres so that women and men benefit equally, and inequality is not perpetuated. The ultimate goal is to achieve gender equality... Gender mainstreaming does not replace the need for targeted, women-specific policies and programmes or positive legislation, nor does it substitute for gender units or gender focal points."*¹²⁰ This clear-cut definition shows that gender mainstreaming is a very meaningful concept in policies and programmes that often lead to awareness-raising and action regarding several gender problems such as CRSV. In the next chapters, this concept will be used to further analyse the Gender Unit of MINUSMA and their take on CRSV.

Then there is "intersectionality", maybe even more significant in third wave feminism. Intersectionality was coined by civil rights activist and professor Kimberlé Crenshaw in 1989 in a paper for the University of Chicago Legal Forum, where she was critical about traditional feminist ideas and antiracist policies and how they can exclude black women, because of the overlapping discrimination they face.¹²¹ In 2015 the definition of intersectionality was included in the Oxford English Dictionary as *"the interconnected nature of social categorizations such as race, class, and gender, regarded as creating overlapping and interdependent systems of discrimination or disadvantage; a theoretical approach based on such a premise."*¹²² It has become a primary approach to conceptualize the relation

¹²⁰ United Nations, 'Gender Mainstreaming: Strategy for Achieving Gender Equality and Empowerment of Women'.

¹²¹ Sosa (n 114); 'The Origin of the Term "Intersectionality"' (*Columbia Journalism Review*) <https://www.cjr.org/language_corner/intersectionality.php> accessed 7 July 2021; Jane Coaston, 'The Intersectionality Wars' (*Vox*, 20 May 2019) <<https://www.vox.com/the-highlight/2019/5/20/18542843/intersectionality-conservatism-law-race-gender-discrimination>> accessed 7 July 2021; 'Kimberlé Crenshaw on Intersectionality, More than Two Decades Later' <<https://www.law.columbia.edu/news/archive/kimberle-crenshaw-intersectionality-more-two-decades-later>> accessed 7 July 2021.

¹²² 'The Origin of the Term "Intersectionality"' (n 121); Coaston (n 121); 'Intersectionality, n.' <<https://www.oed.com/view/Entry/429843>> accessed 7 July 2021.

between oppressive systems that create our multiple identities and social positions in hierarchies of privilege and power.¹²³ Crenshaw mentions that there are two types of intersectionality to take into account, namely structural and political.¹²⁴ The first referring to this intersecting of social structures such as gender, race, religion, age..., combining the unique position of an individual in society.¹²⁵ The latter, political intersectionality, deals with the exclusion or marginalisation of some disadvantaged groups from certain political or social movements.¹²⁶ Crenshaw has focused mostly on the marginalisation of the interests of women of colour by feminists, creating the concept of intersectionality in her paper.¹²⁷ There will lie more of a focus on the first approach in this paper, however, the political type should not be forgotten and is also important in the general take on intersectionality.

Feminism claims that women's lives are composed of several, intersecting systems of oppression that are mentioned above.¹²⁸ Anna Carastathis explains this insight quite beautifully as the fact that oppression is not a singular process or binary political relation, but that we should understand it as constituted by various, converging or interwoven systems that originated in antiracist feminist critiques of the declaration that women's oppression only depended on the analysis of gender alone.¹²⁹ Thus it is not only gender that creates the inequalities and gender issues between men and women, but several other factors should always be considered while tackling or researching these issues.

This concept had and still has a very large academic and international influence making it into the international human rights discourse from the United Nations' Beijing Platform for Action, the Committee on the Elimination of Racial Discrimination and the UN Commission on Human Rights,

¹²³ Anna Carastathis, 'The Concept of Intersectionality in Feminist Theory' (2014) 9 *Philosophy Compass* 304.

¹²⁴ 'Enter Intersectionality: Towards an Inclusive Survivor-Centred Approach in Responding to Conflict-Related Sexual Violence' (*LSE Women, Peace and Security blog*, 10 December 2019) <<https://blogs.lse.ac.uk/wps/2019/12/10/enter-intersectionality-towards-an-inclusive-survivor-centred-approach-in-responding-to-conflict-related-sexual-violence/>> accessed 20 July 2021.

¹²⁵ 'Enter Intersectionality: Towards an Inclusive Survivor-Centred Approach in Responding to Conflict-Related Sexual Violence' (n 124).

¹²⁶ 'Enter Intersectionality: Towards an Inclusive Survivor-Centred Approach in Responding to Conflict-Related Sexual Violence' (n 124).

¹²⁷ 'Enter Intersectionality: Towards an Inclusive Survivor-Centred Approach in Responding to Conflict-Related Sexual Violence' (n 124).

¹²⁸ Carastathis (n 123).

¹²⁹ Carastathis (n 123).

which mentioned in its Resolution on women's human rights "*the importance of examining the intersection of multiple forms of discrimination.*"¹³⁰

In the past feminism has often proclaimed that all women share this common, inherent attribute or experience regardless of their other differences such as religion, race, class or sexual orientation.¹³¹ This idea might have been useful while bringing violence against women within the actual scope of international law nevertheless, this generalising view of women seems to be inadequate for fully reflecting the experiences of women who belong to certain racial minorities or religions.¹³² This generalised view mainly projects the position of privileged women, particularly white, middle or upper class, heterosexual women, which has already been mentioned above but is important to always take into account.¹³³

Therefore, the concept of intersectionality carries several positive consequences regarding sexual violence against women and violence against women in general.¹³⁴ The recognition of the various experiences that women have in their lives and the visibility this diversity gets is very important in the newest forms of feminist theory, such as the third wave.¹³⁵ Intersectionality also tries to disentangle both feminism and violence against women from solely western feminist ideas, and at the same time recalls the other voices and realities of our society.¹³⁶ Furthermore, intersectionality could be a driving force in recognizing marginalised groups that are not always included or sufficiently covered by international law and policies, and it could shine a light on problems such as CRSV where race, religion and ethnicity often intersect with the act of sexual violence. In the next chapter, a critical analysis will be given about MINUSMA, their Gender Unit and CRSV.

¹³⁰ Carastathis (n 123).

¹³¹ Sosa (n 114).

¹³² Sosa (n 114).

¹³³ Sosa (n 114).

¹³⁴ Sosa (n 114).

¹³⁵ Sosa (n 114).

¹³⁶ Sosa (n 114).

4. CURRENT SITUATION FOR MINUSMA AND CRSV

4.1 WOMEN'S STATUS

As previously stated almost 90 percent of the Malian population is Muslim, making it the dominant religion of the country, the rest consists of Christian, animist and other religions.¹³⁷ Mali also consists out of a various ethnic constellation, with ten major groups: the Bambaras, the Malinkes, the Soninkes, the Fulanis, the Senufos, the Dogons, the Bwas, the Songhois, the Tuaregs, and the Moors.¹³⁸ This diversity in Malian society has historically created an environment of inter-ethnic and inter-religious tolerance, until the point that radical Islamist groups were involved in the northern rebellion.¹³⁹ These factors such as ethnicity and religion can determine and govern women's status in society and gender relations.¹⁴⁰

These mainly patriarchal social systems place the man as the authority within the household and women are expected to respect and obey this authority.¹⁴¹ Both on national and local levels the social, traditional and religious norms can continue to hinder gender equality and women's empowerment.¹⁴² Geographically there are also differences between women in the north versus women in the other regions in Mali. In a study that took place in 2019, northern women prioritized security in contrast to other regions, where food security and employment were seen as the most important goals.¹⁴³ In such patriarchal societies as Mali, it is also common for girls to get married very young, and in 2007 one out of every two women got married before the age of 16,5 years old, while men married approximately around the age of 26.¹⁴⁴ UN Women again confirmed that in 2020 53,7 percent of women aged twenty to twenty-four were married or in a union before the young age of eighteen.¹⁴⁵ These early marriages

¹³⁷ 'UNDP, Mali Case Study'.

¹³⁸ 'UNDP, Mali Case Study' (n 137); Stewart (n 2).

¹³⁹ Stewart (n 2).

¹⁴⁰ 'UNDP, Mali Case Study' (n 137).

¹⁴¹ 'UNDP, Mali Case Study' (n 137).

¹⁴² Z Gorman and G /SIPRI Chauzal, "Hand in Hand": A Study of Insecurity and Gender in Mali' 28.

¹⁴³ Z Gorman and G /SIPRI Chauzal, "Hand in Hand": A Study of Insecurity and Gender in Mali' 28.

¹⁴⁴ 'UNDP, Mali Case Study' (n 137).

¹⁴⁵ 'Country Fact Sheet | UN Women Data Hub' <<https://data.unwomen.org/country/mali>> accessed 28 June 2021.

could be a sign of the traditional status that women have in Mali, and show that girls are treated from a young age as property to be married off. Harmful stereotypes like this could contribute to various types of gender-based violence in and out of conflict, including CRSV.

Therefore Malian women are mostly born into socially constructed gender roles as caring mothers and wives where they are responsible for almost all of the household duties, including childcare.¹⁴⁶ As a result of this disadvantaged social status, many women are less able to participate in productive employment, spending considerably more time doing unpaid domestic work in comparison to their male counterparts.¹⁴⁷ These female social roles are therefore enforced by stereotypes, traditions and culture that have been established across generations making it extra difficult to cut loose this inferior status of women.¹⁴⁸

It is also useful in this section to shortly mention the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) from 1985, ratified by Mali.¹⁴⁹ It is useful because CEDAW tries to tackle the various forms of discrimination that women face in their lives and from the previous paragraphs it is clear that women in Mali still face several discriminations for being born female. Then there is also the Committee on the Elimination of All Forms of Discrimination Against Women that is a “*body of independent experts that monitors implementation of the Convention on the Elimination of All Forms of Discrimination against Women.*”¹⁵⁰ Mali is a state party to CEDAW however the reality seems to be quite different. Their progress is monitored by the Committee and the reports show that the implementation of CEDAW is going laborious.¹⁵¹

For example, Mali has been criticised in these reports that there has not been an adoption of a new law concerning family and marriage.¹⁵² This reform in the law would finally align national law with

¹⁴⁶ ‘UNDP, Mali Case Study’ (n 137).

¹⁴⁷ de Jorio, ‘Conflict-Related Gender-Based Violence in Mali and the Limits of the Global System of Law’ (2019) 21 Mande Studies 33; ‘UNDP, Mali Case Study’ (n 137).

¹⁴⁸ ‘UNDP, Mali Case Study’ (n 137).

¹⁴⁹ ‘Cedaw.Pdf’ <<https://www.ohchr.org/Documents/ProfessionalInterest/cedaw.pdf>> accessed 18 July 2021.

¹⁵⁰ ‘OHCHR | Committee on the Elimination of Discrimination against Women’ <<https://www.ohchr.org/EN/HRBodies/CEDAW/Pages/CEDAWIndex.aspx>> accessed 18 July 2021.

¹⁵¹ ‘Convention on the Elimination of All Forms of Discrimination against Women’ (1981); ‘Consideration of Reports Submitted by States Parties under Article 18 of the Convention on the Elimination of All Forms of Discrimination against Women: Combined Sixth and Seventh Periodic Reports of States Parties Due in 2010 Mali’ (2015).

¹⁵² ‘Consideration of Reports Submitted by States Parties under Article 18 of the Convention on the Elimination of All Forms of Discrimination against Women: Combined Sixth and Seventh Periodic Reports of States Parties Due in 2010 Mali’ (n 151);

CEDAW. The current national law still puts men at the head of the family, as patriarch, making them in charge of the most important decisions to be taken by the family such as their wife's residence.¹⁵³ Also making it legal for girls to be married at the age of sixteen, or even fifteen with their father's consent, while men must be eighteen to be legally married.¹⁵⁴ Attributing significantly to the previously mentioned harmful practice of child marriage, which worsens the status of women and girls making them vulnerable to violence such as CRSV. The Committee has monitored this implementation and acknowledged the difficult political situation of Mali, but at the same time urges the country to take this crisis as an opportunity to challenge these harmful practices and implement much needed legal reforms.¹⁵⁵

4.2 GENDER, CRSV AND ARMED CONFLICT

Gender has played a very important role in our society even without armed conflict present, though gender roles are changeable in most contemporary societies, men are connected to independence, competition, physical strength and dominance, which are as well generally accepted characteristics of armed conflict.¹⁵⁶ They are changeable in the sense that in some countries men are taking up more previously female-oriented jobs and vice versa. Some societies are starting to accept vulnerability and emotionality expressed by men and do not want to adhere to these harmful stereotypes anymore that exist for both women and men. However, fighting can still be seen as a key aspect of male identity in most societies, establishing clear gender roles in peace- and wartime.¹⁵⁷ On the other hand, like previously mentioned above, women are connected to characteristics like dependence, vulnerability, empathy and caring.¹⁵⁸ This divide creates several dichotomies such as casting men as the protectors and women as the victims in need of protection. Another distinction intensified by militarism is that men are considered

Rosa de Jorio, 'Conflict-Related Gender-Based Violence in Mali and the Limits of the Global System of Law' (2019) 21 *Mande Studies* 33.

¹⁵³ de Jorio (n 147).

¹⁵⁴ de Jorio (n 147).

¹⁵⁵ de Jorio (n 147).

¹⁵⁶ Charlesworth (n 51); Sharoni (n 51).

¹⁵⁷ Sharoni (n 51).

¹⁵⁸ Charlesworth (n 51); Sharoni (n 51).

the agents of violence and women as the victims of violence.¹⁵⁹ Feminist Ratna Kapur mentions that there indeed have been positive developments regarding CRSV, but she expresses her worry regarding the framing of women as primary victims of violence.¹⁶⁰ The result of this framing is that “*conceptualization of “woman” that falls prey to gender essentialism, producing another type of “universal” subject that “resembles the uncomplicated subject of the liberal discourse, which cannot account for multi-layered existences and experiences.*”¹⁶¹ Women are reduced to a certain homogenous category that does not express the diversity of their experiences, which is connected to the concept of intersectionality discussed above.

The concept of CRSV has a complicated origin and history and it is therefore not always easy to place this concept into an international setting or conflict with various involved actors. These socially constructed gender roles are thus highlighted even more in conflict settings, where women are presented as vulnerable victims and men as strong soldiers, contributing to the roots of CRSV. In the next paragraph, several incentives for this type of violence will be mentioned, pointing out that CRSV is not easy to explain and thus prevent or prosecute.

There could be various causes for CRSV in armed conflicts and one rather common cause could be that rape is frequently used as a ‘weapon of war’. The party conflicting this type of violence can advance strategically or have military motivated objectives such as removing a civilian population from a certain area, thus it is used “*to instil terror in a population and to incite flight from a given territory*”.¹⁶² It could also be part of genocide, contributing to the eradication of a specific ethnic group.¹⁶³ Another military objective could be that women are often in charge of basic economic support activities in conflict

¹⁵⁹ Sharoni (n 51).

¹⁶⁰ Laura Parisi, ‘Feminist Perspectives on Human Rights’ in Laura Parisi, *Oxford Research Encyclopedia of International Studies* (Oxford University Press 2010) <<http://internationalstudies.oxfordre.com/view/10.1093/acrefore/9780190846626.001.0001/acrefore-9780190846626-e-48>> accessed 11 May 2021.

¹⁶¹ Parisi (n 160).

¹⁶² Carreiras and Instituto da Defesa Nacional (Portugal) (n 50).

¹⁶³ Helena Carreiras, ‘Women and Peace Operations’ in Maria Grazia Galantino and Maria Raquel Freire (eds), *Managing Crises, Making Peace* (Palgrave Macmillan UK 2015) <http://link.springer.com/10.1057/9781137442253_4> accessed 11 May 2021.

times, making them essential to the daily lives of their families and the remaining economy, sexual violence against them could be then used as a weapon of social disruption.¹⁶⁴

A second cause could be related to the punishing or humiliating effect that sexual violence can have on an enemy group.¹⁶⁵ Here the body of raped women can be seen as “*ceremonial battlefields, a parade ground for the victor’s trooping of colours.*”¹⁶⁶ This form of humiliation is therefore meant to strike the core of the community, not only affecting the women and girls but their families and entire communities, shamed for failing to protect them.¹⁶⁷ Other causes could be the fact that CRSV can even be motivated by cultural beliefs such as the idea that sexual violence against virgins bestows magical powers or invincibility for the perpetrators.¹⁶⁸ Next, sexual violence has been identified as an approach from armed groups to express and show their aggression and brutality, it is sometimes even encouraged or tolerated as a “*morale booster*” or a “*reward of bravery.*”¹⁶⁹

Domination seems to be a key aspect that all these causes have in common and could be understood in the words of Seifert “*rape is not an aggressive expression of sexuality, but a sexual expression of aggression.*”¹⁷⁰ Still, it seems hard to exactly pinpoint the causes and incentives that lead to CRSV and all the different types of violence such as torture or humiliation should be acknowledged in the light of CRSV.¹⁷¹ It is therefore not always obvious what drives actors to behave in a certain way and commit such acts of violence, but it is clear how dramatic and devastating the consequences of CRSV are on the survivors, their families and entire communities.¹⁷²

Gender constructed roles in conflict can be linked to gender inequality and can create an unstable environment for women in conflict, making them extremely vulnerable to causes of CRSV and other types of violence. Incentives or causes for perpetrators regularly collide, making it hard for the international community to prevent and stop CRSV. Root causes such as harmful traditional stereotypes,

¹⁶⁴ Carreiras and Instituto da Defesa Nacional (Portugal) (n 50).

¹⁶⁵ Carreiras and Instituto da Defesa Nacional (Portugal) (n 50).

¹⁶⁶ Carreiras and Instituto da Defesa Nacional (Portugal) (n 50).

¹⁶⁷ Carreiras and Instituto da Defesa Nacional (Portugal) (n 50).

¹⁶⁸ Carreiras and Instituto da Defesa Nacional (Portugal) (n 50).

¹⁶⁹ Carreiras and Instituto da Defesa Nacional (Portugal) (n 50).

¹⁷⁰ Ruth Seifert, ‘War and Rape. Analytical Approaches’ 12; Carreiras and Instituto da Defesa Nacional (Portugal) (n 50).

¹⁷¹ Carreiras and Instituto da Defesa Nacional (Portugal) (n 50).

¹⁷² Carreiras and Instituto da Defesa Nacional (Portugal) (n 50).

damaging religious practices, socially constructed roles and the context of conflicts should be tackled to truly eradicate CRSV. In the next chapter, the current situation in Mali regarding gender, women and CRSV will be explained based on the Secretary-General reports of the last three years.

4.3 REPORTS OF THE UN SECRETARY-GENERAL

4.3.1 Reports of 2019

In this chapter, the Secretary-General reports of the situation in Mali will give us an image of the situation regarding CRSV. However, it is important to mention that these reports are also biased, written with a UN lens and only offer limited information due to different reasons such as dark numbers of sexual violence, difficulties in reporting, unsafe situations... Next, this thesis focuses on the past three years due to several political and social changes that can influence this research.

In the March 2019 report the Secretary-General, António Guterres, mentioned that the Special Representative for Sexual Violence in Conflict, Ms Pramila Patten, visited Mali.¹⁷³ She met with former president Keite, the Minister of Women, Children and Family Welfare, the Minister of Justice and the Minister for Foreign Affairs.¹⁷⁴ The result of this elaborate meeting was that after meeting several CRSV survivors, their communities and religious leaders and sharing her preliminary findings of the judicial response of Mali to the CRSV of 2012-2013, a document was signed, the *Joint Communiqué*.¹⁷⁵ It is worth mentioning that a combination of appropriate national legislation, in combination with a correct prosecution of preparators of CRSV and the total elimination of harmful discriminatory stereotypes and practices against women and men are often seen as the strongest deterrents against CRSV.¹⁷⁶

¹⁷³ United Nations, 'Situation in Mali: Report of the Secretary-General March 2019, S/2019/262'; 'About the Office' (*United Nations Office of the Special Representative of the Secretary-General on Sexual Violence in Conflict*) <<https://www.un.org/sexualviolenceinconflict/about-us/about-the-office/>> accessed 9 July 2021.

¹⁷⁴ United Nations, 'Situation in Mali: Report of the Secretary-General March 2019, S/2019/262' (n 173).

¹⁷⁵ 'Communiqué Conjoint Entre l'Organisation Des Nations Unies et La République Du Mali'; United Nations, 'Situation in Mali: Report of the Secretary-General March 2019, S/2019/262' (n 173).

¹⁷⁶ de Jorio (n 147).

These Joint Communiqués are one of the important tools that the Special Representative of the Secretary-General on Sexual Violence in Conflict can use to create specific, time-bound commitments that stimulate national ownership and imply States' responsibility in line with their international obligations.¹⁷⁷ States are responsible to prosecute crimes such as CRSV and offer a correct judicial response to them. Internationally CRSV can be a violation of International Human Rights Law, a violation of International Humanitarian Law and a violation of International Criminal Law, which was previously mentioned as the international tribunals and the ICC.¹⁷⁸ International law consequently imposes an affirmative obligation on States to be accountable for these humanitarian and human rights violations and offer redress such as a proper investigation and prosecutions of the crimes.¹⁷⁹

They aim to establish priority interventions for a holistic approach to prevention and response to CRSV, namely in areas like access to justice, reparations, accountability, legal reform, commitment by the defence and security forces and the provision of other inclusive services while specifying all the actors and national institutions who are committed to taking these certain kinds of actions.¹⁸⁰

In the *Joint Communiqué* of Mali, there is a timebound commitment for the Malian government to continue the fight against CRSV with a national, holistic strategy to prevent and protect against CRSV.¹⁸¹ The Special Representative for Sexual Violence in Conflict highlighted the importance of ensuring that issues related to sexual violence are taken into account by the Malian government in the implementation of the peace and reconciliation agreement resulting from the Algiers process in 2015, as well as in the institutional reform and transitional justice processes and that they are regularly monitored.¹⁸² The fight that Mali faces against radicalisation and terrorism was acknowledged, but at the same time, the government was asked to ensure the participation of women in this exact fight against

¹⁷⁷ 'Our Mandate' (United Nations Office of the Special Representative of the Secretary-General on Sexual Violence in Conflict) <<https://www.un.org/sexualviolenceinconflict/our-work/our-mandate/>> accessed 9 July 2021; 'Communiqué Conjoint Entre l'Organisation Des Nations Unies et La République Du Mali' (n 175).

¹⁷⁸ Siva Methil, 'Prevention and Response to Conflict-Related Sexual Violence'.

¹⁷⁹ Methil (n 178).

¹⁸⁰ 'Our Mandate' (n 177); 'Communiqué Conjoint Entre l'Organisation Des Nations Unies et La République Du Mali' (n 175).

¹⁸¹ 'Communiqué Conjoint Entre l'Organisation Des Nations Unies et La République Du Mali' (n 175).

¹⁸² 'Communiqué Conjoint Entre l'Organisation Des Nations Unies et La République Du Mali' (n 175).

terrorism to safeguard the prevention of CRSV in this area.¹⁸³ Lastly, the Special Representative urged the Malian government to take control and aim all efforts to battling CRSV.¹⁸⁴

The Malian government as answer to these concerns and recommendations, engaged itself to several working points and goals, to be fulfilled between 2019 and 2030.¹⁸⁵ These goals include arresting and prosecuting the perpetrators of CRSV and ensuring reparations for the survivors of these violent crimes.¹⁸⁶ Another important goal would be to improve the expertise of the armed forces, which include the military and police, ensuring at the same time that there are clear guidelines and directives, and separate special units to treat cases of CRSV.¹⁸⁷ There are several other topics discussed such as strengthening physical, psychological and judicial services for survivors, including the participation of women in the national strategies to battle this extreme violence and strongly support national campaigns to sensitize and prevent CRSV.¹⁸⁸

In reaction to this engagement of the Malian government the UN promised to fulfil some points such as assisting the Malian government in the fight against CRSV.¹⁸⁹ CRSV is included in these considerations because it is linked to the mandate of the present peacekeeping mission, MINUSMA. The UN will focus on working together and coordinating the correct and coherent treatment of CRSV including actors such as MINUSMA, the Malian government, the Special Representative for Sexual Violence in Conflict, and others.¹⁹⁰ Thus this *Joint Communiqué* is an incentive for both parties, but in particular, the Malian government to continue their work in preventing and prosecuting CRSV and to improve their current strategies for CRSV, together with the help of the UN and MINUSMA.

In the report of October that year, there was one case of CRSV that was verified and took place in the Timbuktu region against a young girl.¹⁹¹ It was also reported that a total of 627 survivors of gender-

¹⁸³ ‘Communiqué Conjoint Entre l’Organisation Des Nations Unies et La République Du Mali’ (n 175).

¹⁸⁴ ‘Communiqué Conjoint Entre l’Organisation Des Nations Unies et La République Du Mali’ (n 175).

¹⁸⁵ ‘Communiqué Conjoint Entre l’Organisation Des Nations Unies et La République Du Mali’ (n 175).

¹⁸⁶ ‘Communiqué Conjoint Entre l’Organisation Des Nations Unies et La République Du Mali’ (n 175).

¹⁸⁷ ‘Communiqué Conjoint Entre l’Organisation Des Nations Unies et La République Du Mali’ (n 175).

¹⁸⁸ ‘Communiqué Conjoint Entre l’Organisation Des Nations Unies et La République Du Mali’ (n 175).

¹⁸⁹ ‘Communiqué Conjoint Entre l’Organisation Des Nations Unies et La République Du Mali’ (n 175).

¹⁹⁰ ‘Communiqué Conjoint Entre l’Organisation Des Nations Unies et La République Du Mali’ (n 175); ‘Mandate of the Gender Unit’ (n 71).

¹⁹¹ United Nations, ‘Situation in Mali: Report of the Secretary-General October 2019, S/2019/782’.

based violence received certain forms of medical or psychological support, consisting of 98 percent out of women, 28 percent was confirmed to be a victim of some kind of sexual violence including CRSV.¹⁹²

In the last report of 2019, the human rights situation in Mali continued to remain a serious problem for the UN and MINUSMA.¹⁹³ MINUSMA verified in total as many as 72 cases of human rights violations and abuses committed mostly by armed groups, but also a couple by national forces.¹⁹⁴ These violations included violence such as executions, arbitrary killings, abductions, and CRSV.¹⁹⁵ In the next paragraph, more information about sexual violence perpetrated by UN personnel will be given.

During the first reporting period around March 2019, there were no accusations of sexual exploitation and abuse against UN personnel or peacekeepers recorded.¹⁹⁶ MINUSMA continued to follow the three principles that underpin the UN standards of conduct, which are “*Highest standards of efficiency, competence and integrity; Zero tolerance policy on sexual exploitation and abuse (SEA); Accountability of those in command or authority who fail to enforce the standards of conduct.*”¹⁹⁷ Yet in the second reporting period, there was one allegation of sexual exploitation and abuse.¹⁹⁸ In October there were two allegations of sexual exploitation and abuse recorded and investigated and in the last report, there was again one allegation.¹⁹⁹ In the first report of 2020, there were two allegations of sexual exploitation and abuse recorded.²⁰⁰ Then it was only in September that there was a new accusation on behalf of UN personnel.²⁰¹

¹⁹² United Nations, ‘Situation in Mali: Report of the Secretary-General October 2019, S/2019/782’ (n 191).

¹⁹³ United Nations, ‘Situation in Mali: Report of the Secretary-General December 2019, S/2019/983’.

¹⁹⁴ United Nations, ‘Situation in Mali: Report of the Secretary-General December 2019, S/2019/983’ (n 193).

¹⁹⁵ United Nations, ‘Situation in Mali: Report of the Secretary-General December 2019, S/2019/983’ (n 193).

¹⁹⁶ United Nations, ‘Situation in Mali: Report of the Secretary-General March 2019, S/2019/262’ (n 173).

¹⁹⁷ United Nations, ‘Situation in Mali: Report of the Secretary-General March 2019, S/2019/262’ (n 173); ‘Conduct and Discipline’ (MINUSMA, 13 February 2015) <<https://minusma.unmissions.org/en/conduct-and-discipline>> accessed 9 July 2021.

¹⁹⁸ United Nations, ‘Situation in Mali: Report of the Secretary-General May 2019, S/2019/454’.

¹⁹⁹ United Nations, ‘Situation in Mali: Report of the Secretary-General October 2019, S/2019/782’ (n 191); United Nations, ‘Situation in Mali: Report of the Secretary-General December 2019, S/2019/983’ (n 193).

²⁰⁰ United Nations, ‘Situation in Mali: Report of the Secretary-General March 2020, S/2020/223’.

²⁰¹ United Nations, ‘Situation in Mali: Report of the Secretary-General June 2020, S/2020/476’; United Nations, ‘Situation in Mali: Report of the Secretary-General September 2020, S/2020/952’.

4.3.2 Reports of 2020

Unfortunately, in March 2020 MINUSMA reported eight cases of sexual violence committed by terrorist groups, signatory armed groups and national armed forces.²⁰² The CRSV included cases of forced marriage, the rape of two women by a member of MNLA, the gang rape of a young girl imputed to MNLA and *Front patriotique de resistance*, and sexual assault of a female child by a member of the national armed forces.²⁰³ Most of these cases took place around Gao, confirming the high level of danger for civilians in the north-eastern region of Mali. In response to this CRSV, MINUSMA organised a workshop with 113 Islamic religious leaders to involve civil society in the prevention and response to CRSV.²⁰⁴ The goal of this meeting was to discuss the role of religion and the High Islamic Council in addressing this serious problem of CRSV and to sign a declaration, making a relevant commitment to denounce this form of violence.²⁰⁵

In the second report of 2020, former president Keita signed a declaration to support the prevention of CRSV, he signed this declaration in March just before his resignation in August 2020.²⁰⁶ In this period there was again a high rise in human rights violations, probably due to the unstable political climate and lingering coup d'état from August 2020 and later in March 2021.

In the report of September, MINUSMA recorded five cases of CRSV against women, including gang rape and sexual slavery committed by extremist groups.²⁰⁷ During this period, MINUSMA trained 54 police officers in handling cases of CRSV, helping the Malian government to find the correct prevention and response method to this type of violence.²⁰⁸

Again 10 cases of CRSV were reported during the last period of 2020 by MINUSMA, which means that there was an increase in the cases of CRSV. The cases included rape and gang rape by armed groups and unidentified armed individuals.²⁰⁹ As a reaction to the increase of CRSV cases, MINUSMA

²⁰² United Nations, 'Situation in Mali: Report of the Secretary-General March 2020, S/2020/223' (n 200).

²⁰³ United Nations, 'Situation in Mali: Report of the Secretary-General March 2020, S/2020/223' (n 200).

²⁰⁴ United Nations, 'Situation in Mali: Report of the Secretary-General March 2020, S/2020/223' (n 200).

²⁰⁵ United Nations, 'Situation in Mali: Report of the Secretary-General March 2020, S/2020/223' (n 200).

²⁰⁶ United Nations, 'Situation in Mali: Report of the Secretary-General June 2020, S/2020/476' (n 201).

²⁰⁷ United Nations, 'Situation in Mali: Report of the Secretary-General September 2020, S/2020/952' (n 201).

²⁰⁸ United Nations, 'Situation in Mali: Report of the Secretary-General September 2020, S/2020/952' (n 201).

²⁰⁹ United Nations, 'Situation in Mali: Report of the Secretary-General December 2020, S/2020/1281'.

mobilized system-wide support to activate a sexual and gender-based violence one-stop centre providing comprehensive care to survivors of CRSV.²¹⁰ The report also mentions the *Joint Communiqué* that Mali signed in 2019 and urges the Malian government to adhere to its goals and aims.²¹¹

4.3.3 Reports of 2021

After another coup d'état in March 2021, the political climate is very unstable in Mali, and the influential Economic Community of West African States (ECOWAS) has even suspended Mali until the deadline of the end of February 2022, that is the deadline for the country's interim leaders to hand over power to a democratically elected government.²¹² This severe instability has affected the decline of the human rights situation in Mali. The reporting period around June was characterized by a harsh increase in violence against civilians, moving down from north to south, enfolding itself throughout Mali.²¹³

Especially the situation of women and girls remains dire because they are still the primary target of CRSV and have fallen victim to several human rights abuses by armed groups.²¹⁴ MINUSMA recorded two grave cases of gang rape and highlight that overall cases of CRSV remain underreported, because firstly there are no sufficient medical and physical services in the conflict areas, next there are sociocultural reasons such as honour and shame, and lastly there is a fear of reprisal and lack of accountability for the perpetrators.²¹⁵ This increase in violence against civilians and CRSV shows that there is still so much work to be done in Mali to create a safe space for women and girls and to eradicate any form of CRSV.

²¹⁰ United Nations, 'Situation in Mali: Report of the Secretary-General December 2020, S/2020/1281' (n 209).

²¹¹ United Nations, 'Situation in Mali: Report of the Secretary-General December 2020, S/2020/1281' (n 209); 'Communiqué Conjoint Entre l'Organisation Des Nations Unies et La République Du Mali' (n 175).

²¹² 'ECOWAS Suspends Mali over Second Coup in Nine Months' <<https://www.aljazeera.com/news/2021/5/31/ecowas-suspends-mali-over-second-coup-in-nine-months>> accessed 10 July 2021.

²¹³ United Nations, 'Situation in Mali: Report of the Secretary-General June 2021, S/2021/519'.

²¹⁴ United Nations, 'Situation in Mali: Report of the Secretary-General June 2021, S/2021/519' (n 213).

²¹⁵ United Nations, 'Situation in Mali: Report of the Secretary-General June 2021, S/2021/519' (n 213).

4.4 RESOLUTION 2584

The deterioration of the political, security and humanitarian situation in Mali in the last months has urged the Security Council of the UN to adopt a new resolution, Resolution 2584 in June 2021.²¹⁶ An extreme number of human rights violations and abuses have taken place in both the North and Centre of Mali, causing deaths, injuries and numerous cases of internally displaced persons and refugees.²¹⁷ First of all the Security Council calls to address the stigma surrounding sexual and gender-based violence within national and regional programs and to bring justice to all the survivors reintegrating them back into their communities and to take into account their views on the design, implementation, monitoring and evaluation of these programs.²¹⁸

The mandate of MINUSMA will include some priority tasks such as the specific protection and assistance of women affected by armed conflict and also to address the particular needs they might have as survivors of CRSV.²¹⁹ MINUSMA will provide Women Protection Advisors and Gender Advisors, both civilian and uniformed to provide this specific protection and assistance. Next MINUSMA will have to improve its efforts to monitor, document, conduct fact-finding missions, investigate and report to the Security Council, in a regular and public manner, on all violations of human rights, including CRSV.²²⁰

There is also a request in Resolution 2584 for the Secretary-General to implement capacities and existing obligations into the planning and conduct of MINUSMA such as strengthening sexual and gender-based violence prevention and response in line with Resolution 2467, and to correctly implement the UN zero-tolerance policy on sexual exploitation and abuse.²²¹ Resolution 2584 also reminds the Malian government and all the other parties of the conflict to respect and fulfil their international obligations which include the reinforcement of justice in cases of CRSV, ameliorating the accountability of the perpetrators and improving access to justice for CRSV survivors.²²² It also includes the prevention

²¹⁶ ‘Resolution 2584 (2021), S/RES/2584’ (2000) <<http://www.tandfonline.com/doi/abs/10.1080/13642980008406917>> accessed 10 July 2021; ‘MINUSMA’ (*MINUSMA*) <<https://minusma.unmissions.org/en>> accessed 10 July 2021.

²¹⁷ ‘Resolution 2584 (2021), S/RES/2584’ (n 216).

²¹⁸ ‘Resolution 2584 (2021), S/RES/2584’ (n 216).

²¹⁹ ‘Resolution 2584 (2021), S/RES/2584’ (n 216).

²²⁰ ‘Resolution 2584 (2021), S/RES/2584’ (n 216).

²²¹ ‘Resolution 2584 (2021), S/RES/2584’ (n 216).

²²² ‘Resolution 2584 (2021), S/RES/2584’ (n 216).

and elimination of CRSV by all parties, the correct implementation of the *Joint Communiqué* by the Malian government and the drafting of extra laws that will support this document.²²³ MINUSMA will support these efforts, assisting in the field of health care, legal and socio-economic services for the survivors of CRSV.²²⁴ Further, it urges all countries which contribute to troop and police units to take appropriate action to prevent sexual exploitation, to ensure full accountability if this happens and to even repatriate units if there is credible evidence of widespread and systematic abuse and sexual exploitation.²²⁵ Thus it is clear that CRSV by armed groups, national forces and peacekeepers is still an important problem to tackle and deserves extra attention from MINUSMA and the conflict parties. This severe deterioration in all the fields of human rights urges the UN to adjust its attention to Mali and to take action to prevent further violations and violence.

4.5 INFORMAL EXPERT GROUP ON WOMEN, PEACE AND SECURITY

The Security Council adopted Resolution 1325 in 2000, in which gender equality is linked to the maintenance of international peace and security. Nine additional resolutions later, women, peace and security has become one of the key elements of the Security Council's work.²²⁶ Security Council Resolution 2242 in 2015 invoked the Informal Expert Group on Women, Peace and Security.²²⁷ The Informal Expert Group provides a space where experts and the UN can meet when there are urgent concerns regarding women, peace and security in particular country situations such as Mali.²²⁸ Thus their main goal is to enhance the flow of information to the Security Council on topics related to women, peace and security and to guarantee a more consistent oversight of the implementation activities of the headquarters' and field actors.²²⁹

²²³ 'Resolution 2584 (2021), S/RES/2584' (n 216).

²²⁴ 'Resolution 2584 (2021), S/RES/2584' (n 216).

²²⁵ 'Resolution 2584 (2021), S/RES/2584' (n 216).

²²⁶ 'Women, Peace, and Security in the Work of the UN Security Council | What We Do: Peace and Security' (*UN Women*) <<https://www.unwomen.org/what-we-do/peace-and-security/un-security-council>> accessed 10 July 2021.

²²⁷ 'Resolution 2242 (2015), S/RES/2242' <[https://undocs.org/pdf?symbol=en/S/RES/2242\(2015\)](https://undocs.org/pdf?symbol=en/S/RES/2242(2015))> accessed 10 July 2021; 'Women, Peace, and Security in the Work of the UN Security Council | What We Do: Peace and Security' (n 226).

²²⁸ 'Women, Peace, and Security in the Work of the UN Security Council | What We Do: Peace and Security' (n 226).

²²⁹ 'Resolution 1106 (2016), S/2016/1106' <<https://undocs.org/pdf?symbol=en/S/2016/1106>> accessed 10 July 2021; 'Women, Peace, and Security in the Work of the UN Security Council | What We Do: Peace and Security' (n 226).

On the 27th of May, there was a meeting held by the Informal Expert Group on the deteriorating situation in Mali. Questions were asked by the Security Council on the implementation of the national action plan on women, peace and security of Mali, how MINUSMA tried to increase the representation of women in the Malian government, the mechanisms created to implement the peace agreement, and on how better access to justice for women was created.²³⁰ There were concerns raised about the increase of CRSV and inquiries were made about women's access to relevant services, the role of religious actors and the progress of the *Joint Communiqué*.²³¹ There were also some questions focused on the available expertise on gender issues in MINUSMA and other benchmarks that might need to be included in the new missions mandate.²³²

Some key points were mentioned by the participants, such as the progress regarding female representation in parliament, where a small increase was noticed in the National Assembly. However there was a decrease in government representation and currently, with this interim government overthrown, these numbers could be irrelevant due to the instability of the political landscape.²³³ Next in 2020 the Malian government, together with MINUSMA and the United Nations Entity for Gender Equality and the Empowerment of Women (UN Women), organised a high-level workshop on the inclusion of women in the implementation of the Agreement on Peace and Reconciliation.²³⁴ More than 200 female leaders attended and agreed to create an independent women's observatory to monitor the progress and follow up this peace process.²³⁵

It was pointed out that there are still various forms of CRSV affecting Malian women and girls such as rape, gang rape, sexual slavery, forced marriage, forced pregnancy and human trafficking committed by armed groups, extremist elements and even members of the national security and defence

²³⁰ United Nations, 'Summary of the Meeting on the Situation in Mali, Held by the Informal Expert Group on Women and Peace and Security on 27 May 2020' (n 30).

²³¹ United Nations, 'Summary of the Meeting on the Situation in Mali, Held by the Informal Expert Group on Women and Peace and Security on 27 May 2020' (n 30).

²³² United Nations, 'Summary of the Meeting on the Situation in Mali, Held by the Informal Expert Group on Women and Peace and Security on 27 May 2020' (n 30).

²³³ United Nations, 'Summary of the Meeting on the Situation in Mali, Held by the Informal Expert Group on Women and Peace and Security on 27 May 2020' (n 30).

²³⁴ United Nations, 'Summary of the Meeting on the Situation in Mali, Held by the Informal Expert Group on Women and Peace and Security on 27 May 2020' (n 30).

²³⁵ United Nations, 'Summary of the Meeting on the Situation in Mali, Held by the Informal Expert Group on Women and Peace and Security on 27 May 2020' (n 30).

forces.²³⁶ It is mentioned that this violence against women is aggravated by rooted gender inequality, extremely harmful social norms and the rapid increase of militarization and armament of several groups.²³⁷ Cases of CRSV remain largely unreported due to lack of safe services to turn to, fear of social rejection and reprisals, making the available data of MINUSMA and the Secretary-Generals' reports only indicative and the tip of the iceberg.²³⁸ A shocking total of 4617 survivors of gender-based violence were reported in 2019, consisting of 97 percent women and 51 percent out of girls under the age of eighteen.²³⁹ MINUSMA was able to verify 27 cases of CRSV in 2019, carried out by both armed groups and national forces.²⁴⁰ Further, they recorded 715 cases of gender-based violence in the first quarter of 2020, including eight verified cases of CRSV.²⁴¹ In sixty percent of Mali, there are no forms of services whatsoever that are useful and essential for survivors of sexual violence.²⁴²

Here MINUSMA tries to step in and offer the necessary services for survivors who have no access at all to any kind of services, but the COVID-19 pandemic complicated the mobility of humanitarian actors and further impeded access to these services, making it even more difficult for survivors to report cases of CRSV, and search for physical and physiological help.²⁴³ In general, there should be done more (field) research and data to be collected to describe the exact influence COVID-19 has had on the Gender Unit, MINUSMA and CRSV. However, several difficulties could come to mind such as complications for UN personnel to contact the local population, deteriorated access to health services and lack of information. The COVID-19 pandemics has for sure influenced MINUSMA and other peacekeeping missions, but it is hard to establish exactly how this has happened.

²³⁶ United Nations, 'Summary of the Meeting on the Situation in Mali, Held by the Informal Expert Group on Women and Peace and Security on 27 May 2020' (n 30).

²³⁷ United Nations, 'Summary of the Meeting on the Situation in Mali, Held by the Informal Expert Group on Women and Peace and Security on 27 May 2020' (n 30).

²³⁸ United Nations, 'Summary of the Meeting on the Situation in Mali, Held by the Informal Expert Group on Women and Peace and Security on 27 May 2020' (n 30).

²³⁹ United Nations, 'Summary of the Meeting on the Situation in Mali, Held by the Informal Expert Group on Women and Peace and Security on 27 May 2020' (n 30).

²⁴⁰ United Nations, 'Summary of the Meeting on the Situation in Mali, Held by the Informal Expert Group on Women and Peace and Security on 27 May 2020' (n 30).

²⁴¹ United Nations, 'Summary of the Meeting on the Situation in Mali, Held by the Informal Expert Group on Women and Peace and Security on 27 May 2020' (n 30).

²⁴² United Nations, 'Summary of the Meeting on the Situation in Mali, Held by the Informal Expert Group on Women and Peace and Security on 27 May 2020' (n 30).

²⁴³ United Nations, 'Summary of the Meeting on the Situation in Mali, Held by the Informal Expert Group on Women and Peace and Security on 27 May 2020' (n 30).

Next MINUSMA continues to promote access to justice for women, providing informative sessions on the concept of CRSV and training courses on specific legal support for jurists, involving both civil society and judicial authorities.²⁴⁴ Like mentioned before in the reports from the Secretary-General, there were added more one-stop centres, while also planning additional centres in other regions.²⁴⁵ Unfortunately, all these efforts did not stop the increase of CRSV cases in 2019, and later also in 2020 and 2021, adding that there have been no thorough investigations at all, if they were even started, ending the prosecution of these crimes already at the start.²⁴⁶ Consequently, there have been no successful trials or judgements regarding cases of CRSV at all.²⁴⁷ Planned meetings with the Ministry of Justice to urgently improve and prioritize the judicial response against CRSV have been suspended due to the COVID-19 pandemic.²⁴⁸ The MINUSMA Gender Unit, which is further explained in the next chapter, was also strengthened at its core and is now headed by a recently recruited P5 staff member, making it a Gender Unit that consists of nine staff members in total.²⁴⁹ A P5 staff member is a professional who has more than ten years of experience in the working field, making this member a mid-level professional who is almost at a senior level.²⁵⁰ This member is thus perfect to fill in a head position at the Gender Unit.

UN Women also made some recommendations, the first one involving the upcoming negotiations to renew the mandate of MINUSMA in gender-relevant language and the second one being that the Security Council members have to enhance their advocacy attempts with the Malian government about the Malian judicial response to CRSV and the adoption of new laws against gender-based violence.²⁵¹ On the one hand, there are a lot of useful and relevant points and recommendations to be followed up.

²⁴⁴ United Nations, 'Summary of the Meeting on the Situation in Mali, Held by the Informal Expert Group on Women and Peace and Security on 27 May 2020' (n 30).

²⁴⁵ United Nations, 'Summary of the Meeting on the Situation in Mali, Held by the Informal Expert Group on Women and Peace and Security on 27 May 2020' (n 30).

²⁴⁶ United Nations, 'Summary of the Meeting on the Situation in Mali, Held by the Informal Expert Group on Women and Peace and Security on 27 May 2020' (n 30).

²⁴⁷ United Nations, 'Summary of the Meeting on the Situation in Mali, Held by the Informal Expert Group on Women and Peace and Security on 27 May 2020' (n 30).

²⁴⁸ United Nations, 'Summary of the Meeting on the Situation in Mali, Held by the Informal Expert Group on Women and Peace and Security on 27 May 2020' (n 30).

²⁴⁹ United Nations, 'Summary of the Meeting on the Situation in Mali, Held by the Informal Expert Group on Women and Peace and Security on 27 May 2020' (n 30).

²⁵⁰ 'UN Careers' <<https://careers.un.org/lbw/home.aspx?viewtype=SC>> accessed 18 July 2021.

²⁵¹ United Nations, 'Summary of the Meeting on the Situation in Mali, Held by the Informal Expert Group on Women and Peace and Security on 27 May 2020' (n 30).

On the other hand, a lot of these points were established with the 2020 government of Mali, not taking into account the new coup d'état that happened during 2021 and the slowing down of many of these strategies due to the COVID-19 pandemic, making this report already dated while it was just adopted one year ago.

5. GENDER IN MINUSMA

5.1 GENDER UNIT

The MINUSMA Gender Affairs Advisory Unit or Gender Unit is in charge of the development of the mission's gender strategy, the promotion of political participation of women and women's human rights, also for a response to violence against women and for advising management on design, monitoring and implementation of gender affairs and other gender mainstreaming activities.²⁵² The team is composed of nine members in total, headed by a newly recruited P5 staff member.²⁵³ In 2018 an audit took place of this Gender Unit, focusing on the assessment of the *“adequacy and effectiveness of MINUSMA gender mainstreaming and parity strategies and its support to the host government and local population in accordance with its gender mandate.”*²⁵⁴

5.2 GENDER MAINSTREAMING & WOMEN, PEACE AND SECURITY

5.2.1 Gender Mainstreaming in Peacekeeping operations

The peacekeeping missions of today are often multidimensional, such is the case in Mali, where the mission is integrated consisting out of a civilian and military branch, focusing on various topics such as gender, human rights, electoral assistance, military and police, protection of civilians...²⁵⁵ Civilian and humanitarian functions of missions are becoming more and more important, which means local women are directly affected even more in cases such as human rights violations and CRSV.²⁵⁶

Previously it was mentioned that with third wave feminism the concept of gender mainstreaming has become an important part of gender and policy culture, creating a platform where gender can be taken

²⁵² United Nations, 'AUDIT Gender Mainstreaming Mali, Report 2019/046' (n 25); 'Mandate of the Gender Unit' (n 71).

²⁵³ United Nations, 'AUDIT Gender Mainstreaming Mali, Report 2019/046' (n 25).

²⁵⁴ United Nations, 'AUDIT Gender Mainstreaming Mali, Report 2019/046' (n 25).

²⁵⁵ 'Activities' (MINUSMA, 1 September 2014) <<https://minusma.unmissions.org/en/activities>> accessed 11 July 2021.

²⁵⁶ Louise Olsson, 'Mainstreaming Gender in Multidimensional Peacekeeping: A Field Perspective' (2000) 7 International Peacekeeping 1.

into account in various strategies and policies. On top of that CRSV and gender mainstreaming seem to be interconnected in the way that the root causes of CRSV are often connected to the interpretation of gender and the socially constructed roles for women. If gender is looked at in a traditional way, where the social roles for men and women are set in stone, there can be a higher chance that these women will experience CRSV. Hence if women are pushed into submissive and vulnerable roles, both in peace and wartime, the power and domination that is associated with men can thrive and is supported. The issue of gender mainstreaming has also become closely linked to women's representation in general and their participation at all decision-making levels.²⁵⁷

A study of women present in armed forces in South Africa showed that their participation in this conflict leads them to be seen as a more 'natural' part of the political as well as the military environment.²⁵⁸ It even allowed the women to more easily achieve a positive response to the request for gender equality.²⁵⁹ If we transfer this to peacekeeping missions, this would mean that an increased representation of women in peacekeeping missions would allow the mission to radiate a positive image about women's participation. It has also been the case that missions where more women were included, reported that it had been easier to develop positive relations with communities.²⁶⁰ However, the participation of women can sometimes also be considered hostile or provocative if they do not act according to their gender roles.²⁶¹ It is therefore not always clear what impact increased women's participation in UN peacekeeping missions has, but gender parity can always be seen as positive in the way that it represents the diversity of society more accurate.

The UN mentions that in 2020 around 95000 female peacekeepers were active, which is 4,8 percent of the military contingent, 10,9 percent of formed police units and 34 percent of justice and government-provided personnel.²⁶² The UN mentions several positive aspects about female peacekeepers such as greater diversity, access to communities and vulnerable groups such as women and children, trust

²⁵⁷ Olsson (n 256).

²⁵⁸ Olsson (n 256).

²⁵⁹ Olsson (n 256).

²⁶⁰ Olsson (n 256).

²⁶¹ Olsson (n 256).

²⁶² 'Women in Peacekeeping' (*United Nations Peacekeeping*) <<https://peacekeeping.un.org/en/women-peacekeeping>> accessed 11 July 2021.

and confidence builders, and being inspiring role models.²⁶³ MINUSMA hosted 772 female military and police personnel as opposed to 13973 men, pointing out the need for gender parity in the peacekeeping field.²⁶⁴

A critique of the feminist scholar Hilary Charlesworth is applicable here, as she discusses that international organisations, such as the UN want and try to adopt a gender mainstreaming perspective, but that the translation of this commitment into action and implementation stays rather difficult.²⁶⁵ This critique was put forward in 2005 but can still be useful in the way that for example the gender parity number in peacekeeping operations remain extremely unbalanced towards men. A positive point about the mainstreaming of gender mainstreaming is that gender itself has been ‘defanged’, making it easier to involve this concept in international policies and strategies.²⁶⁶

5.2.2 Gender Mainstreaming in MINUSMA

Concepts like gender mainstreaming offer us the opportunity to include a gender perspective into important and progressive strategies and policies, offering MINUSMA the opportunity to set an example and assist the authorities of Mali in doing the same. In Resolution 2423 MINUSMA was instructed to consider gender as a cross-cutting issue in every level of the (post-)conflict and enhance its reporting regarding this issue.²⁶⁷ They considered several gender perspectives in the period from 2015 to 2018 such as advocating the participation of women in the (post) peace process.²⁶⁸ Nonetheless to acquire this coherent approach to gender mainstreaming in all its priority mandated functions, MINUSMA, unfortunately, failed to establish an overall mission gender strategy to outline their goals regarding this important gender element of the mandate.²⁶⁹

²⁶³ ‘Women in Peacekeeping’ (n 262).

²⁶⁴ ‘Contribution of Uniformed Personnel to UN by Mission, Personnel Type, and Gender, 30/04/2021’ <https://peacekeeping.un.org/sites/default/files/07-gender_report_37_apr2021.pdf> accessed 11 July 2021.

²⁶⁵ Hilary Charlesworth, ‘Not Waving but Drowning: Gender Mainstreaming and Human Rights in the United Nations’ [2005] Harvard Human Rights Journal 1.

²⁶⁶ Hilary Charlesworth (n 265).

²⁶⁷ United Nations, ‘AUDIT Gender Mainstreaming Mali, Report 2019/046’ (n 25).

²⁶⁸ United Nations, ‘AUDIT Gender Mainstreaming Mali, Report 2019/046’ (n 25).

²⁶⁹ United Nations, ‘AUDIT Gender Mainstreaming Mali, Report 2019/046’ (n 25).

On top of that, there are missing guidelines for the monitoring and reporting of their progress being made, where they integrate gender in all their priority functions.²⁷⁰ The reason for this lies primarily with the senior leadership as they did not make gender mainstreaming a priority, this could change with the newly recruited head of the gender unit.²⁷¹ The absence of such a gender strategy limited MINUSMA's efforts to appropriately integrate gender perspectives into its programmes and the missing leadership direction on gender mainstreaming may impact the implementation of its mandate negatively.²⁷² Charlesworth again notices this shortcoming of not measuring the progress of gender mainstreaming correctly.²⁷³ There seems to be a tendency that there is a commitment of the UN to acknowledge gender mainstreaming, but the actual implementation remains hard. Hence, a clear gender strategy could introduce gender mainstreaming into the mandate of the Gender Unit and should be considered as a priority. Gender perspectives have to be taken into account by MINUSMA and their Gender unit while fulfilling their mandates, and their priority functions.

Next, there seemed to be a need for MINUSMA to appoint and train gender focal points throughout all the mission's components.²⁷⁴ These focal points will help to support the planning of the implementation of gender equality and the women, peace and security mandates, they will be responsible for identifying entry points that could be used to integrate gender within the functions and daily life.²⁷⁵ Training should be provided for these gender focal points to ensure their effective performance and a fully functional gender task force.²⁷⁶

Another important point would be the mission-specific gender parity targets and its actions plans.²⁷⁷ Especially in decision-making roles more women should be employed to ensure mission-specific gender parity and from 2017 to 2018 there was indeed a slight increase in the percentage of women, yet there still needs to be an improvement in this area.²⁷⁸ This gender parity can also be seen as an example setting for the Malian authorities, where participation of women had increased, but then

²⁷⁰ United Nations, 'AUDIT Gender Mainstreaming Mali, Report 2019/046' (n 25).

²⁷¹ United Nations, 'AUDIT Gender Mainstreaming Mali, Report 2019/046' (n 25).

²⁷² United Nations, 'AUDIT Gender Mainstreaming Mali, Report 2019/046' (n 25).

²⁷³ Hilary Charlesworth (n 265).

²⁷⁴ United Nations, 'AUDIT Gender Mainstreaming Mali, Report 2019/046' (n 25).

²⁷⁵ United Nations, 'AUDIT Gender Mainstreaming Mali, Report 2019/046' (n 25).

²⁷⁶ United Nations, 'AUDIT Gender Mainstreaming Mali, Report 2019/046' (n 25).

²⁷⁷ United Nations, 'AUDIT Gender Mainstreaming Mali, Report 2019/046' (n 25).

²⁷⁸ United Nations, 'AUDIT Gender Mainstreaming Mali, Report 2019/046' (n 25).

declined again in 2020 due to the unstable political climate. Gender parity is thus very important and the MINUSMA leadership should pay more attention to the implementation of this correct gender parity.²⁷⁹ Gender parity also contributes to a safe environment for both UN personnel and civilians, making it a normality that both genders are present at all levels of command. Here Charlesworth criticizes these international institutions whose international institutional activity remains to be undermined by general structures of power based on hierarchies of sex and gender, despite their full commitment to gender mainstreaming.²⁸⁰ There are still way more men at decision-making levels in MINUSMA, still radiate their entrenched power systems.

Two other points are worth mentioning, the first being training and awareness-raising concerning gender mainstreaming and gender equality.²⁸¹ All personnel from MINUSMA is indeed required to follow training that at least includes an awareness session on gender, this was done by all newly recruited civilian staff, individual police officers, military observers and staff officers.²⁸² However, more attention should be given to key staff that has gender-related responsibilities, providing them with detailed training focused on their responsibilities.²⁸³ Training and awareness-raising are very important amongst UN personnel, giving all personnel including those not focused on CRSV and gender, the ability to react in a correct way to gender-related problems and refer civilians to the correct service.

The second point is the support given to the host government and local population.²⁸⁴ Both resolutions 1325 and 2423 require the mission to mainstream gender and assist the Malian government to reach a certain level of participation of women at all levels.²⁸⁵ MINUSMA provided outreach programs to promote the participation of women together with civil society organizations, the UN Country team, gender focal points of embassies and the Ministry for the Promotion of Women and Children.²⁸⁶ Lastly, MINUSMA also focused on the support of a National Action Plan for the correct implementation of Resolution 1325 on women, peace and security and the organization of an event called ‘Resolution 1325

²⁷⁹ United Nations, ‘AUDIT Gender Mainstreaming Mali, Report 2019/046’ (n 25).

²⁸⁰ Hilary Charlesworth (n 265).

²⁸¹ United Nations, ‘AUDIT Gender Mainstreaming Mali, Report 2019/046’ (n 25).

²⁸² United Nations, ‘AUDIT Gender Mainstreaming Mali, Report 2019/046’ (n 25).

²⁸³ United Nations, ‘AUDIT Gender Mainstreaming Mali, Report 2019/046’ (n 25).

²⁸⁴ United Nations, ‘AUDIT Gender Mainstreaming Mali, Report 2019/046’ (n 25).

²⁸⁵ ‘Resolution 1325 (2000)’ (n 75); ‘Resolution 2423 (2018)’ (n 21); United Nations, ‘AUDIT Gender Mainstreaming Mali, Report 2019/046’ (n 25).

²⁸⁶ United Nations, ‘AUDIT Gender Mainstreaming Mali, Report 2019/046’ (n 25).

Open Day', which allowed Malian women and civil society organizations to present their actual needs and expectations to MINUSMA.²⁸⁷ That concludes the data and recommendations collected through this audit of the Gender Unit, MINUSMA and their gender mainstreaming policy. It gives quite recent information about their current gender mainstreaming policy, but we must take other factors into account at this moment in time, that can severely influence the progress of MINUSMA namely the COVID-19 pandemic and the recent coup d'état.

5.2.3 *Women, Peace and Security: Resolution 1325*

Resolution 1325 on Women, Peace and Security was adopted in 2000 by the Security Council. It marked the beginning of an era focusing on women, peace and security, followed up by nine other resolutions regarding the same subject.²⁸⁸ These ten resolutions make up the Women, Peace and Security agenda which gives UN Women a guideline to implement this WPS agenda through research initiatives, learning exchanges, data collection, documentation and good practices.²⁸⁹ Resolution 1325 was a crucial starting point for the women and security context, pointing out the importance of gender, security and conflict.²⁹⁰ The fall of the Berlin wall made the international community look differently at security, making it a more important feature of both the Security Council and UN.²⁹¹ Resolution 1325 was lobbied by a network of women's groups and feminist activists, influencing the UN agenda in a positive way for women in conflict situations.²⁹² Resolution 1325 calls for gender mainstreaming, including a gender perspective, into peacekeeping missions and enhancing women's participation in all aspects of (post-)conflict situations and decisions.²⁹³ All the peacekeeping mandates after 2000 reflect the spirit from

²⁸⁷ United Nations, 'AUDIT Gender Mainstreaming Mali, Report 2019/046' (n 25).

²⁸⁸ 'What We Do: Peace and Security' (*UN Women*) <<https://www.unwomen.org/what-we-do/peace-and-security>> accessed 12 July 2021.

²⁸⁹ 'What We Do: Peace and Security' (n 288).

²⁹⁰ Annica Kronsell, *Introduction* (Oxford University Press) <<https://oxford-universitypressscholarship-com.kuleuven.e-bronnen.be/view/10.1093/acprof:oso/9780199846061.001.0001/acprof-9780199846061-chapter-0>> accessed 12 July 2021; 'Resolution 1325 (2000)' (n 75).

²⁹¹ Kronsell (n 290).

²⁹² Tijana Kaitović, 'Analysis of Security Council Resolution 1325, and the Millennium Development' 113; Anne-Kathrin Kreft, 'The Gender Mainstreaming Gap: Security Council Resolution 1325 and UN Peacekeeping Mandates' (2017) 24 *International Peacekeeping* 132.

²⁹³ Kreft (n 292).

Resolution 1325, incorporating a gender perspective into their mission mandates.²⁹⁴ In MINUSMA this gender perspective is highlighted by the creation of the separate Gender Unit focused on these exact issues.²⁹⁵ The nine resolutions that followed focused on different issues relating to peace and security, for example, Resolution 1820 denounced the use of CRSV as a strategy of war and called all parties to a conflict to condemn this type of violence against women.²⁹⁶

Fundamental to Resolution 1325 are three provisions, better known as the ‘3 Ps’, prevention, protection and participation.²⁹⁷ All parties to a conflict are urged to take special measures to protect both women and children from any type of gender-based violence, including CRSV.²⁹⁸ Measures encompass respecting international law and obligations, protecting women from sexual violence, ending impunity for perpetrators of CRSV and excluding CRSV crimes from amnesty agreements.²⁹⁹ Prevention of these crimes and protection for women and girls are therefore two very important points of this resolution, next, we also have the third P, participation. Participation is focused on increasing the presence and involvement of women at all decision-making levels, including them fully in the (post-) conflict situation.³⁰⁰

In addition to these 3 Ps, there is also the feminist concept of gender mainstreaming that intends to influence and impact international and regional organizations’ designing, planning, and implementing of these peace and security strategies.³⁰¹ Therefore gender mainstreaming, according to Resolution 1325, should be used to integrate a gender perspective in all areas and levels to eventually achieve gender equality.³⁰² Three factors seem to be crucial to successfully implement gender mainstreaming in peacekeeping missions.³⁰³ Firstly, it is the demonstrated willingness of the highest leadership to implement both Resolution 1325 and its gender mainstreaming at all levels of the mission.³⁰⁴ In the

²⁹⁴ Kreft (n 292).

²⁹⁵ ‘Mandate of the Gender Unit’ (n 71).

²⁹⁶ Kreft (n 292).

²⁹⁷ ‘Resolution 1325 (2000)’ (n 75); Frisell and Lackenbauer (n 22).

²⁹⁸ ‘Resolution 1325 (2000)’ (n 75); Frisell and Lackenbauer (n 22).

²⁹⁹ ‘Resolution 1325 (2000)’ (n 75); Frisell and Lackenbauer (n 22).

³⁰⁰ ‘Resolution 1325 (2000)’ (n 75); Frisell and Lackenbauer (n 22).

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³⁰² Frisell and Lackenbauer (n 22).

³⁰³ Frisell and Lackenbauer (n 22).

³⁰⁴ Helené Lackenbauer and Michael Jonsson, ‘Implementing UNSCR 1325 in Capacity Building Missions: A Study of NTM-Afghanistan, EUTM-Mali and EUTM-Somalia’ (2014); Frisell and Lackenbauer (n 22).

previous chapter the 2019 AUDIT already showed that the lack of willingness in the past slowed down the process of correctly including gender mainstreaming into MINUSMA. Next, there is also a need for facts and figures, to understand the current gender balance in an organisation.³⁰⁵ These data could show women's influence and power, and the possibilities for both men and women to combine professional and family life.³⁰⁶ Lastly, there is a need for the UN personnel to be aware of the 3 Ps and gender mainstreaming, which was mentioned previously, and to have proper knowledge about the meaning and purpose of these concepts.³⁰⁷ Thus all these factors are important for the actual implementation of Resolution 1325 its concepts and its strategies. It also gives an incentive to UN personnel to take this resolution and the consequences into account while on mission.

In resolution 2584, the necessity of MINUSMA was mentioned and its mandate extended. In this latest confirmation of the mission, Resolution 1325 was mentioned, especially in the National Action Plan of the future government that should help implement this WPS agenda.³⁰⁸ Further in 2016 the Mission Concept, which includes the mission's desired end-state, was updated.³⁰⁹ There is a focus on the achievement of a sustainable, credible and inclusive peace process, better security and redeployment of Malian security and defence forces and a fully operational capacity of MINUSMA.³¹⁰ Women are mentioned regarding participation in this peace process, access to more social services, and the prevention and response to violence.³¹¹ There are also additional guidelines and thematic policies for the UN peacekeeping operations focused on CRSV such as the Handbook for the United Nations Field Missions on Preventing and Responding to Conflict-Related Sexual Violence and the Gender Equality and Women, Peace and Security Resource Package.³¹²

The Gender Unit, their Gender Advisors and gender focal points, are also expected to report yearly about all the activities undertaken to implement the WPS agenda in Mali.³¹³ Senior mission

³⁰⁵ Frisell and Lackenbauer (n 22).

³⁰⁶ Frisell and Lackenbauer (n 22).

³⁰⁷ Frisell and Lackenbauer (n 22).

³⁰⁸ 'Resolution 1325 (2000)' (n 75).

³⁰⁹ Frisell and Lackenbauer (n 22).

³¹⁰ Frisell and Lackenbauer (n 22).

³¹¹ Frisell and Lackenbauer (n 22).

³¹² 'United Nations Field Missions: Preventing and Responding to Conflict-Related Sexual Violence -Policy-' (2020); 'DEPARTMENT OF PEACE OPERATIONS: Gender Equality and Women, Peace and Security RESOURCE PACKAGE' (2020).

³¹³ Frisell and Lackenbauer (n 22).

leadership, the UN Country Team and Malian women's Military Gender Advisor civil society organisations convene and discuss this reporting to agree on recommendations for implantation.³¹⁴ MINUSMA also has a Military Gender Advisor who is part of the military component of the mission. The Military Gender Advisor must consider the impact that UN operations will have on women and should be a bridge between the UN civilian actors, such as the Gender Unit, and the military.³¹⁵ More gender focal points should also be appointed to serve as points of contact at different levels of the mission.³¹⁶

The protection of civilians is also important if we look at CRSV and MINUSMA had a strategy in 2017 that was divided into three tiers: "*protection through dialogue and engagement; provision of physical protection; and establishment of a protective environment.*"³¹⁷ The participation of women is and should be included in this first tier. The strategy most importantly stresses that a gender perspective should be integrated everywhere making it easier for gender mainstreaming to be implemented, to serve as a guiding principle of that implementation and to make actions fit the specific needs of women and girls.³¹⁸ Further, in MINUSMA, besides the gender unit, there are also the Women Protection Advisors at the mission strategic level, incorporated into the human rights section to provide extra support regarding women and girls.³¹⁹ One of the biggest challenges for both the Gender Unit and the Women Protection Advisors seemed to be the serious impunity problem relating to CRSV, with no prosecutions whatsoever in the Malian courts despite several recorded and documented cases.³²⁰

Another important point regarding gender mainstreaming and Resolution 1325 can be found in the gender balance or gender parity. In the past, the UN has often set up very ambitious goals for improving this gender balance in UN missions, but it was already mentioned that today only around 5 percent of the peacekeepers is female in the military branch.³²¹ Some recent numbers show us that in the military branch in Mali 489 women are present as opposed to 12518 male peacekeepers, with the female

³¹⁴ Frisell and Lackenbauer (n 22).

³¹⁵ Frisell and Lackenbauer (n 22).

³¹⁶ Frisell and Lackenbauer (n 22).

³¹⁷ Frisell and Lackenbauer (n 22).

³¹⁸ Frisell and Lackenbauer (n 22).

³¹⁹ Frisell and Lackenbauer (n 22).

³²⁰ Frisell and Lackenbauer (n 22).

³²¹ Frisell and Lackenbauer (n 22); 'Women in Peacekeeping' (n 262).

peacekeepers only making up 3,7 percent of the personnel.³²² Next in the report of the Secretary-General in June 2021, there are 278 women in the police force and 1468 men, with women making up 15,9 percent of the police force.³²³ In 2017 the international civilian staff consisted of 26 percent female personnel, showing that all these numbers are relatively low and women are not that well represented on UN missions.³²⁴ This low participation level of women, even in MINUSMA, a UN peacekeeping mission, makes it very difficult for the mission to set the right example to the Malian government, other parties and population.³²⁵ However, there have been and are still some difficulties with the recruiting of women in MINUSMA. An example is that the highly dangerous northern region in Mali offers only high-risk positions, that seemed to be more filled up by men.³²⁶ This dangerous zone where several UN peacekeepers have been killed and wounded creates also other practical difficulties such as the lack of separate accommodation for women making it hard for them to operate in a safe environment.³²⁷ Another issue is that women tend to be recruited less in influential positions that are high on the decision-making scale, not offering the right example to the outside world.³²⁸ It should be noted that high-ranking positions should be almost equally filled by both women and men to represent our diverse society and set the right example. How is a war-filled country, that is politically and socially unstable to be expected to follow certain standards that are not even held by the UN? We should be critical to acknowledge this lack of representation and opportunities and create awareness around these issues.

Next, there should also be awareness and a fundamental understanding of Resolution 1325 and gender mainstreaming in the UN missions.³²⁹ This fundamental understanding of Resolution 1325 can give the various actors of MINUSMA an advantage in approaching women and reacting on gender-related issues. The context in every conflict situation differs and gives the role women have in this conflict a different spin, for example in Mali peacekeepers have been too cautious on occasion because of the experience they previously had in Afghanistan approaching women.³³⁰ However, ignoring women

³²² 'Gender' (*United Nations Peacekeeping*) <<https://peacekeeping.un.org/en/gender>> accessed 13 July 2021.

³²³ United Nations, 'Situation in Mali: Report of the Secretary-General June 2021, S/2021/519' (n 213).

³²⁴ Frisell and Lackenbauer (n 22).

³²⁵ Frisell and Lackenbauer (n 22).

³²⁶ Frisell and Lackenbauer (n 22).

³²⁷ Frisell and Lackenbauer (n 22).

³²⁸ Frisell and Lackenbauer (n 22).

³²⁹ Frisell and Lackenbauer (n 22).

³³⁰ Frisell and Lackenbauer (n 22).

will have an impact on the situation in Mali and the peace process as women in northern Mali can have both a direct and indirect influence on conflict behaviour.³³¹ An example here could be that women do have an influence on youth and children, who can be easily manipulated to join protests and violent activities, further women often have good knowledge about certain social connections in their community, making them a valuable source of information.³³² Again it is shown that showing the diversity of our society on all levels could create a safer environment for women to thrive, empower them and maybe even prevent CRSV.

All these aspects together with the evident deterioration of the situation in Mali make security, gender mainstreaming and the implementation of Resolution 1325 challenges for MINUSMA. The situation in Mali has worsened over the last years and months, creating an increasingly unsafe space for peacekeepers and civilian personnel to work in. This risk does not only target the UN personnel, but also the correct implementation of Resolution 1325 and the concept of gender mainstreaming.³³³ The National Action Plans set up by Mali, the most recent being in 2019, created to implement Resolution 1325, has struggled to reach its goals and fully follow up the strategies of Resolution 1325.³³⁴ The difficult security situation in Mali also contributes to human rights violations and creates a risk that MINUSMA is nothing more than a counter-terrorism operation responsible for the protection of UN personnel and civilians, where this goal is taking precedence over all other provisions such as CRSV.³³⁵ Creating a sustainable, secure and safe environment for women and girls should be an absolute priority and not an option. Security is therefore very important, but it is dangerous to lose sight of other important goals such as a sufficient judicial system to prosecute crimes of CRSV.

³³¹ Frisell and Lackenbauer (n 22).

³³² Frisell and Lackenbauer (n 22).

³³³ Frisell and Lackenbauer (n 22).

³³⁴ 'Mali – 1325 National Action Plans' <<http://1325naps.peacewomen.org/index.php/mali/>> accessed 14 July 2021; 'National Action Plan by Region – 1325 National Action Plans' <<http://1325naps.peacewomen.org/index.php/nap-overview/>> accessed 14 July 2021.

³³⁵ Frisell and Lackenbauer (n 22).

5.3 INTERSECTIONALITY

In the introduction of the 2021 report from the Secretary-General on CRSV, the concept of intersectionality is mentioned as an adaptive and innovative strategy to use while reporting (alleged) cases of CRSV.³³⁶ If intersectionality is used while reporting this could highlight several vulnerabilities that arise from different factors that cause discrimination such as race, religion, class, ethnicity and gender.³³⁷ Thus survivors of CRSV cannot be seen as a homogenous group, who have all experienced the same thing, but as individual experiences and stories with some form of CRSV in common. The report points out that these complex intersecting crimes of CRSV have great consequences on human rights, public health, peacebuilding and development and an international collective response is necessary.³³⁸ In recommendation (e), addressed to the Security Council, the report urges that the root causes of CRSV are tackled such as structural gender inequality, harmful social norms that can even lead to victim-blaming and stigmatization of survivors and intersecting forms of discrimination.³³⁹ Again we see several root causes that have been mentioned in the previous chapters combined with the concept of intersectionality in the UN to tackle CRSV.

If we take a look at General Recommendation 28 of CEDAW we see again the use of intersectionality as an interpretive tool to understand the scope of state obligations that are mentioned in article two of CEDAW.³⁴⁰ This article mentions the obligations of states to condemn discrimination against women in all its forms and consequently take the appropriate measures to stop this.³⁴¹ General Recommendation 28 highlights again the importance of diversity in women's experiences.³⁴² When they are discriminated because of sex or gender, they are also influenced by other factors, making their story unique. Thus, sexual violence can be linked to these types of discrimination that women face daily and

³³⁶ 'Conflict-Related Sexual Violence: Report of the United Nations Secretary-General, S/2021/312' (2021).

³³⁷ 'Conflict-Related Sexual Violence: Report of the United Nations Secretary-General, S/2021/312' (n 336).

³³⁸ 'Conflict-Related Sexual Violence: Report of the United Nations Secretary-General, S/2021/312' (n 336).

³³⁹ 'Conflict-Related Sexual Violence: Report of the United Nations Secretary-General, S/2021/312' (n 336).

³⁴⁰ Sosa (n 114).

³⁴¹ 'Convention on the Elimination of All Forms of Discrimination against Women' (n 151).

³⁴² 'General Recommendation No. 28 on the Core Obligations of States Parties under Article 2 of the Convention on the Elimination of All Forms of Discrimination against Women, CEDAW/C/GC/28' (2010).

in conflict situations. CEDAW and its general recommendations try again to tackle the root causes of all the issues that women face, making way for awareness-raising about CRSV and intersectionality.

Nash argues that intersectionality has emerged as an ‘origin narrative’, which means that the concept has become territorialized and that it only belongs to certain authentic spaces and disciplines, making it hard to use intersectionality in a military sphere such as peacekeeping missions.³⁴³ However, intersectionality in its roots is a way to capture multiple differences and their effects on individual persons, it is a way to intersect oppressions suffered by individuals.³⁴⁴ Hence this is already a plurality, not just the mere additive or cumulative effects of adding together differences.³⁴⁵ Thus, intersectionality could go further than just counting diversities, but looks at all the complex root causes of CRSV. If we look at a military or organisational structure such as MINUSMA, military masculinity which has been mentioned above, comes back to the surface. Masculinity that in the past has been linked to certain characteristics such as strength, aggression and independence seem to coexist perfectly with military structures, where these traits are highly valued. It comes as no surprise that feminist scholars such as Enloe considered the process of socializing that takes place in these militarized settings.³⁴⁶ She mentions the social, constructed, fluid, and multiple ways in which people are produced as gendered subjects, by giving them a prescribed set of gendered roles.³⁴⁷ This again highlights the gendered nature of our society in general and of UN peacekeeping missions. These roles could be found in all the structures of the parties to the conflict and the international institutions assisting in the conflict, such as MINUSMA and their Gender Unit. This means again that some root causes for CRSV, which are these harmful gender stereotypes and roles, could be critically analysed by a feminist concept, namely intersectionality.

The key findings of a study carried out around 2016 and 2017 showed that women do form important and noteworthy opinions about the conflict and the peace process.³⁴⁸ Several factors such as ethnical, regional and community variation influenced their opinion, but a key influencing factor

³⁴³ Marsha Henry, ‘Problematizing Military Masculinity, Intersectionality and Male Vulnerability in Feminist Critical Military Studies’ (2017) 3 *Critical Military Studies* 182.

³⁴⁴ Henry (n 343); Jennifer C Nash, ‘Feminist Originalism: Intersectionality and the Politics of Reading’ (2016) 17 *Feminist Theory* 3.

³⁴⁵ Henry (n 343).

³⁴⁶ Henry (n 343); Cynthia Enloe, *Maneuvers: The International Politics of Militarizing Women’s Lives* (1st edn, University of California Press 2000) <<https://www.jstor.org/stable/10.1525/j.ctt14qrzb1>> accessed 20 July 2021.

³⁴⁷ Henry (n 343); Enloe (n 346).

³⁴⁸ Gorman and Chauzal (n 142).

remained gender.³⁴⁹ Hence all these factors could support an intersectional approach to analysing and resolving different issues that constitute the Malian conflict.³⁵⁰ On the other hand, as was mentioned above, women could be very useful for both MINUSMA and the Gender Unit to contact the local population and even influence part of that population. On the other hand, we see again that even in empowered and participating roles, gender seems to put women more into informative roles, while men mostly stay in the combatant roles.³⁵¹

Resolution 2467, which is part of the WPS agenda, explicitly introduced in 2019 the concept of survivor-centred approach where it urges member states to adopt “*a survivor-centred approach in preventing and responding to sexual violence in conflict and post-conflict situations, ensuring that prevention and response are non-discriminatory and specific, and respect the rights and prioritise needs of survivors, including groups that are particularly vulnerable or may be specifically targeted (...)*”³⁵² In this survivor-centred approach that has to be followed by UN missions, it is vital to recognize again the importance of survivors not being a homogenous group. In practice, CRSV can be both a cause and a consequence of inequality based on gender, race, religion and so on.³⁵³ This again shows that a return to the status quo will not be enough to stop CRSV, but the solution must be transformative in the way that it must tackle the roots causes of CRSV while considering intersectionality.³⁵⁴ Sahana Dharmapuri, who was an independent gender advisor from 2006 till 2016, summarized this nicely as “*We don’t just need to be at the peace table. it’s time to redesign the table.*”³⁵⁵

As follows, intersectionality could be a concept and tool used in both MINUSMA and their Gender Unit to acknowledge the intersection of the various factors such as gender, race, religion that can form cases of CRSV against women and the root causes of this type of violence such as gender

³⁴⁹ Gorman and Chauzal (n 142).

³⁵⁰ Gorman and Chauzal (n 142).

³⁵¹ Gorman and Chauzal (n 142).

³⁵² ‘Resolution 2467, S/RES/2467’ (2019); ‘Enter Intersectionality: Towards an Inclusive Survivor-Centred Approach in Responding to Conflict-Related Sexual Violence’ (n 124).

³⁵³ ‘Enter Intersectionality: Towards an Inclusive Survivor-Centred Approach in Responding to Conflict-Related Sexual Violence’ (n 124).

³⁵⁴ ‘Enter Intersectionality: Towards an Inclusive Survivor-Centred Approach in Responding to Conflict-Related Sexual Violence’ (n 124).

³⁵⁵ ‘Three Reasons Why an Intersectional Approach to Women’s Peace and Security Agenda Is Important’ (*Views & Voices*, 1 November 2019) <<https://views-voices.oxfam.org.uk/2019/11/three-reasons-why-an-intersectional-approach-to-womens-peace-and-security-agenda-is-important/>> accessed 20 July 2021.

constructed roles and harmful stereotypes. If we look at a survivor-centred approach to tackle CRSV, intersectionality could be useful and support this approach. MINUSMA and their Gender Unit could have many strategies regarding intersectionality. Unfortunately, there is no precise data or information available if and how they use the concept of intersectionality regarding CRSV. However, several UN documents were mentioned who treat and highlight the inclusion of intersectionality concerning CRSV which means that UN peacekeeping missions could and probably should follow this inclusion. To conclude intersectionality can help us critically analyse challenges and social norms that contribute to CRSV, and it recognises women as autonomous actors, survivors, with different experiences.³⁵⁶

³⁵⁶ ‘Three Reasons Why an Intersectional Approach to Women’s Peace and Security Agenda Is Important’ (n 355).

6. CONCLUSION

The conflict in Mali that started in 2012, almost ten years ago, is still raging, making it hard for the population to progress and leave these turbulent times behind. The deterioration in the past years has severely increased human rights violations and cases of CRSV against women, bringing an unfortunate necessity to prevent and prosecute these crimes. MINUSMA and its Gender Unit will probably see their mandates extended into the next years and will again have to start the reconciliation and peace process in the unstable African country. Together with the challenge of a global COVID-19 pandemic, it will not be easy at all to continue working in Mali, and the dangerous northern region, where the initial conflict started. All these challenges make it extra hard for the mission and their Gender Unit to tackle the issue of CRSV against women, pushing the UN peacekeeping mission into extremes and expecting much more resilience from them, the conflict parties and the population.

The first chapter already showed us the difficulties faced by Mali and its complex history embedded in colonialism and radicalism. This difficult past and the 2012 rebellion gave the UN an incentive to start MINUSMA, providing them with a mandate that has a broad scope, integrated into military and civilian branches. The Gender Unit was merged into MINUSMA, expressing concern for gender-related issues, such as CRSV.

CRSV is not the easiest concept to grasp in the international setting. It only appeared on the scene in the 1990s, focusing finally on this particular type of violence suffered by women in conflict. Before this period, CRSV was often seen as a regrettable consequence of war, a sort of by-product, not a crime in itself. However, with the entrance of CRSV into international law, the problems surrounding its definition and conceptualization started. Several of the international tribunals and the ICC have tried to conceptualize CRSV and tried to set a clear precedent to be followed by the international community. Unfortunately, all these attempts led maybe to even more legal uncertainty, contributing to the impunity of CRSV. If there is no clear path to be followed, not even on an international level, how are politically and legally unstable countries such as Mali, supposed to prevent and prosecute these crimes correctly.

Next, feminist theory can offer us some aspects and concepts that are very important in CRSV, MINUSMA and its Gender Unit. Feminism has always, as an ideology and socio-political movement supported women in their search for freedom from patriarchy and other power systems. It was therefore

useful to mention and use feminism in the critical analysis of MINUSMA. The two most important concepts used by the UN, its Mali mission and its Gender Unit were gender mainstreaming and intersectionality. The former is being taken up by the international community and UN, as a tool to put a gender perspective into various strategies and policies concerning CRSV. The latter is used more to open up our eyes to the diverse experiences of women that face cases of CRSV. The oppression of women is an interwoven system of various factors, thus influencing CRSV as well.

The status of women in Mali can also be seen as a worsening factor of the increase in CRSV. They are married very young, must follow the patriarch of their family and hold a disadvantaged social and economic status. All these factors can have an influence on the way men look and treat women, even in peacetime, putting them into a more vulnerable position. The root causes of CRSV can be found in gender inequality, harmful traditional values, religious practices and a system of male power that are designed to suppress the empowerment of women. These elements create and reinforce the impression that women are of less value, both in peace and war. This can be connected to the fact that in conflicts, men are often seen as being worth more because they are combatants and women are just seen as ‘vulnerable civilians.’ MINUSMA and the Gender Unit thus face larger and deep-rooted problems that create this unsafe and unequal environment for women and girls in Mali.

Various causes can be found to explain CRSV around the world and in Mali. We have on the one hand the root causes that are entrenched into our societies, such as gender inequality and the lower social status of women. On the other hand, there are also causes that are closely linked to the militarization of conflict. In conflict, we can have a stronger perception of socially constructed male characteristics such as strength, aggression and independence. This enhancement and exaltation of male power strengthens the inequality between men and women and contributes to the causes of CRSV. These causes are also problematic in Mali and should be tackled significantly more by MINUSMA. the extremist views of the rebel groups, but also the traditional views of the past governments, interim government and new authorities only make the situation for women and girls more dire in Mali. The UN, MINUSMA and Gender Unit have tried to facilitate some support, at least with the ex-Malian government, by signing for example the *Joint-Communiqué*, which focuses most importantly on the prosecution of CRSV.

Unfortunately, the reports of the Secretary-General make it clear that the situation is not improving but deteriorating, perhaps even creating an extra need for both MINUSMA and their Gender Unit. The feminist concepts of gender mainstreaming and intersectionality offered a chance to take a

closer look at the mission and its strategies to treat cases of CRSV. It was not always easy to paint a clear picture of this, as a lot of information was lost or never retrieved due to several difficulties including the COVID-19 pandemic and a shortage of time. Gender mainstreaming has established itself as a tool useful to include a gender perspective into the peacekeeping mission, preventing and prosecuting CRSV. Unfortunately, if we are very critical both MINUSMA and the Gender Unit do not reach their goals on this topic. If we look at MINUSMA, especially their gender parity at the high decision-making level remains very unbalanced. This is first a disadvantage for the mission itself and secondly creates a very wrong impression for the Malian authorities and population. How are women supposed to be empowered and motivated to come forward with their experiences of CRSV, how are they supposed to be aware of gender inequality, if the UN does not even represent this in practice? The feminist scholar Hilary Charlesworth criticizes this exact point, highlighting the fact that these international institutions like the UN, undermine themselves because they are still dependent on power systems based on sex and gender. Also, this problem of gender parity does not help to include local women in the conflict and peacebuilding process. It can both be useful and necessary to include them, as they often have an influential role on their children and youngsters and can be useful as pillars of their communities. Their inclusion could even mean undermining harmfully traditional stereotypes and enlarging their empowerment, making women more resilient to any type of conflict-related violence.

Problems with the senior leadership in the Gender Unit and the lack of willingness to implement clear gender strategies and gender mainstreaming only leads to more uncertainty regarding CRSV. We can mention here that both in MINUSMA and in the Gender Unit it is very important to get the senior leadership on board and make gender issues, including CRSV a top priority of the mission. However, it must be mentioned that the current unsafe situation in Mali, might make it more difficult to reach this goal, as security goals are on the top of the list at this moment. The UN WPS agenda might offer peacekeeping missions the opportunity to link security and women, and to combine these security problems with human rights and gender issues. It is true that if certain regions in Mali would be safer, women would be targeted less and have more opportunities to come forward with their stories in specific places designed to accommodate survivors of CRSV. The situation in Mali does not make it easy for both the UN and the authorities to provide the necessary services such as physical and psychological support.

The concept of intersectionality cannot explicitly be found in documents belonging to MINUSMA and its Gender Unit, however, this does not automatically mean that they don't consider the

concept. There are several other UN documents and strategies that take a closer look into incorporating intersectionality into the various UN strategies. It is just very important that the mission looks at the women's experiences with an intersectional eye and that they acknowledge that various discriminating factors intersect to create an individual CRSV case. Even the root causes of CRSV intersect and create the individual CRSV case because factors such as race, religion and ethnicity often play an important role next to gender. In Mali we could think about ethnicity and religion that were also the original roots of the conflict in general, creating more discriminating factors for women besides the fact that they were born female and not male. Thus, it remains important for MINUSMA and the Gender Unit to acknowledge the importance of diversity and the intersection of various elements that lead up to discrimination and CRSV.

Lastly, we can ask ourselves if the presence of MINUSMA and the separate Gender Unit in Mali is useful and necessary. In areas such as the safety of civilians, and the monitoring and reporting of human rights violations, including CRSV I would be inclined to give a positive answer. Their presence can only help stabilize the country's precarious situation and offer support to the authorities and population, helping them to build peace and reconciliation. They have had some wins such as the signing of the *Joint Communiqué* urging the government to stop impunity of CRSV perpetrators and offer redress to survivors. However, if I am very critical, in the area of prevention and *de facto* prosecution of CRSV, the mission has been quite disappointing. They have tried to gain the trust of the authorities and population but let themselves down internally in crucial areas such as gender parity, women's participation and gender perspectives. Incorporating a more feminist view, focused on gender and gender equality might help to tackle the root causes of CRSV and other types of gender-based violence, giving women the opportunity, as survivors to empower themselves. Nonetheless, I keep in mind that the unstable and unpredictable political, health and social situation in Mali, is making it difficult for MINUSMA and its Gender Unit to work in full capacity. I need to acknowledge as well that there might be more information needed to fully form a critical analysis of all their work on this topic.

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