



International Covenant on Civil and Political Rights

Distr.: General
17 May 2024
English
Original: French
English, French and Spanish only

Human Rights Committee

List of issues prior to the submission of the third periodic report of Mali*

A. General information on the national human rights situation, including new measures and developments relating to the implementation of the Covenant

1. Please describe any significant developments in the legal and institutional framework for the promotion and protection of human rights that have taken place since the adoption in April 2003 of the Committee's previous concluding observations.¹

B. Specific information on the implementation of articles 1–27 of the Covenant

Constitutional and legal framework within which the Covenant is implemented (art. 2)

2. Bearing in mind the Committee's previous concluding observations (para. 7)² and articles 182 and 183 of the Constitution promulgated on 22 July 2023, which establishes that international treaties that have been duly ratified or approved take precedence over the laws of the State party, please provide information on measures taken in practice to ensure the primacy of the Covenant over domestic law. Please specify the measures that have been adopted to clarify and delimit the jurisdiction of traditional justice mechanisms and ensure that they include full guarantees of the provisions of the Covenant. Please provide examples of cases, if any, in which civil or military courts and tribunals have directly applied the Covenant provisions or have relied on them to interpret national legislation.

3. Please provide information, in the light of the provisions of the Covenant, on the legislative reforms under way, particularly with regard to the process of reviewing the Criminal Code and the Code of Criminal Procedure. Please provide information on the remedies available and accessible, including through the National Human Rights Commission, to anyone who claims to be a victim of a violation of rights protected under the Covenant and on the measures adopted to promote awareness of these remedies among the population as a whole and among national and local authorities. Please provide information on measures aimed at making the provisions of the Covenant more widely known to the population at large, including the individual communications procedure under the Optional Protocol to the Covenant, and include information on the related training provided for judges, prosecutors, lawyers and members of the defence and security forces.

* Adopted by the Committee at its 140th session (4–28 March 2024).

¹ [CCPR/CO/77/MLI](#).

² Unless otherwise indicated, the paragraph numbers in parentheses refer to [CCPR/CO/77/MLI](#).



4. Please indicate the measures taken to guarantee the independence of the National Human Rights Commission and to ensure that it has the necessary financial, technical and human resources to carry out its functions effectively throughout the territory of the State party, in accordance with the Principles relating to the Status of National Institutions for the Promotion and Protection of Human Rights (the Paris Principles). Please provide statistical information on the number and type of complaints received by the Commission, as well as on the follow-up given, if any, to complaints of violations of civil and political rights brought before it.

Combating impunity (arts. 2, 6 and 7)

5. Describe all measures taken to combat impunity, particularly with regard to serious violations of human rights and international humanitarian law committed in the context of past conflicts and the current conflict that began in 2012. With reference to the recommendations of the International Commission of Inquiry on Mali, whose final report was published on 19 June 2020,³ please describe the measures taken to ensure that perpetrators of serious violations of human rights and international humanitarian law cannot benefit from amnesty, with reference to Act No. 2019-042 of 24 July 2019 on the National Reconciliation Act, as well as Acts No. 2021-046 of 23 September 2021 and No. 2021-047 of 24 September 2021. Please include statistics, broken down by type of violation and position of perpetrator, on investigations carried out, prosecutions initiated, convictions handed down and the nature of penalties imposed, including against members of the security forces.

6. Please describe the measures taken to ensure that all victims benefit from adequate reparation, including compensation, restitution and rehabilitation. Include information on the follow-up given to the work of the Truth, Justice and Reconciliation Commission, whose mandate ended in December 2021, specifying the timetable for publication of its final report.

State of emergency and counter-terrorism measures (arts. 4, 9 and 14)

7. With reference to article 118 of the Constitution, and in the light of the Committee's general comment No. 29 (2001) on derogations from the Covenant during a state of emergency, please: (a) provide information on the legal texts governing states of emergency; (b) provide information on the conformity of those texts with article 4 of the Covenant; and (c) specify whether they expressly provide that derogation from the non-derogable provisions of the Covenant listed in article 4 (2) is not permitted, even during a state of emergency. Please also provide information on any derogations from civil and political rights made in the context of a state of emergency during the reporting period, and explain how they were compatible with the principles of necessity, proportionality, legality and non-discrimination. Describe the legal framework for combating terrorism in the light of the Covenant provisions, including the legal safeguards available to persons suspected or accused of acts of terrorism or related offences.

Non-discrimination (arts. 2, 20, 23 and 26)

8. Please indicate whether the State party intends to adopt legislation which: (a) prohibits discrimination in a comprehensive manner, including by explicitly banning discrimination on the grounds of sexual orientation, gender identity, disability and social origin; and (b) provides victims with effective remedies against all forms of discrimination, including multiple discrimination. Describe the legislative framework that provides for hate crimes, including the recognized grounds, and its implementation. In the light of the Committee's previous concluding observations (para. 10), please provide information on measures taken to amend or repeal laws that discriminate against women, in particular with regard to marriage, divorce and inheritance, and discriminatory customary rules relating to property ownership.

³ See [S/2020/1332](#), annex.

Equality between women and men (arts. 2, 3, 23, 25 and 26)

9. With reference to the Committee's previous concluding observations (paras. 10 and 13) and in the light of its general comment No. 28 (2000) on the equality of rights between men and women, please provide information on measures taken to eliminate obstacles, including cultural and religious norms, that prevent women from gaining equal access to education, employment, justice and political participation, including in the implementation of the National Gender Policy. Please describe the measures taken to harmonize the minimum legal age of marriage at 18 for men and women, without exception, and to eradicate early or forced marriage, as well as the measures taken to combat polygamy. Also describe the measures taken to improve women's participation in the peace and reconciliation process, in line with the action plan for the implementation of Security Council resolution 1325 (2000).⁴

Violence against women and harmful practices (arts. 2, 3, 6–8 and 26)

10. In the light of the Committee's previous concluding observations (para. 12), please provide information on measures taken to combat violence against women, including domestic violence, which reportedly remains widespread. Include information on how the different forms of gender-based violence are covered in existing legislation and in the draft bill on the prevention, repression and management of gender-based violence, including the timetable for its adoption. Please indicate the measures taken to combat the relative impunity enjoyed by perpetrators of violence against women, including measures to combat cultural taboos and other factors which result in the majority of cases not being reported to the authorities. Please also provide information on measures taken to improve protection and care arrangements for victims and their children, where appropriate, including shelters and safe houses. Please provide recent statistical data on: (a) the number of complaints lodged relating to the various forms of violence against women; (b) the investigations and prosecutions related to those complaints; (c) the number of convictions handed down; and (d) the measures taken to ensure the protection, compensation and rehabilitation of victims. With reference to the Committee's previous concluding observations (para. 11), please describe the measures taken and the results achieved in combating female genital mutilation, including whether the State party envisages criminalizing this harmful practice. Please include information on the development of new intervention strategies and efforts to raise awareness among the population, including religious and customary leaders, in order to eradicate the practice.

11. Describe the measures taken to address conflict-related sexual violence, including reporting on the implementation of the joint communiqué between the United Nations and Mali for the prevention and repression of conflict-related sexual violence signed on 1 March 2019, including its 2022–2024 action plan. Include information on measures taken to address impunity for any act of gender-based violence committed in the context of conflict, including sexual slavery through forced marriage. Provide detailed information on measures to support victims of sexual and gender-based violence in the context of conflict, and ensure that they are not stigmatized. Please provide information on the training provided to judges, prosecutors, lawyers and law enforcement officers on the investigation, judicial investigation and care of victims of gender-based violence, including specific training on conflict-related sexual violence.

Protection of civilian populations in the context of internal conflict (art. 2, 3, 6–9 and 24)

12. In view of the serious mass violations of human rights inflicted on the civilian population by armed groups, including violent extremist groups and self-defence militias in the context of the conflict that began in 2012, please describe the measures taken to strengthen the protection of the civilian population, in particular against: (a) extrajudicial, summary or arbitrary executions and other arbitrary deprivations of life; (b) the use of

⁴ Mali, *Plan d'action national pour la mise en œuvre de la résolution 1325 et des résolutions connexes du Conseil de sécurité des Nations Unies sur l'agenda Femmes, paix et sécurité au Mali 2019-2023* (National action plan for the implementation of United Nations Security Council resolution 1325 and related resolutions on the Women, Peace and Security in Mali 2019-2023 agenda).

children in hostilities; (c) kidnappings and enforced disappearances; and (d) torture or other ill-treatment. Please provide information on the estimated number of persons displaced as a result of the conflict and specify the measures designed to ensure their protection, in particular that of women and children.

13. In view of the numerous documented allegations of serious human rights violations committed in the context of the conflict by members of the Malian security forces, as well as by foreign military personnel accompanying them, specify all measures taken to ensure that the Malian security forces conduct their operations with respect for human rights and international humanitarian law. With reference to article 2 of Order No. 2019-008/P-RM of 27 March 2019, which confers on the National Gendarmerie the role of military police within the Malian Armed Forces, please indicate what measures are taken to ensure that each military operation is accompanied by military police officers and that they can exercise their military police/investigative role independently.

Death penalty (art. 6)

14. Notwithstanding the moratorium on the use of the death penalty in place since 1980, please indicate the crimes subject to the death penalty and provide, for each of the past 10 years, statistical information on the number of persons sentenced to death and the crimes for which they were convicted, and the number of death row inmates whose sentences have been commuted. Please also provide information on the number of persons currently on death row and their conditions of detention. Please specify whether the State party is considering abolishing the death penalty and acceding to the Second Optional Protocol to the Covenant, aiming at the abolition of the death penalty.

Access to sexual and reproductive health information and services (arts. 3, 6 and 7)

15. With reference to the Committee's previous concluding observations (para. 14), please describe the measures taken to reduce maternal mortality, particularly in rural and conflict areas. Provide information on actions taken by the State party to help women avoid unwanted pregnancies, in particular by strengthening its family planning and sex education programmes, and ensure that they do not have to undergo life-threatening clandestine abortions. Include information on targeted awareness-raising actions that have been carried out to combat the negative influence of customary, traditional or religious considerations that can be invoked to restrict women's autonomy and hinder the exercise of their sexual and reproductive health rights.

Prohibition of torture and other cruel, inhuman or degrading treatment or punishment, and treatment of persons deprived of their liberty (arts. 6, 7, 9 and 10)

16. Please indicate the number of complaints lodged for acts of torture or ill-treatment, and provide information on investigations carried out, prosecutions initiated, convictions handed down and punishments imposed, as well as on measures taken to ensure that victims obtain redress. Please provide information on the mandate of the national mechanism for the prevention of torture given to the National Human Rights Commission, as well as on its functioning and the measures in place to guarantee its independence and unhindered access to any place of deprivation of liberty. Please comment on allegations that the National State Security Agency does not allow independent monitors access to all of its detention centres and that many of those interviewed in centres operated by the Agency have been subjected to torture.

17. Please indicate the measures taken to improve the conditions of detention and treatment of prisoners in accordance with the United Nations Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules), in particular with regard to food, sanitary conditions and access to medical care. Please provide information on efforts made to reduce prison overcrowding, including through the use of non-custodial measures. Indicate the measures taken to establish independent, effective, confidential and accessible complaints mechanisms in all places of deprivation of liberty. Please provide information on the number of deaths in custody, the causes of those deaths, the investigations carried out and their outcome.

Liberty and security of person (art. 9)

18. In the light of the Committee's general comment No. 35 (2014) on liberty and security of person, please specify the measures taken or planned to ensure that all persons deprived of their liberty enjoy, in practice, all legal and procedural safeguards. In the light of the Committee's previous concluding observations (para. 19), please provide information on measures taken or planned to ensure compliance with the maximum duration of police custody without judicial review of 48 hours, including for terrorism-related cases, ensuring that any renewal is limited to duly justified exceptional circumstances and respects the principles of necessity and proportionality. Please respond to allegations that: (a) in the context of the conflict, members of the security forces, including the intelligence services, often arbitrarily arrest individuals because of their alleged links with armed groups, and detain them without bringing them before a judicial authority within the legal time limits; (b) persons are frequently held in pretrial detention for long periods, including without respecting the legal time limits; and (c) excessive use is made of pretrial detention. With reference to the concluding observations adopted by the Committee on Enforced Disappearances⁵ concerning allegations of incommunicado detention practised by the Malian Armed Forces and intelligence services, please provide information on the measures taken to ensure that persons deprived of their liberty are held only in officially recognized places of deprivation of liberty that are regularly monitored by the courts and by the national preventive mechanism at all stages of the proceedings, and that all cases of deprivation of liberty, without exception, are recorded in official registers that are kept up to date and duly accessible.

Administration and independence of justice and right to a fair trial (art. 14)

19. Please describe the measures taken to strengthen the capacities of the judicial system, ensure that its decisions are enforced, make up for its lack of financial and human resources and reduce the average time taken to process cases. Please provide information on measures taken to guarantee access to justice for all, including access to free legal aid for disadvantaged persons, and to protect victims and witnesses. Describe the measures taken to guarantee the independence and impartiality of the judiciary, ensuring that it is capable of preventing and combating political influence and corruption at all levels and to ensure that the selection, appointment, promotion, exercise of disciplinary powers and dismissal of judges and prosecutors are transparent, impartial and in conformity with the Covenant and applicable international standards.

20. Please describe the measures taken or envisaged to withdraw the jurisdiction of military courts to try civilians or, at the very least, to ensure that this practice remains exceptional and that trials of civilians before military courts take place in conditions offering the guarantees set forth in article 14 of the Covenant. Please also describe the measures taken or envisaged to exclude from the jurisdiction of military tribunals cases of alleged serious violations of human rights committed by military personnel, and to ensure that investigations currently under the jurisdiction of military tribunals into such cases are completed expeditiously and in full compliance with the guarantees provided for in article 14 of the Covenant. Please provide relevant information on the reform of the Code of Military Justice and the measures taken to ensure its compliance with the provisions of the Covenant.

Trafficking in persons (arts. 6–8 and 24)

21. Please report on efforts undertaken to combat human trafficking, including measures to (a) improve victim identification and referral; (b) step up the criminal prosecution of those responsible, including, where appropriate, complicit officials; and (c) guarantee the protection of victims and their access to an effective system of support and compensation. Please provide statistical information on the number of complaints filed, investigations carried out, prosecutions initiated, convictions handed down and penalties imposed on the perpetrators, as well as on compensation and assistance provided to victims. Please also provide information on awareness-raising campaigns and training provided in this area,

⁵ [CED/C/MLI/CO/1](#).

particularly for members of the law enforcement and security forces, judges, prosecutors, lawyers, social workers and civil society organizations.

Descent-based slavery (arts. 3, 6–8 and 24)

22. With reference to the Committee’s previous concluding observations (para. 16), please describe the measures taken to eradicate the phenomenon of descent-based slavery which reportedly persists, particularly in the Kayes region and in the central and northern regions, including measures taken at the legislative level to explicitly define descent-based slavery as a form of human trafficking and to step up the prosecution of this type of crime. Please provide information on the measures taken to combat the serious human rights violations committed by “masters” against “slaves”, particularly the measures taken to identify victims, bring perpetrators to justice and to ensure that victims have access to appropriate and effective remedies and are protected from reprisals. Describe the measures taken to ensure effective access to birth registration and identity documents for possible victims of descent-based slavery and to improve the collection of statistical information.

Freedom of expression and protection of journalists and human rights defenders (arts. 2, 6, 7, 9, 14 and 19)

23. Please indicate whether the State party plans to review its legislation to ensure that it cannot be used to muzzle the press and critical voices, in particular by ensuring that offences relating to defamation, insult, offence and the dissemination of false news are clearly defined and that penalties are proportionate, including in relation to Act No. 2019-056 of 5 December 2019 on the repression of cybercrime. Please provide, for the past 10 years, detailed information on convictions for this type of offence, as well as on suspensions of operating licenses imposed on the media, and describe the measures taken to prevent abuse and ensure the protection of journalists, bloggers, political figures, activists and human rights defenders against threats, harassment, torture, kidnapping or other acts of violence or intimidation against them. Please provide information on investigations carried out, prosecutions initiated and penalties imposed on those responsible for such acts, including updated information on the investigation into the enforced disappearance of journalist Birama Touré, as well as on reparations awarded to victims.

Freedom of peaceful assembly and excessive use of force (arts. 6, 7 and 21)

24. In the light of the Committee’s general comment No. 37 (2020) on the right of peaceful assembly, please provide information on the legal regime governing peaceful assemblies and comment on allegations that some peaceful demonstrations have been arbitrarily banned on the pretext of maintaining public order, such as the series of demonstrations planned by the Association malienne de lutte contre la corruption et la délinquance financière, which were banned by the Governor of Bamako District. Please provide information on the legal framework governing the legitimate use of force by members of the law enforcement and security forces, including legal provisions specific to the context of the management of demonstrations and other public gatherings, explaining how its legislation complies with the provisions of the Covenant and international standards and on the relevant training for law enforcement and security forces. Regarding the deaths of 14 demonstrators in Bamako between 10 and 12 July 2020, please provide information on investigations carried out, prosecutions initiated, convictions handed down and penalties imposed on those responsible for such acts, as well as on reparations granted to the victims.

Freedom of association (arts. 2 and 22)

25. Please provide information on the legal regime governing freedom of association, particularly with regard to registration, funding sources and the obligation to provide financial information, suspension and dissolution of an association, explaining how the legislation complies with the Covenant provisions. Please comment on allegations that freedom of association is not respected with regard to associations of lesbian, gay, bisexual, transgender and intersex persons, which are denied the right to register with the authorities on the grounds of “immorality”. Please describe the measures taken to guarantee the effective exercise of freedom of association, including the dissolution of the association “Observatoire

pour les élections et la bonne gouvernance au Mali”, announced in a communiqué issued by the Council of Ministers on 20 December 2023, including information on the remedies, including judicial remedies, available to associations.

Participation in public affairs (art. 25)

26. Please describe all the measures designed to ensure that the elections planned as part of the end of the transition and the return to constitutional and democratic order will take place on schedule, that they will be free, reliable and transparent, that they will be held with full respect for human rights, with proper monitoring mechanisms, including by the judicial authorities, and that the security of all candidates will be guaranteed. Please provide information on the mandate and establishment of the Independent Electoral Management Authority established pursuant to the Act No. 2022-019, the Elections Act, adopted on 24 June 2022 and the measures in place to ensure its independence and effectiveness. Please provide information on measures taken to ensure greater participation of the population of northern Mali in public and political life, including in the peace and reconciliation mechanisms.

Rights of persons belonging to minorities (arts. 2, 6, 7 and 27)

27. Please describe the actions taken to guarantee the protection of the rights of minority groups, including in the context of the conflict that began in 2012, particularly in the northern and central regions of the country. Please comment on allegations that the Fulani, Arab and Tuareg communities have been stigmatized, particularly by members of the security forces during counter-terrorism operations. Indicate the measures taken to promote inter-community dialogue and reduce tensions between minorities engaged mainly in agriculture and minorities engaged mainly in livestock farming.
