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Agenda item 10

Technical assistance and capacity-building

Côte d'Ivoire,* Iceland and Turkey:** draft resolution**

49/... Technical assistance and capacity-building for Mali in the field of human rights

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Reaffirming the Universal Declaration of Human Rights and other relevant international human rights instruments,

Recalling General Assembly resolution 60/251 of 15 March 2006,

Recalling also Human Rights Council resolutions 5/1, on institution-building of the Council, and 5/2, on the Code of Conduct for Special Procedures Mandate Holders of the Council, both of 18 June 2007,

Recalling further its resolutions 20/17 of 6 July 2012, on the situation of human rights in Mali, 22/18 of 21 March 2013, in which it established the mandate of the Independent Expert on the situation of human rights in Mali, 25/36 of 28 March 2014, 31/28 of 24 March 2016, 34/39 of 24 March 2017, 37/39 of 23 March 2018, 40/26 of 22 March 2019, 43/38 of 22 June 2020 and 46/28 of 24 March 2021, by which it extended the mandate of the Independent Expert,

Reaffirming the primary responsibility of all States to promote, protect and fulfil the human rights and fundamental freedoms enshrined in the Charter, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other relevant international human rights instruments to which they are party,

Reaffirming also its commitment to the sovereignty, independence, unity and territorial integrity of Mali,

Taking note with satisfaction of the report of the Independent Expert on the situation of human rights in Mali,¹

Noting the disruption of the constitutional order in Mali and the failure to hold elections within the time frame provided for, and calling for continued dialogue with the Economic Community of West African States, the African Union and the international community with a view to arriving at an acceptable transition timetable for a rapid return to

* On behalf of the States Members of the United Nations that are members of the Group of African States.

** State not a member of the Human Rights Council.

¹ [A/HRC/49/94](#).



constitutional order, in particular through the organization of free, fair, transparent, inclusive and credible elections,

Remaining concerned about the persistence of security problems, violent extremism and intercommunal violence despite a slight improvement in the situation, mainly in the north and centre of the country, and continued terrorist activities, the proliferation of small arms, the smuggling of drugs and migrants, trafficking in persons and other forms of transnational organized crime,

Remaining concerned also about continued human rights violations and breaches, including abuses, conflict-related sexual violence, violence against children and other vulnerable groups and violations of international humanitarian law,

Remaining concerned further about the food crisis and situation of need for humanitarian assistance, made more pressing by the health crisis associated with the coronavirus disease (COVID-19) pandemic, of the population groups affected by the conflict, including internally displaced persons, and about the insecurity that continues to hamper humanitarian access, stressing that the difficult humanitarian situation has a disproportionate impact on women and girls, and condemning attacks on humanitarian personnel,

Recalling in this regard that all the perpetrators of such acts must be held accountable and that on 16 January 2013, at the request of the Malian transitional authorities, the Prosecutor of the International Criminal Court opened an investigation into the alleged crimes committed in Mali since January 2012,

Noting the commitment expressed by the Malian transitional authorities and the signatory groups to the Agreement on Peace and Reconciliation in Mali, expressing concern about the delays in the peace process, and encouraging all parties to continue the dialogue within the framework of the Agreement Monitoring Committee and to fulfil their obligations under the Agreement,

Calling for the revitalization of the peace process with the holding of a future meeting of the Agreement Monitoring Committee as soon as possible,

Noting with satisfaction the commitment made by the Malian transitional authorities to increase the number of women participating in the work of the Agreement Monitoring Committee, encouraging the Malian parties to ensure the full participation of women in all the mechanisms of the Agreement Monitoring Committee, including in the subcommittees, and noting also with satisfaction the adoption of the new National Action Plan on the Implementation of Security Council Resolution 1325 (2000) of 31 October 2000 for the period 2019–2023,

Noting the slow progress of the disarmament, demobilization and reintegration process, despite the advances made in 2021 with the effective integration of 1,764 former members of armed groups into the Malian Defence and Security Forces and the reintegration of 878 military deserters, welcoming the launch of the special recruitment of 2,000 ex-combatants from the centre of the country, and calling on the authorities to intensify their efforts in this area to speed up the process, in particular through the organization of a decision-making meeting on command and rank issues associated with the overall disarmament, demobilization and reintegration process,

Recalling also Security Council resolution 2374 (2017) of 5 September 2017, which establishes a regime of targeted sanctions against, in particular, those who obstruct the implementation of the Agreement on Peace and Reconciliation in Mali and those who plan, direct or conduct human rights violations or abuses or violations of international humanitarian law, including those targeting the civilian population, not least women and children, and noting the adoption by the Security Council of two series of individual sanctions in December 2018 and July 2019, respectively,

Noting the will of the Government and the people of Mali, expressed in various circumstances, in particular during the national reconciliation conference followed by the adoption of a national reconciliation law, the inclusive national dialogue, national consultations and a national conference on reform, to give priority to dialogue and reconciliation in resolving the crisis,

Calling upon the Malian transitional authorities to intensify their efforts to restore the rule of law and combat impunity effectively,

Welcoming the cooperation of Mali with international human rights mechanisms, notably its participation in the third cycle of the universal periodic review in 2018, and the invitations issued to special procedures mandate holders of the Council, and welcoming also the endorsement by Mali of the call for humanitarian action,

Taking note of the latest report of the Secretary-General on the situation in Mali,² in which he expresses concern about the persistence of security problems in the north and centre of Mali, and of the humanitarian situation, and about human rights violations, especially against children and women, calling on the Malian transitional authorities to take all measures in this regard, and indicating that the implementation of the Agreement on Peace and Reconciliation in Mali and the strengthening of mechanisms and institutions for the protection of human rights in the country are priorities for the transition in place,

Recalling the conclusions of the Working Group on Children and Armed Conflict on the situation in Mali,³

Welcoming the continued commitment of the Joint Force of the Group of Five for the Sahel and the Executive Secretary of the Group of Five for the Sahel to the implementation of the human rights and international humanitarian law compliance framework supported by the Office of the United Nations High Commissioner for Human Rights since 2018, with the financial support of the European Union and its member States, and the progress made so far,

1. *Strongly condemns* the violations and abuses of human rights and violations of international humanitarian law, violations and abuses of children's rights, in particular the recruitment and use of children in violation of international law, and extrajudicial and summary executions, enforced disappearances, arbitrary arrests and detention, acts of torture and mistreatment of persons in detention, killing and maiming, and attacks on schools and hospitals;

2. *Also strongly condemns* human rights violations, which include violations and abuses of women's rights, including sexual and gender-based violence, and welcomes the signing in March 2019 of the Joint Communiqué between the Government of Mali and the United Nations on Prevention of and Response to Conflict-related Sexual Violence;

3. *Calls upon* all parties to respect the civilian character of schools as such in accordance with international humanitarian law and to cease detaining children for violations of national security in breach of applicable international law, urges all parties to put an end to such violations and abuses and abide by their obligations under applicable international law, including international human rights and humanitarian law, welcomes in this regard the endorsement by the Malian authorities of the Safe Schools Declaration in February 2019, and encourages them to follow up on it, including by drawing up a list of the schools closed as a result of direct threats or insecurity;

4. *Recalls* in this regard that all perpetrators of such acts must be held accountable before the competent courts, at both the national and the international level;

5. *Strongly condemns* the attacks, including terrorist attacks, on civilians, representatives of local, regional and central institutions, the Malian defence and security forces, the United Nations Multidimensional Integrated Stabilization Mission in Mali, the Joint Force of the Group of Five for the Sahel and the international forces deployed within the framework of Operation Barkhane and by Task Force Takuba, underlines the importance of bringing perpetrators, sponsors, organizers and financiers of these acts to justice, and urges the Transitional Government of Mali to ensure that those responsible for these acts are prosecuted, where appropriate;

6. *Also strongly condemns* the attacks on the civilian population carried out in the context of intercommunal violence and calls upon the Transitional Government of Mali, with the support of the United Nations Multidimensional Integrated Stabilization Mission in Mali

² S/2021/1117.

³ S/AC.51/2020/11.

and the international community, to strengthen its efforts to achieve national reconciliation and to prevent violence in identified hotspots;

7. *Underscores* that stabilization of the situation in central Mali requires a fully integrated plan encompassing simultaneous pursuit of progress on security, governance, development and reconciliation, as well as respect for, and protection and promotion of, human rights;

8. *Reiterates* its call for an immediate halt to all human rights violations and abuses and violations of international humanitarian law and for the strict observance of all human rights and fundamental freedoms;

9. *Requests* all parties to allow, in accordance with international humanitarian law and humanitarian principles, safe, full, immediate and unhindered humanitarian access, to facilitate the safe and unrestricted passage of aid, so that it may be rapidly distributed to all those who need it in any part of Mali, and to ensure the safety and protection of the civilians receiving it and of the humanitarian and health personnel working in Mali;

10. *Encourages* the Malian transitional authorities to continue to implement the recommendations accepted during the third cycle of the universal periodic review of Mali, calls in particular for the adoption of the bill on gender-based violence and for the continuation of efforts to combat slavery, and welcomes the judicial and legislative progress made in this regard;

11. *Also encourages* the international community to continue its support for the efforts of the transitional authorities and the Malian parties to ensure greater participation of women in the national reconciliation process and in all decision-making bodies of the peace process, and their political empowerment at all levels, and further encourages the transitional authorities and the Malian parties to strengthen their efforts in this regard;

12. *Calls upon* all signatories of the Agreement on Peace and Reconciliation in Mali to implement all its provisions, including those relating to the disarmament, demobilization and reintegration of former fighters, the redeployment of Malian armed forces throughout the territory, decentralization, the fight against impunity, the functioning of the interim administrations in the north and the participation of women, and welcomes in this regard the inclusion of women in the Agreement Monitoring Committee, and also welcomes the involvement of the Carter Center as an independent observer of the Agreement;

13. *Encourages* the Malian transitional authorities to put in place all necessary measures to prevent the recruitment and use of children in violation of international law, to put a stop to these practices, to implement sustainable reintegration and rehabilitation programmes that take the gender perspective into account, and to adopt the law on the protection of the child;

14. *Also encourages* the Malian transitional authorities to put in place appropriate measures to comply with the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict and, in particular, to strengthen measures for the further implementation of the Protocol on the Release and Handover of Children Associated with Armed Forces and Groups signed by the United Nations and the Government of Mali in 2013, and to strengthen the training programmes of the Malian defence and security forces in this regard, and calls on partners to support the Malian transitional authorities in order to ensure better access to justice and to social, medical and psychosocial services for all survivors of sexual and gender-based violence;

15. *Notes* that the Prosecutor of the International Criminal Court, in January 2013, initiated an investigation into crimes committed on the territory of Mali since January 2012, that, on 27 September 2016, the Court found an individual guilty of war crimes for having intentionally directed attacks against buildings of a religious and historical character in Timbuktu and opened, on 14 July 2020, the trial against an individual for war crimes and crimes against humanity, and that all Malian stakeholders decided to lend the Court their support and cooperation;

16. *Supports* in this regard the efforts of the Malian transitional authorities to bring all perpetrators of violations and abuses of human rights and violations of international

humanitarian law before impartial and independent courts, and urges the transitional authorities to intensify their efforts to combat impunity;

17. *Urges* the Malian transitional authorities to ensure that measures taken to promote national harmony are developed in an inclusive manner and to cooperate closely with civil society by ensuring that the most serious crimes are prosecuted and that the victims are provided with adequate compensation;

18. *Strongly condemns* the summary executions of individuals, encourages the transitional authorities to see through to completion the judicial investigations that have been opened and those that are forthcoming in order to bring to justice those responsible for these serious human rights violations, welcomes the holding in 2021 of several special trial sessions to try, in particular, crimes of terrorism, transnational organized crimes and offences related to economic and financial crime, and the trial of several cases of offences within their jurisdiction by military courts, and welcomes the ongoing review of the Criminal Code, the Code of Criminal Procedure and the Code of Military Justice;

19. *Recalls* the report of the International Commission of Inquiry on Mali,⁴ a body established by the Secretary-General to investigate the grave violations and abuses of international human rights and humanitarian law, including the allegations of sexual and gender-based violence during the conflict, that were committed on Malian territory from 1 January 2012 to 19 January 2018, and urges the Malian transitional authorities to put in place, as soon as possible, a national mechanism to ensure adequate follow-up on the recommendations of the Commission;

20. *Encourages* the Malian transitional authorities to continue to support the work of the Truth, Justice and Reconciliation Commission, which has collected more than 24,000 testimonies from victims in several regions of Mali and held four public hearings, on 8 December 2019, 5 December 2020, 3 April 2021 and 18 September 2021, and invites the international community to support the transitional authorities in setting up the bodies that will succeed the Commission, in particular the body responsible for compensating victims and the body responsible for preserving the memory of the crises;

21. *Also encourages* the Malian transitional authorities and all regional and international actors to continue their efforts to establish peace and security in Mali;

22. *Commends* the support of the United Nations Multidimensional Integrated Stabilization Mission in Mali for the efforts of the Malian transitional authorities to restore State authority and the rule of law in the country and to implement the Agreement on Peace and Reconciliation in Mali, and deplores the loss of life the Mission is experiencing;

23. *Encourages* the Joint Force of the Group of Five for the Sahel to intensify its efforts to fully implement its human rights and international humanitarian law compliance framework, with the continued support of the Office of the United Nations High Commissioner for Human Rights, and to place human rights and the protection of civilians at the centre of its military operations, invites partners to continue to support these efforts, including through financial support, and calls on the Joint Force to ensure the effectiveness of its own accountability mechanisms, which are essential to making certain that each incident involving civilian victims or alleged human rights violations or abuses or violations of international humanitarian law is subject to a prompt, impartial, independent and thorough investigation, and that immediate steps are taken against the units and individuals alleged to be responsible, where appropriate;

24. *Calls upon* all parties to respect human rights and to ensure strict compliance with international human rights law and international humanitarian law;

25. *Urges* the Malian transitional authorities to speed up the effective return of the administration, notably the judiciary, and basic services in the centre and north of the country and work to restore the conditions required to ensure an acceptable level of security;

⁴ [S/2020/1332](#), annex.

26. *Strongly encourages* the transitional authorities to present an acceptable timetable for the transition that will allow for the organization of fair, free, transparent, inclusive and credible elections for a rapid return to constitutional order;

27. *Welcomes* the close cooperation of the Malian transitional authorities with the Independent Expert on the situation of human rights in Mali in the fulfilment of the mandate entrusted to him, and calls upon the transitional authorities to implement his recommendations;

28. *Decides* to extend the mandate of the Independent Expert on the situation of human rights in Mali for a period of one year in order to permit him to evaluate the situation of human rights in Mali and to provide his assistance in ensuring the promotion, protection and implementation of human rights and strengthening the rule of law;

29. *Calls upon* all parties in Mali to cooperate fully with the Independent Expert and to help him carry out his mandate;

30. *Requests* the Independent Expert, within the framework of his mandate, to work closely with all entities of the United Nations, the African Union, the Economic Community of West African States, the Group of Five for the Sahel and its member States, neighbouring States and all other international organizations concerned, and with Malian civil society;

31. *Also requests* the Independent Expert to submit a report to the Human Rights Council at its fifty-second session;

32. *Decides* to hold a dialogue at its fifty-second session, in the presence of the Independent Expert and representatives of the Transitional Government of Mali, to assess the changes in the situation of human rights in the country, with a particular focus on the issues of the protection of civic space and respect for the rule of law;

33. *Invites* the Secretary-General and the United Nations High Commissioner for Human Rights to continue to provide the Independent Expert with all the assistance he needs to discharge his mandate fully;

34. *Requests* the Office of the United Nations High Commissioner for Human Rights to continue to provide the technical assistance requested by the Transitional Government of Mali in order to strengthen the capacity of the National Human Rights Commission of Mali;

35. *Urges* the international community to continue to provide Mali with the assistance needed to ensure its stability with a view to promoting respect for all human rights and making a determined effort to combat impunity, which will pave the way for national reconciliation, peace and social cohesion;

36. *Decides* to remain seized of this matter.
