



# General Assembly

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## Human Rights Council

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Agenda item 10

### Technical assistance and capacity-building

**Austria, Bulgaria, Burkina Faso, \* Canada,\*\* Croatia,\*\* Cyprus,\*\* Estonia,\*\* Finland,\*\* France,\*\* Georgia,\*\* Germany, Greece,\*\* Ireland,\*\* Italy, Lithuania,\*\* Luxembourg,\*\* Malta,\*\* Montenegro,\*\* Poland, Portugal,\*\* Romania,\*\* Marshall Islands, Spain, Sweden,\*\* Turkey,\*\* United Kingdom of Great Britain and Northern Ireland:\*\* draft resolution**

### 43/... 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 its resolutions 5/1, on institution-building of the Human Rights 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 and 40/26 of 22 March 2019, 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,*

\* 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.



*Taking note with satisfaction* of the report of the Independent Expert on the situation of human rights in Mali,<sup>1</sup>

*Deeply concerned* about the ongoing deterioration of the security situation in Mali, mainly in the north and centre of the country, in particular the expansion of terrorist activities, the intensification of violent extremism and communal violence, the proliferation of small arms, the smuggling of drugs and migrants, trafficking in persons and other forms of transnational organized crime,

*Deeply 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, the slow progress in the implementation of some of the relevant provisions of the Agreement on Peace and Reconciliation in Mali and the difficulties in the redeployment of government services and the access of the population to basic social services,

*Remaining concerned* about the food and humanitarian crisis experienced by the population groups affected by the conflict, including internally displaced persons, and about the insecurity that continues to hamper humanitarian access, stressing that the deteriorating 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,

*Recalling also* that the Government of Mali has established a three-year emergency plan for the period 2018–2020 for the restoration of basic social services in two regions of the centre of the country, and calling upon the Government to implement the plan,

*Noting* the renewed commitment of the Government of Mali and the signatory groups to swiftly implement their obligations under the Agreement on Peace and Reconciliation in Mali, including the measures provided for in Security Council resolution 2480 (2019) of 28 June 2019, 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,

*Recalling* in this regard the signing, on 15 October 2018, between the Government of Mali and the United Nations, of the Pact for Peace in Mali, which commits the Malian parties to pursuing and accelerating the peace process in a more inclusive manner, and welcoming the organization of the inclusive national dialogue that led to four key resolutions – namely, commitments to organize legislative elections, hold a constitutional referendum, redeploy the reconstituted defence and security forces and restore administrative services in all areas of the country – as well as the review of some of the provisions of the Agreement on Peace and Reconciliation in Mali, in accordance with the mechanisms provided for in article 65 of the Agreement,

*Welcoming* the progress made in the disarmament, demobilization and reintegration process and the effective integration of 1,330 former members of armed groups into the Malian defence and security forces, as well as the ongoing redeployment of the country's reconstituted armed forces, in particular in Kidal, Ménaka, Gao and Timbuktu,

*Welcoming 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 acts targeting the civilian population, not least women and children, and noting the adoption by the Security Council of two series of sanctions in December 2018 and July 2019, respectively,

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<sup>1</sup> A/HRC/43/76.

*Noting* the commitment made by the Government of Mali at a number of sessions of the Human Rights Council to give priority to dialogue and national reconciliation in resolving the crisis,

*Noting also* the commitment made by the Government of Mali to restore the rule of law and to combat impunity effectively,

*Welcoming* the cooperation of the Malian authorities with international human rights mechanisms, notably the participation of Mali in the third cycle of the universal periodic review in 2018, and the invitations issued to special procedure mandate holders of the Human Rights Council,

*Taking note* of the latest report of the Secretary-General on the situation in Mali,<sup>2</sup> in which he expresses concern about the continued delays in the implementation of the Agreement on Peace and Reconciliation in Mali and growing insecurity across the country, in particular in its northern and central regions, emphasizes the importance of combating impunity to stem violence in the country and calls upon the Malian authorities to take all measures in that regard,

*Noting* the consideration given by the Joint Force of the Group of Five for the Sahel to the human rights due diligence policy on United Nations support to non-United Nations security forces and noting the establishment of the framework for ensuring that the operations of the Joint Force are in compliance with human rights and international humanitarian law,

1. *Strongly condemns* the violations and abuses of human rights and violations of international humanitarian law, including those involving violations and abuses of women's rights, notably sexual and gender-based violence, 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, arbitrary arrests and detention, mistreatment of prisoners, killing and maiming, and attacks on schools and hospitals;

2. *Calls upon* all parties to respect the civilian character of schools 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;

3. *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;

4. *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 and the French forces deployed in the framework of Operation Barkhane, underlines the importance of bringing perpetrators, sponsors, organizers and financiers of these acts to justice and urges the Government of Mali to ensure that those responsible for these acts are prosecuted;

5. *Also strongly condemns* the escalation of communal violence in the centre of the country in the past year and calls upon the Government of Mali, with the support of the United Nations Multidimensional Integrated Stabilization Mission in Mali and the international community, to continue its efforts to achieve national reconciliation and to prevent violence in identified hotspots;

6. *Underscores* that stabilization of the situation in central Mali requires a fully integrated plan encompassing simultaneous pursuit of progress on security, governance,

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<sup>2</sup> S/2019/983.

development and reconciliation, as well as respect for, and protection and promotion of, human rights;

7. *Welcomes* the measures taken by the Government of Mali in support of the implementation of the Integrated Security Plan for the Central Regions of Mali, a comprehensive plan to re-establish the presence of the State in central Mali, as well as the establishment of a permanent secretariat for the policy framework for the management of the crisis in central Mali and the appointment of a high representative of the President of the Republic for the central regions, and stresses the need to continue making such efforts;

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 ensure the safe and unhindered delivery of humanitarian aid, in accordance with humanitarian principles, to facilitate the safe and unrestricted passage of such 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. *Calls upon* the Government of Mali to continue and to step up its efforts to protect, respect and fulfil human rights and to promote national reconciliation, in particular by strengthening the judiciary, ensuring that the transitional justice mechanism continues its work and effectively redeploying government services throughout the country, and welcomes in this regard the adoption by the National Assembly of the Policy and Planning Act for the Justice Sector on 20 December 2019;

11. *Encourages* the Government of Mali to continue implementing the recommendations accepted during the third cycle of the universal periodic review of Mali and calls, in particular, for the acceleration of efforts to adopt the law on combating gender-based violence;

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 the involvement of the Carter Centre as an independent observer of the Peace Agreement;

13. *Encourages* the Malian authorities to put in place all necessary measures to prevent and put an end to the recruitment and use of children in violation of international law, and to implement sustainable reintegration and rehabilitation programmes that take the gender perspective into account;

14. *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 that all Malian stakeholders decided to lend the Court their support and cooperation;

15. *Supports* in this regard the efforts of the Government of Mali to bring all perpetrators of violations and abuses of human rights and violations of international humanitarian law before impartial and independent courts, urges the Government to intensify its efforts to combat impunity and notes its commitment to continue cooperating with the International Criminal Court;

16. *Welcomes* the investigations initiated by the Government of Mali into allegations of human rights violations committed against civilians and urges the Government to bring the proceedings to a conclusion to ensure that the perpetrators face justice for such acts;

17. *Strongly condemns* the summary execution of civilians and encourages the Malian authorities to see through to completion the judicial investigations that have been

opened and those that are forthcoming with a view to bringing to justice the persons responsible for these serious human rights violations;

18. *Encourages* the Government of Mali to ensure that measures taken to promote national harmony are developed in an inclusive manner and meet the expectations of civil society by making sure that the most serious crimes are prosecuted and that the victims are provided with adequate compensation;

19. *Welcomes* the start of work by the International Commission of Inquiry provided for in the Agreement on Peace and Reconciliation in Mali, 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 gender-based violence during the conflict, that were committed on Malian territory from 1 January 2012 to 19 January 2018, and encourages the Commission to work in concert with the Malian justice system and the justice and reconciliation mechanisms established by the Agreement with a view to helping them ensure accountability and bring to justice those responsible for these violations;

20. *Also welcomes* the commitment of the Government of Mali to ensuring that women participate more fully in the national reconciliation process and in all decision-making bodies of the peace process, including through the appointment in September 2019 of a Government ensuring greater involvement of women, in accordance with the relevant Security Council resolutions, and to improving the political empowerment of women at all levels, as well as the organization by the United Nations Multidimensional Integrated Stabilization Mission in Mali, on 22 and 23 January 2020, of a national workshop for reflection on the participation of women in the implementation of the Agreement on Peace and Reconciliation in Mali;

21. *Welcomes in addition* the progress in the work of the Truth, Justice and Reconciliation Commission, which has made it possible to collect more than 15,000 testimonies from victims in several regions of Mali, as well as the start of public hearings of victims on 8 December 2019, also welcomes the extension of the Commission's mandate until December 2021 and encourages the Malian authorities to guarantee the independence and the means of the Commission, so that it can fulfil its mandate to support the victims of the crises in Mali;

22. *Encourages* the Malian authorities and all regional and international actors to continue making efforts to consolidate the progress made towards attaining peace and security in Mali;

23. *Commends* the support of the United Nations Multidimensional Integrated Stabilization Mission in Mali for the efforts of the Government of Mali to restore State authority and the rule of law in the country, and deplores the loss of life the Mission is experiencing;

24. *Emphasizes* that the efforts of the Joint Force of the Group of Five for the Sahel to counter the cross-border activities of terrorist groups and other organized criminal groups will help to create a more secure environment and establish the conditions required to improve the human rights situation in Mali, also emphasizes the need to ensure that the human rights protection and accountability mechanisms are operational and commends the efforts that have been made to develop and put in place the human rights compliance framework of the Joint Force;

25. *Calls upon* the Joint Force of the Group of Five for the Sahel to continue its work, including by ensuring 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;

26. *Requests* all parties to respect human rights and to ensure strict compliance with international human rights law and international humanitarian law, and welcomes in this regard the establishment of criminal investigation units composed of gendarmes, all military criminal investigation officers, within the military forces involved in counter-terrorism operations;

27. *Reiterates its appreciation* for the humanitarian assistance already provided to civilians and urges the Government of Mali, with the continued support of the international community and in consultation with the neighbouring countries concerned, to take all appropriate measures to manage the humanitarian crisis, including severe food insecurity, with a view to providing appropriate humanitarian assistance, in conditions of security, to refugees and displaced persons, particularly in the centre and north of Mali, thereby facilitating access by the population to basic social services and establishing conditions conducive to the gradual recovery of the country;

28. *Welcomes* the adoption in June 2019 of a law creating a development zone for the northern regions of Mali, as well as the inclusion in the 2020 Budget Act of a set-aside of US\$ 67 million for the sustainable development fund, and urges the Government of Mali to speed up the re-establishment of public administration and basic services in the centre and north of the country and work to restore an acceptable level of security;

29. *Requests* friendly countries and partner organizations that have made pledges at successive conferences on the development of Mali to honour those pledges in order to assist the Malian Government to expedite the effective and comprehensive implementation of the Agreement on Peace and Reconciliation in Mali;

30. *Calls for* a fair, free, transparent and inclusive electoral process in view of the legislative elections and constitutional referendum scheduled for 2020;

31. *Acknowledges with satisfaction* the close cooperation of the Government of Mali with the Independent Expert on the situation of human rights in Mali in the discharge of the mandate entrusted to him, and notes with satisfaction the Government's commitment to take into consideration the recommendations made by the Independent Expert after his visits to Mali;

32. *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 assist the Government of Mali in its efforts to promote, protect and fulfil human rights and to strengthen the rule of law;

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

34. *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 States members, neighbouring States and all other international organizations concerned, as well as with Malian civil society;

35. *Also requests* the Independent Expert to submit a report to the Human Rights Council at its forty-sixth session;

36. *Decides* to hold a dialogue at its forty-sixth session, in the presence of the Independent Expert and representatives of the Government of Mali, to assess the changes in the situation of human rights in the country, with a particular focus on the re-establishment of the administration of justice and, more broadly, the fight against impunity;

37. *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;

38. *Requests* the Office of the United Nations High Commissioner for Human Rights to continue to provide the technical assistance requested by the Government of Mali in order to strengthen the capacity of the National Human Rights Commission of Mali, commends the Malian authorities for having brought the Commission into conformity with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) and provided it with the necessary means to carry out its work independently and qualify for A status, and welcomes the submission by the Commission of its first report on human rights, discussed in the National Assembly in December 2019, pursuant to the law under which the Commission was created;

39. *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;

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

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