



General Assembly

Distr.: Limited
25 March 2024
English
Original: French

Human Rights Council

Fifty-fifth session

26 February–5 April 2024

Agenda item 10

Technical assistance and capacity-building

Gambia:* draft resolution

55/... 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, 49/34 of 1 April 2022 and 54/42 of 4 April 2023, 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 promulgation, on 22 July 2023, of the new Constitution resulting from the referendum of 18 June 2023, and taking note of the announcement made by the Transitional Government of Mali on 25 September 2023 that general elections, including the presidential election originally scheduled for February 2024, would be postponed,

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

¹ A/HRC/55/79.



Remaining concerned about the persistence of security problems, violent extremism 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, despite tangible progress made in these areas,

Remaining concerned also about continued human rights violations and breaches, including abuses, conflict-related sexual and gender-based violence, violence against children and other vulnerable groups and violations of international humanitarian law, which are having a severe impact on the civilian population, despite a significant reduction in such violations,

Recalling that all perpetrators of such acts must be held accountable before the competent courts,

Remaining concerned 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, about the recurrent low level of funding for the humanitarian response 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,

Noting the will of the Malian transitional authorities to give priority to inter-Malian dialogue through national ownership of the peace and reconciliation process in Mali, following the denunciation by the authorities of the Agreement on Peace and Reconciliation in Mali emanating from the Algiers process,

Noting also 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 strengthen the rule of law and combat impunity effectively,

Welcoming the cooperation of Mali with international human rights mechanisms and its participation in the fourth cycle of the universal periodic review in May 2023, and encouraging the country to extend invitations to special procedure mandate holders of the Council,

Noting the strengthening of the institutional human rights framework with the establishment and operationalization of the National Human Rights Directorate,

Recalling the conclusions of the Working Group on Children and Armed Conflict on the situation in Mali,²

Taking note of the decision of Mali to withdraw from the Economic Community of West African States,

Taking note also of the end of the mandate of the United Nations Multidimensional Integrated Stabilization Mission in Mali, in accordance with Security Council resolution 2690 (2023) of 30 June 2023, at the request of the Malian transitional authorities,

Remaining convinced that regional cooperation and integration are essential levers for ensuring peace and security, and strengthening human, social and economic development,

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 S/AC.51/2023/3.

2. *Also strongly condemns* human rights violations, which include violations and abuses of women's and girls' 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, and the specific consideration and punishment of gender-based violence as part of the process of reviewing the Criminal Code, the Code of Criminal Procedure and the Code of Military Justice;

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

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 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;

9. *Encourages* the Malian transitional authorities to continue to implement the recommendations accepted during the fourth cycle of the universal periodic review of Mali, calls in particular for the adoption of a law on gender-based violence and for the continuation of efforts to combat slavery, in particular through the adoption of a specific and comprehensive law that criminalizes descent-based slavery and slavery-like practices, in accordance with the applicable international and regional instruments, and welcomes the judicial and legislative progress made in this regard;

10. *Also encourages* the international community to continue its support for the efforts of the transitional authorities 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, and welcomes the adoption of the road map on gender, elections and reform, accompanied with an action plan for the period from 2024 to 2026;

11. *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;

12. *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 upon 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;

13. *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;

14. *Urges* the Malian transitional authorities to ensure that measures taken to promote national understanding are developed in an inclusive manner, and welcomes in this regard the organization of National Reconciliation Week, from 15 to 21 September 2023;

15. *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 2023 and 2024 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 encourages the Malian transitional authorities to finalize the process of adopting and promulgating the bill on the Criminal Code and bill on the Code of Criminal Procedure adopted by the Council of Ministers on 11 October 2023;

16. *Welcomes* the implementation of the reparations policy, in particular the operationalization of the Authority for the Management of Reparations for the Victims of the Crises in Mali, including victims of serious human rights violations, the appointment of the members of the Steering Committee and the Permanent Secretary of the Authority, and the holding of the first session of the Steering Committee on 29 December 2023, which provides for the start of reparations in 2024;

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

18. *Notes* the efforts of the Malian transitional authorities to restore State authority and the rule of law throughout the country;

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

20. *Welcomes* the efforts made by the transitional authorities with a view to the effective 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 work to restore the conditions required to ensure an acceptable level of security;

21. *Notes* the will of the Transitional Government of Mali to ensure a return to constitutional order through the organization of fair, free, transparent, inclusive and credible presidential elections, and urges it to communicate the timetable for these elections;

22. *Encourages* the Malian transitional authorities to strengthen cooperation 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;

23. *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;

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

25. *Requests* the Independent Expert, within the framework of his mandate, to work closely with all entities of the United Nations, the African Union, neighbouring States and all other international organizations concerned, and with Malian civil society;

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

27. *Decides* to hold a dialogue at its fifty-eighth 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 the protection of civilians while countering terrorism;

28. *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;

29. *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;

30. *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;

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