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Agenda item 10

Technical assistance and capacity-building

Côte d'Ivoire* and Türkiye:** draft resolution

52/... 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, 46/28 of 24 March 2021 and 49/34 of 1 April 2022, 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 parties,

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

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

Noting the establishment by the transitional authorities, in collaboration with the Economic Community of West African States, the African Union and the United Nations, of a consensual timetable for a return to constitutional order in Mali, in particular through the organization of free, fair, transparent, inclusive and credible elections,

* 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/52/81](#).



Remaining concerned about the persistence of security problems, violent extremism and intercommunal violence in some places despite an 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, which are having a severe impact on the civilian population,

Remaining concerned further about the food crisis and situation of need for humanitarian assistance of the population groups affected by the conflict, including refugees and 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 authorities, the Prosecutor of the International Criminal Court opened an investigation into the alleged crimes committed in Mali since January 2012,

Noting the commitment repeatedly expressed by the transitional authorities and the signatory groups to the Agreement on Peace and Reconciliation in Mali, notwithstanding 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 increase in 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, and calling on the parties to remove all obstacles to this process to allow for the implementation of the agreements reached on the integration of former fighters into the Malian Defence and Security Forces and the public administration and for the creation of an ad hoc commission to conduct discussions and make proposals for the management on a case-by-case basis of senior civilian and military officials of the movements that signed the Agreement for Peace and Reconciliation in Mali and the modalities for their integration into the army's chain of command,

Recalling 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 Security Council resolution 2649 (2022) of 30 August 2022, by which those measures were renewed until 31 August 2023, 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, and recalling its forthcoming participation in the fourth cycle of the universal periodic review in May 2023, and the invitations issued to special procedure mandate holders of the Council,

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 certain parts of the territory, and of the humanitarian situation and the human rights violations committed, especially against children and women, calling on the Malian transitional authorities to take all measures in this regard, 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, and welcoming in this regard the establishment of the National Human Rights Directorate,

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

Taking note of the withdrawal from Mali of the Joint Force of the Group of Five for the Sahel,

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 adoption of the National Programme to End Gender-based Violence and the establishment of a framework for reflection on gender-based violence in May 2022;

3. *Calls upon* all parties to respect the civilian character of schools as such in accordance with international humanitarian law, urges all parties to put an end to violations and abuses committed against schools and to 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 and the United Nations Multidimensional Integrated Stabilization Mission in Mali, underlines the importance of bringing perpetrators, sponsors, organizers and financiers of these acts to justice, and urges the Transitional Government of Mali to intensify its efforts 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 and the international community, to strengthen its efforts to achieve national reconciliation and to prevent violence in identified hotspots;

7. *Invites* the international community to fully support the efforts of the Transitional Government of Mali in the implementation of the National Strategy for the Stabilization of the Central Regions of Mali and the related action plan for the period 2022–2024, which were launched in Mopti on 17 March 2023, in particular the establishment of secure development and governance centres;

² S/2023/21.

³ S/AC.51/2020/11.

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 the applicable provisions of 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 law 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 increase in the number of women participating in the work of the Agreement Monitoring Committee, which constitutes an important step;

13. *Encourages* the Malian transitional authorities to continue to take the necessary actions 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;

16. *Calls upon* the Malian transitional authorities to bring all perpetrators of violations and abuses of human rights and violations of international humanitarian law before the competent 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 welcomes in this regard the adoption of Act No. 2022-041 of 15 November 2022 setting out the general rules on reparation for harm caused by serious human rights violations;

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 2022 of 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 accelerate the establishment of the bodies that will succeed the Truth, Justice and Reconciliation Commission, in particular the body responsible for compensating victims and the body responsible for preserving the memory of the crises, and the implementation of Act No. 2022-041 of 15 November 2022 setting out the general rules on reparation for harm caused by serious human rights violations;

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 that the Mission is experiencing;

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

24. *Welcomes* the efforts made by the transitional authorities for the gradual return of the administration, particularly the judiciary, and basic social services in the centre and north of the country, and urges the transitional authorities to continue the efforts to achieve their definitive return and to work to restore the conditions required to ensure an acceptable level of security;

25. *Also welcomes* the adoption in June 2022 of the timetable for the transition, which will allow for the organization of fair, free, transparent, inclusive and credible elections with a view to the return of constitutional order;

26. *Notes with satisfaction* the 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;

27. *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 continue 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;

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

29. *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, neighbouring States and all other international organizations concerned, and with Malian civil society;

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

⁴ [S/2020/1332](#), annex.

31. *Decides* to hold a dialogue at its fifty-fifth 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 persons who are victims of descent-based slavery;

32. *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;

33. *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;

34. *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;

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