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Technical assistance and capacity-building

Belgium,* Bulgaria, Cameroon, Canada,* Croatia,* Czechia, Estonia,* Finland,* France, Germany, Greece,* Ireland, Italy, Latvia,* Lithuania,* Luxembourg,* Malta,* Netherlands, Romania,* Slovakia,* Spain,* Sweden* and United Kingdom of Great Britain and Northern Ireland: draft resolution**

46/... 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, 40/26 of 22 March 2019 and 43/38 of 22 June 2020, 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

Deeply concerned about the disruption of the constitutional order in Mali, noting the establishment of the architecture of the transition in Mali, through the appointment of a

* State not a member of the Human Rights Council.

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

¹ A/HRC/46/68.



president, a vice-president, a prime minister, a transitional government and a national transitional council, and the publication of a transitional charter, and calling for an inclusive transition process and the rapid launching of the reforms announced in the Government's Action Plan, in particular those that will allow for the organization of free, fair and transparent elections in 2022, in order to restore the constitutional order,

Deeply concerned also 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 intercommunal violence, the proliferation of small arms, the smuggling of drugs and migrants, trafficking in persons and other forms of transnational organized crime,

Remaining concerned 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, and concerned also about the slow progress in the implementation of some of the relevant provisions of the Agreement on Peace and Reconciliation in Mali, particularly with regard to the actions to be taken in the area of justice and reconciliation provided for in section V of the Agreement, and the delays in the redeployment of government services and the access of the population to basic social services,

Remaining concerned also 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,

Noting the commitment expressed by the Malian transitional authorities and the signatory groups to the Agreement for 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,

Welcoming the resumption of the peace process with the holding in Kidal on 11 February 2021 of a new meeting on the work of the Agreement Monitoring Committee,

Noting with satisfaction the increase in the number of women participating in the work of the Agreement Monitoring Committee and the announcement that women's participation will be increased, including in the subcommittees, and 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,

Welcoming the progress made in the disarmament, demobilization and reintegration process and the effective integration of 1,730 former members of armed groups into the Malian defence and security forces, and 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,

Noting the will of the Government and the people of Mali, expressed in various circumstances, in particular during the national reconciliation conference, the inclusive national dialogue and the national consultations, 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 deterioration of the security situation in the north and centre of Mali, and of the humanitarian situation, and about the increase in human rights violations, 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,

Taking note with interest the conclusions of the Working Group on Children and Armed Conflict on the situation in Mali,³

Welcoming 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, welcoming also the initiatives of the States members of the Group of Five for the Sahel and the Joint Force to implement the human rights and international humanitarian law compliance framework funded by the European Union and its member States, and encouraging all parties to continue their efforts to ensure the full application of this framework,

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, enforced disappearances, 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 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;

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 Transitional Government of Mali to ensure that those responsible for these acts are prosecuted, where appropriate;

5. *Also strongly condemns* the continuation of intercommunal violence in the centre and north of the country in the past year 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, and notes with satisfaction the

² S/2020/1281.

³ S/AC.51/2020/11.

efforts made to resolve these conflicts through the setting up of communal reconciliation committees;

6. *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;

7. *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;

8. *Requests* all parties to ensure safe, full, immediate and unhindered humanitarian access, in accordance with international humanitarian law and humanitarian principles, 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;

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

10. *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;

11. *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;

12. *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;

13. *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 gender-based violence;

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 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;

15. *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;

16. *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;

17. *Strongly condemns* the summary executions of civilians, encourages the Malian 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, and welcomes the initiation of judicial proceedings before the Mopti Assize Court in terrorism cases, and the ongoing investigation into cases involving elements of the armed and security forces in operation before the military courts of Mopti and Bamako, following allegations of human rights violations;

18. *Welcomes* 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 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 establish adequate mechanisms for follow-up on the recommendations of the Commission;

19. *Encourages* the Malian transitional authorities to continue to support the work of the Truth, Justice and Reconciliation Commission, which has collected more than 19,800 testimonies from victims in several regions of Mali and held two public hearings, on 8 December 2019 and 5 December 2020, and to guarantee the independence and means of the Commission so that it can fulfil its mandate to support the victims of the crises in Mali;

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

21. *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 deplores the loss of life the Mission is experiencing;

22. *Calls upon* the Joint Force of the Group of Five for the Sahel to continue its efforts to implement the human rights and international humanitarian law compliance framework funded by the European Union and its member States, 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, where appropriate;

23. *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;

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

25. *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 transitional authorities to expedite the effective and comprehensive implementation of the Agreement on Peace and Reconciliation in Mali;

⁴ S/2020/1332, annex.

26. *Calls for a fair, free, transparent and inclusive electoral process with a view to the re-establishment of the constitutional order after the transitional period, in the first quarter of 2022;*

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, all 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 assist the Malian transitional authorities in their efforts to promote, protect and fulfil human rights and to strengthen 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 forty-ninth session;*

32. *Decides to hold a dialogue at its forty-ninth 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 issue of space for civil society and human rights defenders;*

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.*
